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FAIR HAVEN SCHOOL DISTRICT

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PUPIL DISCIPLINE/CODE OF CONDUCT (M)

5600 PUPIL DISCIPLINE/CODE OF CONDUCT (M)

M

A. Purpose

The purpose of these regulations is to achieve the following purposes:

1. Foster the health, safety, social, and emotional well-being of pupils;
2. Support the establishment and maintenance of civil, safe, secure, supportive, and disciplined school environments conducive to learning;
3. Promote achievement of high academic standards;
4. Prevent the occurrence of problem behaviors;
5. Establish parameters for the intervention and remediation of pupil problem behaviors at all stages of identification; and
6. Establish parameters for school responses to violations of the pupil discipline/code of conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of the pupil offenders, and pupils' histories of inappropriate behaviors.

B. Rules of Conduct

1. All pupils are bound by law, policies of the Board of Education, and the administrative regulations of this school district.
2. In addition, pupils shall not:
 - a. Be insubordinate to teachers or other school staff members or disregard their instructions or demonstrate lack of respect for their authority;
 - b. Create disorder or disruptions on school premises;
 - c. Use, threaten, or incite the use of physical force against other pupils, staff members, or visitors to the school;



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- d. Steal, damage, or vandalize the property of the school, district, other pupils, or staff members,
- e. Engage in the sexual and/or other harassment of pupils or staff members;
- f. Violate codes of conduct adopted for organizations of pupils;
- g. Possess or use weapons or any implement intended to harm others;
- h. Use foul, abusive, derogatory, or demeaning language, including racial and ethnic remarks;
- i. Convey information about other pupils or staff members known to be false;
- j. Act so recklessly as to endanger the safety of others;
- k. Procure the property of others by threat or intimidation;
- l. Enter school premises or any specific portion of the premises without permission and without authority;
- m. Engage in cyber-bullying or harassment, intimidation or bullying of any kind;
- n. Create litter on school property;
- o. Be truant from school or class;
- p. Cheat or otherwise engage in academic dishonesty;
- q. Persistently refuse to complete homework and other assignments;
- r. Engage in illegal gambling;
- s. Smoke on school property;
- t. Falsify an excuse or any school document;



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- u. Set fire to or cause a fire in any way on school premises;
 - v. Possess or explode a firecracker or other explosive device on school premises;
 - w. Sound or cause to be sounded a false alarm for fire, bomb, or other condition or circumstance hazardous to others;
 - x. Possess, use, or distribute a substance in violation of Policy No. 5530;
 - y. Join a secret society prohibited by law; or
 - z. Engage in any other activity expressly prohibited by a school staff member in authority.
3. Pupils riding a school bus to athletic events or school trips must obey all school rules, and
- a. Show respect for the driver at all times;
 - b. Enter and leave the bus in an orderly manner;
 - c. Be and remain seated while the bus is in motion;
 - d. Avoid reckless and boisterous activity at all times, including during waits at pickup points;
 - e. Talk in a reasonable tone of voice and avoid loud noises;
 - f. Extend no portion of the body or other object out a bus window;
 - g. Keep aisles clear at all times;
 - h. Refrain from throwing objects out of the bus windows;
 - i. Refrain from smoking on the bus; and



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j. Possess, use, or distribute no substance in violation of Policy No. 5530.

4. The Building Principal or designee has the right to impose a consequence on a pupil for conduct away from school grounds pursuant to N.J.A.C. 6A:16-7.6. This authority shall be exercised only when it is reasonably necessary for the pupil's physical or emotional safety, security, and well-being or for reasons relating to the safety, security, and well-being of other pupils, staff, or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2 or when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. Consequences shall be handled in accordance with Policy and Regulation 5600, pursuant to N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7-2, 6A:16-7.3, or 6A:16-7.5.

C. Disciplinary Measures

The following disciplinary measures may be applied as appropriate to the pupil's violation of school rules. The measures are sequential and are organized in order of severity.

1. Admonishment

A school staff member in authority may admonish the pupil for his/her unacceptable conduct and warn the pupil that additional misconduct may warrant a more severe penalty.

2. Temporary Removal from Classroom

a. The classroom teacher may direct the pupil to report to the office of the administrator in charge of pupil discipline.

b. The teacher will complete a form that indicates the pupil's name, homeroom, and the conduct that has caused the pupil's removal from the room.

c. The administrator in charge of discipline will interview the pupil and determine which, if any, additional disciplinary steps are indicated.



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3. Detention

- a. The pupil may be required to report before or after the school day to detention for a period of supervised study.
- b. Transportation will be the responsibility of the pupil's parent(s) or legal guardian(s).
- c. The pupil may be excused from detention only for an unavoidable commitment previously made; any such excused detention must be made up on another day.

4. Deprivation of Privileges

The pupil may be deprived of the privilege of:

- a. Moving freely about the school building,
- b. Participation in co-curricular or inter/intrascholastic activities,
- c. Attendance at a school-related social or sports activity,
- d. Participation in a graduation ceremony, or
- e. Any other privilege the Building Principal or designee determines may be appropriate and consistent with Policy 5600 and N.J.A.C. 6A:16-7.1 et seq.

5. Grading

A pupil who has cheated on a test or assignment, plagiarized material, falsified sources, refused to submit assignments, or otherwise indulged in academic dishonesty or negligence (paragraph B.2.p. and paragraph B.2.q.) may suffer a reduced grade by virtue of the disqualified work. In no other instance may a pupil's grade be lowered as a direct penalty for misconduct.

6. In-school Suspension



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- a. The pupil may be removed from his/her regular classes and required to report to an in-school suspension program for supervised study.
- b. In-school suspension is a deprivation of the pupil's right to a thorough and efficient education and will not be imposed without the due process set forth in Policy and Regulation 5610.

7. Suspension from School

- a. The pupil may be denied the right to attend school for a period of time pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.2, and 6A:16-7.3, and Policy 5610.
- b. Suspension from school is a deprivation of the pupil's right to a thorough and efficient education and will not be imposed without the due process set forth in Policy and Regulation 5610.

8. Expulsion

- a. The Board may expel a general education pupil from school, pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.5, and Policy 5620.
- b. Expulsion is an extremely serious disciplinary measure; it deprives the pupil of his/her right to a thorough and efficient education and will not be imposed without the due process set forth in Policies 5610 and 5620.

D. Remedial Measures and Support

The following remedial measures may be taken to aid in correcting pupil conduct and to ensure that the pupil is properly placed in an appropriate educational environment and is not in need of special education and/or related services.

1. Restitution and Restoration

- a. The pupil may be required, to:



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- (1) Make restitution, in kind or cost or labor, for any loss he/she has caused; or
 - (2) Restore to its former condition, by his/her own labor, any property the pupil has damaged or defaced.
 - b. A pupil who refuses to make restitution or restoration as directed may be disciplined by one or more of the measures included at paragraph C.
2. Counseling
 - a. The pupil may be required to consult with school guidance counselors to determine the causes of his/her misconduct and to assess the need for a change in educational placement.
 - b. The counselor will explain:
 - (1) Why the pupil's conduct is unacceptable to the school and damaging to the pupil,
 - (2) What the consequences of continued misconduct are likely to be, and
 - (3) Appropriate alternate behaviors.
 - c. The counselor may refer the pupil, as appropriate, for additional counseling, evaluation, intervention, treatment, or therapy. Referrals may be made to:
 - (1) The Child Study Team,
 - (2) Intervention and Referral Team,
 - (3) A public or private social agency, or
 - (4) A legal agency.
3. Parent Conferences



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The pupil may be required to attend a meeting with his/her parent(s) and appropriate staff members to discuss the causes of the pupil's behavior, possible remediation, potential disciplinary measures, and alternative conduct.

E. General Guidelines:

The Principal and school staff has a responsibility to establish limitations on pupil behavior to provide for a safe and orderly learning environment. Discipline is viewed as a learning tool to teach pupils that inappropriate behavior results in undesirable consequences. Consequences for poor decisions must be consistent and implemented in a timely manner to maximize their teaching potential

The following privileges can be taken away for a period of time:

- a. Lunchroom privileges;
- b. Field trips with arrangements made for detained pupils to work with another teacher during that period of time;
- c. Attendance/participation in athletic events;
- d. Playground privileges;
- e. Participation in other school activities;
- f. Use of a locker (Knollwood School).

Teacher Assigned Detention

Detentions may be assigned at the teacher's discretion when pupils' poor decisions regarding their behavior, language, prompt arrival to class, etc. warrant it. Before a detention of greater than ten minutes is served, the teacher will communicate with the parent(s) or legal guardian(s) to advise of the date, departure time, and reason for the detention.

Administrative Detention

Administrative detentions may be assigned at the Principal's discretion when a pupil's misbehavior persists despite previous interventions by



others. In addition, administrative detentions may be assigned for more severe offenses. At Knollwood School, administrative detentions are held during the lunch hour and/or after school for one hour. At Sickles School, detentions are scheduled on an as needed basis when appropriate. Before an after-school detention is served, parent(s) or legal guardian(s) will be advised of the date, departure time, and reason for the detention.

Parent/Guardian Conferences

A conference involving the parent(s) or legal guardian(s), the Principal, school counselor, and teachers may be required when other interventions fail to correct pupil's behavior.

Suspension and Expulsion

Suspension from school means the temporary denial of a pupil's right to attend school. In most cases, a pupil may be suspended for good cause after an informal hearing involving the pupil, parent(s) or legal guardian(s), and Principal. Pupils can be given in-school suspension or out-of-school suspension. In-school suspension will take place in the Principal's office under the supervision of an appropriately certified staff member. Pupils who are on out-of-school suspension will remain at home for the duration of the suspension.

Expulsion from school means the permanent denial of a pupil's right to attend school. A pupil may be expelled for good cause after official notification by the school and a due process hearing. The pupil has specific rights under case law and New Jersey Statute. The Board of Education's decision to suspend/expel may be appealed to the Commissioner of Education.

"Conduct which shall constitute good cause for suspension or expulsion of a pupil guilty of such conduct shall include, but not be limited to, any of the following" (N.J.S.A. 18A:37-2):

- Continued and willful disobedience.
- ♦ Continued harassment, intimidation and bullying, including cyber-bullying, in accordance with Policy 5512.01.



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- Open defiance of the authority of any teacher or person having authority over a pupil.
- Habitual use of profanity.
- Conduct which constitutes a continuing danger to the physical well-being of other pupils.
- Physical assault upon another pupil.
- Taking, or attempting to take, personal property or money from another person.
- Willfully causing, or attempting to cause, substantial damage to school property.
- Knowing possession or knowing consumption of alcoholic beverages or controlled dangerous substances on school premises.
- Being under the influence of intoxicating liquor or controlled dangerous substances while on school premises.
- N.J.S.A. 18A:37-2.1 and N.J.S.A. 2C:12-1 demands immediate suspension of any pupil responsible for an assault against a staff member or Board member.

F. Disciplinary Procedures

1. The Pupil Discipline/Code of Conduct Policy and Regulation 5600 shall be disseminated annually to all school staff, pupils, and parent(s) and transferring students.
2. Teachers and administrators in charge of pupil discipline shall make every effort to administer these rules consistently and fairly.
3. The staff member who disciplines a pupil for conduct shall, however minimal the offense or the discipline,
 - a. Orally inform the pupil of the conduct for which he/she is being disciplined; and



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- b. Offer the pupil an opportunity to deny the charge or to present extenuating circumstances.
4. Where the offense is serious and the discipline greater than detention, every effort will be made to notify the parent(s) and they will be offered the opportunity to confer with the building principal.
5. An in-school suspension, suspension from school, or expulsion will be conducted in strict accordance with law and Policies 5610 and 5620.

G. Pupils with Disabilities

For pupils with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. §1400 et seq., the Individuals with Disabilities Educational Improvement Act, and accommodation plans under 29 U.S.C. §§794 and 705(20), pupil discipline and the code of conduct shall be implemented in accordance with the components of the applicable plans.

H. Pupil Rights

Pupils subject to the consequences of the Pupil Discipline/Code of Conduct Policy and Regulation shall be informed of their rights, pursuant to N.J.A.C. 6A:16-7.1(c)3.i. through vii., that include:

1. Advance notice of behaviors that will result in suspensions and expulsions that have been identified under authority of N.J.S.A. 18A:37-2;
2. Education that supports pupils' development into productive citizens;
3. Attendance in safe and secure school environments;
4. Attendance at school irrespective of pupils' marriage, pregnancy, or parenthood;
5. Due process and appeal procedures, pursuant to N.J.A.C. 6A:3-1.3 through 1.17, N.J.A.C. 6A:4 and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8;
6. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3; and



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7. Protections pursuant to 20 U.S.C. §1232g and 34 CFR Part 99, Family Educational Rights and Privacy Act; 20 U.S.C. §1232h and 34 CFR Part 98, Protection of Pupil Rights Amendment; N.J.A.C. 6:3-6, Pupil Records; 45 CFR §160, Health Insurance Portability and Accountability Act; 20 U.S.C. §6301, Title IV(A)IV §4155 of the Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, School-based drug and alcohol abuse counseling; information from participants; disclosure; N.J.A.C. 6A:16-3.2, Confidentiality of pupil alcohol and other drug information; N.J.S.A. 18A:36-19, Creation; Pupil Records: Maintenance and Retention, Security and Access; Regulations; Non-Liability; N.J.A.C. 6A:14-2.9, Pupil Records; as well as other existing Federal and State laws pertaining to pupil protections.

I. Records

1. Instances of pupil discipline will be recorded in the pupil's file in strict compliance with N.J.A.C. 6A:32-7.1 et seq. and Policy No. 8330.
2. When a pupil transfers to a public school district from another public school district, all information in the pupil's record related to disciplinary actions taken against the pupil by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, disclosure of juvenile information; penalties for disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a), N.J.A.C. 6A:32-7.5(e)10.iv., and N.J.A.C. 6A:16-7.10.
 - a. The record shall be provided within two weeks of the date that the pupil enrolls in the receiving district.
 - b. Written consent of the parent or adult pupil shall not be required as a condition of the transfer of this information, however, written notice of the transfer shall be provided to the parent or the adult pupil.
 - c. When a pupil transfers to a private school, which includes all sectarian or nonsectarian nonprofit institutional day or residential



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schools that provide education for pupils placed by their parents and that are controlled by other than public authority, all pupil disciplinary records, with respect to suspensions or expulsions, shall be provided by the public school district of residence to the private school upon written request from the private school, in the same manner as such records would be provided by a public school district of residence to another public school district, pursuant to N.J.A.C. 6A:16-7.10(b).

- d. The Board shall not use a pupil's past offenses on record to discriminate against that pupil.
- e. All pupil disciplinary records maintained in the district shall conform with the requirements set forth in N.J.A.C. 6A:16-7.10(d).

J. Annual Report

The Superintendent of Schools shall report annually on the implementation of the Pupil Discipline/Code of Conduct Policy to the Board at a public meeting. The annual summary shall contain, at a minimum:

- 1. A numerical inventory of all violations of the pupil behavioral expectations in the Pupil Discipline/Code of Conduct Policy and Regulation;
- 2. Associated school responses to the violations of the pupil behavioral expectations;
- 3. An explanation and evidence of the effectiveness of the Pupil Discipline/Code of Conduct Policy and Regulation. The explanation and evidence, at a minimum, shall address:
 - a. The degree of effectiveness of the school district's activities in achieving the purposes of the Pupil Discipline/Code of Conduct Policy and Regulation, pursuant to the purposes as outlined in A. above; and
 - b. The degree and effectiveness of the implementation of the contents of the Pupil Discipline/Code of Conduct Policy and Regulation.



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4. Any proposed changes to the school district's current policies, procedures, programs or initiatives, based on the annual report.

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