

**Regulation**

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CODE OF STUDENT CONDUCT

**GENERAL STATEMENT**

The Mendham Borough School District Code of Student Conduct is established in order to:

- A. Foster the health, safety, social, and emotional wellbeing of students;
- B. Support the establishment and maintenance of civil, safe, secure, supportive, and disciplined school environments conducive to learning;
- C. Promote achievement of high academic standards;
- D. Prevent the occurrence of problem behaviors;
- E. Establish parameters for the intervention and remediation of student problem behaviors at all stages of identification;
- F. Establish parameters for school responses to violations of the student discipline/code of conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of the student offenders, and student's histories of inappropriate behaviors;
- G. Promote character in students;
- H. Teach students about appropriate behavior and citizenship in school and in society.

**STAFF RESPONSIBLE**

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

Position	Summary of Main Responsibilities
Chief school administrator	<ul style="list-style-type: none"> <li>• General policy procedure oversight within the district</li> <li>• Ensure the annual review and implementation of the code of student conduct</li> <li>• Ensure implementation of referral procedures</li> <li>• Ensure appropriate training for school staff</li> <li>• Develop and maintain list of community resources to assist students and families involved in drugs and alcohol</li> </ul>
Building principal	<ul style="list-style-type: none"> <li>• Primary responsibility for implementing and enforcing student code of conduct procedures</li> <li>• Disciplining students</li> <li>• Liaison with law enforcement re: reports of criminal activities by students</li> <li>• Maintaining the student discipline records</li> <li>• Participate in the annual review of the code of student conduct</li> <li>• Ensure support for student transitions to and from health and social service agencies</li> <li>• Annual dissemination of student code of conduct to all staff and students</li> </ul>

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Teaching staff members	<ul style="list-style-type: none"> <li>• Primary responsibility for implementing enforcing procedures</li> <li>• Disciplining students</li> </ul>
Support staff members	<ul style="list-style-type: none"> <li>• Reporting violations to teaching staff members</li> </ul>
Bus driver	<ul style="list-style-type: none"> <li>• Primary responsibility for implementing enforcing good order while transporting students</li> </ul>

**SCOPE/PURPOSE**

This regulation supports and is incorporated into Policy File Code 5131. It applies to student conduct within all school facilities and each school vehicle used to transport students. This regulation also addresses off-campus conduct to the extent that such implementation is allowed under the laws of New Jersey.

The intent underlying the adoption of Policy File Code 5131 and this supporting procedure is to ensure the health and safety of students, employees, vendors and visitors to district facilities and board approved activities and to ensure the orderly operation of the schools. The administration will at all times seek to ensure health, safety, and discipline through supportive remedial measures, but reserves the right to impose discipline to achieve the purpose of Policy File Code 5131.

**DEFINITIONS**

"Assault" means purposely or recklessly causes bodily injury to another; or negligently causing bodily injury to another with a deadly weapon; or attempting to put another in fear of imminent serious bodily injury.

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

"Serious bodily injury" means bodily injury which 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.

"Significant bodily injury" means bodily injury which creates a temporary loss of the function of any bodily member or organ or temporary loss of any one of the five senses.

**PROCEDURES**Six Pillars of Character

The educational programs of the Mendham Borough Board of Education shall strive to reinforce character development in the students. The students of this district shall be encouraged to develop the following competencies:

**A. Trustworthiness**

Students will develop appreciation of trustworthiness. Students will understand that genuine sincerity, personal morality, and trust in deeds and words must be realized in order to demonstrate trustworthiness.

**B. Citizenship**

Students will develop appreciation of civic virtue and citizenship. Students will understand the importance of not only knowledge and respect for the law, but the duty to give to society more than one takes.

**C. Responsibility**

Students will develop appreciation of responsibility. Students will understand how all behaviors are accountable and those rights require responsibilities to participate as active citizens in our democratic constitutional system of government.

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## D. Respect

Students will develop appreciation of respect. Students will understand that genuine respect requires that we all have a moral obligation to honor the essential worth and dignity of the individual, including oneself. We have a responsibility to be the best we can be in all situations.

## E. Caring

Students will develop appreciation of caring. Students will understand that caring is the heart of ethics and is demonstrated in how we show our emotional concern toward all people.

## F. Fairness

Students will develop appreciation of justice and fairness. Students will understand that a just and fair person considers all points of view, listens to others, and balances truth in light of evidence.

The Mendham Borough School District standards of character education are an essential component of the district's code of conduct. The board believes with appropriate infusion of character education into our curriculum, modeling of appropriate behavior by adults; support and assistance of students in school, the community and home; our students will achieve the above standards of character education.

Behavioral Expectations

To promote an environment for positive student development and achievement, that enhances learning and leads to success in school, students are encouraged to emulate the following student expectations:

- A. Prepare mentally and physically for the process of learning;
- B. Be nourished, rested, clean, properly dressed and groomed;
- C. Be free of drugs and alcohol;
- D. Come to school prepared to learn;
- E. Demonstrate respect for people and property;
- F. Be honest, courteous and polite;
- G. Respect the property of others;
- H. Accept the rights of others to their own opinions;
- I. Settle differences peacefully;
- J. Display good sportsmanship at school-related functions;
- K. Actively participate in the maintenance and cleanliness of school facilities and property;
- L. Take responsibility for individual behavior and learning;
- M. Recognize that school is work and academic development is the primary purpose of being in school;
- N. Complete all homework, class work and exams on time;

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- O. Make personal choices based on reasonable decision making processes;
- P. Accept constructive criticism and disagreement when necessary and appropriate;
- Q. Accept the consequences of individual actions;
- R. Attend school and classes regularly and punctually;
- S. Use library/media center time for school work;
- T. Use books, school technology and other equipment appropriately;
- U. Access and use the internet safely and only for school related work;
- V. Share responsibilities when working as a member of a group;
- W. Cooperate, contribute and share in the work of the group;
- X. Accept and assume leadership when appropriate; and
- Y. Obey and comply with the instruction of the school staff.

Student Recognition

Students who fulfill the district behavioral expectations and/or exceed the expectations shall be encouraged to continue compliance with the code of student conduct by staff. The staff may utilize rewards, recognition and/or other positive reinforcement as deemed appropriate to encourage compliance with the code of student conduct. These may include:

- A. Reinforcement for good conduct and academic success (board policy 5126 Awards for Achievement);
- B. Supportive intervention and referral services (board policy 6164.1 Intervention and Referral);
- C. Remediation for problem behaviors (board policies 6164.1 Intervention and Referral, 6171.1 Remedial Instruction and 6164.2 Guidance Services); and
- D. Support for students with disabilities (6171.4 Special Education).

Student Rights

The student shall have the right to:

- A. Be free from corporal punishment;
- B. Advance notice of behaviors that will result in suspension and expulsion (board policy 5114 Suspension/Expulsion);
- C. Education that supports student development toward becoming a productive citizen;
- D. Behavioral supports that promote positive student development and ability to fulfill behavioral expectations contained in the code of student conduct;
- E. A safe and secure school environment;
- F. Attend school if married, pregnant or is a parent (board policy 5134 Married and Pregnant Students);

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- G. Due process and appeal procedures (board policy 5145.6 Student Grievance, and 5114 Suspension and Expulsion, Regulation);
- H. A list of community-based health and social service provider agencies and list of legal resources available to serve the community;
- I. All notifications as required by law (N.J.A.C. 6A:16-6.2, 7.2, 7.3, 7.8) including:
  - a. School officials shall notify the student's parents/guardians when the student is the target of the law enforcement investigation;
  - b. Parents/guardians shall be notified as soon as possible whenever a student is arrested for violating a law prohibiting the possession, sale or other distribution of a controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon;
  - c. Parents/guardians shall be notified of their due process rights for short term and long-term suspension;
  - d. Parents/guardians shall be notified of the transfer of student records.
- J. Records and privacy protection established by law and board policy (5125 Student Records, 5145.11 Questioning and Apprehension, 5145.12 Search and Seizure).

Discipline

Board of education policy in accordance with the laws of governing public education in this state, specifically N.J.S.A. 18A:37-1 requires each pupil to comply with the rules and regulations established for each school. Each student is expected to pursue the prescribed course of study for which he/she is enrolled, and shall submit to the authority of the teacher (or other staff member) as specified in N.J.S.A. 18A:25-2, with each pupil being held accountable for his or her behavior during scheduled school hours as well as on the way to and from school.

Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface, or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school (N.J.S.A. 18A:37-2).

"Conduct" which shall constitute good cause for suspension or expulsion shall include, but not be limited to, any of the following:

- A. Continued and willful disobedience;
- B. Open defiance of the authority of any teacher or person having authority over a pupil;
- C. Actions that constitute a continuing danger to the physical well-being of other pupils;
- D. Physical assault upon another pupil, a teacher, or any school employee with or without a firearm or other weapon;
- E. Taking, or attempting to take, personal property or money from another pupil whether by force or fear;
- F. Willfully causing, or attempting to cause, substantial damage to school property;
- G. Taking part in any unauthorized occupancy of a district facility and refusing to leave promptly when directed to do so by a person in authority;
- H. Inciting others to take part in an unauthorized occupancy;

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- I. Inciting other pupils to truancy;
- J. Truancy and class cutting; leaving school property without permission;
- K. Poor attendance and lateness;
- L. Use or possession of unsafe or illegal articles;
- M. Use of any tobacco product on school property;
- N. Use, possession or sale of a controlled dangerous substance, drug paraphernalia, anabolic steroids or alcohol;
- O. Use of profanity or abusive language;
- P. Turning in a false alarm;
- Q. Tampering with or damaging property of other pupils or staff members;
- R. Selling or buying lottery tickets or any other gambling paraphernalia on school property;
- S. Harassment, intimidation and bullying.

Disciplinary Measures

The following disciplinary measures may be applied as appropriate to the student's violation of school rules. The measures are sequential and are organized in order of severity. The age of the student, nature of the offense and circumstances surrounding the offense will all be taken into account when discipline is being applied. In all cases, before a classified student is subjected to a suspension of more than ten consecutive or cumulative school days in a school year, administration shall notify the IEP team who shall conduct a manifestation determination.

## A. Admonishment

A school staff member in authority may admonish the student for his/her unacceptable conduct and warn the student that additional misconduct may warrant a more severe penalty. Teachers will settle less serious discipline issues in the classroom. A conference, a phone call to the parent or a teacher assigned detention will settle most cases. Students will be sent to the office in more severe cases.

## B. Deprivation of Privileges

Students may be deprived of the following privileges for disciplinary reasons:

1. Moving freely about the school building;
2. Participation in cocurricular or extracurricular activities;
3. Participation on sports teams, or in competitions;
4. Attendance at a school-related social or sports activity;
5. Participation in a graduation ceremony;
6. Parking on school grounds;
7. Transportation by school bus; or
8. Assignment to an alternative educational setting;
9. Any other privilege the principal or designee determines may be appropriate and consistent with policy 5131 Conduct and Discipline, and N.J.A.C. 6A:16-7.1 et seq.

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## C. Temporary Removal from Classroom/Transportation

1. The classroom teacher may direct the student to report to the building principal for repeated or serious infractions;
2. The teacher will inform the office as to the student's name, homeroom, and the conduct that has caused the student's removal from the room;
3. Students who are sent to the office will be dealt with in a firm, fair, non-discriminatory and consistent manner;
4. The administrator in charge of discipline will interview the student and determine which, if any, additional disciplinary steps are indicated.
5. The driver of any vehicle used to transport students may also direct a student to report to the building principal for infractions of the code of student conduct and/or engaging in conduct that is distracting to or causes a safety concern in the driver.

## D. Detention

1. The student may be required to report before or after the school day to detention for a period of supervised study, lunch detention may also be assigned;
2. In all cases, the teacher assigning detention shall notify the building principal;
3. The teacher or faculty member assigning detention shall ensure that the student has appropriate class work to complete during the detention;
4. Transportation will be the responsibility of the student's parents or legal guardians;
5. The student may be excused from detention only for an unavoidable commitment previously made; any such excused detention must be made up on another day.

## E. Grading

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

## F. In-school Suspension

1. The student may be removed from his/her regular classes and required to report to an in-school suspension program for supervised study;
2. In-school suspension will not be imposed without the due process set forth in policy 5114 Suspension and Expulsion;

## G. Suspension from School

1. The student 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 N.J.A.C. 6A:16-7.3 and policy 5114 Suspension and Expulsion;
2. Suspension from school will not be imposed without the due process set forth in policy 5114 Suspension and Expulsion.

## H. Expulsion

1. The board may expel a general education student from school, pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.4 and policy 5114 Suspension and Expulsion;
2. Expulsion is an extremely serious disciplinary measure and will not be imposed without the due process set forth in policy 5114 Suspension and Expulsion.

Annual Review

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Each school code of student conduct shall be reviewed annually and maintained by a committee. The members of the committee shall include parents, guardians and students, the chief school administrator, members of the board of education and community members. The committee may also include teachers and others staff and administrators as desired or required. The committee shall assess the effectiveness of the implementation of policy 5131 by completing the Department of Education Compliance Checklist (see: primary resource 1). The annual review shall also include consultation with local organizations licensed by the Department of Human Services, more information can be found at: <http://www.state.nj.us/humanservices/clients/addiction/>.

The revised/updated code of student conduct shall be distributed annually to all students, staff, and parents. The chief school administrator shall ensure that training on the proper implementation of the code of student conduct is provided to all staff annually and is provided to all new employees reasonably after service commences.

Discipline Chart

Discipline infractions that may not have been addressed in the code of student conduct will be subject to review at the discretion of the school administration. The code of student conduct may be reviewed during the school year. If changes to the code are implemented, students, staff and parents affected by the change will be notified. For definitions and additional information regarding disciplinary infractions, please refer to the New Jersey Student Data Safety System ("SSDS") Incident Definitions (see: <http://homerom.state.nj.us/ssds.htm>).

**DISCIPLINARY REPORTING PROCEDURE**

1. When a disciplinary incident involving a student has been safely resolved, the building principal/designee shall determine whether an SSDS report must be generated using form E00-00317 as revised for the current school year (see primary resource 2 SSDS Reporting Form).
2. The principal/designee shall investigate the incident and shall direct employees who were witnesses to the incident to report details surrounding the incident as fully and faithfully as possible.
3. The building principal/designee shall be familiar with the SSDS and should refer to the SSDS manual (see: <http://homerom.state.nj.us/ssds.htm>) to ensure accuracy and consistency in reporting student-involved incidents to that system.
4. Incidents that need not be reported through the SSDS should nevertheless, be investigated and reported using the district code of student conduct incident reporting form.
5. The SSDS incident report shall be completed as soon as possible after the incident, but in all cases within 10 days. If additional time is needed to complete the report due to unavailability of witnesses or other obstacles to a complete and thorough investigation, the principal/designee shall document the reasons for any necessary extension and establish a date certain for the completion of the initial report. If additional facts become available subsequent to the completion date, the SSDS incident shall be revised and such revisions shall be documented and filed accordingly.

**DUE PROCESS**

In all cases, before remedial or disciplinary measures are imposed upon a student for a disciplinary violation, the student shall receive appropriate due process as set forth in N.J.A.C. 6A:16-7.1-7.5.

Students who are the subject of remedial or disciplinary actions may appeal such action to the board of education within thirty days. Students may also appeal to the Commissioner of Education pursuant to the procedures set forth in 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-



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2.7 and 2.8.

**REGULATION HISTORY**

Date of Review/Revision: November 2018

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**CROSS REFERENCES**

5114	Suspension and Expulsion
5131	Conduct and Discipline
5134	Married and Pregnant Students
5131.1	Harassment, Intimidation and Bullying
5131.5	Violence and Vandalism
5131.5/5131.7	Violence and Vandalism, Regulation
5131.6	Substance Abuse
5136.6	Substance Abuse, Regulation
5131.7	Weapons and Dangerous Instruments
5145.11	Questioning and Apprehension
5145.12	Search and Seizure