

5611 REMOVAL OF PUPILS FROM THE GENERAL EDUCATION PROGRAM FOR
WEAPONS/FIREARMS/DANGEROUS INSTRUMENTS OFFENSES

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

Definitions

For purposes of this policy, “weapon” means anything capable of lethal use or of inflicting serious bodily injury or pain. The term includes but is not limited to:

1. Firearms, including any handgun, rifle, shotgun, air gun, spring gun, stun gun or any similar device, regardless of whether it is readily capable of being operated;
2. Knives, including any gravity knife, switchblade, dagger, or ballistic knife and any similar sharpened or pointed object; and
3. Any object, device, or material that by reasonable analogy to the foregoing examples, is found to be capable of, primarily designed for the purpose of, or commonly utilized in inflicting serious bodily injury or pain.

For purposes of this policy, “dangerous instrument” means anything capable of inflicting bodily injury or pain either by impact or as a result of any toxic, corrosive, explosive, electrical, or flammable material or effect, the possession of which serves no authorized educational or instructional purpose. The term includes but is not limited to:

1. Objects that are designed or commonly used to club or hit another person, including blackjacks, metal pipes, cestus, brass or metal knuckles, chains, bats, or clubs;
2. Any explosive device or material, including fireworks, regardless of how contained, that is designed to produce uncontrolled combustion;
3. Any device that projects, releases, or emits tear gas, mace, pepper, or any other substance intended to produce temporary physical discomfort or injury through being vaporized or otherwise dispersed in the air; and

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4. Any object, device, or material that by reasonable analogy to the foregoing examples, is found to be capable of, primarily designed for the purpose of, or commonly utilized in inflicting serious bodily injury or pain.

Any pupil convicted or adjudicated delinquent for possession of a firearm or committing a crime while in possession of a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular educational program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the Board of Education to remove the pupil.

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

The Superintendent determines whether the pupil is prepared to return to the regular education program or whether the pupil remains in the alternative education program or other educational placement. The Superintendent's decision must be made in accordance with school district policy and New Jersey Administrative Code. If the pupil is disabled, the pupil's placement is determined by the Child Study Team and the pupil's parent(s) or legal guardian(s) in accordance with N.J.A.C. 6A:14 et seq., Special Education.

If a pupil is removed from the regular education program and a placement in an approved alternative education program is not available, or if the Superintendent determines that it is not in the best interest of the pupil and the school to modify the conditions for the removal and placement of the pupil, the school district will provide home or out-of-school instruction in accordance with Policy 2481.

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

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

N.J.S.A. 18A:37-1 et seq.

N.J.A.C. 6A:14-2.8 et seq.; 6A:16-5 et seq. through 6A:16-9 et seq.

Adopted: 27 April 2009