

STUDENT CODE OF CONDUCT & RESTORATIVE JUSTICE

**2021-2022
School Year**

**South Orange & Maplewood
School District**

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Mission

The mission of the South Orange Maplewood School District is to empower and inspire each student to explore and imagine, to pursue personal passions, and to collectively create a better future by creating a learner-centered environment through multiple pathways; re-imagined structures, systems and supports; innovative teaching; partnering with families; and maximizing community expertise and resources.

Things We Value

We value equity and excellence.

We value students as our primary stakeholders and at the heart of every decision.

We value the intrinsic potential of every student for continual learning and growth.

We value and honor our commonalities and our differences.

We value respectful, transparent and consistent communication in a safe environment.

We value, in every interaction, empathy, care and compassion.

We value civic discourse.

We value collaboration, shared responsibility and accountability for our learning community.

We value transparency and collaboration in decision making.

Strategic Plan Alignment

The District expanded its commitment to Restorative Justice in its Strategic Plan:

Strategy 2: We will develop multiple supports for students to thrive in a learner-centered environment (e.g. mentoring program, peer leadership, individualized academic/emotional support, transitional services, restorative practices and guidance in pursuit of their passions).

Deliverable 2.2: Develop a standardized, district-wide restorative practice, including Restorative Justice that helps students and staff resolve conflicts peacefully and respectfully, reduces punitive discipline and helps to decrease racial discipline disparities.

Purpose

The South Orange & Maplewood School District believes in the importance of setting forth high expectations for all community members. The Code of Conduct & Restorative Justice is designed to support the mission of the South Orange & Maplewood School District; provide reinforcement for good conduct and academic success including the programs that honor and reward student conduct and academic achievement; supportive intervention and referral services including those services outlined in Policy 2417; remediation of problem behaviors that take into account the behavior's nature, the students' developmental ages and the students' histories of problem behaviors and performance; and for students with disabilities, the behavior interventions and supports shall be determined and provided pursuant to N.J.A.C. 6A:14.

Introduction

To promote the intellectual, social, emotional and physical growth of all students, the South Orange and Maplewood School District provides a safe and secure learning environment for all students and staff. We promote respect for self and others through good conduct modeled by staff, students, and parents/guardians. When relationships break down, we repair them through restorative practices.

This Code of Conduct & Restorative Justice is presented to assist students, staff, and parents/guardians to understand the expectations for acceptable conduct while in school or attending school-sponsored activities, on school grounds, and while on the way to and from school. All students are expected to follow the Code of Conduct & Restorative Justice. K-12 Principals will review core principles and key components of the Code of Conduct & Restorative Justice with their staff and students (as developmentally appropriate) at the beginning of each school year, and as needed throughout the year. We ask families to do the same with their children. It is the collective responsibility of students, staff, and parents/guardians to ensure that the expectations set forth in this Code of Conduct & Restorative Justice are adhered to. Responses to violations of the Code of Conduct & Restorative Justice will be developmentally age appropriate and a balance of proportional consequences and restorative practices the goal. Equally imperative, all school faculty and staff must affirm clear and consistent behavioral expectations that set the tone for a safe, orderly, and respectful school community. School faculty and staff must be fair and consistent in addressing student behavior in a manner which enables students to learn from their mistakes and be accountable for their misconduct.

We Value:

- Justice and Fairness – *Demonstrating impartial, unbiased and equitable treatment for all*
- Inclusiveness - *The quality of including all sections of society*
- Honesty – *Being truthful in word and action*

- Respect – *Showing high regard for self, others and property*
- Responsibility – *Being accountable for individual behavior*
- Self-esteem – *confidence in one's own worth or ability*
- Caring – *Showing concern for the well-being of others*
- Citizenship – *Being an informed, responsible and caring participant in the community*
- Courage – *Doing the right thing in the face of difficulty*
- Perseverance – *Demonstrating commitment, pride and a positive attitude in completing tasks*

Students, staff and parents/guardians must be partners in education.

Administration, faculty and staff partners will:

- Establish and maintain a positive, safe, secure, orderly and non-threatening learning environment that allows for open communication, dialogue, and discussion;
 - Be courteous and respectful to all, being sensitive to individual needs, and using appropriate language;
 - Treat individual students fairly, consistently, and respectfully;
 - Provide due process and appeal procedures;
 - Cooperative and provide support to administration, staff and students, in the performance of their duties;
 - Refer students to counseling and support services when the need emerges
 - Support students in using the internet in ways that are safe, responsible, and appropriate, and help students follow the rules and etiquette that lead to effective digital learning.
- Actively engage every student in the learning process and promote achievement of high academic standards.
 - Be precise about expectations regarding student conduct and learning outcomes;
 - Review Code of Conduct & Restorative Justice & Harassment Intimidation & Bullying (HIB 5512) Reporting and Prevention with students annually.
 - Communicate student progress and behavior to students, parents/guardians and other staff in a timely, consistent and effective manner.

The parent/guardian partners are asked to:

- Establish and maintain conditions for their child's academic, social and emotional success:
 - Provide space, time and necessary supervision in which their child can study and complete assignments;
 - Ensure that their child attends school in compliance with the law (N.J.S.A. 18A:38-25);
 - Ensure that their child is appropriately dressed for school;
 - Be supportive of the staff's authority and responsibility to maintain a positive, productive, safe, orderly and non-threatening learning environment;
 - Monitor your child's social media activity to ensure that they are safe.

- Establish and maintain a productive relationship with the school:
 - While interacting with members of the school community: demonstrate common courtesy, be sensitive to individual needs and be respectful to all;
 - Be responsible for property lost or damaged by their child;
 - Respect and follow the visitor policy at all schools; and
 - Respect and follow the traffic, parking and safety rules at all schools.

Student partners are expected to:

- Engage in their academic growth
 - Attend school regularly and be on time for school and classes (N.J.S.A. 18A:38-25);
 - Be prepared for and participate in learning by having a positive attitude, asking thoughtful questions, completing and returning homework on time, and seeking help when needed;
 - Demonstrate personal academic integrity and social responsibility in their interaction with everyone;
 - Act responsibly toward others you interact with face-to-face and/or online;
 - Commit themselves to constant personal growth and improvement.
- Respect one another's differences and resolve conflicts using restorative practices: discussion, peer mediation, or assistance from school personnel:
 - Contribute to the creation and maintenance of a safe, clean, green, and orderly school;
 - Follow all lawful directions;
 - Respect themselves and others;
 - Take responsibility for their own behavior, realizing there are always options and consequences for choices;
 - Dress in an appropriate and safe fashion;
 - Bring home communication from school and return all necessary materials;
 - Respect school property and the personal property of others.

Restorative Justice

Restorative Justice is a framework for building community and responding to challenging behavior through authentic dialogue leading to understanding and action to set things right and repair and restore damaged relationships. The process supports initiators in acknowledging and repairing the harm done, helps victims and witnesses process what happened, and helps the class or school community rebuild trust.

All members of a school community bring with them diverse abilities, interests, viewpoints, and family and cultural backgrounds. These differences can be a source of great energy and strength when members of the community value and respect one another. Using Restorative Practices to foster positive interpersonal and intergroup relations, and to address inappropriate behavior when it occurs is a cornerstone of a progressive approach to discipline.

Types of Restorative Approaches

Circle Process: Regular use of restorative circles within the instructional program of a school is a significant prevention and intervention strategy. The circle process enables a group to build relationships and establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, etc.

Students are the largest group of stakeholders in a school community and its greatest natural resource in creating and sustaining a safe and supportive school environment. Building community among students and between students and staff members is integral to creating a supportive and inclusive school culture. When students feel accepted, valued, respected, and included, they build a positive connection to school and foster resiliency. Community building circles focus on:

- **Safety and Trust.** *Community members need a sense of safety and trust to connect with one another.*
- **Honor.** *Members interact with fairness and integrity and acknowledge their personal responsibility for their actions.*
- **Openness.** *Community members feel free to share their thoughts and feelings.*
- **Respect.** *To bond as a community, members must feel they are valued and respected as individuals, and they must respond respectfully to one another*
- **Empowerment.** *A sense of empowerment is a crucial element and a desired outcome of being a member of a community. Community support enables members to gain a new view of themselves and a new sense of confidence in their abilities.*

When used as an intervention measure to address inappropriate student behavior, restorative circles empower community members to take responsibility for the well-being of others; prevent or deal with conflict before it escalates; address underlying factors that lead youth to engage in inappropriate behavior and build resiliency; increase the pro-social skills of participants, particularly those who have harmed others; and provide wrongdoers with the opportunity to be

accountable to those they have harmed and enable them to repair the harm to the extent possible.

Collaborative Negotiation: Using the collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom he/she disagrees to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.

Formal Restorative Circle: A circle is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental and physical health, safety, and welfare of the individual who was harmed are of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle who have also been affected by the incident. The purpose of the circle is for the harm-doer and the harmed to understand each other's perspective and come to a mutual agreement that will repair the harm as much as it is able to be repaired. A circle can also be used in response to a particular issue that affects the school community.

Addressing the Behavioral Needs of PreK-2 Children

The Code of Conduct & Restorative Justice establishes behavioral expectations for all students. The associated responses in Tier 3 and Tier 4 of the Code of Conduct & Restorative Justice does not apply to students in grades Pre-K-2. South Orange Maplewood School District is committed to ensuring that the Code of Conduct & Restorative Justice meets the needs of all children, and that its application is developmentally appropriate at all grade levels.

Students with Individualized Education Program (IEP)/Section 504 Plan

For students who have an Individualized Education Program (IEP) or Section 504 Plan, Code of Conduct & Restorative Justice and its associated responses shall be implemented in accordance with the components of their IEP or Section 504 Plan. School personnel may, on a case-by-case basis, consider any unique circumstances when determining whether or not to impose an associated response for a student with an IEP/504 plan who violates the Code of Conduct & Restorative Justice. Before a suspension is implemented, the principal or designee must confer with the student's case manager to review the student's disability and to decide if a Manifestation Determination Review (MDR) is warranted.

Student Conduct Away from School Grounds

The building principal or designee has the right to impose a consequence on a student for conduct away from school grounds, consistent with the Board's Code of Conduct & Restorative Justice Policy 5600, and as appropriate.

1. This authority shall be exercised only when:
 - a. It is reasonably necessary for the student's physical or emotional safety, security, and well-being or the safety, security, and well-being of other students, staff, or school grounds;
 - b. The conduct that is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.

School authorities shall respond to harassment, intimidation, or bullying that occurs off school grounds, pursuant to [Policy 5512](#).

School Bus Conduct

Violations of the rules regarding student conduct on school buses will be handled as follows:

1. The bus driver/aide will report unacceptable conduct to the Principal of the school by submitting a written report that includes the name of the student, the school, and the student's conduct.
2. The parent will be notified of the student's reported conduct and the Principal or designee will investigate the matter, which may include meeting with the bus driver, bus aide, other students on the school bus, and the student who was reported.
3. The Principal or designee will make a determination if the student violated behavioral expectations and decide the associated response in accordance with the Board's Code of Conduct & Restorative Practices.

This Code of Conduct will apply to all students registered in the South Orange & Maplewood School District, their parents and/or guardians, District teachers, staff, administrators and any other permanent or temporary personnel and contractors that

provide services or utilize services of the District; or anyone that interacts with a student registered in the District.

This Code of Conduct shall be provided to each registered student, District teachers, staff members administrator, posted on the District website and made available to others upon request.

Infractions and Associated Responses

The South Orange & Maplewood School District does not tolerate discrimination and will use every tool to eliminate inconsistencies and disparities in the discipline of students based on actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, age, gender, gender identity, gender expression, sexual orientation, disability or weight.

Restorative Questions

A fundamental principle of Restorative Justice is to repair the harm to relationships between the harm doer and the harmed. Restorative Justice involve students in addressing the following questions:

Restorative Questions I: Harm Doer. To respond to challenging behavior.
● What happened?
● Who was harmed or affected by the behavior?
● What needs to be done to make things right?
● How can people behave differently in the future?

Restorative Questions II: Harmed. To help those harmed by others' actions.
● What did you think when you realized what had happened?
● What impact has this incident had on you and others?
● What has been the hardest thing for you?
● What do you think needs to happen to make things right?

The following table lists possible infractions of the Code of Conduct & Restorative Justice and the associated responses. In general, our response to infractions will follow the principles of

Restorative Justice. A Restorative Justice approach focuses on resolving conflicts and disruptions to the school environment in a way that provides growth and understanding of the impact of one's behavior on a community.

Unless otherwise required by law, within each tier the administrator will impose the response deemed most appropriate to address the infraction based on the severity of the infraction, the developmental age of the student and the student's history of problem behaviors. In the instances where an infraction falls within multiple tiers, it is within the discretion of the administrator to determine the tier response for that infraction. Similarly, in instances where the behavior may not be clearly listed above as a disciplinary infraction, it is within the discretion of the administrator to determine the tier response.

Participation in extracurricular activities, school functions, sports or graduation exercises may be denied where necessary to maintain the order and integrity of the school environment.

Tier One: Non-Violent, Uncooperative, Disruptive, Disorderly Non-Compliant Behaviors
<ul style="list-style-type: none"> • In general, our response to infractions will follow the principles of Restorative Practice • Teacher implements classroom-based student support interventions, e.g. re-state classroom expectations / verbal warning of next step / loss of privilege • Teacher assigned research essay • Teacher/staff member holds individual conference with student • Record (defined below)¹ of conference with student maintained by teacher • Teacher contacts parent/guardian via telephone and/or email • Record of contact with parent/guardian maintained by teacher
Tier Two: Non-Violent, Uncooperative Disruptive, Disorderly, Non-Compliant Behaviors (Multiple occurrences)
<ul style="list-style-type: none"> • In general, our response to infractions will follow the principles of Restorative Practice • Teacher reviews classroom-based student support interventions and implements additional supports and/or loss of privileges • If additional support is needed, referral to counselor/nurse/case manager/social worker/Intervention & Referral Services (I&RS) team • Teacher/staff member holds conference with parent/guardian to collaborate on how best to support the student's success • Record of conference with parent/guardian maintained by teacher • Possible in-school disciplinary consequences, e.g. detention, denial of participation in extracurricular activities, and/or school functions. • Consider restitution (defined below)
Tier Three: Injurious, Harmful, and/or Habitual Behaviors
<ul style="list-style-type: none"> • In general, our response to infractions will follow the principles of Restorative Practice • Teacher/staff member refers incident to principal or designee • Administrators will consult each other when making decisions within the tiered responses to each behavior. • Mandatory referral to counselor/nurse/case manager/social worker/Intervention & Referral Services (I&RS) team • Parent/guardian contacted by principal/designee • Parent/guardian conference with principal/designee • Record of contact and/or conference with parent/guardian maintained by principal/designee • Possible in-school disciplinary consequences, e.g. detention, denial of participation in extracurricular activities, and/or school functions. • Referral to mediation if appropriate and/or a restorative conference with affected parties • Consider restitution ²
Tier Four: Infractions that are highly serious, cause imminent danger to self or others, or are habitual.
<ul style="list-style-type: none"> • In general, our response to infractions will follow the principles of Restorative Practice • Immediate referral to principal or designee • Administrators will consult each other when making decisions within the tiered responses to each behavior. • Parent/guardian contacted by principal/designee • Parent/guardian conference with principal/designee • Mandatory referral to counselor/nurse/case manager/social worker/Intervention & Referral Services (I&RS) team • Possible in-school disciplinary consequences, e.g. detention, denial of participation in extracurricular activities, and/or school functions. • Contact police/fire department, if appropriate • Referral to mediation if appropriate and/or a restorative conference with affected parties • Consider restitution • Possible suspension or expulsion • **(Arson) student is administered fire safety screening in addition to the above.

¹ Such a record should include the date and approximate time of the infraction, a narrative description of the infraction, the date and time of the student/parent conference, a narrative summary of the conference, and a narrative summary of any consequences/restorative conference/restitution. Students may be required to make restitution to the school district or to individuals. Such restitution may include, but not be limited to, financial reimbursement, apologies, or other appropriate remediation methods that directly relate to the infraction

² Students may be required to make restitution to the school district or to individuals. Such restitution may include, but not be limited to, financial reimbursement, apologies, or school service.

Associated Responses

The following table describes the general infractions and associated responses including consequences and remedial actions, which are divided into four tiers according to severity and/or the age of the student and/or the student's history of problem behaviors. The tiers are explained in the second table. A manifestation determination review for students with IEP's, 504 plans, or ELLS may determine appropriate tier.

Infractions	Definitions/Remarks	First Infraction	Second Infraction	Third Infraction
Academic-Personal Dishonesty A. Altering Notes B. False Information C. Cheating D. Plagiarism E. Forgery F. Other	Altering official documents for the purposes of misrepresentation. Falsifying information by failure to provide accurate information to school officials or staff, either in writing or verbally. An individual's use or the attempt to use another person's identity, signature, academic work or research as if his/her own.	A.- E. Tier One Response A.- E. Zero for Academic work	A.- E. Tier Two Response A.-E. Zero for Academic work	A.- E. Tier Three/ Four Response A.-E. Zero for Academic work
Behaviors that jeopardize environmental safety	A student shall not engage in conduct that intentionally endangers or reasonably appears to endanger, the health or safety of other students, school employees or other persons.)	Tier Four Response Possible CST Referral Possible Board Hearing	Tier Four Response Possible CST Referral Board Hearing	Tier Four Response Possible CST Referral Board Hearing
Disruptive Behavior	A student shall not engage in conduct which interrupts the educational process and/ or interferes with teaching or learning	Tier One Response	Tier Two Response Multiple infractions	Tier Three Response Multiple infractions
False alarms and scares A. Pulling an alarm or calling in a false alarm or bomb scare or any event that would cause an evacuation of the building. B. An event to cause the closing of school		A. Tier Four Response B. Police Involvement	A. Tier Four Response B. Police Involvement	A.Tier Four Response B. Police Involvement

Improper use of vehicles A. Parking B. Moving Violation	Students shall follow all school and other traffic rules when in operation or possession of a vehicle on campus or at a school event.	A. Tier Three Response B. Tier Three Response Loss of parking privileges for 45 days	A. Tier Three Response B. Tier Three Response Loss of parking privileges for 90 days	A. Tier Three Response B. Tier Four Response Suspension of parking privileges for up to 180 days
Profanity and verbal abuse to students.	Use of obscene, profane, or vulgar language or gestures that is intentionally or unintentionally offensive that is non HIB	Tier Three Response	Tier Three Response	Tier Four Response
Profanity and verbal abuse to staff.	Use of obscene, profane, or vulgar language or gestures that is intentionally or unintentionally offensive,	Tier Three	Tier Three	Tier Four
Inappropriate Use of Technology A. Obscene Materials B. False Identification C. Unauthorized Entry D. Internet Violation E. Other	Engaging in any activity on the computer/cell phone/social media/email/etc. for reasons other than those expressly given by a teacher for educational purposes. Example: Improper computer usage consists of, but not limited to, the following: threats or abuse of others, obscene materials, false identification, unauthorized entry, etc.	A.-E. Tier One Response	A.-E. Tier Two Response	A.-E. Tier Three Response
Trespassing A. Within Campus B. While on suspension	Entry onto school property or into a school building without permission when the individual knows that he/she is not privileged to be on the property.	A. Tier Three Response B. Tier Four Response	A. Tier Three Response B. Tier Four Response	A. Tier Three Response B. Tier Four Response
Arson	Starting a fire or causing an explosion in or on the grounds of a school, thereby purposely or knowingly placing anyone in danger of death or bodily injury; or with the purpose of destroying or damaging anyone's property that is in the school, on school grounds, or in another school building or structure. Arson does NOT include the act of lighting a match.	**Tier Four Response		
Assault	A person attempts to cause – or purposely, knowingly, or intentionally causes – bodily injury to another.	Tier Four Response	Tier Four Response	Tier Four Response
Extortion	Attempting to obtain or obtaining money or any material thing (regardless of value) from another by	Tier Three Response	Tier Three Response	Tier Four Response

	means of a stated or implied threat of future violence, or threats to make false charges against someone or to blackmail someone.			
Fighting	Mutual engagement in a physical confrontation that may result in bodily injury to either party. Does not include a verbal confrontation or a minor confrontation, such as a shoving match. Each participant must be classified as an offender. One needs to consider age and developmentally appropriate behavior before using this category.	Tier Three Response	Tier Four Response	Tier Four Response
Gambling	Playing a game of skill or chance for money or anything of value.	Tier Two Response Refer to Administration Confiscation of any gambling cards or other items turned over to administration	Tier Two Response Refer to Administration Confiscation of any gambling cards or other items turned over to administration	Tier Three Response Superintendent hearing. Confiscation of any gambling cards or other items turned over to administration
Harassment, Intimidation & Bullying (See SOMSD Policy 5512)	<p>Any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, that is motivated by either any actual or perceived characteristic ... that substantially disrupts or interferes with the orderly operation of the school or the rights of other students; and that a reasonable person should know has the potential to cause harm or insult or demean other student(s).</p> <p>An HIB incident will be investigated promptly within the defined timeline and in adherence with the procedures set forth in the District HIB Policy. Consequences shall vary according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors.</p> <p>Report all allegations of HIB to school administration. https://www.somdsd.k12.nj.us/board-of-education/hib/</p>	<p>Outcome of investigation will determine infraction and associated responses.</p> <p>In general, our response to infractions will follow the principles of Restorative Practice except in cases where the victim refuses. Unless otherwise specified by law, within each tier the administrator will impose the response deemed most appropriate to address the infraction based on the severity of the infraction, the developmental age of the student and the student's history of problem behaviors. Consequences may include:</p> <ul style="list-style-type: none"> • Review of district policies • Parent/Guardian notification • Counselor referral • Admonishment • Temporary removal from class • Deprivation of privileges • Referral to anti-bullying specialist • Detention • In-school suspension or out-of-school suspension • Ban from program participation • Restriction on being on school grounds • Police notification • Expulsion <p>An HIB incident may also require remedial actions to be taken to correct the problem behavior or to prevent reoccurrence. Among the measures that may be taken are personal restitution, a behavioral plan, counseling, school or community service, or corrective instruction.</p>		
Hate Speech	Hate speech is speech that attacks a person or a group on the basis of protected attributes such as race, religion, ethnic origin, national origin, sex, disability, sexual orientation, or gender identity.	<p>Outcome of investigation will determine infraction and associated responses.</p> <p>In general, our response to infractions will follow the principles of Restorative Practice except in cases where the victim refuses. Unless otherwise specified by law, within each tier the administrator will impose the response deemed most appropriate to address the infraction based</p>		

		<p>on the severity of the infraction, the developmental age of the student and the student's history of problem behaviors. Consequences may include:</p> <ul style="list-style-type: none"> • Review of district policies • Parent/Guardian notification • Counselor referral • Admonishment • Temporary removal from class • Deprivation of privileges • Referral to anti-bullying specialist • Detention • In-school suspension or out-of-school suspension • Ban from program participation • Restriction on being on school grounds • Police notification • Expulsion <p>A Hate Speech incident may also require remedial actions to be taken to correct the problem behavior or to prevent reoccurrence. Among the measures that may be taken are personal restitution, a behavioral plan, counseling, school or community service, or corrective instruction.</p>		
Possession of alcohol, controlled substances, vapes or intoxicants of any kind	<p>A student sells, buys, or gives alcohol, other controlled dangerous substances (not including cigarettes), or anabolic steroids to others, or employs others to do the same per N.J.A.C. 6A:16-4.</p> <p>Please see Board Policy #5533 regarding vapes in school.</p>	Tier Four Response	Tier Four Response	Tier Four Response
Use of alcohol, controlled substances, vapes or intoxicants of any kind	<p>A student is found with alcohol, marijuana, and/or any other controlled dangerous substance (not including cigarettes) or anabolic steroids in his or her locker or vehicle, or on his or her person. This category also includes possession of unauthorized prescription drugs, over-the-counter (nonprescription) drugs, and drug paraphernalia. per N.J.A.C. 6A:16-4.</p> <p>Please see Board Policy #5533 regarding vapes in school.</p>	<p>Tier Three Response</p> <p>(Refer to district policy)</p>	<p>Tier Three Response</p> <p>(Refer to district policy)</p>	<p>Tier Four Response</p> <p>(Refer to district policy)</p>
Possession or use of weapons, firearms, and/or look alike weapons	<p>A student shall not possess or use weapons, explosives, dangerous items, or items that can be interpreted as being able to cause bodily harm to a person or persons. Weapons and dangerous items includes but are not limited to: Guns, chains, knives, razor blades, clubs, brass knuckles, fireworks, explosives, etc. Police contact.</p>	<p>Tier Four Response</p> <p>Police Contact</p>		

Sex Offense	Subjecting another to sexual contact or exposure. For the incident to be considered a sex offense, at least one of the following criteria must apply to the offender. Intentionally touch, either directly or through clothing, the victim's intimate body parts for the purpose of degrading or humiliating the victim; sexually aroused or sexually gratify himself or herself in view of the victim whom the offender knows to be present; force or coerce the victim to participate in any contact or exposure; or commit any act of sexual assault defined under N.J.S.A. 2C:14-2, which includes provisions related to the age of the victim and the offender. DCPD Notified if applicable	Tier Four Response	Tier Four Response	Tier Four Responses
Smoking or other tobacco violations (Cigarettes, tobacco, smokeless tobacco, e-cigarettes) A. Use on school grounds B. Possession	Use of tobacco products by students is prohibited. Refer to Board Policy 5533 Tobacco products are not to be brought to school. Visible products will be confiscated.	A. Tier Two Response B. Confiscation Tier One Response	A. Tier Two Response B. Confiscation Tier One Response	A. Tier Three Response B. Confiscation Tier Two Response
Student Identification Badges	Students will wear student Identification Badges (ID's) around their neck and visible during school hours. (Grades 9-12 effective 2020-2021, Grades 6-8 effective 2020-2021)	Tier One Response Warning	Tier One Response Warning	Tier Two Response Detention
Theft A. School Property B. Student Property C. Staff Property	Taking property belonging to the school, individual, or group without prior permission. Having in one's possession property obtained without the permission of the owner.	A. - C. Tier Two Response	A. - C. Tier Three Response	A. - C. Tier Four Response 1-3 days OSS
Threats (verbal, electronic, or written) towards students and/or staff.	Attempting by physical menace (e.g., computer/cell phone/social media/email/verbal threats) to put another in fear of future serious bodily injury. (Do not include bomb threats in this category.) One needs to consider age and developmentally appropriate behavior before using this category	Tier Three Response	Tier Three Response	Tier Four Response
Vandalism A. Minor B. Major	Maliciously and intentionally causing damage to school property or the property of others. Includes situations in which minor damage can be repaired or replaced at no cost to the school.	A. Tier One Response B. Tier Three Response	A. Tier Two Response B. Tier Four Response	A. Tier Three Response B. Tier Four Response

Short Term Suspensions

Procedures for Short-term Suspensions (less than 10 days), also see N.J.A.C. 6A:16-7.2

- 1) As soon as practicable, a student being suspended shall receive oral or written notice of the charges and an explanation of the evidence forming the basis of the charges.
- 2) An informal hearing shall be conducted by the school administrator or designee, prior to the suspension in which the student can present the student's version of the offense and be advised of the action to be taken.
- 3) If the student's behavior presents a continuing danger or an ongoing threat of disruption the student may be removed immediately and the hearing held as soon as practical afterwards.
- 4) Oral or written notice of the specific charges and the factual basis for the charges shall be given to the student's parent or guardian of the student's removal prior to the end of the day on which the administrator makes the decision to suspend the student;
- 5) The student shall be given notice of his/her due process rights;
- 6) The student shall be appropriately supervised while waiting for the parent or guardian to remove the student during the school day.
- 7) The student shall be given the terms and conditions of the suspension.
- 8) Home instruction shall be provided to a student who is suspended for more than 5 days.
- 9) Services provided to a student with disabilities shall be consistent with the student's IEP.
- 10) The school administrator shall advise the Superintendent of the suspension. Note: All student suspensions over three (3) days must be approved by the Superintendent or Assistant Superintendent of Schools.
- 11) The Superintendent shall advise the Board of Education at its next regular meeting.

Long Term Suspensions

Procedures for Long-term Suspensions (greater than 10 days), also see N.J.A.C. 6A:16-7.3

- 1) Immediate notification to the student and the student's parent or guardian prior to the student's removal from school;
- 2) An informal hearing, conducted by the school administrator or designee, prior to the suspension in which the student can present the student's version of the offense and be advised of the action to be taken;
- 3) The student shall be appropriately supervised while waiting for the parent or guardian to remove the student during the school day.
- 4) Written notification to the parent or guardian from the Superintendent or designee within 2 days of the start of the suspension stating the specific charges and the facts on which they are based, the student's due process rights and a notice that "further engagement by the student in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the student's right to a free public education." The parent or guardian shall provide written acknowledgement of this notification.
- 5) A list of witnesses and their statements or affidavits, if any, no later than 5 days prior to the hearing;
- 6) A manifestation determination shall be made for students with disabilities. N.J.A.C. 6A:14-2.8.

- 7) Information concerning the right to secure an attorney and the legal resources available in the community;
- 8) Appropriate home instruction after 5 days;
- 9) A formal hearing within 30 calendar days following the first day of suspension that is conducted by the Board of Education or delegate to a board committee, a school administrator or impartial hearing officer to determine the facts and make a recommendation; The Board of Education shall consider the transcript or a detailed report of such hearing prior to taking final action.
- 10) A suspension shall not continue beyond the Board of Education's second regular meeting following the suspension unless the Board of Education specifically so determines based on the nature and severity of the offense, relevant evaluations of the student, the recommendation of the Superintendent or other administrator or out-of-school instruction provider.
- 11) At the hearing the student shall have the opportunity to confront and cross-examine witnesses if there is a question of fact and to present his or her own defense and produce oral testimony or written affidavits.
- 12) The decision of the Board of Education shall be based on the preponderance of competent and credible evidence and shall be transmitted to the student's parent/guardian within 5 school days after the close of the hearing.
- 13) If it is found the student did not commit the offense, the student shall be returned immediately to the general education program, or, if the student is a special education student, to a program consistent with the student's IEP.
- 14) Any appeal of the Board's decision shall be made to the Commissioner of Education.
- 15) Cases of students on long-term suspensions shall be reviewed at each subsequent Board of Education meeting to determine the continued appropriateness of the suspension and of the student's current educational program.

Law Enforcement

School administrators are aware that some behaviors that violate the Code of Conduct may also be considered a criminal code violation requiring a report to law enforcement. In such an event, administrators will make every effort to coordinate with law enforcement so that any punitive consequences for a student's behavior are not duplicative and out of proportion to the offense committed. In such situations, the strategic goal of reducing punitive discipline overall should be a guiding principle in determining consequences imposed by the school for any violation that results in separate action by law enforcement. Whenever possible, school administrators will work together with law enforcement to refer these violations to the Maplewood Police Department's Youth Aid Panel (YAP) program to determine appropriate restorative consequences. School administrators will cooperate with law enforcement officers and the YAP, if requested when doing so will further the restorative goals of the Code of Conduct and insure to the student's overall wellbeing. Serious criminal violations may be an exception.

Selected Relevant Board Policies

For additional information, please consult the following board policies at:
<https://www.somdsd.k12.nj.us/board-of-education/policies/>.

- 2412 Home Instruction
- 2481 Home or Out-of-School Instruction for General Education Pupils
- 5500 Expectations for Student Conduct
- 5511 Dress and Grooming
- 5513 Care of School Property
- 5514 Student Use of Vehicles on School Grounds
- 5516 Use of Electronic Communication & Recording Devices (ECDRD)
- 5520 Disorder and Demonstration
- 5533 Student Smoking
- 5600 Student Discipline/Code of Conduct
- 5611 Removal of Students Firearms Offences
- 5612 Assault on District Board of Education Members or Employees
- 5620 Expulsion
- 5700 Student Rights
- 5701 Plagiarism
- 5751 Sexual Harassment
- 5752 Marital Status and Pregnancy
- 5770 Student Right of Privacy
- 8465 Hate Crimes and Bias Incidents in Schools

[Policies 5512 Harassment, Intimidation and Bullying](#) and [8467 Prohibition of Weapons](#) are set forth in full on the following pages.

5512 HARASSMENT, INTIMIDATION, AND BULLYING (M)

M

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A. Policy Statement

The Board of Education prohibits acts of harassment, intimidation, or bullying of a student. A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. Since students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying.

For the purposes of this Policy, the term "parent," pursuant to N.J.A.C. 6A:16-1.3, means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency which has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

In accordance with N.J.S.A. 18A:37-15(c), a copy of this Policy shall be transmitted to the Executive County Superintendent of Schools for the Essex County Office of Education within 30 school days of any revisions.

B. Harassment, Intimidation, and Bullying Definition

"Harassment, intimidation, or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents:

1. Is reasonably perceived as being motivated by either any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;
2. Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3;
3. Substantially disrupts or interferes with the orderly operation of the school or the rights of other students; and that
 - a. A reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
 - b. Has the effect of insulting or demeaning any student or group of students; or
 - c. Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

The term "bullying" also includes unwanted, aggressive behavior that may involve a real or perceived power imbalance. The real or perceived imbalance of power shall not be based solely on a student's size, age, or relative group of friends. This policy does not apply to mutual peer conflict or disputes between students unless the incident clearly involves an imbalance of power or is motivated by a protected or distinguishing characteristic.

Schools are required to address harassment, intimidation, and bullying conduct occurring off school grounds, when administration determines there is a nexus between the conduct and the school (e.g., the harassment, intimidation, or bullying substantially disrupts or interferes with the orderly operation of the school or the rights of other students).

“Electronic communication” means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager.

C. Application of Policy

This Policy shall apply to: all District students; all staff members, including contracted staff; any volunteers, including appointed volunteers; contracted service providers; and members of any organizations, groups, associations, and clubs which are associated with the District, including but not limited to parent-teacher associations (PTAs), home-school associations (HSAs), and sports and music booster clubs.

D. Student Expectations

The Board expects students to conduct themselves in accordance with Board Policies 5500 (Expectations for Student Conduct) and 5600 (Code of Conduct).

The Board expects that students will act in accordance with the student behavioral expectations and standards regarding harassment, intimidation, and bullying, including:

1. Student responsibilities (e.g., requirements for students to conform to reasonable standards of socially accepted behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority);
2. Appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;
3. Student rights; and
4. Sanctions and due process for violations of the Code of Student Conduct.

Pursuant to N.J.S.A. 18A:37-15(a) and N.J.A.C. 6A:16-7.1(a)1, the district has involved a broad-base of school and community members including parents, students, instructional staff, student support services staff, school administrators, and school volunteers, as well as community organizations, such as faith-based, health and human service, business and law enforcement, in the development of this Policy. The Board has developed guidelines for student conduct pursuant to N.J.A.C. 6A:16-7.1. This Policy requires all students in the district to adhere to the rules established by the school district and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

The district prohibits active or passive support for acts of harassment, intimidation, or bullying. Students are encouraged to support other students who:

1. Walk away from acts of harassment, intimidation, and bullying when they see them;
2. Constructively attempt to stop acts of harassment, intimidation, or bullying;
3. Have been subjected to harassment, intimidation, or bullying; and
4. Report acts of harassment, intimidation, and bullying to the designated school staff member.

E. Harassment, Intimidation, and Bullying Reporting Procedure

The Board of Education requires the Principal at each school to be responsible for receiving complaints alleging violations of this Policy, including anonymous reports. All Board members, school employees, and volunteers and contracted service providers who have contact with students who witness or receive reliable information regarding any alleged violations of this Policy are required to verbally report such incident to the Principal or the Principal's designee on the same day. The Board member, school employee, or

volunteer and contracted service provider who has contact with students, shall also submit a report in writing to the Principal within two school days of the verbal report.

The Principal shall inform the parents of all students involved in alleged incidents, but will take into account the circumstances and nature of the incident, including the actual or perceived protected category motivating the alleged offense when apprising parents of the reported allegation. The Principal may, as appropriate, discuss the availability of counseling and other intervention services available to the student. The Principal, upon receiving a verbal or written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation.

Students, parents, and visitors are encouraged to report alleged violations of this Policy to the Principal on the same day when the individual witnessed or received reliable information regarding any such incident. Students, parents, and visitors may report an act of harassment, intimidation, or bullying anonymously. Formal action for violations of the Code of Student Conduct may not be taken solely on the basis of an anonymous report.

A Board member or school employee who promptly reports an incident of harassment, intimidation, or bullying and who makes the report in compliance with the procedures set forth in this Policy is immune from a cause of action for damages arising from any failure to remedy the reported incident.

In accordance with the provisions of N.J.S.A. 18A:37-18, the harassment, intimidation, and bullying law does not prevent a victim from seeking redress under any other available law, either civil or criminal, nor does it create or alter any tort liability.

The district may consider every mechanism available to simplify reporting, including standard reporting forms and/or web-based reporting mechanisms. For anonymous reporting, the district may consider locked boxes located in areas of a school where reports can be submitted without fear of being observed.

A school administrator who receives a report of harassment, intimidation, and bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

F. Anti-Bullying Coordinator, Anti-Bullying Specialist and School Safety/Climate Team(s)

1. The Superintendent shall appoint a district Anti-Bullying Coordinator. The Superintendent shall make every effort to appoint an employee of the school district to this position.

The district Anti-Bullying Coordinator shall:

- a. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, or bullying of students;
- b. Collaborate with school Anti-Bullying Specialists in the district, the Board of Education, and the Superintendent to prevent, identify, and respond to harassment, intimidation, or bullying of students in the district;
- c. Provide data, in collaboration with the Superintendent, to the Department of Education regarding harassment, intimidation, or bullying of students;
- d. Execute such other duties related to school harassment, intimidation, or bullying as requested by the Superintendent, including identifying the Anti-Bullying Specialist(s) responsible for investigating a report of harassment, intimidation, or bullying of a District student attending a State approved private school for students with disabilities ; and

- e. Meet at least twice a school year with the school Anti-Bullying Specialist(s) to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.
2. The Principal in each school shall appoint a school Anti-Bullying Specialist. The Anti-Bullying Specialist shall be a guidance counselor, school psychologist, or other certified staff member trained to be the Anti-Bullying Specialist from among the currently employed staff in the school.

The school Anti-Bullying Specialist shall:

- a. Chair the School Safety/Climate Team as provided in N.J.S.A. 18A:37-21;
 - b. Lead the investigation of incidents of harassment, intimidation, or bullying in the school; and
 - c. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, or bullying in the school.
3. A School Safety/Climate Team shall be formed in each school in the district to develop, foster, and maintain a positive school climate by focusing on the on-going systemic operational procedures and educational practices in the school, and to address issues such as harassment, intimidation, or bullying that affect school climate and culture. Each School Safety/Climate Team shall meet, at a minimum two times per school year. The School Safety/Climate Team shall consist of the Principal or the Principal's designee who, if possible, shall be a senior administrator in the school and the following appointees of the Principal: a teacher in the school; a school Anti-Bullying Specialist; a parent of a student in the school; and other members to be determined by the Principal. The school Anti-Bullying Specialist shall serve as the chair of the School Safety Team.

The School Safety/Climate Team shall:

- a. Receive records of all complaints of harassment, intimidation, or bullying of students that have been reported to the Principal;
 - b. Receive copies of all report prepared after an investigation of an incident of harassment, intimidation, or bullying;
 - c. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
 - d. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
 - e. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
 - f. Participate in the training required pursuant to the provisions of N.J.S.A. 18A:37-13 et seq. and other training which the Principal or the district Anti-Bullying Coordinator may request. The School Safety/Climate Team shall be provided professional development opportunities that may address effective practices of successful school climate programs or approaches; and
 - g. Execute such other duties related to harassment, intimidation, or bullying as requested by the Principal or district Anti-Bullying Coordinator.

Notwithstanding any provision of N.J.S.A. 18A:37-21 to the contrary, a parent who is a member of the School Safety/Climate Team and other members of the School Safety/Climate Team who are not

authorized to access student records pursuant to N.J.A.C. 6A:32-7.5 shall only participate in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality. Such member shall not receive confidential student information; participate in the activities of the Team set forth in 3. a., b., or c. above; or participate in any other activities of the Team which may compromise the confidentiality of a student, consistent with, at a minimum, the requirements of the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232 and 34 CFR Part 99), N.J.A.C. 6A:32-7, Students Records and N.J.A.C. 6A: 14-2.9, Student Records.

G. Harassment, Intimidation, and Bullying Investigation

The Board recognizes that some reports of alleged harassment, intimidation, or bullying are outside of the scope of N.J.S.A. 18A:37-14 and that investigations of these reports are time consuming and a strain on our resources. Therefore, in accordance with N.J.A.C. 6A:16-7.7(a)2ix, the Board requires the Principal, in consultation with the Anti-Bullying Specialist, to immediately review harassment, intimidation, or bullying reports and make a preliminary determination as to whether a report incident or complaint, assuming all facts presents are true, is a report within the scope of N.J.S.A. 18A:37-14.

If the Principal determines the incident or complaint is not a report within the scope of N.J.S.A. 18A:37-14, no investigation shall be initiated in compliance with the below procedures. The incident or complaint will be identified and documented under the appropriate category (such as code of conduct or personnel) and investigated by the Principal or other appropriate Administrator. The individual who filed the report will be notified, in writing, that the incident will not be investigated by the Anti-Bullying Specialist but will be investigated by the appropriate Administrator. The Principal or other Administrator will investigate and the decision may be appealed to the Board pursuant to Policy 5710 (Student Grievance). Records will be maintained, and Principals must provide all documentation to the Superintendent. If the Principal determines the incident or complaint is a report within the scope of N.J.S.A. 18A:37-14, an investigation shall be initiated in compliance with the below procedures.

1. Investigation Procedures

An investigation shall be initiated by the Principal or the Principal's designee within one school day of the determination of the Principal that the incident is a report within the scope of N.J.S.A. 18A:37-14.

The investigation shall be completed and the written findings submitted to the Principal as soon as possible, but not later than ten school days from the date of the written report of the incident. Should information regarding the reported incident and the investigation be received after the end of the ten-day period, the assigned investigator shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

a. Investigations of Alleged Student Violation

The investigation of any complaint alleging a violation of this Policy by a District student shall be conducted by the school Anti-Bullying Specialist in coordination with the Principal. The Principal may appoint additional personnel who are not school Anti-Bullying Specialists to assist with the investigation.

b. Investigations of Alleged Adult Violation

"Adult" means: all staff members, including contracted staff; volunteers, including appointed volunteers; contracted service providers; and members of any organizations, groups, associations, and clubs which are associated with the District, including but not limited to parent-teacher associations (PTAs), home-school associations (HSAs), and sports and music booster clubs. The investigation of any complaint alleging a violation of this Policy by an adult shall be conducted by a Central Office Administrator, or at the

discretion of the Board of Education, a third-party investigator. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation.

2. Investigation Results

The Principal shall proceed in accordance with the Code of Student Conduct, as appropriate, based on the investigation findings. The Principal shall submit the report to the Superintendent within two school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.). As appropriate to the findings from the investigation, the Superintendent shall ensure the Code of Student Conduct has been implemented and may decide to provide intervention services, order counseling, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, or take or recommend other appropriate action, as necessary.

The Superintendent shall report the results of each investigation to the Board of Education no later than the date of the regularly scheduled Board of Education meeting following the completion of the investigation. The Superintendent's report shall include information on any consequences imposed under the Code of Student Conduct, any services provided, training established or other action taken or recommended by the Superintendent.

Parents of involved student offenders and targets/victims shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents or guardians shall include the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, and whether consequences were imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Education.

3. Parent Appeal

A parent or guardian may request a hearing before the Board of Education no later than sixty calendar days after receiving the information about the investigation. The request for a hearing shall be made in writing to the Board Secretary. The hearing shall be held within ten school days of the request. The Board of Education shall conduct the hearing in executive session, pursuant to N.J.S.A. 18A:37-15(d) and the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the students. At the hearing, the Board may hear from the school Anti-Bullying Specialist regarding the incident, the findings from the investigation of the incident, recommendations for consequences or services, and any programs instituted to reduce such incidents. The Board may also hear from the parent regarding the incident.

At the regularly scheduled Board of Education meeting following its receipt of the Superintendent's report on the results of the investigations to the Board or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, Controversies and Disputes, no later than ninety days after issuance of the Board of Education's decision.

A parent, student, legal guardian, or organization may file a complaint with the Division on Civil Rights within one hundred eighty days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

H. Harassment, Intimidation, and Bullying Investigation of District Students Attending State Approved Private Schools for Students with Disabilities

The Anti-Bullying Specialist shall investigate a report of harassment, intimidation or bullying for a District student attending a State approved private school for students with disabilities through an IEP if the incident is reported to have occurred on a Board of Education school bus, at a Board of Education school-sponsored function, or off school grounds. If the report of harassment, intimidation, or bullying involves students from more than one school district, the district board(s) of education of the victim(s) involved shall initiate the investigation. The Anti-Bullying Specialist shall consult with the State approved private school for students with disabilities during the investigation.

The State approved private school for students with disabilities is responsible for the investigation of a report of harassment, intimidation or bullying occurring on its school grounds.

The parent or guardian of a District student attending a State approved private school for students with disabilities who is a party to a harassment, intimidation, or bullying investigation may request a hearing before the District board of education concerning the results of an investigation in accordance with the Parent Appeal procedures of this Policy, set forth above.

I. Range of Responses to an Incident of Harassment, Intimidation, or Bullying

The Superintendent shall respond to confirmed harassment, intimidation, and bullying, according to the parameters described in this Policy. The Principal, in conjunction with the Anti-Bullying Specialist, shall define the range of ways in which the school will respond to confirmed incidents of harassment, intimidation, or bullying, but shall include an appropriate combination of counseling, support services, intervention services, and other programs. The Board recognizes that some acts of harassment, intimidation, or bullying may be isolated incidents requiring the school officials respond appropriately only to the individual(s) committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation, or bullying that they require a response either at the classroom, school building or school district level or by law enforcement officials.

The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by students. Appropriate consequences and remedial actions are those that are graded according to the severity of the offense(s), consider the developmental ages of the student offenders and students' histories of inappropriate behaviors, per the Code of Student Conduct and N.J.A.C. 6A:16-7.

Factors for Determining Consequences – Student Considerations

1. Age, developmental and maturity levels of the parties involved and their relationship to the school district;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and
7. Context in which the alleged incidents occurred.

Factors for Determining Consequences – School Considerations

1. School culture, climate, and general staff management of the learning environment;
2. Social, emotional, and behavioral supports;

3. Student-staff relationships and staff behavior toward the student;
4. Family, community, and neighborhood situation; and
5. Alignment with Board policy and regulations/procedures.

Factors for Determining Remedial Measures - Personal

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;
5. Interests;
6. Hobbies;
7. Extra-curricular activities;
8. Classroom participation;
9. Academic performance; and
10. Relationship to students and the school district.

Environmental

1. School culture;
2. School climate;
3. Student-staff relationships and staff behavior toward the student;
4. General staff management of classrooms or other educational environments;
5. Staff ability to prevent and manage difficult or inflammatory situations;
6. Social-emotional and behavioral supports;
7. Social relationships;
8. Community activities;
9. Neighborhood situation; and
10. Family situation.

Consequences for a student who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as set forth in the Board's approved Code of Student Conduct (Policy 5600) and pursuant to N.J.A.C. 6A:16-7.2, 7.3, and 7.4. The use of negative consequences should occur in conjunction with remediation and not be relied upon as the sole intervention approach.

Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim of the act, and take corrective action for documented systemic problems related to harassment, intimidation, or bullying. Remedial action for a student found to have committed an act of harassment, intimidation, or bullying shall take into account: the nature of the behavior; the nature of the student's disability, if any and to the extent relevant; the developmental age of the student; and the student's history of problem behaviors and performance. Remedial actions may include, but shall not be limited to: a behavioral assessment or evaluation, referral to the child study team, or referral to I&RS.

Consequences and Appropriate Remedial Actions – Adults

The district will also impose appropriate consequences and remedial actions to an adult who commits an act of harassment, intimidation, or bullying of a student. "Adult" means: all staff members, including contracted staff; volunteers, including appointed volunteers; contracted service providers; and members of any organizations, groups, associations, and clubs which are associated with the District, including but not limited to parent-teacher associations (PTAs), home-school associations (HSAs), and sports and music booster clubs. The consequences may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

Target/Victim Support

Remedial measures may be provided, as determined necessary and appropriate by administration, to support the victim of an act of harassment, intimidation, and bullying, provides relief to the victim, and does not stigmatize the victim or further their sense of persecution. The type, diversity, location, and degree of support are directly related to the student's perception of safety.

Sufficient safety measures will be undertaken by administration to help ensure the victims' physical and social-emotional well-being and their ability to learn in a safe, supportive, and civil educational environment.

J. Reprisal or Retaliation Prohibited

The Board prohibits a Board member, school employee, contracted service provider who has contact with students, school volunteer, member of any organization, group, association, or club which is associated with the District, or student from engaging in reprisal, retaliation, or false accusation against a victim, witness, one with reliable information, or any other person who has reliable information about an act of harassment, intimidation, or bullying or who reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and district policies and procedures.

All suspected acts of reprisal or retaliation will be taken seriously and appropriate responses will be made in accordance with the totality of the circumstances. Examples of consequences and remedial measures for students who engage in reprisal or retaliation are listed and described in the Consequences and Appropriate Remedial Actions section of this Policy. Consequences and remedial measures for students who engage in reprisal or retaliation shall be in accordance with this Policy and Policy 5600 (Code of Conduct).

Examples of consequences for a school employee or a contracted service provider who has contact with students who engage in reprisal or retaliation may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds.

grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

Examples of consequences for a Board member who engages in reprisal or retaliation may include, but not be limited to: reprimand, legal action, and other action authorized by statute or administrative code. Remedial measures may include, but not be limited to: counseling and professional development.

K. Consequences and Appropriate Remedial Action for False Accusation

The Board prohibits any person from falsely accusing another as a means of retaliation or as a means of harassment, intimidation, or bullying.

1. Students - Consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation shall be in accordance with this Policy and Policy 5600 (Code of Conduct) and may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1 et seq., Discipline of Students and as set forth in N.J.A.C. 6A:16-7.2, Short-term Suspensions, N.J.A.C. 6A:16-7, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.
2. School Employees - Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could entail discipline in accordance with district policies, procedures, and agreements which may include, but not be limited to, reprimand, suspension, increment withholding, or termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.
3. Visitors, Volunteers, or Members of Organizations associated with the District - Consequences and appropriate remedial action for a visitor, volunteer, or member of any organization, group, association, or club which is associated with the District found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could be determined by the school administrator after consideration of the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions, removal of buildings, grounds, or school-events privileges, or prohibiting contact with students or the provision of student services. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

L. Harassment, Intimidation, and Bullying Policy Publication and Dissemination

This Policy will be disseminated annually by the Superintendent to all school employees, contracted service providers who have contact with students, school volunteers, students, and parents who have children enrolled in a school in the district, along with a statement explaining the Policy applies to all acts of harassment, intimidation, or bullying, pursuant to N.J.S.A. 18A:37-14 that occur on school property, at school-sponsored functions, or on a school bus and, acts that occur off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students.

The Superintendent shall ensure that notice of this Policy appears in the student handbook and all other publications of the school district that sets forth the comprehensive rules, procedures, and standards for schools within the school district.

The Superintendent shall post a link to the district's Harassment, Intimidation, and Bullying Policy that is prominently displayed on the homepage of the school district's website. The district will notify students and parents this Harassment, Intimidation, and Bullying Policy is available on the school district's website.

The Superintendent shall post the name, school phone number, school address, and school email address of the district Anti-Bullying Coordinator on the home page of the school district's website. Each Principal shall post the name, school phone number, address, and school email address of both the Anti-Bullying Specialist and the district Anti-Bullying Coordinator on the home page of each school's website.

M. Harassment, Intimidation, and Bullying Training and Prevention Programs

The Superintendent and Principal(s) shall provide training on the school district's Harassment, Intimidation, and Bullying Policy to current and new school employees; including administrators, instructors, student support services, administrative/office support, transportation, food service, facilities/maintenance; contracted service providers, and volunteers who have significant contact with students; and persons contracted by the district to provide services to students. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying.

Each public school teacher and educational services professional shall be required to complete at least two hours of instruction in harassment, intimidation, and bullying prevention within each five year professional development period as part of the professional development requirement pursuant to N.J.S.A. 18:37-22d. The required two hours of suicide prevention instruction shall include information on the risk of suicide and incidents of harassment, intimidation, or bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.

Each newly elected or appointed Board members must complete, during the first year of the member's first term, a training program on harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:12-33.

The school district shall provide time during the usual school schedule for the Anti-Bullying Coordinator and each school Anti-Bullying Specialist to participate in harassment, intimidation, and bullying training programs.

A school leader shall complete school leader training that shall include information on the prevention of harassment, intimidation, and bullying as required in N.J.S.A. 18A:26-8.2.

The school district shall annually observe a "Week of Respect" beginning with the first Monday in October. In order to recognize the importance of character education, the school district will observe the week by providing age-appropriate instruction focusing on the prevention of harassment, intimidation, and bullying as defined in N.J.S.A. 18A:37-14. Throughout the school year the district will provide ongoing age-appropriate instruction on preventing harassment, intimidation, or bullying, in accordance with the Core Curriculum Content Standards, pursuant to N.J.S.A. 18A:37-29.

The school district and each school in the district will annually establish, implement, document, and assess harassment, intimidation, and bullying prevention programs or approaches, and other initiatives in consultation with school staff, students, administrators, volunteers, parents or guardians, law enforcement, and community members. The programs or approaches and other initiatives shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:37-17, et seq.

N. Harassment, Intimidation, and Bullying Policy Reevaluation, Reassessment and Review

The Superintendent shall develop and implement a process for annually discussing the school district's Harassment, Intimidation, and Bullying Policy with students.

The Superintendent and the Principal(s) shall annually conduct a reevaluation, reassessment, and review of the Harassment, Intimidation, and Bullying Policy, with input from the schools' Anti-Bullying Specialists, and recommend revisions and additions to the Policy as well as to harassment, intimidation, and bullying prevention programs and approaches based on the findings from the evaluation, reassessment and review.

O. Reports to Board of Education and New Jersey Department of Education

The Superintendent shall report two times each school year between September and January 1 and between January 1 and June 30 at a public hearing all acts of violence, vandalism, and harassment, intimidation, and bullying which occurred during the previous reporting period in accordance with the provisions of N.J.S.A. 18A:17-46. The information shall also be reported to the New Jersey Department of Education in accordance with N.J.S.A. 18A:17-46. The information reported shall be used to grade each school and each district in accordance with the provisions of N.J.S.A. 18A:17-46. The grade received by a school and the district shall be posted on the homepage of the school's website and the district's website in accordance with the provisions of N.J.S.A. 18A:17-46. A link to the report that was submitted by the Superintendent to the Department of Education shall also be available on the school district's website. This information shall be posted on the websites within ten days of receipt of the grade for each school and the district.

P. School and District Grading Requirements

Each school and each district shall receive a grade for the purpose of assessing their efforts to implement policies and programs consistent with provisions of N.J.S.A. 18:37-13, et seq. The grade received by a school and the district shall be posted on the homepage of the school's website and the district's website in accordance with the provisions of N.J.S.A. 18A:17-46. A link to the report that was submitted by the Superintendent to the Department of Education shall also be available on the school district's website. This information shall be posted on the websites within ten days of receipt of the grade for each school and the district.

Q. Reports to Law Enforcement

Some acts of harassment, intimidation, and bullying may be bias-related acts and potentially bias crimes and school officials must report to law enforcement officials either serious acts or those which may be part of a larger pattern in accordance with the provisions of the Memorandum of Agreement Between Education and Law Enforcement Officials.

R. Collective Bargaining Agreements and Individual Contracts

Nothing in N.J.S.A. 18A:37-13.1 et seq. may be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on the Anti-Bullying Bill of Rights Act's effective date (January 5, 2011). N.J.S.A. 18A:37-30. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation.

The Board of Education prohibits the employment of or contracting for school staff positions with individuals whose criminal history record check reveals a record of conviction for a crime of bias intimidation or conspiracy to commit or attempt to commit a crime of bias intimidation.

S. Students with Disabilities

Nothing contained in N.J.S.A. 18A:37-13.1 et seq. may alter or reduce the rights of a student with a disability with regard to disciplinary actions or to general or special education services and supports. N.J.S.A. 18A:37-32.

N.J.S.A. 18A:37-13 through 18A:37 32

N.J.A.C. 6A:16-7.1 et seq.; 6A:16-7.9 et seq.

Model Policy and Guidance for Prohibiting Harassment, Intimidation, and Bullying on School Property, at School-Sponsored Functions and on School Buses – April 2011 – New Jersey Department of Education
Memorandum – New Jersey Commissioner of Education – Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act – December 16, 2011

Adopted: 28 January 2008

Revised: 18 July 2011

Revised: 19 December 2011

Revised: 18 November 2013

Revised: 17 December 2018

Policy 8467 – Prohibition of Weapons

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8467 – WEAPONS

As part of its commitment to providing an educational environment that is safe, secure and conducive to learning, the Board of Education prohibits the possession and/or use of firearms, other weapons or instruments that can be used as weapons, on school property, on a school bus, at any school-sponsored function, or while en route to or from school or any school-sponsored function. A decision to bring a weapon into a school environment endangers the school community and undermines the purposes that our schools serve. Pupils found to have violated this policy shall be subject to significant, punitive disciplinary action.

Terms

For the purpose of this policy “weapon” is defined as anything capable of inflicting physical harm. This definition includes, but is not limited to, all:

"Firearm," which includes any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person. N.J.S.A. 2C:39-1f. The term “[firearm](#)” also means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any [firearm muffler](#) or [firearm silencer](#); or (D) any [destructive device](#). Such term does not include an antique firearm. 18 U.S.C. 921(3).

1. The definition also includes firearms which are not loaded or which lack a clip or other component to render them immediately operable and imitation firearms which are objects or devices reasonably capable of being mistaken for a firearm;
2. components that can be readily assembled into a weapon;
3. knives, including switchblades, daggers, dirks, stilettos, pocket knives, billies, blackjacks, bludgeons, chains, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood;
4. box cutters, razors;
5. stun guns, and any weapon or other device which projects, releases, or emits tear gas or any other substance which produces temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

Reports to Superintendent and law enforcement authorities

Any student or school employee who has reasonable grounds to suspect the presence of a weapon prohibited by this policy shall immediately report his/her suspicion to the principal, who shall immediately notify the superintendent. The principal shall conduct an appropriate search in accordance with Policy 5770 and confiscate any weapon discovered in the course of the search. He/she shall, if appropriate and feasible, summon the aid of law enforcement officers in the conduct of the search. Any school employee who confirms the presence of a weapon under circumstances that place persons at serious risk may confiscate the weapon immediately and may use such force as is reasonable and necessary to obtain possession.

Unless the weapon has been taken into custody by a law enforcement officer, the principal shall immediately store any confiscated weapon in a securely locked box or container and report the presence of the weapon to the Superintendent. The Superintendent shall promptly notify, by telephone call and by letter, the Chief of Police of the municipality in which the school district is located that a weapon is present on school premises; the notice shall request

removal of the weapon by an authorized law enforcement officer. The Superintendent shall obtain and file a receipt for any weapon removed by a law enforcement officer.

Disciplinary action required

Disciplinary action shall be taken against students who are found to have possessed, handled, transmitted or used weapons. As described in Board policies 5600, 5610, 5611 and 5620, due process will be provided, including the right to a formal hearing before the Board.

Any student who possesses, uses, or exchanges a weapon in violation of this policy shall be subject to stringent discipline, which may include long term suspension or expulsion. Any student or school employee who suspects or knows of the presence of a weapon in violation of this policy and fails to report the same shall be subject to discipline. Any person who possesses a weapon on school premises or school transportation or at a school-sponsored function shall be reported to the appropriate law enforcement agency.

Any student who is convicted or is an adjudicated delinquent for possession of a firearm or who is found to be in possession of a firearm on school property must be immediately removed from the regular education program and provided with an alternative program, pending a hearing before the Board of Education. Students convicted or found to be delinquent for possessing a firearm on school property, on a school bus, or at a school-sponsored function or committing a crime while possessing a firearm shall be immediately removed from the regular education program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the Board of Education to remove the student. (N.J.S.A. 18A:37-17 through 12) When warranted, the maximum penalty of expulsion from school may be imposed. Except as set forth below, a pupil found to have possessed a weapon other than a firearm shall be suspended from school for a minimum of two calendar months.

Any student who commits an assault upon members of the school community with a weapon other than a firearm on school property must be immediately removed from the regular education program and provided with an alternative program, pending a hearing before the Board of Education. (N.J.S.A. 18A:37-17 through 12)

A limited exception to the reporting and disciplinary action requirements may be provided when circumstances warrant. Where mitigating circumstances exist, the principal shall consult with the Superintendent, who may grant the principal the discretion to impose a penalty within the principal's authority. In such cases the Board of Education shall be notified in writing no later than the end of the month in which the exception is granted.

The Superintendent or his/her designee shall determine whether a pupil who completes a long-term suspension for a firearms offense is prepared to return to the regular education program. If the Superintendent or his/her designee determines that the pupil is not prepared to return to the regular education program at that time, the pupil shall remain on home instruction, in an alternative education program, or in another suitable facility or program in accordance with procedures established by the Commissioner of Education.

Students with disabilities violating the provisions of this policy shall be dealt with in accordance with Policy No. 2460 and Regulation No. 2460.6.

Nothing in this policy shall be construed to prohibit the reporting of a crime committed by a child with a disability to the appropriate law enforcement or judicial authorities, or to prevent such authorities from exercising their responsibilities with regard to the application of Federal or State law to crimes committed by a child with disabilities.

Implementation and Publication of Policy

The Board directs the Superintendent to develop and publish regulations to implement this policy. At the beginning of each school year, all students and their parents or guardians shall be provided with materials that explain this policy, its requirements and the consequences for pupils who violate the policy and the regulations that support it.

The Superintendent, or designee, shall prepare regulations to implement this policy for the guidance of school staff in dealing with incidents involving weapons in the school district.

N.J.S.A. 2C:39-1 et seq.; 2C:58-6.1; 2C:58-15
N.J.S.A. 18A:6-1

N.J.S.A. 18A:37-17 through 37-12
N.J.S.A. 23:4-16
N.J.A.C. 6A:14-2.8 et seq.
N.J.A.C. 6A:16-5.5; 6A: 16-5.6
18 U.S.C. 921(3)
20 U.S.C 1415

Cross Reference: 2460, 5600, 5610, 5611, 5612, 5620

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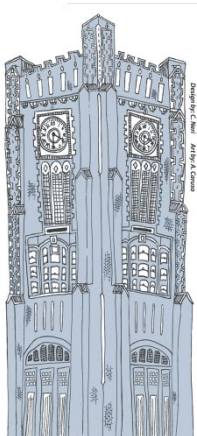
Latest Adoption: March 10, 2018

Community Based Health and Social Services Provider Agencies

A current list of community-based health and social service provider agencies that are available to support a student and a student's family as well as a list of legal resources available to serve the community is found in the Community Resource Guide published by The Parenting Center of the South Orange-Maplewood School District. This guide is available in each school and may be downloaded from the web at: <http://theparentingcenter.info/>

What follows are some, but not all, of the resources available:

HOTLINES	
Addiction of NJ	1-800-238-2333
Baby Land Family Services/Domestic Violence Hotline	1-973-848-4446
Crisis Prevention/Suicide	1-973-672-9685
ER St. Barnabas Hospital	1-973-322-5180
FBI	1-973-792-3000
Gamblers Anonymous	1-877-994-2465
Help Line	1-973-763-HELP
Narcotics Anonymous	1-800-992-0401
National Runaway Switchboard	1-800-RUNAWAY
NJ AIDS Hotline	1-800-624-2377
NJ Child Abuse Reports	1-877-652-2873
Parents Anonymous/Family Helpline	1-800-843-5437
Poison Control Center	1-800-POISON
Police-Fire-Medical	911



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