

PUPIL CONDUCT/DISCIPLINE
Bullying, Intimidation, Harassment

I. EXPECTATIONS FOR PUPIL CONDUCT

The following specific behaviors exemplify the conduct expected of pupils in accordance with Policy #5131.

A. Pupils will prepare themselves mentally and physically for the process of learning by:

1. Being well-nourished, rested, clean, properly dressed and groomed;
2. Being free of drugs and alcohol and refraining from smoking; and
3. Developing attitudes that will prepare them for listening, participating, and learning.

B. Pupils will respect the person, property, and intellectual and creative products of others by:

1. Being always honest, forthcoming and courteous;
2. Displaying care for the property of others;
3. Acknowledging the intellectual work of others when it is incorporated into their work;
4. Accepting the rights of others to their own opinions and beliefs;
5. Resolving disputes and differences peacefully;
6. Displaying loyalty and good sportsmanship; and
7. Helping to maintain school facilities that are neat and clean.

C. Pupils will take responsibility for their own behavior and learning by:

1. Recognizing that academic endeavor is the primary purpose of school attendance;
2. Completing all homework, class work, and assigned projects on time;
3. Preparing for each class by bringing necessary supplies and equipment;
4. Making personal choices that are based on sound reasoning and decision-making;
5. Accepting constructive criticism; and
6. Acknowledging and accepting the consequences of their own actions.

D. Pupils will use time and other resources responsibly by:

1. Attending school regularly and promptly and striving for a perfect attendance record;
2. Using study periods and library time for school work; and
3. Using books and other equipment appropriately.

E. Pupils will share responsibilities when working with others by:

1. Cooperating with others in the work of the group;
2. Contributing talents and services, as appropriate;
3. Accepting leadership, when appropriate; and
4. Respecting the rights and opinions of others in a group setting.

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F. Pupils will meet the requirements of each course of study by:

1. Participating actively and appropriately in the scheduled class;
2. Following rules and procedures established for the class by the teacher;
3. Bringing to class the textbook, clothing, and other materials necessary for participation; and
4. Observing school rules for the safe handling of class equipment and materials.

G. Pupils will monitor their own progress toward school objectives by:

1. Carefully planning courses of study and schedules;
2. Promptly seeking assistance, as required; and
3. Maintaining records of progress.

H. Pupils will communicate with parents and appropriate school staff members about school matters by:

1. Discussing progress in school with parents and relaying necessary information to parents;
2. Transmitting school letters, forms, and notices to parents and returning required responses to school staff members;
3. Conferring with appropriate staff members when a problem occurs; and
4. Developing with parents a clear idea of their educational goals.

II. PUPIL DISCIPLINE

A. Purpose

The purpose of these regulations is to provide:

1. Pupils, parents, and staff members with a clear description of behavior that is unacceptable because it interferes with the maintenance of a school environment conducive to learning and protective of members of the school community.
2. Pupils with an opportunity to modify unacceptable behavior;
3. Consistency and predictability in the administration of pupil discipline; and
4. A program of sequential discipline.

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;

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- c. Use, threaten, or incite the use of physical force against other pupils, staff members, or visitors to the school; through gesture, written, verbal or physical act, or any electronic communication to include, but not limited to telephone, cell phone, computer, pagers.
 - d. Steal, damage, or deface the property of other pupils, staff members, or the district;
 - e. Engage in the sexual harassment of pupils or staff members; through gesture, written, verbal or physical act, or any electronic communication to include, but not limited to telephone, cell phone, computer, pagers.
 - 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; through gesture, written, verbal or physical act, or any electronic communication to include, but not limited to telephone, cell phone, computer, pagers.
 - i. Convey information about other pupils or staff members known to be false; through gesture, written, verbal or physical act, or any electronic communication to include, but not limited to telephone, cell phone, computer, pagers.
 - 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. Vandalize school property, real or personal;
 - 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 premises;
 - t. Falsify an excuse or any school document;
 - 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 #5131
 - 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. The school bus driver is held responsible for compliance of all rules and regulations.
- a. Loading and Unloading:
 1. Students shall only board and exit the bus at their assigned stop.
 2. Students shall report to their assigned bus stop ten minutes prior to scheduled pickup time.
 3. While waiting at the bus stop, students shall not play in the road.
 4. Students shall conduct themselves in a safe manner while waiting for the bus.
 5. Students shall wait until the bus comes to a complete stop before attempting to board.

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6. While loading and unloading the bus, students shall conduct themselves in an orderly fashion.
 7. Students shall not deface or damage property while waiting at the bus stop.
 8. Students who must cross a road to reach their bus stop shall not cross the road until the driver has stopped the bus, activated the red lights, and the driver has indicated the conditions are safe to cross the road.
4. Conduct on the bus.
- a. Show respect for the driver at all times and follow his/her direction.
 - b. Remain in assigned seat until the bus comes to a complete stop.
 - c. Students shall talk quietly to their neighbor when riding the bus (no loud talking, laughing or other unnecessary behavior) so as not to divert the driver's attention, which might cause an accident.
 - d. Do not litter or throw anything in the bus or out the window.
 - e. Students shall not use profanity.
 - f. Students shall not tamper with the bus or any of its equipment.
 - g. Any damage caused by pupils riding the school bus, e.g., a cut cushion, a broken window, etc., will be paid for by the student and/or their parents.
 - h. Students shall keep their head and arms inside the bus when the windows are open and keep the aisles clear of feet, books, packages, coats, and all other objects.
 - i. Smoking is prohibited at all times.
 - j. Eating is not permitted on the bus at any time.
 - k. While on the bus, students are under the authority of, and directly responsible to the driver.
 - l. In the event of misconduct by a student, the driver will notify the building principal and complete a Student Conduct Form.
5. Pupils may be disciplined for misconduct away from school premises and school-sponsored events when that conduct interferes with the administration of instructional program or jeopardizes the maintenance of order in the school.

C. Disciplinary Measures

The following disciplinary measures may be applied as appropriate to 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 will admonish a 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 will direct the pupil to report to the office of the administrator in charge of pupil discipline.
 - b. The teacher will call the office to report the incident and inform the secretary that the student is on the way to the office.
 - 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. Deprivation of privileges

The pupil will be deprived of the privilege of:

- a. Moving freely about the school building;
- b. Attendance at a school-related social event.
- c. Participation in a graduation ceremony; or
- d. Transportation by school bus.

4. 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 (#B2p and 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.

5. In-school suspension

The pupil will be removed from his/her regular classes and required to report to an in-school suspension area for supervised study.

6. Suspension from school

The pupil will be denied the right to attend school for a period of time pursuant to Law and Policy #5131.

7. Expulsion

- a. The pupil will be required to withdraw permanently from school pursuant to Law and Policy #5131.
- 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 Law and Policy #5131.

D. Remedial Measures

The following remedial measures may be taken to aid in correcting pupil conduct and to insure 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 will be required to:
 - i. Make restitution, in kind or cost or labor, for any loss he/she has caused; or
 - ii. Restore to its former condition, by his/her own labor, any property the pupil has damaged or defaced.

- b. A pupil who refused 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 psychologist and/or social worker to determine the causes of his/her misconduct and to assess the need for a change in educational placement.
- b. The psychologist or social worker 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:

The child study team;
A public or private social agency; or
A legal agency.

3. Parent conferences

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

E. Disciplinary Procedures

- 1. Pupils and parents will be given notice of the rules of conduct and disciplinary procedures. Principals will give notice of these documents to all pupils.
- 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 or she is being disciplined; and
 - b. Offer the pupil an opportunity to deny the charge or to present extenuating circumstances.

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4. Where the discipline is greater than an admonishment, the pupil's parent will be notified of the offense and of the discipline imposed and will be offered an opportunity to confer with the principal or designee.
5. Where the offense is serious and discipline greater than detention, every effort will be made to notify the parent prior to the informal hearing conducted in accordance with paragraph F3.
6. All in-school suspension, suspension from school, or expulsion will be conducted in accordance with law and Policy #5131.
7. Upon the violation of any rules, the following procedure, which may vary depending upon the circumstances will be followed:
 - First Offense: Discussion with the principal
 - Second Offense: Contact with the student's parents
 - Third Offense: Exclusion from the bus for one school day
 - Fourth Offense: Exclusion from the bus for five school days
 - Fifth Offense: Exclusion from the bus for thirty days and/or other consequences determined by the administrator on an individual basis.

Serious violations may require skipping steps and imposing immediate extended exclusion from the bus.

NOTE: When a student is excluded from the bus, parents are responsible for transporting the student to and from school.

F. Educationally disabled pupils

1. Educationally disabled pupils are subject to this regulation except that no educationally disabled pupil may be disciplined if:
 - a. The pupil's behavior is primarily caused by his/her educational disability; or
 - b. The program that is being provided does not meet the pupil's educational needs.
2. Before an educationally disabled pupil is disciplined, the disciplining staff member must consider the nature of the pupil's offending behavior in the light of his/her disabling condition and educational needs, except that:
 - a. The pupil may be temporarily removed or disciplined only as necessary to abate the peril of physical harm to the pupil or others or to quell a substantial disruption to the educational process; and

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- b. The pupil may be disciplined in accordance with any disciplinary component in his/her individualized program.
3. The suspension of an educationally disabled pupil will be processed in accordance with Regulation #5131

G. Records

Instances of pupil discipline will be recorded in the pupil's file in strict compliance with N.J.A.C. 6:3-6.1 et seq and Policy #5125, Pupil Records.

III. DISAFFECTED PUPILS

A. Grades kindergarten through six

1. Each pupil's work habits, behavior, products, and records will be continually monitored for signs of disaffection by teaching staff members responsible for the pupil's instructional program. Such signs of disaffection might include, but need not be limited to, the pupil's:
 - a. Working below potential;
 - b. Depressed standard test scores;
 - c. Excessive absenteeism or truancy;
 - d. Change in personality or work habits;
 - e. Marked irritability, lassitude, or hypersensitivity.
2. The teacher or other professional staff member who observes signs that a pupil may be disaffected will confer with the principal. If it is determined that concern about the pupil's welfare is warranted, the pupil's parent will be called in and made aware of the problems, and steps to deal with the pupil's disabling attitude will be proposed.
3. Once a pupil is identified as disaffected, steps to offset the effects of disaffection may be initiated. Such steps may include:
 - a. A meeting with relevant school employees to help teachers shape classroom strategies that might reduce disaffection;
 - b. Building on the pupil's strengths to help bolster his/her sense of self-worth;
 - c. Providing instructional alternatives to stimulate the pupil's interest;
 - d. Assigning the pupil to another teacher; and/or;
 - e. Referring the pupil to the child study team.

IV. DISRUPTIVE PUPILS

A. Grades kindergarten through six

1. Any of the following signs may indicate a disruptive pupil in the elementary grades:
 - a. Unsatisfactory grades in citizenship or work habits;
 - b. A worsening negative attitude;
 - c. Disobedience and willful disregard of rules;
 - d. Lack of concern for the rights of others;
 - e. Argumentative behavior;
 - f. Disregard for authority; or
 - g. Fighting with classmates

2. Any of the following steps may be followed, singly or in combination, to deal with the elementary pupil who has been identified as disruptive:
 - a. After-school detention;
 - b. Use of behavior modification, as well as other techniques designed to change disruptive classroom displays;
 - c. Intervention by the principal;
 - d. Parent-teacher conference;
 - e. Suspension, in accordance with Policy #5131
 - f. Referral to the Child Study Team

V. SUSPENSION PROCEDURES

A. Definition

"Suspension" means the loss of the right to attend the regular instructional sessions and includes assignment to an in-school suspension room/area.

B. Preliminary Hearing

1. No pupil may be suspended without an immediate preliminary hearing except when the continued presence of the pupil threatens the safety of the pupil or others or when it is otherwise impossible or unreasonably difficult to hold an immediate hearing. A necessarily delayed hearing will be conducted as soon as practicable after the suspension.

2. The principal or designee shall provide a pupil who has been recommended for suspension with oral or written notice of the charge or charges and shall provide the pupil with an opportunity to respond to the charge(s) and state why he/she should not be suspended. The preliminary hearing shall be informal and shall be held as soon as possible after the alleged infraction.

3. If the principal or designee determines the pupil is not deserving of suspension, the matter is concluded. No record will be created of a preliminary hearing that does not result in suspension.

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4. If, after the preliminary hearing, the principal determines that the pupil should be suspended, the pupil will be given notification of his/her suspension. Notice of suspension will include the reason or reasons for the suspension, the dates on which the suspension will begin and end, and any other conditions appropriate to the suspension.

C. Short Term Suspension

1. The principal may impose a short term suspension of up to ten days' duration.
 - a. The principal shall notify the parent and Superintendent of the suspension by telephone and by regular mail and shall send a copy of the notification home with the pupil.
 - b. When an educationally disabled pupil of any age is suspended, the principal shall give notice to the parent pursuant to paragraph C1a and forward a copy of the notice to the Director of Special Services
2. Unless the pupil poses an immediate threat to the safety of the school community, he/she should remain on in-school suspension until school is dismissed for the day. If the principal determines that the pupil should be removed from the school premises, he/she shall summon the pupil's parent to the school.
3. During the period of a short term suspension, the suspended pupil is responsible for the completion of his/her class assignments. A suspended pupil shall not be refused the opportunity to take or make up a test nor shall he/she be given a failing mark as a result of any absence caused by the suspension.
4. A record of the pupil's short term suspension shall be kept until the end of the school year and will not be made part of his/her permanent school record. Absences attributable to suspension will be entered on the pupil's permanent attendance record without explanation.
5. The principal shall promptly notify the Chief School Administrator in writing of the suspension, the reason for the suspension, and the dates on which the suspension will begin and end.
6. The suspended pupil and his/her parents shall be informed of their right to appeal the matter to the Chief School Administrator.
7. The principal may assign a suspended pupil to in-school suspension for up to ten days, during which time the pupil will be responsible for completing written class work material under supervision.

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D. Extended suspension

1. If in the principal's opinion the alleged infraction warrants a penalty of more than ten days suspension, the principal shall recommend an extended suspension to the Chief School Administrator, who may suspend the pupil for a period of time that does not extend beyond the second regularly scheduled meeting of the Board following the suspension or four weeks beyond the suspension, whichever occurs later.
2. When the Chief School Administrator determines to place a pupil on extended suspension, he/she shall immediately convene a hearing on the matter and send a notice to an adult pupil or to the parent of a minor pupil. Such notice shall include.
 - a. The acts alleged to have been committed and the rule alleged to have been violated;
 - b. A summary of the evidence against the pupil and the names of those persons who have supplied the evidence;
 - c. The penalty that has been recommended;
 - d. The date, time, and place at which the Chief School Administrator will hear the pupil, which must be within twenty-one days of the initial suspension;
 - e. A statement that the parent of a minor child is entitled to review the written evidence that will be relied upon, to review the pupil's records, and to request a delay in the hearing of up to ten days; and
 - f. A statement that the pupil is entitled to representation by counsel, to a translator, to appear in his/her own behalf, to produce witnesses and present evidence, to confront and cross examine anyone who presents evidence against him/her, to a transcript of the hearing, and to appeal the decision to the Board of Education and to the Commissioner of Education.
3. A pupil who has requested a formal hearing before the Chief School Administrator shall be reinstated in his/her regular program pending the outcome of the hearing, except when, in the judgment of the child study team, the pupil should be placed in an alternate program of instruction, except that no pupil suspended for allegedly having assaulted a person in authority may be reinstated before the hearing.
4. A hearing panel shall be convened by order of the Chief School Administrator. The panel may consist of three to five persons and may be composed of administrators, teachers, and such educational services personnel as the Chief School Administrator may determine. The Chief School Administrator will appoint the convener, who will preside at the hearing. The hearing panel will adopt a set of written procedures and present a copy to the parent of the minor child.

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5. The hearing panel shall conduct the hearing in accordance with its procedures and shall base its decisions solely upon the evidence heard. If the pupil is found to have violated district rules, the panel may refer to his/her past record for guidance in determining the appropriateness of suspension, but may recommend no penalty more stringent than that initially recommended by the principal. The recommendation of the hearing panel shall include a full account of the panel's finding of facts and the reasons supporting the recommendation. If the pupil is found innocent, no record will be maintained of the charges.
6. In the event the suspension extends beyond the second regularly scheduled meeting of the Board of Education or four weeks beyond the date of suspension, whichever occurs last, the Board shall be notified of the recommendation in writing and receive a verbatim transcript of the hearing or a full account of all testimony not more than five school days after the hearing. The Board will then render a final decision in writing within five school days after the Board's receipt of the hearing panel's recommendation. The Board's decision will be sent to the parent of the minor pupil by certified mail.
7. A pupil on extended suspension will be offered a home instruction and every reasonable opportunity to keep up with his/her school work. A suspended pupil will be permitted to make up work and to take tests. No pupil will be given a failing grade because of absence caused by suspension.
8. A record of the pupil's suspension and a full account of the hearing will be kept at least until the end of the school year or for ninety days after the Board's decision, whichever occurs later, and will not be entered in the pupil's permanent record. A record of the suspension may be retained during the pupil's remaining enrollment in the district only if such retention is in the pupil's best interest. Absences will be recorded in the pupil's permanent attendance record without explanation.
9. The suspended pupil and his/her parents shall be informed of their right to appeal to the Board of Education within thirty days of the decision of the Chief School Administrator.

E. Cumulative Suspensions

1. When the aggregated number of a pupil's suspension days exceeds ten in any one school year, the pupil shall be referred for counseling.
2. Notwithstanding paragraph E1, when the number of suspension days accumulated by an educationally disabled pupil in any one school year exceeds ten, the child study team:
 - a. Shall review the pupil's status to determine:
 - i. Whether the behavior that resulted in the suspension was primarily caused by the pupil's disabling condition; and
 - ii. Whether the pupil's individualized education program is appropriate

- b. Shall prepare and sent to the principal and parent a written report with any recommendations arising from its determinations.

VI. EXPULSION PROCEDURES

A. Notice of recommended expulsion

1. A recommendation for the expulsion of a pupil will be made in strict compliance with law and Policy #5131 and only when all other means of discipline have been exhausted.
2. Any recommendation for expulsion will be made by the principal to the Chief School Administrator.
3. The pupil for whom expulsion is recommended shall be notified within five days of the Chief School Administrator's receipt of the recommendation. Notice will be in writing and will include:
 - a. The recommendation for expulsion and a statement that expulsion means the termination of the pupil's right to a free and public education;
 - b. The reason(s) for the recommendation;
 - c. The pupil's right to request, within five days, a formal hearing before the Board of Education; and
 - d. A directive that the pupil report to the child study team for evaluation, at the time and place arranged by the Coordinator of Special Services.

B. Child Study Team Report

1. A pupil whose conduct has resulted in a recommendation for expulsion must be referred to the child study team for a determination of the pupil's eligibility for special education and/or related services.
2. The report of the child study team will be considered by the Board before it renders an expulsion decision.

C. Request for hearing

1. A pupil's request for a formal expulsion hearing will be granted
 - a. The hearing will be scheduled at a time and place convenient to the pupil and his/her parent.
 - b. The hearing shall be held no fewer than five school days nor more than twenty school days after it has been granted by the Board, except that a hearing:
 - May be held sooner if circumstances warrant and the interests of the pupil would not be unduly prejudiced by such haste; or
 - Shall be delayed pending the Board's receipt of the child study team report.

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2. The pupil may decline to request a hearing.
 - a. A pupil's decision to decline a formal Board hearing should be in writing and signed by both the pupil and parents. The signatures should be witnessed.
 - b. A pupil who does not avail him/herself of the opportunity to request a formal hearing will be construed to have waived his/her right to the hearing. Constructive waiver will not be presumed before the passage of a considerable period of time, to be determined on a case by case basis, since it operates to foreclose the pupil's rights.

D. Notice

The pupil and his/her parent shall be given a written notice of a pending hearing as soon as possible after the time and place have been set by the Board. Notice will include:

1. The time and place of the hearing;
2. the rule alleged to have been violated;
3. The charges against the pupil;
4. A summary of the evidence against the pupil;
5. The names of the accusers;
6. If the pupil cannot be readmitted to school pending the hearing, a full description of the proposed alternative educational program pending the hearing;
7. A statement of the pupil's and parent's right to review the pupil's records and written statements about the alleged misconduct;
8. A statement of the pupil's and parent's rights to request a delay in the hearing of up to five school days;
9. A statement of the pupil's entitlement to the following hearing rights:
 - a. Right to counsel;
 - b. Right to a translator provided by the Board;
 - c. Right to appear in his/her own behalf and to permit his/her parent to appear;
 - d. Right to produce witnesses and present evidence on his/her behalf;
 - e. Right to confront and to cross examine anyone who may have evidence against him/her; and
 - f. Right to transcript or tape recording of the hearing

E. Conduct of hearing

1. The pupil who has requested a Board hearing shall notify the Board within a reasonable time after receipt of the notice of his/her intention to attend. The pupil shall submit to the Board:
 - a. The names of those staff members the pupil may wish to call as witnesses; and
 - b. The pupil's need, if any, for a translator.
2. Hearings will be held privately, except that the Board may grant the request of the pupil for a public hearing.

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3. Any hearing in progress may be adjourned and continued within a reasonable period of time.
4. The Board may sit as a committee of the whole to hear the pupil or may appoint a committee of Board members to constitute a hearing panel.
5. The Board shall appoint a presiding officer who will serve as hearing examiner. The presiding officer may be a member or employee of the Board or another person qualified to serve. The presiding officer:
 - a. Shall call the hearing to order and recognize the parties before the Board and their representatives, if any;
 - b. May appoint a recorder and direct the recording of the proceedings;
 - c. Shall state the charges set forth in the notice to the party who requested a hearing;
 - d. Shall summarize the action taken on the matter at preliminary hearings, if any;
 - e. Shall require the Chief School Administrator, or other administrative officer, to substantiate the charges made by introducing evidence and witnesses;
 - f. Where the truth of any allegation important to sustain the charge is at issue, shall require the testimony of one or more witnesses and/or the submission of evidence regarding those allegations;
 - g. Shall permit the pupil to cross-examine any witness so testifying and examine any evidence so submitted.
 - h. Shall offer the pupil a full and fair opportunity to submit evidence and present witnesses to refute or explain the charges brought against him/her;
 - i. May limit or exclude evidence or testimony that is not relevant or material to the issue or where its probative value is outweighed by its tendency to be confusing or prejudicial or overly time consuming;
 - j. May elicit such evidence and testimony as the presiding officer believes may be useful or necessary to find facts;
 - k. May permit questioning of witnesses by panel members;
 - l. Shall permit the testimony of child study team members and/or the entry of the report of the child study team;
 - m. Shall prepare a report of the hearing which includes:
 - i. The notice of the hearing;
 - ii. The charges considered and the authority of the Board to conduct the hearing; and
 - iii. A full summary of the evidence and testimony brought forward by each party; and
 - n. May adjourn the hearing where fairness or exigent circumstances dictate and set a time and place for the continued hearing.

F. Board's determination

1. The pupil shall have an opportunity to review the presiding officer's report and append to it his/her objections, if any, before the report is distributed to absent Board members or is used to document the hearing in an appeal.
2. A Board member who has not participated in the hearing may not participate in the decision unless he/she has received and read the report of the presiding officer.
3. Where all members of the Board have been present at the hearing or after all absent members have been fully informed of the proceedings, the Board may render a decision on the issues presented at the hearing.
4. The decision of the Board will be rendered in writing and will set forth:
 - a. The Board's jurisdiction;
 - b. The issues presented;
 - c. The charges made and sustained or dismissed;
 - d. The finding of fact on which the Board's decision was based;
 - e. The report and recommendation of the child study team;
 - f. If the pupil is educationally disabled, a statement that his/her offensive behavior was not caused by the pupil's disabling condition or by a program inappropriate to the pupil's needs;
 - g. The alternate educational program offered the pupil, if any, and the pupil's refusal to participate in the program so offered; and
 - h. The Board's final order.
5. Copies of the decision will be provided to the pupil, the pupil's parent, and the pupil's representative.

G. Appeal

The pupil shall be informed of his/her right to appeal the Board's decision to the Commissioner of Education within ninety days of the meeting at which the decision is made.

VII. SUBSTANCE ABUSE

The following procedures are established in implementation of Policy #5131.

A. Definitions

1. "Evaluation" means those procedures used to determine a pupil's needs for an education program or treatment that extends beyond the regular school program by virtue of the use of substances by the pupil or a member of the pupil's family.

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2. "Intervention and referral to treatment" means those programs and services offered to help a pupil because of the use of substances by the pupil or a member of the pupil's family.
3. "Involved with substances" means that the pupil is influenced by the use of substances by the pupil or a member of his/her family, whether or not on school premises or during the school day. A suspicion or determination that a pupil is involved with substances does not depend on a finding that the pupil is immediately under the influence of a substance or possesses or distributes a substance on school premises.
4. "Parent" means the parent or parents or legal guardian having legal custody and control of a pupil.
5. "Substance" means alcoholic beverages, controlled dangerous substances as defined at N.J.S.A. 24:21-2, anabolic steroids, or any chemical or chemical compounds that releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including but not limited to glue containing a solvent having the property of releasing toxic vapors or fumes as defined at N.J.S.A. 2A:170-25.9
6. "Substance Abuse" means the consumption or use of any substance for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.
7. "Under the influence" of substances means that the pupil is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.

B. Discipline

Any violation of Board rules prohibiting the use, possession and/or distribution of a substance is a serious offense, and the pupil who violates a substance abuse rule will be disciplined accordingly. Repeated violations are more severe offenses and warrant stricter disciplinary measures.

1. A pupil convicted of drug use, possession, and/or distribution may be admitted to school on the recommendation of the child study team.
2. A pupil who has been removed from school for his/her involvement with drugs, other than a pupil who has been expelled from school, shall be placed on home instruction.

C. Identification and remediation of pupils involved with substances

1. Teaching staff members shall be alert to the signs of pupil's involvement with substances, in accordance with the training offered in in-service training sessions.

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2. A teaching staff member who suspects that a pupil is involved with substances should bring the symptoms to the pupil's attention. If substance involvement is confirmed, the member should refer the pupil to the school nurse, the child study team, or another professional staff member or trained resource person, as appropriate. The member shall notify the principal of the referral; if appropriate, the principal should notify the pupil's parent of the referral and discuss with the parent the possibility of medical or therapeutic treatment.
3. When a pupil involved with substances has discussed his/her involvement with a teaching staff member with an expectation of confidentiality, the member may respect that confidence in order to assist the pupil toward remediation. The teaching staff member should encourage the pupil to seek aid from a professional trained in counseling and to confide in his/her parent. When the member believes that the pupil requires professional counseling or intervention that the pupil will not seek on his/her own, the member may report the pupil to the principal, who shall determine whether to notify the pupil's parent and may report the pupil to an appropriate district professional or trained resource person or to an appropriate agency for evaluation and possible treatment.

D. Identification and remediation of pupils involved with substances

1. Any staff member who has reason to believe that a minor pupil has used or may be using anabolic steroids shall report the matter as soon as possible to the school nurse or the school physician, and to the principal.
2. The principal or his/her designee shall immediately notify the pupil's parent and the Chief School Administrator.
3. The principal shall arrange for the prompt examination of the pupil by a doctor selected by the parent or by the school physician. An examination conducted, at parental request, by a physician other than the school physician shall not be at district expense.
4. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not he/she has been using anabolic steroids.
5. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent and to the Chief School Administrator.
6. If it is determined that the pupil has been using anabolic steroids, the pupil shall be evaluated by a substance awareness coordinator or other appropriately trained teaching staff member for the purpose of determining the extent the pupil's involvement with steroids and the possible need for treatment. In order to make this determination, the staff member may interview the pupil's parent and teachers, consult appropriate experts in the fields, and conduct other reasonable investigations.
7. If it is determined that the pupil's use of steroids represents a danger to the pupil's health and well-being, the evaluating staff member shall refer the pupil to an appropriate treatment program approved by the Commissioner of Health.

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- E. Evaluation and treatment of pupils under the influence of a substance other than anabolic steroids.
1. Any staff member to whom it appears that a pupil may be under the influence of a substance other than anabolic steroids on school property or at a school function shall report the matter as soon as possible to the school nurse and the principal. If the school nurse is not available, the staff member responsible for the function shall be notified.
 2. The principal shall immediately notify the pupil's parent and the Chief School Administrator.
 3. The principal shall arrange for the immediate examination of the pupil by a doctor selected by the parent or, if the parent's doctor is not immediately available, by the school physician. If neither the parent's doctor nor the school physician is immediately available, the pupil is taken to the emergency room of the nearest hospital for examination. The pupil shall be accompanied by the pupil's parent if possible and by a member of the school staff appointed by the principal. An examination conducted, at parental request, by a physician other than the school physician shall not be a district expense.
 4. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not he/she is under the influence of a substance other than anabolic steroids.
 5. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent, the principal, and the Chief School Administrator within twenty-four hours.
 6. If the written report of the examination is not so submitted within twenty-four hours, the pupil shall be allowed to return to school until a positive diagnosis of the substance is received.
 7. A pupil found to be under the influence of a substance shall be returned to his/her home as soon as possible. The pupil shall not be readmitted to school until a written report, signed by an examining physician and certifying that the pupil is physically and mentally able to perform in school, has been submitted to the parent, the principal, and the Chief School Administrator.
 8. A parent whose refusal to comply with N.J.S.A. 18A:40A-12 frustrates the operation of these regulations and the return of the pupil to school shall be deemed to have violated the compulsory attendance statute, N.J.S.A. 18A:38-25 and 18A:38-31, and/or the child abuse and neglect statutes, N.J.S.A. 9:6-1 et seq., and may be subject to prosecution.
 9. Additional evaluations may be required of a pupil once found to have been under the influence of a substance, in order to determine the extent of the pupil's substance use and its effect on his/her school performance.

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F. Presence of substances on school premises:

1. A pupil's person, effects, or school storage places may be searched for substances.
2. The principal or other school officer conducting the search shall confiscate, as evidence, any substance found in the pupil's possession.
 - a. Any controlled dangerous substance as defined in N.J.S.A. 24:21-1 or at N.J.S.A. 2C:35-2, including controlled analogs and drug paraphernalia, shall be handled in accordance with policy and law.
 - b. Any substance or evidence of the use of a substance other than a controlled dangerous substance shall be sealed in an appropriate container and labeled with the date, name of pupil, and name of the school official who conducted the search and found the drug. The evidence shall be locked in a secure place until it is no longer required for a determination of the pupil's involvement with a substance other than a controlled dangerous substance.

G. Outreach to parents:

1. An outreach program will be provided for the parents of pupils enrolled in the district.
2. The parents' outreach program will include:
 - a. A thorough and comprehensive review of the substance abuse instruction curriculum to be taught to the children of the parents during the school year.
 - b. Recommendations as to the ways in which parents may enhance, reinforce, and supplement substance abuse instruction;
 - c. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;
 - d. Instruction on the identification of the symptoms and behavioral patterns that might indicate a substance abuser;
 - e. Information on the state and local organizations available to assist in the prevention of substance abuse and the early intervention, treatment, and rehabilitation of substance abusers; and
 - f. Review of board policy and administrative regulations on substance abuse with attention to the role of parents.

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H. Records:

1. Notations concerning a pupil's involvement with substances may be entered on his/her records, subject to policies regarding confidentiality and limited access. All such notations shall be expunged when they are no longer required for the counseling or discipline of the pupil when he/she leaves school.
2. Information regarding a pupil's involvement in a school intervention or treatment program shall be kept strictly confidential, in accordance with §408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 21 U.S.C. 1175, and implementing regulations, 42 CFR Part 2.
3. Each incident of substance abuse shall be reported to the Commissioner on the Violence, Vandalism, and Substance Abuse Incident Report form.

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