

5611 REMOVAL OF PUPIL STUDENTS-STUDENTS FROM REGULAR EDUCATION PROGRAM
FOR WEAPONS/FIREARMS VIOLATIONS

The Board of Education is committed to providing a safe and secure school environment to all pupil students attending the public schools. To provide this safe learning environment, the Board of Education will implement policies and procedures regarding pupil student offenses involving firearms, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. Section 921, according pursuant to the requirements of the Zero Tolerance for Guns Act, pursuant to N.J.S.A. 18A: 37-7-127 through N.J.S.A. 37-12.

Policy and Regulation 5611 shall apply to a student who is Any pupil convicted or adjudicated delinquent for possession of a firearm on school grounds, convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds, or committing a crime while in possession of a firearm or found knowingly in possession of a firearm on school grounds. any school property, on a school bus, or at a school-sponsored function. A student, other than a student with a disability, convicted or adjudicated delinquent for these firearm offenses shall be immediately removed from the school's regular-general educational program for a period of not less than not to exceed one calendar year and placed in an alternate education school or program according to the requirements of N.J.A.C. 6A:16-9. The pupil shall be excluded from the district's regular education program pending a Board hearing at which time the pupil may be suspended or expelled in conformity with Policies 5610 and 5620. A student with a disability convicted or adjudicated delinquent for these firearm offenses shall be immediately removed in accordance with the provisions of N.J.A.C. 6A:14 and applicable Federal regulations and shall receive a placement in accordance with N.J.A.C. 6A:14.

The Principal or designee shall remove the student in accordance with the requirements outline in N.J.A.C. 6A:16-5.5(d), which includes notifying the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

If it is found that the removed student did not commit these firearm offenses, the student shall be immediately returned to the program from which he or she was removed.

~~Any pupil who assaults a pupil, teacher, administrator, Board member, or other school district employee, with a weapon other than a firearm on school property, on a school bus or at a school sponsored function must be immediately removed from the school's regular education program and placed in an alternative education school or program, pending a hearing before the Board of Education.~~

The Superintendent shall make the final determination determines whether the general education pupil student removed in accordance with the requirements of N.J.A.C. 6A:16-5.5 and this Policy is prepared to return to the regular-general education program or will remain in an alternative education program, pursuant to N.J.A.C. 6A:16-9, or receive home or other out-of-school instruction, pursuant to N.J.A.C. 6A:16-10 based on the criteria outlined in N.J.A.C. 6A:16-5.5(i) whether the pupil remains in the alternative education program or other educational placement. The Superintendent's decision must be made in accordance with school district policy and NJ Administrative Code. If the pupil is disabled, the pupil's placement is determined by the Child Study Team and the pupil's parent(s)/legal guardian(s) in accordance with N.J.A.C. 6A: 14 et seq., Special Education. The principal or the principal's designee is responsible for the immediate removal of such a pupil and will promptly report the removal to the Superintendent. The principal will also notify the appropriate law enforcement agency of a possible violation of the New Jersey Criminal Code of Justice.

If a pupil student, other than a student with a disability, is removed from the regular-general education program pursuant to N.J.A.C. 6A:16-5.5 and this Policy, and a placement in an approved alternative education program is not available, or if the Superintendent determines that it is not in the best interest of the pupil and the school to modify the conditions for the removal and placement of the pupil, the school district the general education student shall be provided home or other out-of-school instruction according to N.J.A.C. 6A:16-10.2 until

placement is available. ~~will provide home or out of school instruction in accordance with policy 2481. Nothing herein shall be construed as prohibiting the expulsion of a pupil.~~

~~Pupils with disabilities who exhibit dangerous or violent behavior may be removed immediately from the school setting and be disciplined in accordance with Policy No. 2460 and Regulation 2460.6.~~

~~The Board of Education will adopt policies and procedures to ensure cooperation between school staff and law enforcement authorities pursuant to N.J.A.C. 6A:16-6.1.~~

The Superintendent of Schools biannually shall submit to the Commissioner of Education a report on each incident under N.J.A.C. 6A:16-5.5 utilizing the Electronic Violence and Vandalism Reporting System (EVVRS), pursuant to N.J.A.C. 6A:16-5.3(d)1.

This Policy and Regulation 5611, implementing the requirements of N.J.A.C. 6A:16-5.5, shall annually disseminated to all school staff, students, and parents.

N.J.S.A. 18A: 37.1 et seq.

N.J.A.C. 6A: 14-2.78 et seq., 6A: 16-5.5; ~~et seq. through 6A:16-96.1~~ et seq.;
6A:16-7.1 et seq.; 6A:16-8.1 et seq.; 6A:16-9.1 et seq.; 6A:16-10.2

Cross References: 2460, 2481, 5610, 5620, 8467, 9323

Previously Adopted:

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