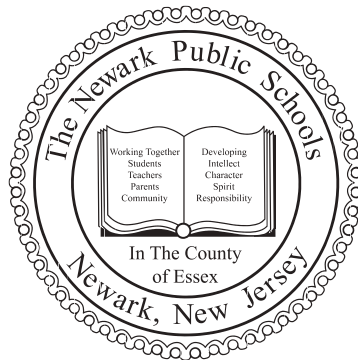


## STUDENT DISCIPLINE POLICY

### STUDENT/PARENT GUIDE

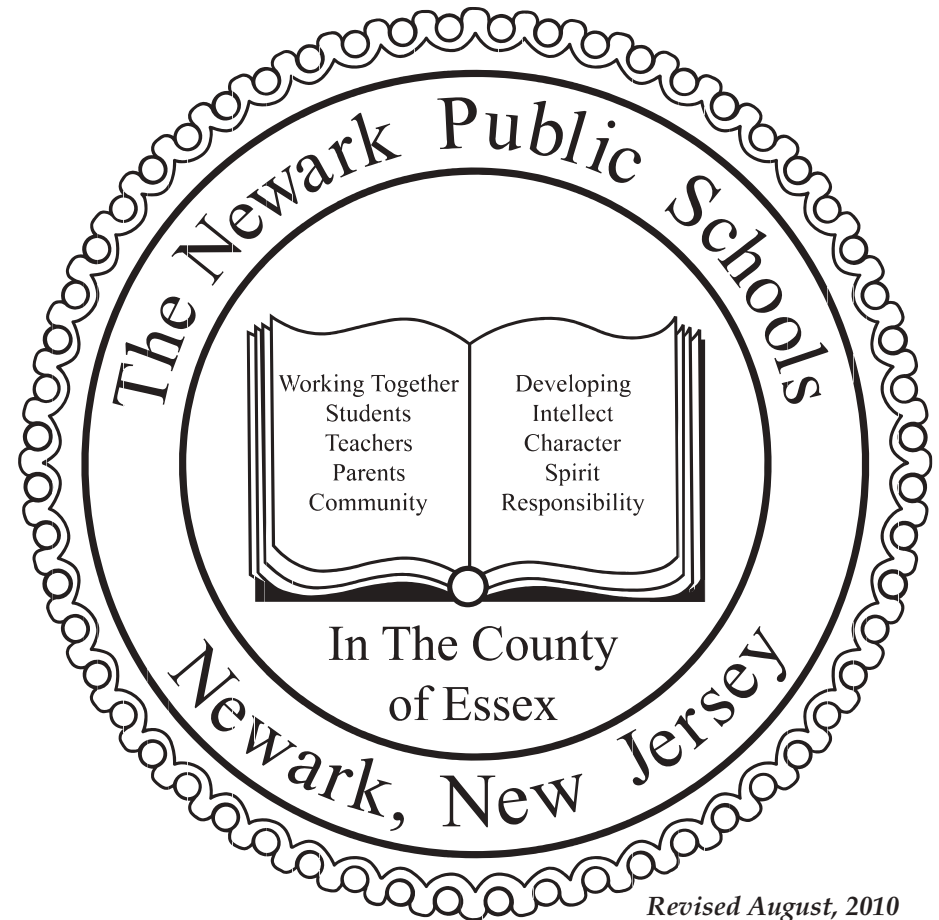


The Newark Public Schools  
2 Cedar Street, Newark, NJ 07102

Dr. Clifford B. Janey, Superintendent

[www.nps.k12.nj.us](http://www.nps.k12.nj.us)

*Changing Hearts and Minds to Value Education*



*Revised August, 2010*

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



Mr. Shavor Jeffries, Chairperson  
Ms. Barbata King, Vice Chairperson  
Mr. Ivan Lamourt  
Mr. Marques-Aquil Lewis  
Ms. Eliana Pintor  
Mr. Juan Rivera  
Ms. Arelis Romero  
Ms. Shanique L. Davis-Speight  
Ms. Nakia J. White

Dr. Clifford B. Janey  
Superintendent  
Central Office  
2 Cedar Street

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**East & Central Region**

Regional Superintendent Office  
Phone: 973-733-8616 Fax: 973-733-8881

American History High	733-6903
Ann Street	465-4890
Ann St. Early Childhood	522-4078
Arts High	733-7391
Burnet Street	733-7138
Central High	733-6897
Cleveland	733-6944
East Side High	465-4900
Eighteenth Avenue	733-6824
Hawkins Street	465-4920
Lafayette Street/Annex	465-4860
Newton Street	733-6848
Oliver Street	465-4870
Quitman Street	733-6947
Samuel L. Berliner	733-6641
South Street	465-4880
Sussex Avenue	268-5200
Wilson Avenue	465-4910
Wilson Ave. Early Childhood	465-4227

**South Region**

Regional Superintendent Office  
Phone: 973-733-8613 Fax: 973-733-8382

Avon Avenue	733-6750
Belmont-Runyon	733-6920
Bragaw Avenue	705-3970
Bruce Street	705-3951
Chancellor Avenue	705-3870
Chancellor Avenue Annex	705-3860
Clinton Avenue Early Childhood	733-6970
Dayton Street	733-7004
George Washington Carver	705-3800
Hawthorne Avenue	705-3960
John F. Kennedy	733-6788
Louise A. Spencer	733-6931
Madison	374-2890
Malcolm X Shabazz High	733-6760
Maple Avenue/Annex	705-3850
Miller Street	733-6815
Peshine Avenue	705-3890
Technology High	481-5962
Weequahic High	705-3900

**North Region**

Regional Superintendent Office  
Phone: 973-497-5776 Fax: 973-497-5761

Abington Avenue	268-5230
Barringer High	268-5125
Barringer 9th Grade Academy	268-5100
Branch Brook	268-5220
Broadway	268-5340
Dr. E. Alma Flagg	268-5190
Dr. William H. Horton	268-5260
Elliott Street @ Good Counsel	268-5360
Elliott Street @ St. Anthony's	450-9333
Elliott Street Annex	412-1241
First Avenue	268-5240
Franklin	268-5250
Luis Munoz Marin Middle	268-5330
McKinley	268-5270
Park Elementary	268-5999
Rafael Hernandez	481-5004
Ridge Street	268-5210
Ridge Early Childhood	268-5370
Roberto Clemente	268-5290
Roseville Avenue	268-5312
Science Park High	733-8689

**West Region**

Regional Superintendent Office  
Phone: 973-733-8722 Fax: 973-733-8567

Alexander Street	374-2390
Boylan Street	374-2490
Camden Street	733-6994
Camden Middle	733-8350
Dr. Martin L. King, Jr.	733-7368
Fifteenth Avenue	733-6924
Fast Track	733-8616
Fourteenth Avenue	733-6940
Harriet Tubman	733-6934
Ivy Hill	351-2121
Lincoln	374-2290
Mount Vernon	374-2090
New Jersey Regional Day	705-3820
Newark Evening High	733-7256
Newark Innovation Academy	733-6446
Newark Vocational High	733-7018
South 17th Street	374-2570
Speedway Avenue	374-2740
Thirteenth Avenue	733-7045
University High	351-2010
West Side High	733-6977
West Side Business & Finance	733-7260

Dear Students and Parents:

We are committed to a Discipline Policy and Plan that creates a safe and orderly school environment to enable students to achieve their fullest potential. After listening to concerns raised by parents and community leaders at several community meetings, it was decided to revisit the Discipline Policy and Plan, which had not been re-examined since 2005. The old plan had some irregularities and ambiguities which led to unfair and inconsistent application of the guidelines.

Thus, a new committee was formed with broad-based constituents e.g., parents, teachers, students, administrators, board members, community partners and college liaisons. The three-month process in reviewing the original document led to the incorporation of Code of Conduct behavior changes and due process for parents and students. It was also recommended to include positive behavior support intervention strategies rather than a punitive approach to students. We support the need for this recommendation.

In addition, protocols and procedures were clarified and standardized to become more straightforward and cohesive, which should result in a more fair and consistent implementation in the schools and throughout the district.

We thank the committee members for their efforts and recommendations in this process. Your input was greatly appreciated, and we look forward to the community's continued participation on the school district's standing committee for discipline.

I urge each student to read this policy with his or her parents/guardian. If you have any questions about any aspect of the policy, please feel free to contact the principal at your school. Then, I ask that you sign the "Memorandum of Understanding" and give it to your child's homeroom teacher.

I look forward to working with you and our community as we move forward to uphold high standards of conduct.

Sincerely,

Dr. Clifford B. Janey  
Superintendent

## 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.

## 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.

## A Working Guide to Student Code of Conduct & Disciplinary Response

### Level I Misconduct

- ☐ Disruptive behavior
- ☐ 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

### 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.

### 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.

**Level II Misconduct**

- ☐ Continuation of unmodified Level I misbehavior
- ☐ Improper public display of affection
- ☐ Defamation
- ☐ Indecent exposure
- ☐ Insubordination
- ☐ Leaving school without permission
- ☐ 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

**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 Student Assistance Coordinator
- ☐ 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

**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.

**Disciplinary Action**

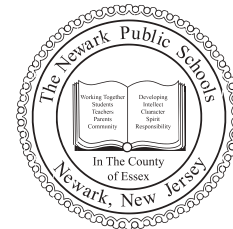
The student is referred to the administrator for appropriate disciplinary action.

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.



**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

\_\_\_\_\_  
Parent's/Guardian's Signature

\_\_\_\_\_  
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.*

\_\_\_\_\_  
Homeroom

\_\_\_\_\_  
Telephone Number

**Level III Misconduct**

- ❑ Gambling
- ❑ Graffiti
- ❑ Contaminating food
- ❑ Fighting
- ❑ Stealing
- ❑ Threats to others
- ❑ Harassment, intimidation and bullying(including cyber bullying)
- ❑ 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

**Action Taken for Level III Misconduct**

- ❑ Clean graffiti
- ❑ Restitution for vandalism
- ❑ Confiscated items will not be returned
- ❑ Parent/guardian conference required
- ❑ Counseling
- ❑ Referral to Student Assistance Coordinator(SAC)
- ❑ 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.

Contact SAC if necessary.

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.

**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.



## Level IV Misconduct

- ☐ Weapons
- ☐ 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

## 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

## 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.

## 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.

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 Alternative Education	973-733-8383
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
Truancy Task Force	973-733-6753



**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.

**CONDUCT/DISCIPLINE****Harassment, Intimidation, or Bullying**

"Harassment, intimidation, or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication 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 handicap, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that:

- A. a reasonable person should know, under the circumstances, that the acts will have the effect of harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of harm to his/her person or damage to his/her property; or
- B. has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

"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, that takes place on school property, at any school-sponsored function or on a school bus.

Any school employee, pupil or volunteer who has witnessed, or has reliable information that a pupil has been subject to harassment, intimidation or bullying, must report the incident to the appropriate school official designated by the administration.

The District shall not tolerate an act of reprisal or retaliation against any person who reports an act of harassment, intimidation, or bullying.

The Superintendent shall ensure that all schools have developed appropriate procedures addressing:

- A. A mechanism for reporting acts of harassment, intimidation, or bullying, including a means of anonymous reporting;
- B. The prompt investigation of reports of such acts, identifying either the principal or the principal's designee as the person responsible for the investigation;
- C. The range of ways in which a school will respond once an incident of harassment, intimidation, or bullying is identified; and
- D. Consequences, discipline, and remedial action for a person who commits an act of harassment, intimidation, or bullying, who engages in an act of reprisal or retaliation against a person who reports such action, or who falsely accuses another of bullying as a means of harassment, intimidation, or bullying.

The District shall ensure that the rules for the policy are applied consistently and uniformly, and that all disciplinary sanctions are carried out with necessary due process.

**DRESS AND GROOMING****Public Notice of Revision of School Uniform Initiative**

The Newark Public Schools ("District") implemented a District-wide voluntary School Uniform Initiative for students in Pre-K through Grade 8 for the 2008-09 school year.

The District amended the District-wide School Uniform Initiative for the 2010-11 school year, making the policy mandatory for students in Pre-K through Grade 8, and mandatory for students in the District high schools.

The District will provide exceptions to the policy for students with sincerely held religious beliefs and medical concerns. Financial hardships shall be examined with options to assist economically disadvantaged students.

Violations of the uniform policy will be treated in accordance with the District's discipline policy, as a dress code violation.

Revisions to the School Uniform Initiative approved by the Board on August 14, 2009.

**Action Taken for School Uniform Initiative Violations**

**First Offense** - Conversation with student and parent/guardian to serve as a verbal reminder and to determine if there are extenuating circumstances.

**Second Offense** - Written notice to parent and student providing exclusion from recess and separation from peers at lunch (elementary level); lunch detention (middle and high school levels).

**Third Offense** - Student exclusion from participation in all co- and extra-curricular activities (field trips, special events, recess) and separation from peers at lunch (elementary level); after-school detention (middle and high school levels)

**Fourth Offense** - Mandatory parent conference with administrator

**Fifth Offense** - Result in Saturday Detention.

Referral to Youth Court - Community Service for this consequence should not count towards graduation requirements.

Policies and Forms for Exemptions are available at school site and Newark Public School's website.

**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.