

**Regulation**

VIOLENCE AND WEAPONS

**GENERAL STATEMENT**

The following guidelines are established to ensure the good order of the school, provide appropriate notice of penalties for violations of school regulations, teach students the consequences and provide examples of disruptive behavior, provide notice of penalties for assault and weapons violations, and establish due process rights of any student that is suspended or expelled.

In addition to the following procedures, when a student is required by law to be removed from the education program for the offenses described below, all procedures for short- and long-term suspension and expulsion shall apply as detailed in File Code 5114 Suspension and Expulsion.

**PURPOSE/SCOPE**

The purpose of this regulation is to clarify and support policy file codes 5131.5 and 5131.7 to ensure that school facilities and board approved events are free from violence and the threat of violence. This regulation includes both incidents that are required by statute to be reported, and other conduct that violates board policy, affects the health and safety of members of the school community or affects the orderly operation of the schools. File Codes 5131.5 and 5131.7 also apply to off-campus student conduct that affects the health and safety of members of the school community and which has a negative impact on the orderly operation of the schools.

**STAFF RESPONSIBLE**

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

<b>Position</b>	<b>Summary of Main Responsibilities</b>
Chief school administrator	<ul style="list-style-type: none"> <li>• General policy procedure oversight within the district</li> <li>• Reporting incidents to the board</li> <li>• Required biannual public report</li> <li>• Notification of due process and appeal rights</li> <li>• Documentation of all steps of the procedure</li> </ul>
Board of Education	<ul style="list-style-type: none"> <li>• General oversight of the chief school administrator</li> <li>• Board hearings</li> <li>• Ensure appropriate due process in all student disciplinary matters</li> <li>• Ensure appropriate access to student records</li> </ul>
Building Principal	<ul style="list-style-type: none"> <li>• Immediate report to CSA of incidents involving students in possession of firearms or weapons</li> <li>• Written report to the board in cases of assault by a student</li> <li>• Notice to case manager and parents/guardians along with reasons for removal for classified students</li> <li>• Oversight of SSDS reports</li> </ul>
Classroom Teachers and/or aides	<ul style="list-style-type: none"> <li>• Direct reporting of incidents</li> <li>• Report all disciplinary infractions to administration</li> </ul>
IEP Team and Case Manager	<ul style="list-style-type: none"> <li>• Ensure that the removal of a special education student is limited to 45 days in the interim alternative educational setting</li> <li>• Ensure that services allow advancement in the general education curriculum and toward the achievement of IEP</li> </ul>

VIOLENCE AND WEAPONS (regulation continued)

	goals and objectives
Special Education Teacher	<ul style="list-style-type: none"> <li>• Recommend/initiate I&amp;RS referrals in appropriate matters</li> <li>• Ensure that services allow for both advancement in the general education curriculum and toward the achievement of IEP goals and objectives.</li> </ul>

**I. DEFINITIONS**

"Bodily injury" means physical pain, illness or any impairment of physical condition.

"Serious bodily injury" means bodily injury that creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

"Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument from which may be fired or ejected any solid object or gas, 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. A toy gun is not considered a weapon and its possession should not be reported. An imitation firearm (e.g., an object that looks like a real handgun but cannot be fired or converted to a handgun) should be reported.

"Weapon" means any object readily capable of inflicting serious bodily injury. The term includes, but is not limited to, (1) components which can be readily assembled into a weapon; (2) knives, clubs, slingshots, bands studded with metal filings or razor blades imbedded in wood; and (3) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other object or substance intended to produce temporary physical discomfort or permanent injury.

"Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including, but not limited to, any explosive or incendiary bomb; any rocket having a propellant charge; any weapon capable of firing a projectile.

"Explosive" means any chemical compound or mixture that is commonly used or is possessed for producing an explosion.

Disciplinary removals are defined as any instance in which a child is removed from his/her educational placement for disciplinary purposes, including in-school suspension, out-of-school suspension, expulsion, removal by school personnel to an interim alternative educational setting for drug or weapon offenses or serious bodily injury, and removal by a hearing officer for likely injury to self or others. All disciplinary removals for reasons other than Violence, Vandalism and Substance Abuse (VV-SA) lasting at least one-half day for students receiving special education and or related services must be reported using the Report of Suspension of Students with Disabilities section of the SSDS by the school that the student attends. The data are reported annually to the United States Department of Education (USDOE).

**PROCEDURES****Incidents of Violence and Vandalism**

A. Any school employee who has direct knowledge from a victim of, or participant in an incident defined in this section including harassment, intimidation, and bullying, or the possession or distribution of alcohol or other drugs on school grounds, and any school employee who reasonably believes a student is under the influence of alcohol or other drugs shall promptly report that information to the building principal:

1. Assault: causing or attempting to cause bodily injury to another, including conduct that engaged is in purposely, knowingly, or recklessly.

VIOLENCE AND WEAPONS (regulation continued)

2. Bias-Related: conduct which is reasonably perceived as motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, a mental, physical, or sensory disability, or any other distinguishing characteristic.
3. Criminal Threat: Expressing – either physically or verbally – the intent to commit one of the following violent criminal offenses: homicide, aggravated assault, sexual assault, kidnapping, or arson. The threat must be made for the purpose of placing another in imminent fear of one of these violent acts, under circumstances that would reasonably cause the victim(s) to believe the immediacy of the threat and the likelihood that it will be carried out.
4. Extortion: Attempting to obtain or obtaining money or any material thing (regardless of value) from another by means of a stated or implied threat of future violence, or threats to make false charges against someone or to blackmail someone.
5. Fight: 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.
6. Threat: Attempting by physical menace (e.g., 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.
7. Kidnapping: Pursuant to N.J.S.A. 2C:13-1, unlawful removal of a student from school grounds or a substantial distance from where he or she is found in or on school grounds; or confinement of the victim for the purpose of holding the victim for ransom or reward as a shield or hostage; or confinement for a substantial period of time to facilitate commission of a crime or flight thereafter; or to inflict bodily injury on or terrorize the victim.
8. Robbery: Obtaining money or any material thing (regardless of value) from another by means of violence or the threat of immediate violence.
9. 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. The offender must:
  - a. Intentionally touch, either directly or through clothing, the victim's intimate body parts, for the purpose of degrading or humiliating the victim;
  - b. Sexually arouse or sexually gratify himself or herself in view of the victim whom the offender knows to be present;
  - c. Force or coerce the victim to participate in any contact or exposure; or
  - d. 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.

Note - Intimate body parts are defined by statute (N.J.S.A. 2C:14-1e) to include "sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person."

One needs to consider age and developmentally appropriate behavior before using this category when there is no victim.

10. Gang-Related: Confirmation from a law enforcement official, the victim, or the offender that the incident was gang related.
11. Arson: Starting a fire or causing an explosion in or on the grounds of a school, thereby purposely or knowingly placing the victim or group of specified victims in danger of death or bodily injury; or with the purpose of destroying or damaging the victim's or group of specified victims' property that – as

VIOLENCE AND WEAPONS (regulation continued)

defined under Incident Location – is in the school, on school grounds, or in another school building or structure. Arson does NOT include the act of lighting a match.

12. Bomb Threat: A communication received via telephone, e-mail or other means stating that a bomb (an explosive device greater in size than a firecracker) will detonate on school grounds.
13. Burglary: An individual entering, or surreptitiously remaining in, a school district facility or on school property, or someone else's property (e.g., an automobile) that is on school property for committing an offense therein. For an incident to constitute burglary, the individual must not be entitled to enter or remain in the facility. If the person does have this right, and property is stolen, the incident is reported as theft.
14. Damage to Property: Purposely, knowingly, or recklessly destroying or defacing school, contracted, or personal property, thereby causing an economic loss due to repair or replacement. Serious incidental damage to property that occurs during an act of violence should be reported.
15. Fake Bomb: An object that has the appearance of an explosive device that upon inspection is determined to be harmless.
16. Fire Alarm: Knowingly setting off a fire alarm when no fire exists.
17. Fireworks Offense: The possession, sale or distribution, or detonation of a self-fusing explosive device that is no greater in size than two inches and is commercially sold as "fireworks." Cherry bombs, M80s, and M90s are reported in this category.
18. Theft: The taking of the school district's or a person's belongings or property without consent. Report only incidents where the value of the article taken is \$10 or more. One needs to consider age and developmentally appropriate behavior before using this category.
19. Trespassing: 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.
20. Use of controlled dangerous substance – Usage must be confirmed by medical examination or by a refusal of examination.
21. Possession: A student is found with alcohol, marijuana, and/or any other prohibited substance or anabolic steroids (excluding cigarettes) in his or her locker or vehicle, or on his or her person. This definition also includes possession of unauthorized prescription drugs, over-the-counter (nonprescription) drugs, drug paraphernalia and authorized prescription drugs – except medicines under the conditions stated in the student's individualized healthcare plan.
22. Sale/Distribution: The sale or transfer of alcohol, other controlled dangerous substances (not including cigarettes), or anabolic steroids to others, or employs others to do the same.

B. Behavior that Threatens Safety, Wellbeing, or Orderly Operation

1. Any school employee, volunteer, or student who obtains direct information regarding any person on school grounds, in school buildings, on a school bus or at a school sponsored activity, who is or is becoming, or has become a threat to the safety and wellbeing of a student, staff member, other person or school property shall immediately report the information to the building principal. This includes any information related to suicidal or other self-destructive behaviors; it also includes actions by students, employees, volunteers, vendors, or visitors that disrupt the orderly operations of the school;
2. All reports of violence and/or vandalism will be timely documented in writing and signed by the individual reporting the incident and the building principal;
3. A verbal report of all incidents of disruption of orderly operations, by adults, shall be immediately made to the building principal and shall accurately and fully document the incident, including the date,

VIOLENCE AND WEAPONS (regulation continued)

time, and location of events, and the names of witnesses to the extent known, and a summary of the incident. The verbal report shall be followed by a written report within five school days of the incident;

4. The principal/designee shall promptly investigate all reports;
5. The principal will promptly complete and document the steps and findings of the investigation and file a written report with the chief school administrator;
6. The principal will notify the police and/or appropriate legal authorities in cases of criminal behavior that endangers or threatens to endanger the safety of staff, students or any person on school grounds, on a school bus, or at a board approved event.

## C. Notifications and Reporting

1. The principal shall:
  - a. Notify the chief school administrator of both the incident and the administrative action taken regarding the incident;
  - b. Ensure that all incidents of violence, vandalism or substance abuse that are required to be reported in the Student Safety Data System (SSDS) are promptly and fully filed and shall ensure the proper execution of required documents.
2. The chief school administrator/designee shall:
  - a. Review all incident reports of violence and vandalism to ensure appropriate investigation and follow-up of all reports;
  - b. Verification of the annual report on violence and vandalism shall be part of the state's monitoring of the school district. The district will comply with SSDS as detailed below;
  - c. Ensure that the district and each school grade regarding harassment, intimidation and bullying is posted on the home page of the school and on the district websites;
  - d. Provide for the training of staff to prepare them to fulfill the reporting requirements.
3. Social, medical, psychological, legal and other records from the courts or probation division, and records of law enforcement agencies, pertaining to juveniles charged as a delinquent or found to be part of a juvenile-family crisis, shall be strictly safeguarded from public inspection. Victims of crimes asserting a need to access such records must obtain a court order expressly indicating disclosure of specific records to named party in a civil action.

## D. Penalties and Restitution

1. A student who engages in violence or vandalizes school property is subject to discipline, which may include suspension or expulsion, in accordance with board policy 5131 Conduct and Discipline and the district code of student conduct. Criminal conduct may be reported to law enforcement authorities;
2. The parents or guardian of any minor who damages school property, whether or not the minor is enrolled in this district, shall be liable for damages in the amount of the injury, together with costs of suit if the board must resort to legal process to obtain payment of damages;
3. Each building principal, with the consent of the chief school administrator, may institute proceedings in Special Civil Part of the Superior Court in order to recover damages to district property caused by student misconduct. Parents may be held liable for actual damages and costs of suit pursuant to N.J.S.A. 18A:37-3.
4. Any person who purposely defaces or damages school or personal property with any symbol that exposes persons to violence, contempt, or hatred on the basis of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin or ethnicity is guilty of a crime and shall be reported to the police;

VIOLENCE AND WEAPONS (regulation continued)

5. A student found responsible of any act of violence is subject to discipline up to and including suspension, expulsion and referral to law enforcement authorities (see board policy and regulation 5114 Suspension and Expulsion).

Procedures for Reporting Allegations of a Crime Committed On School Property

***\*Note: This section should be consistent with your Memorandum of Agreement and edited accordingly.***

All students enrolled in the district are required to submit to the authority of teachers and other individuals as designated, including but not limited to aides, bus drivers and chaperones.

Pursuant to the *Uniform State Memorandum of Agreement between Education and Law Enforcement Officials* between the district, the Morris County Prosecutor's Office and the Mendham Borough Police Department, uniform procedures are required for the reporting and handling of allegations of a crime committed on school property. Such procedures are required to ensure staff cooperation between law enforcement and education officials for the protection of students and the preservation of a safe educational environment. These procedures also serve to prevent compromising any ensuing investigation of alleged criminal conduct by any of these agencies, and to ensure that the district and all agencies function collectively and efficiently with respect to allegations of crimes.

- A. Administrative staff must promptly notify the police and as appropriate child welfare authorities whenever there is reason to believe that:
  1. A drug offense has occurred (except when a student voluntarily and on his or her own initiative seeks treatment for substance abuse and does not appear to have been involved in the distribution of drugs);
  2. A firearm has been brought onto school property;
  3. A student, staff member or other person is in unlawful possession of a firearm, whether on or off school property;
  4. A student, staff member or other person has threatened or intends to commit an act of violence;
  5. A crime has been committed involving criminal sexual contact by or against a student on school property or during school hours or school-related functions;
  6. A hate crime has been, or is about to be committed ("hate crime" means an offense committed with the purpose of intimidating and individual or group of individuals because of race, color, disability, religion, national origin, nationality, ethnicity, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status and according to law and board policy 2224 Nondiscrimination/Affirmative Action);
  7. A potential missing or abused child situation is detected (N.J.S.A. 18A:36-25).
- B. Administrative staff should also promptly notify the police when they have seized or come upon:
  1. Any controlled, dangerous substance or drug paraphernalia;
  2. Any firearm or dangerous weapon; and
  3. A "utility knife, "box-cutter" knife, switchblade, stun gun, metal knuckles or any dangerous instrument.
- C. Whenever there is an allegation that a crime has been committed on school property against a student by a school employee, or by a student against another student or school employee:
  1. The principal or his or her designee must immediately notify the police by calling 973-543-2527 or 911 in an emergency, any police personnel stationed at the school, if applicable, and the Division of Child Protection and Permanency (DCP&P). If the alleged crime involves sexual or physical abuse then the Special Victims Unit (SVU) should also be notified 973-285-6312;
  2. The principal or his or her designee must immediately notify the parent or guardian of any student involved;

VIOLENCE AND WEAPONS (regulation continued)

3. The suspect must be escorted to the principal's office where he or she shall remain while the school contacts the police and DCP&P. Under no circumstances is the suspect to be removed or asked to report to Central Office before the police, DCP&P or the Prosecutor's Office arrives;
4. The principal or his or her designee must separate and protect the victim by referring him or her to the nurse's office or calling 911 for an ambulance in the case of an emergency;
5. The principal or his or her designee must secure all possible crime scenes by closing those areas off to any staff, students or other persons. Security shall be stationed at all entry points to those areas until the police (which include school personnel stationed at the school) or the Prosecutor's Office arrives to secure the crime scene;
6. The principal or his or her designee must secure all potential witnesses until the police (which include school personnel stationed at the school) or the Prosecutor's Office arrives;
7. In the rare instance when the end of the school day approaches and neither the police, DCP&P or the Prosecutor's Office have arrived to take the suspect into custody, then the principal or his or her designee must make another call to the police, no later than 45 minutes prior to the end of the school day, to advise that no agency representative has arrived and that the suspect's end of the work day is approaching and will soon be leaving.

## D. Allegations of a crime committed against a school employee by another school employee

With respect to allegations that a crime has been committed on school property against a school employee by another school employee, the above procedures should be followed, with the exception of contacting DCP&P and any parents or guardians.

Serious Offenses – Mandatory Removal from School

## A. Serious and dangerous offenses requiring mandatory removal from school include:

1. Assault against board member or school personnel in the performance of their duties, or as a result of the individual's relationship to a public school, without a weapon;
2. Assault against board member, school personnel, or student with a weapon on school property, school bus or at a school function;
3. Gun possession on school property, on a school bus or at a school function;
4. Conviction of possession of a gun or a crime involving a gun off school property;
5. Administration retains the discretion to remove a student pursuant to the code of student conduct or other misconduct if that misconduct endangers the health or safety of others or disrupts the orderly operation of the schools. Discipline may be imposed according to the district's anti-bullying policy, file code 5131.1.

## B. Assault without a Weapon

1. Where a general education student commits an assault, without a weapon, upon a board of education member or board employee, acting pursuant to assigned duties or as a result of the individual's relationship to a public school district, that student shall be immediately suspended from the school's general education program pending a hearing before the board of education. The building principal/designee shall:
  - a. Immediately remove the student and report such removal to the chief school administrator.
  - b. Isolate the student with appropriate supervision until released into the custody of law enforcement or parent/guardian;
  - c. Notify law enforcement of a potential violation of the New Jersey Code of Criminal Justice;
  - d. Provide notice to the parents as follows:
    - 1) The removal action to an alternative educational placement;
    - 2) The change of custody to law enforcement, if it occurs;
    - 3) The law enforcement notification of potential criminal violations; and
    - 4) A general education student's due process rights, as set forth in N.J.A.C. 6A:16-7.2 through 7.6, or the due process rights of a student with a disability, as set forth in N.J.A.C. 6A:14-2.7

VIOLENCE AND WEAPONS (regulation continued)

and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5 (see board policies, procedures and exhibits 5114 Suspension and Expulsion).

2. The board hearing shall take place within 30 calendar days of the initial suspension. Parental notification of the hearing date shall take place as soon as practical, but in no case, less than five calendar days prior to the hearing.
3. The student shall be entitled to all the due process protections associated with a long-term suspension (N.J.A.C. 6A:16-7.3) that apply. If it is found that the student did not commit the offense(s), the student shall be immediately returned to the program from which he or she was removed. The board shall:
  - a. Approve the provision of alternate educational arrangements for suspensions of longer than 5 days;
  - b. Conduct a formal hearing within 30 days of the first day of the student's removal;
  - c. Notify the parent/guardians in writing of the decision within 5 days;
  - d. Notify the parents/guardians of the right to appeal to the commissioner within 90 days.
4. Upon written notice to the building principal that a student has assaulted a board member or school employee, the principal shall promptly file a report with the chief school administrator of schools, who shall notify the board of education at the next regular meeting. The name of the student may be revealed to the board in executive session, but may not be disclosed to the public.

## C. Assault with a Weapon

1. Where a student commits an assault with a weapon on upon a board of education member, board employee, or another student on school grounds, that student, other than a student with a disability, shall be immediately removed from the school's general education program for a period not exceeding one calendar year. The building principal/designee shall:
  - a. Immediately remove the student and report such removal to the chief school administrator;
  - b. Such removal shall be for one calendar year and shall be subject to modification by the chief school administrator on an individual basis;
  - c. The chief school administrator shall document the reasons for each modification in the student's disciplinary file and shall make such documentation available to the Commissioner of Education upon request.
2. Isolate the student with appropriate supervision until released into the custody of law enforcement or parent/guardian;
3. Notify law enforcement of a potential violation of the New Jersey Code of Criminal Justice,
4. Provide notice to the parents as follows:
  - a. The removal action to an alternative educational placement, including the dates of the one calendar year removal from the general education program;
  - b. The law enforcement notification;
  - c. The change of custody, if it occurs; and
  - d. A general education student's due process rights, as set forth in N.J.A.C. 6A:16-7.2 through 7.6, or the due process rights of a student with a disability, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.
5. Provide notification according to N.J.A.C. 6A:16-7.2, -7.3 as detailed for short-term and long-term suspension (see board regulation 5114 Suspension and Expulsion).
6. The student shall be entitled to all the due process protections associated with a long-term suspension (N.J.A.C. 6A:16-7.3) that apply. The board shall:



VIOLENCE AND WEAPONS (regulation continued)

- a. Approve the provision of alternate educational arrangements for suspensions of longer than 5 days;
- b. Conduct a formal hearing within 30 days of the first day of the student's removal;
- c. Notify the parent/guardians in writing of the decision within 5 days;
- d. Notify the parents/guardians of the right to appeal to the commissioner within 90 days.

## D. Gun Possession

1. Where a student, other than a student with a disability, is found in possession of a firearm on school grounds, on a school bus, or at a board-approved activity, the building principal/designee shall:
  - a. Immediately remove the student and report such removal to the chief school administrator;
  - b. Such removal shall be for one calendar year and shall be subject to modification by the chief school administrator on an individual basis;
  - c. The chief school administrator shall document the reasons for each modification in the student's disciplinary file and shall make such documentation available to the Commissioner of Education upon request.
2. Isolate the student with appropriate supervision until released into the custody of law enforcement or parent/guardian;
3. Notify law enforcement of a potential violation of the New Jersey Code of Criminal Justice, specifically the belief that the student was found in possession of firearm on school grounds, on a school bus, or at a board-approved activity;
4. Provide notice to the parents as follows:
  - a. The removal action including the dates of the one calendar year removal from the general education program;
  - b. The law enforcement notification;
  - c. The change of custody, if it occurs; and
  - d. A general education student's due process rights, as set forth in N.J.A.C. 6A:16-7.2 through 7.6, or the due process rights of a student with a disability, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5 (See board policy and regulation 5114 Suspension and Expulsion).
5. The student shall be entitled to all the due process protections associated with a long-term suspension (N.J.A.C. 6A:16-7.3) that apply as detailed in board regulation 5114 Suspension and Expulsion. The board shall:
  - a. Approve the provision of alternate educational arrangements for suspensions of longer than 5 days;
  - b. Conduct a formal hearing within 30 days of the first day of the student's removal;
  - c. Notify the parent/guardians in writing of the decision within 5 days;
  - d. Notify the parents/guardians of the right to appeal to the commissioner within 90 days.
6. A student who is found in possession of a firearm that is lawfully stored in a locked vehicle on school grounds, or when it is for activities approved and authorized by the district board of education, as long as the district board of education adopts appropriate safeguards to ensure student safety shall not be subject to removal.
7. A student shall obtain the written consent of the chief school administrator before bringing a firearm onto school grounds, on a school bus, or at a board-approved activity.

## E. Conviction/Adjudication

VIOLENCE AND WEAPONS (regulation continued)

Upon court notice that a student has been convicted or adjudicated delinquent for possession of a firearm on school grounds or has been convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds, the building principal/designee shall notify the chief school administrator who shall initiate removal proceedings.

Public Hearing Requirements

- A. Two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, the chief school administrator shall report to the board all acts of violence, vandalism, and harassment, intimidation, or bullying which occurred during the previous reporting period. The report shall include:
1. The number of reports of harassment, intimidation, or bullying;
  2. The status of all investigations;
  3. The nature of the bullying based on one of the protected categories identified in the definition of harassment, intimidation and bullying (see N.J.S.A. 18A:37-14 Anti-Bullying Bill of Rights and board policy 5131.1 Harassment, Intimidation and Bullying);
  4. The names of the investigators;
  5. The type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying; and
  6. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.
- B. The information shall also be reported once during each reporting period to the Department of Education. The report must include data broken down by the enumerated categories as listed in the definition of harassment, intimidation and bullying (see N.J.S.A. 18A:37-14 Anti-Bullying Bill of Rights and board policy 5131.1 Harassment, Intimidation and Bullying). The data shall also be broken down by each school in the district, in addition to district-wide data. It shall be a violation to release improperly any confidential information not authorized by federal or State law for public release.

Verification

Verification of the reports on violence, vandalism, and harassment, intimidation, or bullying shall be part of the State's monitoring of the school district. A school employee who knowingly falsifies the report shall be penalized to the extent consistent with law.

The chief school administrator shall use the Department of Education recommendations for the confirmation and verification of the Student Safety Data System report. It shall be the responsibility of the chief school administrator or his or her designee(s) to:

- A. Compare municipal police reports to the Violence, Vandalism, and Substance Abuse (VV-SA) Incident Forms to ensure occurrences of police activity on your agency's grounds were reported as Student Safety Data System (SSDS) incidents, if such incidents meet the criteria of an SSDS-defined incident;
- B. Review the school records of student disciplinary actions (e.g., detention, suspension, expulsion) to ensure any incidents related to these measures, as well as the disciplinary actions taken, were accurately recorded in the SSDS, if such incidents meet the criteria of an SSDS-defined incident;
- C. Review harassment, intimidation, and bullying (HIB) investigation reports to ensure all cases of HIB affirmed by the board have been entered accurately into the SSDS;
- D. Review school records of arson, theft, and damage to property to ensure accurate input into the SSDS;
- E. Review nurse's office records (injury reports) to ensure all SSDS records accurately reflect associated injuries, if such incidents meet the criteria of an SSDS-defined incident;
- F. Review the School Security Incident Report forms that were submitted to the NJDOE to ensure these

VIOLENCE AND WEAPONS (regulation continued)

incidents have been reported over the SSDS, if such incidents meet the criteria of an SSDS-defined incident;

- G. Ensure that the number of VV-SA report forms on record at the schools matches the number of incidents that appear in the SSDS Report Module;
- H. Ensure the number of HIB incidents affirmed by the board in SSDS match the number of affirmed HIB incidents in the Harassment, Intimidation and Bullying – Investigations, Training and Programs (HIB-ITP) data collection system;
- I. Ensure that the information recorded on the VV-SA (Violence and Vandalism – Substance Abuse) report forms coincides with the information provided in the SSDS Report Module:
  - 1. The number and type of incidents (Violence, HIB, Vandalism, Substance Offense, and/or Weapons) appearing in the Incident Category Summary;
  - 2. The Action Taken Summary;
  - 3. The Offender Type Summary;
  - 4. The Victim Type Summary;
  - 5. The Student Removal Summary (including the removal of students with disabilities for reasons other than violence, HIB, vandalism, substance offenses and weapons offenses);
  - 6. Victim(s) of a Violent Criminal Offense;
  - 7. Program(s) Provided Upon Disciplinary Action;
  - 8. Missing Offender Information; and
  - 9. Missing Victim Information.
- J. Check to make sure all schools' data are entered;
- K. Review the incidents listed for each school in the Incident Listing; click the Incident Number hyperlink to check the incident details. After printing the Incident Listing, have each school review records of its suspensions to determine if any incidents are missing in the SSDS;
- L. Checking the report data against the incident reports to ensure the numbers are accurate;
- M. A board of education shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements pursuant to this section. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

Knowingly Falsifying the Report

- A. Whenever it is alleged that a school employee has knowingly falsified the report, the board shall make a determination regarding whether the employee committed the act;
- B. Any employee alleged to have knowingly falsified the report shall be notified in writing of the allegation. The employee may file a grievance according to law, grievance procedures under their respective bargaining agreements, or other district grievance procedures as appropriate;
- C. If it is determined that an employee has knowingly falsified the report, one or more of the following actions may be taken:
  - 1. Impose minor discipline on a tenured or non-tenured employee notwithstanding any other law to the contrary and if negotiated with the majority representative of the employees in the appropriate collective bargaining unit;
  - 2. Withhold a tenured or nontenured employee's increment;
  - 3. File tenure charges with the secretary of the board in writing and with a written statement of evidence under oath to support such charges; and/or
  - 4. Terminate employment.

VIOLENCE AND WEAPONS (regulation continued)

- D. Any disciplinary action resulting from the falsification of the SSDS reporting requirements shall be based on its consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record;
- E. Any employee having been found responsible for the falsification of the report by the board shall have the right to:
1. File a grievance under their respective bargaining agreements;
  2. Appeal the board's determination to the Commissioner of Education and subsequently to the State Board of Education; or
  3. Appeal the decision to the Superior Court of New Jersey.
- F. The availability of appeal options shall be based upon the action taken by the board.

School Violence Awareness Week

The week beginning with the third Monday in October of each year is designated as "School Violence Awareness Week." All schools in the district shall observe this week by organizing activities designed to prevent school violence. Activities shall include age-appropriate opportunities for student discussion on conflict resolution, diversity, and tolerance. Law enforcement personnel shall be invited to join members of the teaching staff in the discussions. Programs shall also be provided for school board employees that are designed to help them recognize warning signs of school violence and to instruct them on recommended conduct during an incident of school violence.

Each building principal shall ensure that appropriate programs are designed and implemented in each school and grade level. The principal/designee may utilize the New Jersey Department of Education resources or may utilize other appropriate programs and materials. Department of Education recommended programs include:

1. Keeping Our Kids Safe, Healthy and in School webpage includes resources about positive learning environments, as well as resources specific to character and social development and student behavior (<http://www.state.nj.us/education/students/safety/sandp/>).
2. New Jersey Commission on Holocaust Education website includes the 9/11 curriculum, Learning from the Challenges of Our Times, and the K-4 Holocaust Genocide Curriculum. Both resources emphasize the importance of respecting diversity and appreciating others. In addition, both provide lesson plans that stress the importance of respect for others and of ways to deal with issues of prejudice and bias in the classroom (<http://www.state.nj.us/education/holocaust/>).
3. New Jersey School Climate Survey (NJSCS) website provides the materials needed to conduct climate surveys of students, staff and parents. (<http://www.state.nj.us/education/students/safety/behavior/njscs>).
4. To help schools comply with the requirements for School Violence Awareness Week, the NJDOE has provided guidance online at <http://www.nj.gov/education/students/safety/behavior/violence.shtml>. The guidance document is included (see exhibit 1 Guidance for Schools on Violence Awareness Week).

**REGULATION HISTORY**

First Reading: November 20, 2018

Adopted: December 18, 2018

Date of Review/Revision:

**CROSS REFERENCES**

5114            Suspension and Expulsion

VIOLENCE AND WEAPONS (regulation continued)

- 5114 Suspension and Expulsion, Regulation
- 5114 Parent Notification and Due Process Letter, Exhibit
- 5131.5 Violence and Vandalism
- 5131.6 Substance Abuse
- 5131.6 Substance Abuse, Regulation
- 5131.7 Weapons and Dangerous Instruments

**PRIMARY RESOURCES**

- 1 Guidance for Schools on Violence Awareness Week
- 2 SSDS Reporting Form