

5612 ASSAULTS BY PUPILS ON DISTRICT BOARD MEMBERS OR EMPLOYEES

Any pupilstudent who commits an assault, as defined pursuant to N.J.S.A. 2C:12-1(a)1 ~~and 3~~, not involving the use of a weapon or firearm, upon a teacher, administrator, other school district employee, or Board member ~~or any district employee~~ acting in the performance of his or her duties and in a situation where his or her authority to act is apparent, or as a result of the victim's relationship to the school district, shall be immediately removed from school pursuant to according to the requirements of N.J.S.A. 18A:37-2.1 and N.J.A.C. 6A:16-5.7, ~~will be immediately suspended from school consistent with due process procedures, pending suspension or expulsion hearings before the Board.~~

~~This section shall be construed in a manner consistent with 20 U.S.C. §1400 et seq. and N.J.A.C. 6A:14-2.8. Nothing in this Policy will be construed as prohibiting the removal of a pupil with a disability or the expulsion of a general education pupil.~~

A student, other than a student with a disability, who commits an assault as defined in N.J.S.A. 2C:12-1(a)1, shall be immediately removed from school consistent with due process procedures, pending a hearing pursuant to N.J.A.C. 6A:16-7.2 through 7.5. Nothing in N.J.S.A. 18A:37-2.1 or N.J.A.C. 6A:16-5.7 shall be construed as prohibiting the expulsion of a general education student. A student with a disability who commits an assault as defined in this Policy, shall be removed in accordance with N.J.A.C. 6A:14 and due process proceedings in accordance with N.J.A.C. 14-2.7 and 2.8.

In accordance with the provisions of N.J.S.A. 18A:37-2.1(a), said proceedings shall take place no later than thirty calendar days following the day on which the student is suspended. The decision of the Board shall be made within five days after the close of the hearing. Any appeal of the Board's decision shall be made to the Commissioner of Education within ninety days of the Board's decision. The provisions herein shall be construed in a manner consistent with 20 U.S.C. § 1400 et seq.

The Principal or designee ~~will~~ shall remove, isolate and place the pupilstudent under the supervision of school staff until ~~such time as~~ the parent(s) ~~or legal guardian(s)~~ or appropriate agency takes custody of the pupilstudent. The Principal ~~or designee~~ will immediately report ~~the removal of the pupil~~ to the Superintendent the removal of the student and notify the pupilstudent's parent(s) ~~or legal guardian(s)~~ of the removal action and the pupilstudent's due process rights. The Principal or designee will notify the appropriate law enforcement official of a possible violation of the New Jersey Code of Criminal Justice.

~~The Board will provide a hearing no later than thirty (30) days following the day on which the pupil is suspended. The decision of the Board will be made within five days after the~~

~~close of the hearing. Any appeal of the Board's decision shall be made to the Commissioner of Education within ninety days of the Board's decision.~~

In accordance with the provisions of N.J.S.A. 18A:37-2.1(b), whenever a teacher, administrator, Board member, other school district employee, or a labor representative on behalf of an employee makes an allegation in writing that the Board member or employee has been assaulted by a student, the Principal shall file a written report of the alleged assault with the Superintendent. The Superintendent shall report the alleged assault to the Board at its next regular meeting; provided that the name of the student who allegedly committed the assault, although it may be disclosed to the Board members, shall be kept confidential at the public Board of Education meeting.

Any person who fails to file a report of an alleged assault as required pursuant to N.J.S.A. 18A:37-2.1 and N.J.A.C. 6A:16-5.7 may be liable to disciplinary action by the Board.

The Superintendent of Schools biannually shall submit to the Commissioner of Education a report on each incident under N.J.A.C. 6A:16-5.7 utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(e)1.

Policy and Regulation 5612, implementing the requirements of N.J.A.C. 6A:16-5.7, shall be annually disseminated to all school staff, students, and parents.

N.J.S.A. 18A:37-2.1

N.J.A.C. 6A:14-2.7; 6A:14-2.8; 6A:16-5.7; 6A:16-7.2; 6A:16-7.3; 6A:16-7.4; 6A:16-7.5

~~The Board will annually make available this policy and its procedures for implementing this policy to all school staff, pupils and parents.~~

~~N.J.A.C. 6A:16-5.7~~

Previously Adopted: April 19, 2014

Cross References: 5600, 5610, 5611, 5620

First Reading: August 25, 2014~~April 12, 2004~~

Second Reading: ~~April 19, 2004~~

~~Adoption~~Latest Adoption: ~~April 19, 2004~~