

Policy

WEAPONS AND DANGEROUS INSTRUMENTS

The Haworth Board of Education prohibits the possession and/or use of firearms, other weapons, or instruments that can be used as weapons on school property, on a school bus, at any school function, or while enroute to or from school or any school function. The board upholds the Zero Tolerance for Guns Act.

For the purpose of this policy "weapon" includes but is not limited to those items enumerated in N.J.S.A. 2C:39-1r. The Superintendent/Principal shall make the final determination that a particular object is a dangerous instrument in any case where there is a question of its possession or use posing a threat to students, staff or property.

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 a school bus, or at a school-based function shall be immediately removed from the school's regular education program pending a hearing before the board to remove the pupil from the regular education program for a period of not less than one calendar year. A pupil at the Haworth School found to be in possession of a weapon has committed a Level IV offense and faces prosecution by law enforcement.

The Superintendent/Principal or his or her designee shall be responsible for the removal of such a pupil and shall immediately report the removal to the Superintendent/Principal. The Superintendent/Principal may modify a pupil's removal on a case-by-case basis. The Superintendent/Principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice. Parent(s)/guardian(s) shall be notified of the removal of the student from the regular program.

A student found or observed on school property or at a school event in possession of a weapon or dangerous instrument other than a firearm shall be reported to the Superintendent/Principal or his/her designee immediately. The Superintendent/Principal shall immediately inform the appropriate law enforcement officials with all known information concerning the matter, including the identity of the pupil involved.

Assault by a student with a weapon on a teacher, administrator, board member or other employee of the board is strictly prohibited and shall result in the student's immediate removal from the general education program for a period not exceeding one calendar year. Subject to a hearing before the board, the Student shall be placed in an alternative education program.

The Superintendent/Principal shall determine at the end of the year whether the student is prepared to return to the regular education program in accordance with procedures established by the Commissioner of Education. Coursework completed by the student while in the alternative setting will be a factor in determining the most appropriate setting for the pupil when he/she returns to the regular school program.

Recent tragic events highlight the need to develop school-based plans to respond to crisis situations involving gunfire, such as hostage taking. These crisis response plans should include procedures for quickly communicating to faculty members that a crisis exists and procedures for minimizing the risk of physical harm to students and faculty by reducing exposure to gunfire. Just as it is necessary to establish protocols to conduct periodic drills to respond to fires, so too it is appropriate to develop and rehearse plans and procedures for "locking down" classrooms so as to restrict the movement of children and to reduce the number of students and faculty who may encounter armed assailants.

Disciplinary action shall be taken against students who possess, handle, transmit or use firearms, other weapons, or dangerous instruments. Classified students shall be disciplined in accordance with their IEP and

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in compliance with law and administrative code. As in all disciplinary cases, due process will be provided (see policies 5114 Suspension and expulsion and 5131 Conduct/discipline).

A violence and vandalism report shall be filed whenever a student is found to be in possession of a firearm, other weapon, or dangerous instrument.

Remotely Activated Paging Devices (Beepers)

No student shall bring or possess a remotely activated paging device on any property used for school purposes. Pupils are not permitted to use cellular telephones while school is in session. Cellular telephones are to be turned off and kept in the locker of a middle school student or in the backpack of a student in grades K-5 while the pupil is in the school building.

Implementation

The board directs the Superintendent/Principal to develop regulations to implement this policy.

Adopted: January 29, 2002
 NJSBA Review/Update: September 2009
 Readopted: November 2009

<u>Legal References:</u>	<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 2C:12-1</u>	Definition of assault
	<u>N.J.S.A. 2C:33-19</u>	Paging devices, possession by students
	<u>N.J.S.A. 2C:39-1</u>	Definitions
	<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
	<u>N.J.S.A. 2C:39-6</u>	Exemptions
	<u>N.J.S.A. 18A:6-1</u>	Corporal punishment of pupils
	<u>N.J.S.A. 18A:36-19.2</u>	Student locker or other storage facility; inspections; notice to students
	<u>N.J.S.A. 18A:37-1</u>	Submission of pupils to authority
	<u>N.J.S.A. 18A:37-2</u>	Causes for suspension or expulsion of pupils
	<u>N.J.S.A. 18A:37-2.1</u> through -2.5	Assaults by pupil upon teacher, administrator, board member or employee of board of education; suspension; expulsion proceedings ...
	<u>N.J.S.A. 18A:37-7</u> through -12	Zero Tolerance for Guns Act
	<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsion
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development
	<u>See particularly:</u> <u>N.J.A.C. 6A:16-1.3, -1.4, -5.2, -5.4, -5.5, -5.6, -6.1, -6.2, -6.3(b), -6.4</u>	

P.L. 103-382, Improving America's Schools Act of 1994

Section 1702, Prohibits possession or discharge of a firearm in a school zone,
 Pub. L. 101-647

Attorney General's Executive Directive No. 1988-1, Memorandum of Agreement
 (revised, amended)

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State in Interest of T.L.O., 94 N.J. 331, 346 (1983), rev'd 515 U.S. 646 (1985)

See also Commissioners' Decisions indexed under "Pupils – Punishment of" in Index to N.J. School Law Decisions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)

Possible

<u>Cross References:</u>	*5114	Suspension and expulsion
	*5131	Conduct/discipline
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5145.11	Questioning and apprehension
	*5145.12	Search and seizure
	*6172	Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.