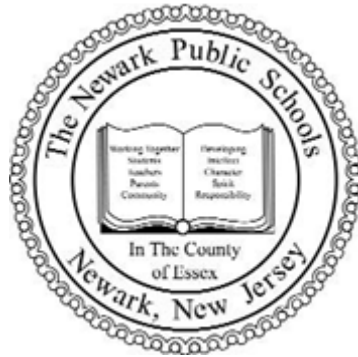


STUDENT DISCIPLINE POLICY

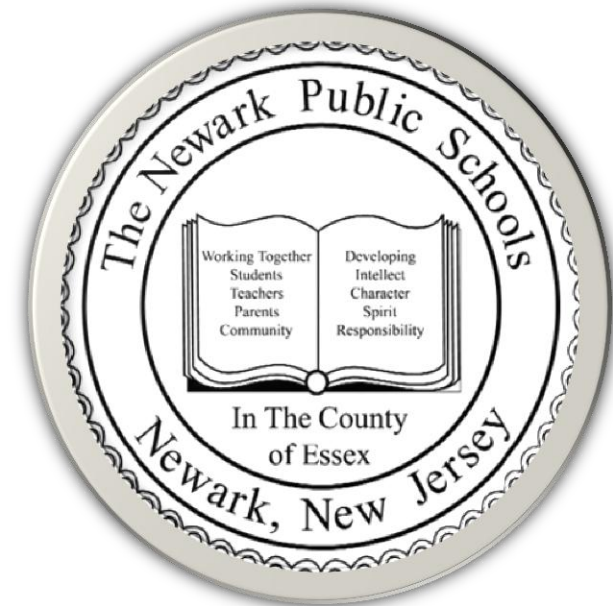
Student/Parent Guide



The Newark Public Schools
2 Cedar Street, Newark, NJ 07102

Cami Anderson, Superintendent

www.nps.k12.nj.us



Revised August, 2012

This brochure is made available to parents, grandparents, foster parents and guardians of children attending The Newark Public Schools. It is designed to explain the process through which school-related problems and concerns are to be addressed.

Key Issues

- *Procedures for dealing with disciplinary issues/incidents that occur in school*
- *Levels of Misconduct*
- *Zero Tolerance Policy*
- *Memorandum of Understanding*

SCHOOL DIRECTORY

Abington Avenue	268-5230	Malcolm X Shabazz	733-6760
Alexander Annex	374-2490	High	
Alexander Street	374-2390	Maple Avenue and	705-3850
American History High	733-6903	Annex	
Ann Street/Annex	465-4890	McKinley	268-5270
Arts High	733-7391	Miller Street	733-6815
BRICK/Avon Academy	733-6750	Mount Vernon	374-2090
Bard High Early College	733-8353	New Jersey Regional	705-3820
Barringer High	268-5125	Day	
Belmont-Runyon	733-6920	Newark Bridges High	733-7343
Benjamin Franklin	268-5250	Newark Early College	733-7594
Bragaw Avenue	705-3970	High	
Branch Brook	268-5220	Newark Evening High	733-7256
Bruce Street	705-3951	Newark Innovation	733-6446
Camden Street	733-6994	Academy	
Elementary		Newark Leadership	733-6773
Central High	733-6897	Academy	
Chancellor Avenue	705-3870	Newark Vocational	733-7018
Chancellor Avenue	705-3860	High	
Annex		Newton Street	733-6848
Cleveland Elementary	733-6944	Oliver Street	465-4870
Dr. E. Alma Flagg	268-5190	Park Elementary	268-5999
Dr. William H. Horton	268-5260	Peshine Avenue	705-3890
Eagle Academy	733-6931	Quitman Street	733-6947
East Side High	465-4900	Community School	
Elliot Street	268-5360	Rafael Hernandez	481-5004
Fast Track Success	733-8765	Ridge Street and Early	268-5210
Academy		Childhood Center	
First Avenue	268-5240	Roberto Clemente	268-5290
Fourteenth Avenue	733-6940	Roseville Avenue	268-5312
George Washington	705-3800	Samuel L. Berliner	733-6641
Carver		Science Park High	733-8689
Harriet Tubman	733-6934	South 17th Street	374-2570
Hawkins Street	465-4920	South Street	465-4880
Hawthorne Avenue	705-3960	Speedway School	374-2740
Ivy Hill Elementary	351-2121	Sussex Avenue	268-5200
John F. Kennedy	733-6788	Technology High	481-5962
Lafayette Street and	465-4860	Thirteenth Avenue/Dr.	733-7045
Annexes		Martin L. King, Jr.	
Lincoln	374-2290	University High	351-2010
Louise A. Spencer	733-6931	Weequahic High	705-3901
Luis Munoz Marin	268-5330	West Side High	733-6977
Elementary		Wilson Avenue and	465-4910
Madison Elementary	374-2890	Annex	

OFFICE OF THE SUPERINTENDENT

Dear Students and Parents:

The Newark Public Schools are committed to a safe, caring, nurturing environment. In order to establish this positive learning environment and school culture it is essential that there be a consistent discipline policy across the district which is fair and equitable in its implementation. Students need to be held accountable for their actions.

The District will enforce the Code of Conduct, but we will also provide supports and interventions for students. These positive interventions will assist students to achieve success. We are requesting that you confirm your adherence to the policy and sign the “Memorandum of Understanding” and return it to your classroom teacher.

We will uphold high standards for our students and create supportive school cultures.

Sincerely,

Cami Anderson
Superintendent

GOALS FOR LEARNING

STANDARDS OF CONDUCT

A mission of our public schools has been to prepare our nation's youth for equal and responsible citizenship and productive adulthood. Today, we reaffirm that mission by remembering that democratic citizenship and productive adulthood begin with standards of conduct in our schools.

We, therefore, recognize the following goals for learning:

- to maintain safe, orderly and drug free schools.
- to learn and work in schools that have clear discipline codes with fair and consistently enforced consequences for misbehavior.
- to treat each other with courtesy and respect.
- to guide students with an appropriate support person to plan for interventions.
- to be supported by parents, the community, public officials and businesses in an effort to uphold high standards of conduct.

SCHOOL SUPPORT STRATEGIES

POSITIVE BEHAVIOR SUPPORTS AND INTERVENTIONS

Every effort will be made to encourage and support positive behavior. Positive behavior supports are included in the Student Discipline Code of Conduct at every misconduct level.

Each school has developed strategies for teaching and reinforcing positive behavior. Programs at the school should include: conflict resolution, mediation, violence prevention, and peer leadership.

In addition, specific plans for incentives and rewards in a systematic structured manner for acceptable behavior will be reflected at the school site.

INTERVENTION & REFERRAL SERVICES COMMITTEE(I&RS)

As mandated by state code(N.J.A.C. 6A:16-8), each school must implement a coordinated system for the planning and delivery of intervention and referral services designed to assist students who are experiencing learning, behavior or health difficulties.

The Newark Public Schools has selected a collaborative model for the operation of the school-based I&RS Team. Consistent with the model, team members and the individuals requesting assistance jointly identify the specific student problem and, by consensus, develop and implement an I&RS pupil action plan. The action plan is usually implemented by the classroom teacher and monitored by an I&RS Team member. Within a specified time frame, the I&RS Team reconvenes to determine the effectiveness of the action plan. Based on data collected, appropriate next steps address the student's needs.

LEVEL 1 – CODE OF CONDUCT

A Working Guide to Student Code of Conduct & Disciplinary Response

Level I Misconduct

- Disruptive behavior
- Harassment/Intimidation and Bullying
- Unexcused tardiness/class cutting/absence
- Failure to wear identification badge when provided
- Cheating
- Failure to complete assignments
- Failure to follow instructions
- Wearing hats or other apparel disruptive to the educational process or other Dress Code Violations

Action Taken for Level I Misconduct

- Verbal reprimand
- Contact parent
- Peer mediation
- Conference
- Withdrawal of privileges
- Detention
- Behavioral contract
- Behavioral Improvement Program

Disciplinary Action

There is immediate intervention by the staff member who is supervising the student or who observes the misbehavior.

Behavior may require a teacher to contact the parent; a conference with the counselor and/or administrator may be needed. All student misbehavior and parent contacts must be documented.

A parent must be notified if a student is kept for detention; and no student in grades K-5 may be kept beyond 3:15 p.m.

A proper and accurate record of the offense and disciplinary action is maintained by the staff member.

Students may not be suspended for dress code violations.

Student Conduct

Behavior on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school.

This behavior can usually be handled by an individual staff member, but sometimes requires the intervention of other school support personnel.

Fill out reverse side, sign and return to your child's teacher

LEVEL II – CODE OF CONDUCT

Level II Misconduct

- Continuation of unmodified
- Level I misbehavior
- Improper public display of affection
- Defamation
- Indecent exposure
- Insubordination
- Harassment/Intimidation and Bullying
- Leaving school without ermission
- Defying (Disobeying the authority of school personnel)
- Disruptive behavior on the school bus/public transportation
- Interfering with school authorities and programs through walk-outs or sit-ins
- Profane, obscene, indecent and immoral or seriously offensive language and gestures
- Using forged notes or excuses
- Scholastic dishonesty
- Unauthorized sale or distribution of printed material
- Unauthorized use of portable electronic communication devices
- Improper urination/ defecation
- Truancy/absences/lateness

Student Conduct

Behavior whose frequency or seriousness tends to disrupt the learning climate of the school.

These infractions, which usually result from the continuation of Level I misbehavior, require the intervention of personnel on the administrative level because the Level I disciplinary options have failed to correct the situation. Also included in this level is misbehavior whose educational consequences are serious enough to require corrective action on the part of administrative personnel.

Action Taken for Level II Misconduct

- Confiscated items will only be returned to parents
- Peer counseling
- Peer mediation Counseling
- Parent/guardian conference required
- Referral to Social Worker
- Behavioral contracts
- Probation contracts
- Referral to I&RS member
- Referral to outside agency
- Suspension upon the approval of the Regional Superintendent
- No students in grades Pre-K and K may be suspended but will be referred to the Regional Superintendent for intervention if needed

Disciplinary Action

The student is referred to the administrator for appropriate disciplinary action.

The administrator meets with the student and/or teacher and effects the most appropriate response.

The teacher is informed of the administrator's action.

A proper and accurate record of the offense and the disciplinary action is maintained by the administrator.

A parental conference is held.

MEMORANDUM OF UNDERSTANDING



The Newark Public Schools Memorandum of Understanding

We, the undersigned, have reviewed and read the "Student Code of Conduct." We understand its content and will adhere to the rules and regulations of the district. My child understands that any threat to his/her person is to be reported immediately to the building principal for his/her safety.

It is my understanding that such reporting will be kept confidential. I also know that I may ask questions and review the "Student Code of Conduct" at a regularly scheduled meeting at my child's school every year. I also understand that I have the right to appeal suspensions.

Student's Signature

School

Homeroom

Parent's/Guardian's Signature

Telephone Number

Teacher's Signature

The Senate and General Assembly of the State of New Jersey, in Chapter 37 of Title 18A of the NJ Statutes has established a "Zero Tolerance for Guns Act."

Please sign and return this page to your child's teacher.

Level III Misconduct

- Gambling
- Graffiti
- Contaminating food
- Fighting
- Stealing
- Threats to others
- Harassment, intimidation and bullying (continuation)
- Cyberbullying
- Continued disruptive behavior
- Smoking on school property
- Possession of fireworks
- Reckless endangerment
- Unauthorized possession, use or distribution of medication
- Trespassing
- False alarm
- Wearing gang related apparel or accessories which indicate gang membership
- Vandalism/destruction of property-between \$25 and \$500
- Extreme defiance
- Gender, racial or ethnic harassment
- Sexual harassment

Student Conduct

Acts directed against persons or property.

These acts can most frequently be handled by the disciplinary mechanism in the school. Corrective measures which the school undertakes, however, depend on the extent of the school's resources for remediating the situation in the best interests of all students.

Action Taken for Level III Misconduct

- Clean graffiti
- Restitution for vandalism
- Confiscated items will not be returned
- Parent/guardian conference required
- Counseling
- Referral to Social Worker
- Referral to I&RS committee
- Referral to outside agencies
- No suspension for Pre-K and K
- Suspension for students in grades 1, 2 and 3 upon the approval of the Regional Superintendent for no more than 4 days
- Suspension-Off-Site students in grades 6 to 12 may be suspended beyond 4 days to an SOS program by the Regional Superintendent

Disciplinary Action

An administrator initiates disciplinary action by investigating the infraction and conferring with staff on the extent of the consequences.

An attendance record form (763) is issued to attendance counselor by teacher.

An administrator meets with the student and confers with the parent about the student's misconduct and the resulting disciplinary action.

An administrator notifies police when appropriate.

A proper and accurate record of offenses and disciplinary actions is maintained by the administrator and staff member.

There is restitution of damages by the parent or guardian of any minor, to be collected in any court of competent jurisdiction, together with costs of suit.

LEVEL IV – CODE OF CONDUCT

Level IV Misconduct

- Weapons
- Harassment/Intimidation and Bullying (threats)
- Cyberstalking (threatening lives)
- Pulling fire boxes
- Extortion
- Physical attack on staff
- Possession and/or use of biohazard materials
- Bomb threat
- Possession, use or distribution of explosives
- Theft/possession/sale of stolen property
- Possession/use/transfer of dangerous weapons
- Assault and battery
- Vandalism/destruction of property - above \$500
- Arson
- Possession, use, distribution of alcohol, marijuana, prescription drugs, controlled dangerous/illegal substances, imitation controlled substances, inhalants other intoxicants, controlled or drug paraphernalia
- Use/furnishing/selling possession of unauthorized or illegal substance
- Use of cellular phone to facilitate the commission of a crime or to inflict injury or harm to persons or property
- Terroristic threats
- Alcohol
- Sexual assault
- Gang recruitment

Student Conduct

Acts which result in violence to another person or property or which pose a direct threat to the safety of others in the school.

These acts are often so egregious that administrators may need the intervention of law enforcement officials. Actions may require the immediate removal of the student from school.

The administrator verifies the offense(s), confers with the staff involved and meets with student.

Parents are notified. School officials contact law enforcement agency.

A complete and accurate report of the student's infraction is immediately submitted to the superintendent for action.

Students in grades 4 and 5 may be suspended for up to 4 days. In-school suspension is recommended.

Action Taken for Level IV Misconduct

For students up to the age of 17

- Suspension-On-Site
- Suspension-Off-Site grades 6-12 beyond 4 days with approval of Regional Superintendent
- Alternative schools/services
- Suspension
- Other Superintendent action which results in appropriate placement
- Expulsion
- Police intervention

For students 18 years old and over

- Alternative schools/Evening High School
- Other Superintendent action which result in appropriate placement
- Suspension Off Site
- Expulsion
- Police intervention

Disciplinary Action

If the length of the suspension is more than 4 days for students in grades 6-12, the Regional Superintendent or Superintendent's designee will conduct an evidentiary hearing within 48 hours and may assign any student in those grades to a Suspension-Off-Site (SOS) Program.

When special education students are suspended, the case manager must be notified in writing by the principal. Removal for more than 10 days (cumulative or consecutive) in a school year requires a manifestation determination hearing by the Child Study Team.

If the special education student carries a weapon or knowingly possesses/uses illegal drugs or solicits the sale of a controlled substance while at school functions, the student can be removed for up to 45 days and placed in an 'interim alternative placement,' determined by the IEP team.

ZERO TOLERANCE FOR GUNS ACT

The Senate and General Assembly of the State of New Jersey, in Chapter 37 of Title 18A of the NJ Statutes, has established a "Zero Tolerance for Guns Act."

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm, or found knowingly in possession of a firearm on any school property, on any school bus, or at a school-sponsored function, shall be immediately removed from the school's regular education program pending a hearing to remove the pupil from the regular education program for a period of not less than one calendar year, subject to modification on a case-by-case basis by the chief school administrator.

For the purposes of this section "firearm" means those items enumerated in N.J.S.A. 2C:39-1f and 18 U.S.C. 921.

Any pupil that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available.

If You Have Any Questions....

If there is any information you would like to have clarified, or if you have concerns about your child's behavior, please speak with the principal of the school first.

The telephone numbers of all of the schools appear in this brochure.

Some other Newark Public School sources you may want to consult are:

Office of Academic Services	973-733-6963
Office of Attendance	973-733-7292
Office of Guidance	973-733-6729
Office of Health Services	973-733-7150
Office of the Ombudsman	973-733-7015
Office of Student Services	973-733-6728

DRUGS, ALCOHOL, TOBACCO (Substance Abuse)

Drugs, Alcohol, Tobacco and Steroids

It is the responsibility of the District to safeguard the health, character, citizenship, and personality development of the students in its schools. As such, the District must maintain that the use of drugs and the unlawful possession and use of alcohol is wrong and harmful and that the misuse of drugs, alcohol, tobacco or steroids threatens the positive development of the student and the welfare of the entire school community. The District is committed to the prevention of drug, alcohol, tobacco and steroid abuse, and the rehabilitation of identified abusers.

Students

For the purpose of this policy, "drug" includes all controlled dangerous substances set forth in N.J.S.A. 24:21-1 et seq. and all chemicals that release toxic vapors set forth in N.J.S.A. 2A:170-25.9 et seq.

The District prohibits the use, possession and/or distribution of any drug, alcohol, tobacco, or steroids on school premises, and at any event away from the school provided by the District. Compliance with a drug-free standard of conduct at all school functions is mandatory for all students. Pupils suspected of being under the influence of drugs, alcohol, tobacco or steroids will be identified, evaluated, and reported in accordance with the law. Assessment will be provided by individuals who are certified by the New Jersey State Board of Examiners as substance awareness coordinators or by individuals who are appropriately certified by the New Jersey Board of Examiners and trained in alcohol and other drug abuse prevention. A pupil who uses, possesses, or distributes drugs, alcohol, tobacco or steroids on school premises or while attending a school-sponsored activity will be subject to discipline that may include suspension or expulsion, and may be reported to appropriate law enforcement personnel. Pupils suspended for involvement with alcohol, drugs or steroids away from school premises will be offered appropriate treatment and remediation. Treatment services for students who are affected by alcohol or other drug use will be provided by individuals who are certified as substance awareness coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and follow-up.

Refusal or failure by a parent/guardian to comply with the provisions N.J.S.A. 18A: 40A-12 shall be deemed a violation of the compulsory education (N.J.S.A. 18A:38-25 and 18A:38-31) and/or child neglect (N.J.S.A. 9:6-1 et seq.) laws.

Availability of Policy

Copies of the entire policies and procedures contained herein are available at the schools' and Newark Public School's Website.

HARASSMENT, INTIMIDATION AND BULLYING

The board of education believes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Since students learn by example, school administrators, faculty, staff, and volunteers are required to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Therefore, the school district will not tolerate acts of harassment, intimidation or bullying.

The board of education expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. The board expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

The standards of character education are an essential component of the District's Language Arts Literacy Component. The board believes that with the appropriate infusion of character education into the school 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.

The board prohibits acts of harassment, intimidation or bullying against any student. School responses to harassment, intimidation and bullying shall be aligned with the board approved Code of Student Conduct in the Discipline Plan and Policy, which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The Discipline Plan and Policy outlines the four levels of the Code of Conduct as it pertains to harassment, intimidation and bullying. The chief school administrator/principal shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation and bullying committed on school grounds, at school activities and on school buses. In addition, the chief school administrator/principal shall ensure that this policy is applied to incidents of harassment, intimidation and bullying that are committed off school grounds in cases where a school employee is made aware of such actions. The chief school administrator/principal has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6.

This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. The board directs the chief school administrator or his or her appropriately trained and qualified designee to develop detailed regulations suited to the age level of the students and the physical facilities of.

"Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students, and that: escola, de acordo com a lei, que substancialmente perturbe ou interfira com a operação ordenada da escola ou os direitos dos outros alunos, e que:

A. A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or

B. Insult or demeans any student or group of students; or

C. Creates a hostile educational environment for the student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

"Electronic communication" means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager.

CONSEQUENCES AND REMEDIAL MEASURES FOR ACTS OF HARASSMENT, INTIMIDATION OR BULLYING

Students

Consequences and remedial measures for a student who commits an act of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance. Consequences shall be consistent with the board approved Discipline Plan and Policy Code of Student Conduct and N.J.A.C. 6A:16-7. Consequences and remedial measures shall be designed to:

- A. Correct the problem behavior;
- B. Prevent another occurrence of the problem;
- C. Protect and provide support for the victim of the act; and
- D. Take corrective action for documented systemic problems related to harassment, intimidation or bullying.

Consequences and appropriate remedial actions for a student who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including short and long-term suspension or expulsion, as permitted by law. The consequences and remedial measures may include, but are not limited to:

Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension during the school week or the weekend; not to exceed four days (Level 3)
7. Out-of-school suspension; not to exceed four days (Level 4)
8. Legal action; and (Level 4)
9. Expulsion.

Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEP. However, before disciplining a classified student, it must be determined that:

- A. The student's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the student's needs.

Refer to NPS District website for further clarification.

PUPIL SAFETY

Student Access To Personal Cell Phones

Safety is the primary concern for the Newark Public Schools (the "District") and the ability of parents and guardians to communicate with their children in an emergency situation is essential. Further, the District understands that students may need access to their cell phones when walking home from school or for after school activities that they may attend immediately upon leaving the school premises.

As such, the District allows students to carry concealed on their persons or carrying bags under the condition that the cell phones remain off (not on a silent ring or "vibrate" setting) at all times during the school day, on school premises, or at school functions. In the event of an emergency, the school administration (or the classroom teacher upon the direction of the school administration) will direct the students when they may safely turn on a cell phone.

If the student desires to carry a cell phone during the school day, the parent/guardian and student must execute a User Agreement specifically identifying the cell phone and acknowledging that the District assumes no responsibility for any loss or damage to the cell phone. The form must be on file in the school office before the device is brought to school.

Violation of this policy may be punishable as a Level III offense under the District's Discipline Plan and Policy. Further, the student's cell phone will be confiscated, the student's parent/guardian will be contacted to retrieve the phone, and cell phone carrying privileges may be suspended or revoked.

Date Adopted by State District Superintendent: August 19, 2008.
Copies of the User Agreement will be distributed by the school.