

ADMINISTRATIVE CODE

CHAPTER 16

PROGRAMS TO SUPPORT STUDENT DEVELOPMENT

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6A:16-1.1 Purpose

These rules specify minimum standards for district boards of education in establishing policies and procedures and in operating programs to support the social, emotional and physical development of students. Programs to support student development include school health services, athletic programs, intervention and referral services, programs of substance use prevention, intervention and treatment referral, school safety and security, student discipline, reporting of potentially missing, abused or neglected child situations, home instruction and approved alternative education programs. Included in these rules are standards for the delivery of home instruction and school health services to nonpublic schools.

6A:16-1.2 Scope

These rules apply to the provision of programs and services for all students in kindergarten through grade 12 by New Jersey public school districts, charter schools, jointure commissions, educational services commissions and approved private schools for the disabled acting under contract to provide educational services on behalf of New Jersey public school districts, unless otherwise indicated. Throughout this chapter "district board of education" refers to the governing authority for all of the agencies identified in N.J.A.C. 6A:16-1.2, unless otherwise indicated.

6A:16-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Abused children" means the categories of children enumerated in N.J.S.A. 9:6-8.21.

"Advanced practice nurse" means a person who holds current certification as nurse practitioner/clinical nurse specialist from the State Board of Nursing.

"Alternative education program" means a comprehensive educational program delivered in a non-traditional learning environment that is distinct and separate from the existing general or special education program. The alternative education program shall fulfill the program criteria pursuant to N.J.A.C. 6A:16-9.2 and be approved by the district board of education, pursuant to N.J.A.C. 6A:16-9.1(a), or by the Commissioner of Education pursuant to N.J.A.C. 6A:16-9.1(b), for the purpose of addressing the individual learning, behavior and health needs of students determined by the school district to be at risk of school failure or who have been mandated for removal from general education, pursuant to N.J.A.C. 6A:16-5.5, 5.6 and, as appropriate, 5.7.

"Assessment" means those procedures used by school staff to make a preliminary determination of a student's need for educational programs, supportive services or referral for outside services which extend beyond the general school program by virtue of learning, behavioral or health difficulties of the student or the student's family.

"Asthma Action Plan" means a form approved by the Commissioner of Education, completed by the medical home, that is specifically designed to indicate differentiated symptoms and

appropriate action to be taken by school staff to manage the care of a student that suffers from asthma-related illnesses. The Asthma Action Plan shall serve as an accompaniment to the student's Individualized Healthcare Plan. N.J.S.A. 18A:40-12.8(b) refers to the asthma action plan as the asthma treatment plan.

"Automated external defibrillator" means a device that automatically detects shockable cardiac arrhythmia and can provide defibrillation as part of basic life support in non-healthcare settings.

"Case management" means advocacy for and coordination of services to students including, but not limited to, counseling, health services, referrals to community-based agencies and monitoring of academic progress.

"Certified school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an Educational Services Endorsement, school nurse or school nurse/non-instructional from the Department of Education pursuant to N.J.A.C. 6A:9-13.3 and 13.4.

"Code of student conduct" means standards, policies and procedures established by district boards of education for positive student development and student behavioral expectations on school grounds, including on school buses or at school-sponsored functions, and, as appropriate, conduct away from school grounds, in accordance with N.J.A.C. 6A:16-7.6.

"Commissioner" means the Commissioner of Education or his or her designee.

"Delegation" means the transfer of responsibility for performance of an activity from one individual to another, with the former retaining accountability for the outcome.

"Do Not Resuscitate order" or "DNR order" means a written directive signed by the parent or guardian of a student who, after consultation with the pediatrician and other advisors, declines emergency administration of cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) to the student.

"Evaluation" means those procedures used by a certified or licensed professional to make a positive determination of a student's need for programs and services which extend beyond the general school program by virtue of learning, behavior or health difficulties of the student or the student's family.

"Expulsion" means the discontinuance of educational services or the discontinuance of payment of educational services for a student.

"Firearms" means those items enumerated in N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921.

"General education" means the educational programs and services provided to students other than students determined to be eligible for special education and related services pursuant to N.J.A.C. 6A:14-3.5 and 3.6.

"Guided learning experiences" mean structured learning tasks assigned to the student to perform without the teacher being present that are aligned to the school district curriculum and State Core

Curriculum Content Standards and designed to help the student to learn new or reinforce prior knowledge, practice skills, integrate knowledge and skills or demonstrate mastery.

“Harassment, intimidation or bullying” means any gesture or written, verbal or physical act 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 property, at any school-sponsored function or on a school bus and that a reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student’s property or placing a student in reasonable fear of harm to his or her person or damage to his or her property; or has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

“HIV” means human immunodeficiency virus, the cause of AIDS (Acquired Immunodeficiency Syndrome).

"Health history" means the record of a person’s past health events obtained by school staff from the individual, a parent or guardian or health care provider.

"Health screening" means procedures designed to detect previously unrecognized conditions as early as possible in order to provide early intervention and remediation and to limit potential disability or negative impact on scholastic performance.

"Home instruction" means the provision of one-to-one or small group instruction in the student’s place of residence or other appropriate setting due to a health condition, need for treatment, court order or exclusion from general education for disciplinary or safety reasons.

"Independent contractor" means an individual whose employment criteria satisfy those requirements necessary for treatment as an independent contractor for Federal employment tax purposes.

“Individualized emergency healthcare plan” means a personalized healthcare plan written by the certified school nurse that specifies the delivery of accommodations and services needed by a student in the event of an emergency.

“Individualized healthcare plan” means a plan written by the certified school nurse that details accommodations and/or nursing services to be provided to a student because of the student’s medical condition based on medical orders written by a physician in the student’s medical home.

"Individualized Program Plan" (IPP) means a written plan developed for a general education student who has been assigned by the district board of education to home instruction, an alternative education program or who is being provided other educational services either in or out of school that are comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25. The IPP sets forth the student’s present level of performance, measurable goals and short-term objectives or benchmarks that encompass

behavioral and social competency as well as curriculum, and individually designed instructional activities to achieve the goals and objectives.

"Informal hearing" means a discussion between a school administrator and a student regarding the alleged misconduct of the student, pursuant to N.J.A.C. 6A:16-7.2, Short-term suspensions, in which the student is informed of his or her alleged violation of the district board of education's code of student conduct, pursuant to N.J.A.C. 6A:16-7.1, Code of student conduct, and the basis for the accusation, and the student is given the opportunity to explain his or her version of the facts and events regarding the alleged violation.

"Intern" means a post-secondary student or graduate in a professional field gaining supervised practical experience.

"Intervention" means those programs, services and actions taken to identify and offer help to a student at risk for learning, behavior or health difficulties.

"Long-term suspension" means removal of a student for more than 10 consecutive school days from the general education program, or the special education program when the appropriate procedures set forth in N.J.A.C. 6A:14-2.8 have been followed, but not the cessation of the student's educational services.

"Medical home" means a health care provider and that provider's practice site chosen by the student's parent or guardian for the provision of health care.

"Medical staff" means employees of the district board of education serving as school physician, certified school nurse, noncertified nurse, advanced practice nurse, registered nurse, licensed practical nurse, or certified athletic trainer.

"Medical examination" means the assessment of an individual's health status.

"Medication" means a drug approved by the Federal Food and Drug Administration for preventing, caring for and assisting in the cure of disease and injury that has a written order from a physician licensed in medicine, dentistry or osteopathy or an advanced practice nurse. Medication does not include herbal remedies.

"Noncertified nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and is employed by a district board of education or nonpublic school, and who is not certified as a school nurse by the Department of Education.

"Nursing Services Plan" means a plan that describes in detail the nursing services to be provided throughout the school district based on the needs of its students, potential emergency situations, basic nursing services requirements and the assignment of medical staff to provide those services.

"Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the

person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

"Parent surrogate(s)" means an individual or individuals approved by the district board of education in accordance with N.J.A.C. 6A:32 to act on behalf of a student whose parent(s) is not available to assure the student's education rights.

"Physical examination" means the examination of the body by a professional licensed to practice medicine or osteopathy or an advanced practice nurse. The term includes very specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2.

"Random selection" means any procedure for identifying a subset of individuals from a larger population of individuals (for example, students in extra-curricular activities, students participating in interscholastic activities, students possessing parking permits) that has been selected using sampling statistical principles to ensure that every member of the larger population of individuals has an equal probability of being selected each time a sample of the subset of individuals is drawn.

"Referral for evaluation" means those programs and services offered to a student or his or her family in order to make a positive determination regarding a student's need for services which extend beyond the general school program.

"Referral for treatment" means those programs and services offered to a student or to his or her family: 1. To help implement the recommendations of an evaluation, pursuant to N.J.A.C. 6A:16-1.3, 4.1(c)5 and 6; or 2. In response to a positive alcohol or other drug test result, pursuant to N.J.A.C. 6A:16-4.4, Voluntary policy for random testing of alcohol or other drug use; or 3. In response to the family's request for assistance with a learning, behavior or health difficulty, pursuant to N.J.A.C. 6A:16-4.1(c)7 and 8.

"Registered professional nurse" means a person with a current license for this level of practice from the State Board of Nursing.

"School complex" means a group of two or more buildings.

"School grounds" means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land.

"School physician" means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Medical Examiners who works under contract or as an employee

of a New Jersey school district. This physician is referred to as the medical inspector in N.J.S.A. 18A:40-1.

“School-sponsored function” means any activity, event or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized and/or supported by the school.

“Short-term suspension” means removal of a student for 10 consecutive school days or fewer from the general education program or the special education program, in accordance with N.J.A.C. 6A:14-2.8, but not the cessation of the student’s educational services.

“Standing orders” means directives and protocols written by the school physician to carry out medical procedures for all students and staff.

“Student health record” means documented information relevant to the health of the student in order to manage the routine and emergency care of the student while school is in session.

"Substitute school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and who has been issued a county substitute certificate to serve as a substitute for a certified school nurse in accordance with N.J.A.C. 6A:9-6.5(i).

"Supervision" means the active process of directing, guiding and influencing the outcome of an individual’s performance of an activity.

"Suspension" means either a removal of a student for 10 school days or fewer, pursuant to the definition of “short-term suspension” in this section and N.J.A.C. 6A:16-7.2, Short-term suspensions, or a removal of a student for more than 10 school days, pursuant to the definition of “long-term suspension” in this section and N.J.A.C. 6A:16-7.3, Long-term suspensions.

“Truancy” means 10 or more cumulative unexcused student absences, as determined by the district board of education pursuant to N.J.A.C. 6A:16-7.8(a)3 and the definition of a school day, pursuant to N.J.A.C. 6A:32-8.3.

“Universal precautions” means a set of procedures designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B virus, and other bloodborne pathogens. Universal precautions involve the use of protective barriers such as gloves, masks or eyewear and procedures for use of sharps and needles to prevent exposure to human blood, other body fluids containing visible blood, semen, vaginal secretions, tissue and cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, sputum, sweat, tears, urine and vomitus unless they contain visible blood. Universal precautions do not apply to saliva except in the dental setting where blood contamination of saliva is predictable.

"Weapon" means items that are enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f).

“Written order” means a directive and protocol written by the student’s medical home to address a healthcare need or provide a medical service for a specific student.

5. To assure that a description of the provision of nursing services reflected in the school district's Nursing Services Plan.
- (j) For the purposes of monitoring and recordkeeping, the district board of education providing health services to nonpublic schools shall annually submit the following information to the county superintendent of education on or before October 1 and shall provide a copy to the chief school administrator of the nonpublic schools within school district boundaries:
1. A written statement verifying that the required conference was held with the nonpublic school;
 2. A copy of the contract with another agency to provide the services, if applicable, and approved minutes of the district board of education meeting approving the contract, which describes the methods by which the health services to nonpublic school students will be provided for the ensuing year, including a rationale for the distribution of funds; and
 3. A description of the type and number of services that were provided during the previous school year on a form approved by the Commissioner of Education.

SUBCHAPTER 3 COMPREHENSIVE ALCOHOL, TOBACCO AND OTHER DRUG ABUSE PROGRAMS

6A:16-3.1 Establishment of comprehensive alcohol, tobacco and other drug abuse programs

- (a) Each district board of education shall establish a comprehensive program of prevention, intervention, referral for evaluation, referral for treatment and continuity of care for student alcohol, tobacco and other drug abuse in the public elementary and secondary schools of the district according to the requirements of N.J.S.A. 18A:40A-10.
1. The purpose of the prevention component of the program shall be to:
 - i. Keep students from using alcohol, tobacco or other drugs;
 - ii. Reduce or eliminate the incidence and prevalence of student alcohol, tobacco and other drug abuse;
 - iii. Increase the age of onset of students' first use of alcohol, tobacco or other drugs;
 - iv. Reduce the factors that place students at risk for involvement with alcohol, tobacco or other drugs through school and community-based planning processes;
 - v. Contribute to the development of school environments and alternative activities that are alcohol, tobacco and other drug-free;
 - vi. Increase the knowledge and skills of students, staff and community members for avoiding the harmful effects of alcohol, tobacco and other drug use; and
 - vii. Actively involve staff, parents and other community members in the development and implementation of prevention program plans.
 2. The purpose of the intervention, referral for evaluation and referral for treatment components of the program shall be to:

- i. Identify students who are at risk for, or who have exhibited, alcohol, tobacco or other drug abuse or related problems;
 - ii. Help students or their parents who have requested assistance for alcohol, tobacco or other drug abuse problems;
 - iii. Make a preliminary assessment of a student's need for educational programs, supportive services or treatment which extends beyond the general school program by virtue of the use of alcohol, tobacco or other drugs by the student or the student's parents;
 - iv. Refer students for evaluation to make a positive determination regarding a student's need for alcohol, tobacco or other drug treatment; and
 - v. Help a student or a student's parents follow through on the recommendations of an evaluation which has positively determined the harmful use of alcohol, tobacco or other drugs by the student or the student's parents.
3. The purpose of the continuity of care component of the program shall be to:
 - i. Assist with the provision of educational programs and services for students in treatment; and
 - ii. Plan and provide supportive services for students who are returning from treatment.
4. Each district board of education shall ensure that all educational staff members receive in-service training in alcohol, tobacco and other drug abuse prevention and intervention according to the requirements of N.J.S.A. 18A:40A-3 and 15.
 - i. The in-service training shall be updated annually in order to ensure educational staff members have the most current information available on the subject of substance abuse and the school district's comprehensive alcohol, tobacco and other drug abuse program, policies and procedures.
5. Substance awareness coordinators employed by district boards of education shall assist local school districts in the effective implementation of the requirements of N.J.S.A. 18A:40A-1 through 18 and N.J.A.C. 6A:9-13.2.
6. Each district board of education shall establish educational programs on alcohol, tobacco and other drug abuse for parents according to the requirements of N.J.S.A. 18A:40A-16 and 17(a) and offered at times and places convenient to the parents of enrolled students.
7. Each district board of education shall make and enforce regulations to prohibit the smoking of any substance and the use of tobacco products anywhere in its buildings or on school grounds, except as part of a classroom instruction or theatrical production, according to the requirements of N.J.S.A. 26:3D-17.

6A:16-3.2 Confidentiality of student alcohol and other drug information

- (a) Each district board of education shall assure compliance with the following confidentiality requirements:
 1. Confidentiality of alcohol and drug abuse patient records, pursuant to 42 CFR Part 2; and
 2. Confidentiality of information provided by an elementary or secondary school student while participating in a school-based drug and alcohol counseling program which indicates that the student's parent or other person residing in the

student's household is dependent upon or illegally using substances pursuant to N.J.S.A. 18A:40A-7.1 and 7.2.

SUBCHAPTER 4. PROCEDURES FOR ALCOHOL AND OTHER DRUG ABUSE INTERVENTION

6A:16-4.1 Adoption of policies and procedures for the intervention of student alcohol and other drug abuse

- (a) Each district board of education shall adopt and implement policies and procedures for the assessment, intervention, referral for evaluation, referral for treatment and discipline of students whose use of alcohol or other drugs has affected their school performance, or for students who consume or who are suspected of being under the influence of the following substances on school grounds, including on school buses or at school-sponsored functions, according to the requirements of N.J.S.A. 18A:40A-9, 10 and 11:
 - 1. Alcoholic beverages;
 - 2. Any controlled dangerous substance, including anabolic steroids, as defined in N.J.S.A. 24:21-2 and 2C:35-2;
 - 3. Any chemical or chemical compound which releases vapor 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 in N.J.S.A. 2C:35-10.4; and
 - 4. Over-the-counter and prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction or dulling of the brain or nervous system.
- (b) In adopting and implementing policies and procedures for the assessment, intervention, referral for evaluation and referral for treatment of alcohol or other drug-affected students, district boards of education shall consult with community agencies licensed by the New Jersey Department of Human Services, Division of Addiction Services, out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services or private practitioners certified by the appropriate drug and alcohol licensing board.
- (c) Each district board of education's policies for students using alcohol and other drugs, as defined in (a) above, shall include the following components:
 - 1. The role of appropriate school staff when handling a variety of possible alcohol or other drug-related situations involving students on school grounds, including on school buses or at school-sponsored functions;
 - 2. Specific procedures, sanctions and due process provisions, consistent with N.J.A.C. 6A:16-7 and 4.4, as appropriate, for violations of the alcohol and other drug policy requiring disciplinary action by the district board of education, including consequences for not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors.

- ii. Appeal the district board of education's determination to the Commissioner of Education in accordance with N.J.A.C. 6A:3-1.3 through 1.17 and subsequently to the State Board of Education; or
 - iii. Appeal the decision to the Superior Court of New Jersey.
- 6. The availability of appeal options shall be based upon the action taken by the district board of education.
- (h) Private schools for the disabled and public college operated programs for the disabled shall take action regarding any school employee who knowingly falsifies the annual report on violence, vandalism and alcohol or other drug abuse required under N.J.S.A. 18A:17-46, which may be in accordance with the provisions set forth in (g) above.
- (i) Each district board of education shall submit and implement corrective action plans for high incidences of violence, vandalism or alcohol or other drug abuse upon notification by the Commissioner of Education.

6A:16-5.4 Access to juvenile justice information

- (a) Each district board of education shall adopt and implement policies and procedures protecting access to information related to juvenile justice proceedings, according to the requirements of N.J.S.A. 2A:4A-60.

6A:16-5.5 Removal of students for firearms offenses

- (a) Each district board of education shall adopt and implement policies and procedures regarding student 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 12. These policies and procedures shall apply to:
 - 1. A student who is convicted or adjudicated delinquent for possession of a firearm on any school grounds, including on a school bus or at a school-sponsored function;
 - 2. A student who is convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds, including on a school bus or at a school-sponsored function; and
 - 3. A student who is found knowingly in possession of a firearm on any school grounds, including on a school bus or at a school-sponsored function.
- (b) Each district board of education shall immediately remove any student, other than a student with a disability, as set forth in (a) above, from the school's general education program for a period of not less than one calendar year.
 - 1. The chief school administrator may modify the removal of a general education student on a case-by-case basis.
 - i. The chief school administrator shall develop and maintain a written record of any case-by-case modifications of the removal requirement in this subsection, which shall be made available to the Commissioner of Education upon request of the Commissioner.

2. Nothing in this section shall be construed to prohibit the expulsion of a general education student.
- (c) A district board of education shall immediately remove students with disabilities for offenses involving firearms in accordance with the provisions of N.J.A.C. 6A:14 and the applicable Federal regulations incorporated therein.
 - (d) The principal or his or her designee shall:
 1. Remove any student as set forth in (a) through (c) above;
 2. Isolate the student and place the student under the supervision of school staff until such time as the student's parent or a law enforcement official takes custody of the student;
 3. Immediately report the removal of the student to the chief school administrator;
 4. Notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice; and
 5. Notify the student's parent of the following information:
 - i. The removal action;
 - ii. The law enforcement notification;
 - iii. The change of custody, if it occurs; and
 - iv. The general education student's due process rights, as set forth in N.J.A.C. 6A:16-7.2 through 7.6 or, in the case of a student with a disability, the student's due process rights, as set forth in N.J.A.C. 6A:14-2.7 through 2.8 and 6A:16-7.2 through 7.6.
 - (e) Any student, other than a student with a disability, removed from the general education program pursuant to this section shall be placed in an alternative education program, according to the requirements of N.J.A.C. 6A:16-9.
 1. If placement in an alternative education program is not available, the general education student shall be provided home or other out-of-school instruction, according to N.J.A.C. 6A:16-10, until placement is available.
 - (f) Any student with a disability removed pursuant to (a) and (c) above shall receive a placement in accordance with N.J.A.C. 6A:14.
 - (g) Any student removed pursuant to (b) above shall be entitled to a hearing before the district board of education in accordance with N.J.A.C. 6A:16-7.2 through 7.6.
 - (h) If it is found that the removed student did not commit the offenses in (a) and (c) above, the student shall be immediately returned to the program from which the student was removed.
 - (i) The chief school administrator shall make the final determination on whether the general education student is prepared to return to the general education program or whether the student shall remain in an alternative education program, pursuant to N.J.A.C. 6A:16-9, or receive home or other out-of-school instruction, pursuant to N.J.A.C. 6A:16-10, based on the following criteria:

1. The nature and severity of the offense;
 2. The district board of education removal decision;
 3. The results of any relevant testing, assessment or evaluation of the student; and
 4. The recommendation of the principal or director of the alternative education program or home or other out-of-school instruction program in which the student has been placed.
- (j) This section does not apply to a firearm that is lawfully stored in a locked vehicle on school grounds, or when it is for activities approved and authorized by the district board of education, so long as the district board of education adopts appropriate safeguards to ensure student safety.
1. All students must obtain written authorization from the chief school administrator to possess a firearm stored inside a locked vehicle on school grounds or used for participation in a school-sponsored function.
 - i. The chief school administrator shall not provide such authorization to any student who has been convicted or adjudicated delinquent for possession of a firearm or for a crime involving the use of a firearm.
- (k) Each chief school administrator shall submit a report annually to the Commissioner of Education on each incident under this section utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(e)1.
- (l) Each district board of education shall annually disseminate its adopted policies and procedures for implementing this section to all school staff, students and parents.

6A:16-5.6 Removal of students for assaults with weapons offenses

- (a) Each district board of education shall adopt and implement policies and procedures regarding any student who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, with a weapon, which includes, but is not limited to, those items enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, upon a teacher, administrator, board member, other employee of a school board or another student on any school grounds, including on a school bus or at a school-sponsored function, according to the requirements of N.J.S.A. 18A:37-2.2 through 2.5.
- (b) Any student as set forth in (a) above, other than a student with a disability, shall be immediately removed from the school's general education program for a period not exceeding one calendar year.
1. The chief school administrator may modify the removal of a general education student on a case-by-case basis.
 2. Nothing in this section shall be construed to prohibit the expulsion of a general education student.
- (c) District boards of education shall immediately remove students with disabilities for assaults with weapons offenses in accordance with the provisions of N.J.A.C. 6A:14 and the applicable Federal regulations incorporated therein.

- (d) The principal or his or her designee shall:
1. Remove any student as set forth in (a) through (c) above;
 2. Isolate the student and place the student under the supervision of school staff until such time as the student's parent or a law enforcement official takes custody of the student;
 3. Immediately report the removal of the student to the school district's chief school administrator;
 4. Notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice; and
 5. Notify the student's parent of the following information:
 - i. The removal action;
 - ii. The law enforcement notification;
 - iii. The change of custody, if it occurs; and
 - iv. The general education student's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.6 or in the case of a student with a disability, the student's due process rights, as set forth in N.J.A.C. 6A:14-2.7 through 2.8 and 6A:16-7.2 through 7.6.
- (e) Any student, other than a student with a disability, removed from the general education program pursuant to (b) above shall be placed in an alternative education program, according to the requirements of N.J.A.C.6A:16-9.
1. If placement in an alternative education program is not available, the general education student shall be provided home or other out-of-school instruction, according to N.J.A.C. 6A:16-10, until placement is available.
- (f) A student with a disability removed pursuant to (a) and (c) above shall receive a placement in accordance with N.J.A.C. 6A:14.
- (g) Any student removed pursuant to (b) above shall be entitled to a hearing before the district board of education, pursuant to the requirements set forth at N.J.A.C. 6A:16-7.2 and 7.3.
- (h) If it is found that the removed student did not commit these offenses, the student shall be immediately returned to the program from which the student was removed.
- (i) The chief school administrator shall make the final determination on when the general education student is prepared to return to the general education program or whether the student shall remain in an alternative education program or receive home or other out-of-school instruction based on the following criteria:
1. The nature and severity of the offense;
 2. The district board of education removal decision;
 3. The results of any relevant testing, assessment or evaluation of the student; and
 4. The recommendation of the principal or director of the alternative education program or home or other out-of-school instruction program in which the student has been placed.

- (j) This section does not apply to any student who has obtained the written authorization of the chief school administrator to lawfully possess a firearm or other weapon while participating in a school-sponsored function.
 - 1. The chief school administrator shall not provide such authorization to any student who has been convicted or adjudicated delinquent for possession of a firearm or weapon or for a crime involving the use of a firearm.
- (k) Each chief school administrator shall submit a report annually to the Commissioner of Education on each incident and the circumstances surrounding the removal of students pursuant to (b) above utilizing the Electronic Violence and Vandalism Reporting System pursuant to N.J.A.C. 6A:16-5.3(e)1.
- (l) Each district board of education shall annually disseminate its adopted policies and procedures for implementing this section to all school staff, students and parents.

6A:16-5.7 Assaults on district board of education members or employees

- (a) Each district board of education shall adopt and implement policies and procedures regarding any student who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, not involving the use of a weapon or firearm, upon a teacher, administrator, board member or other employee of a school board acting in the performance of his or her duties and in a situation where his or her authority to act is apparent, or as a result of the victim's relationship to a public education institution, according to the requirements of N.J.S.A. 18A:37-2.1.
- (b) Any student, other than a student with a disability, who commits an assault pursuant to (a) above, shall be immediately removed from school consistent with due process procedures, pending a hearing, pursuant to N.J.A.C. 6A:16-7.2 through 7.6.
 - 1. Nothing in this section shall be construed as prohibiting the expulsion of a general education student.
- (c) Any student with a disability who commits an assault pursuant to (a) above shall be removed in accordance with N.J.A.C. 6A:14.
- (d) The principal or his or her designee shall:
 - 1. Remove any student as set forth in (a) above;
 - 2. Isolate the student and place the student under the supervision of school staff until such time as the student's parent or an appropriate agency takes custody of the student;
 - 3. Immediately report the removal of the student to the district's chief school administrator; and
 - 4. Notify the student's parent of the removal action and the student's due process rights.

- (e) The district board of education shall provide due process proceedings for a general education student in accordance with N.J.A.C. 6A:16-7.2 through 7.3 and 7.5 through 7.6, or in the case of a student with a disability, in accordance with N.J.A.C. 6A:14-2.7 through 2.8.
- (f) Each chief school administrator shall submit a report annually to the Commissioner of Education on each incident and the circumstances surrounding the removal of students, pursuant to (b) above, utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(e)1.
- (g) Each district board of education shall annually disseminate its adopted policies and procedures for implementing this section to all school staff, students and parents.

6A:16-5.8 Remotely activating paging devices

- (a) Each district board of education shall adopt and implement policies and procedures regarding the prohibition of remotely activating paging devices, according to the requirements of N.J.S.A. 2C:33-19.
- (b) Without the express written permission of the school board, the chief school administrator or the school principal, students are prohibited from bringing or possessing any remotely activating paging device on any school grounds, including on a school bus or at a school-sponsored function, at any time and regardless of whether school is in session or other persons are present.
- (c) School authorities shall not grant permission for a student to bring or possess a remotely activating paging device on any school grounds, including on a school bus or at a school-sponsored function unless and until a student shall have established to the satisfaction of the school authorities a reasonable basis for the possession of the device.
- (d) The principal or his or her designee shall immediately notify the chief school administrator and the appropriate criminal justice or juvenile justice agency of a violation of this section.
- (e) Each district board of education shall annually disseminate its adopted policies and procedures for implementing this section to all school staff, students and parents.

SUBCHAPTER 6. LAW ENFORCEMENT OPERATIONS FOR ALCOHOL, OTHER DRUGS, WEAPONS AND SAFETY

6A:16-6.1 Adoption of policies and procedures

- (a) District boards of education shall adopt and implement policies and procedures to ensure cooperation between school staff and law enforcement authorities in all matters relating to:
 - 1. The unlawful possession, distribution and disposition of the following:

SUBCHAPTER 7. STUDENT CONDUCT

6A:16-7.1 Code of student conduct

- (a) Each district board of education shall develop, adopt and implement a code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on school buses or at school-sponsored functions, and, as appropriate, for conduct away from school grounds, in accordance with N.J.A.C. 6A:16-7.2 through 7.5, 7.8 and 7.9.
1. The code of student conduct shall be based on parent, student and community involvement which represents, where possible, the composition of the schools and community.
 2. The code of student conduct shall be based on locally determined and accepted core ethical values adopted by the district board of education.
 3. The district board of education shall establish a process for the annual review and update of the code of student conduct that provides for:
 - i. Parent, student and community involvement which represents, where possible, the composition of the schools and community; and
 - ii. Consideration of the findings of the annual reports of student conduct, including suspensions and expulsions, pursuant to (a)5 and 6 below, and the incidences reported under the Electronic Violence and Vandalism Reporting System, in accordance with N.J.A.C. 6A:16-5.3.
 4. The code of student conduct shall be disseminated annually to all school staff, students and parents;
 5. The chief school administrator shall report annually on the implementation of the code of student conduct to the district board of education at a public meeting. The annual summary shall contain, at a minimum:
 - i. A numerical inventory of all violations of the student behavioral expectations in the code of student conduct;
 - ii. Associated school responses to the violations of the student behavioral expectations;
 - iii. An explanation and evidence of the effectiveness of the code of student conduct. The explanation and evidence, at a minimum, shall address:
 - (1) The degree of effectiveness of the school district's activities in achieving the purposes of the code of student conduct, pursuant to (b) below; and
 - (2) The degree of implementation and effectiveness of the implementation of the contents of the code of student conduct, pursuant to (c) below; and
 - iv. Any proposed changes to the school district's current policies, procedures, programs or initiatives, based on the report pursuant to (a)5 above.
 6. The chief school administrator shall submit a report annually to the New Jersey Department of Education on student conduct, including all student suspensions and expulsions, and the implementation of the code of student conduct, pursuant to this section, in accordance with the format prescribed by the Commissioner of

Education and the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(e).

7. For students with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. § § 1400 et seq., the Individuals with Disabilities Education Improvement Act, and accommodation plans under 29 U.S.C. § § 794 and 705(20), the code of student conduct shall be implemented in accordance with the components of the applicable plans.
- (b) The code of student conduct shall be established to achieve the following purposes:
1. Foster the health, safety and social and emotional well-being of students;
 2. Support the establishment and maintenance of civil, safe, secure, supportive and disciplined school environments conducive to learning;
 3. Promote achievement of high academic standards;
 4. Prevent the occurrence of problem behaviors;
 5. Establish parameters for the intervention and remediation of student problem behaviors at all stages of identification; and
 6. Establish parameters for school responses to violations of the code of student conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of the student offenders and students' histories of inappropriate behaviors in accordance with 7.2 through 7.5, and 7.6 as appropriate.
- (c) The code of student conduct, at a minimum, shall include:
1. A description of student responsibilities that includes expectations for academic achievement, behavior and attendance, pursuant to N.J.A.C. 6A:32-8 and 13.1;
 2. A description of the behaviors that will result in suspension or expulsion, pursuant to N.J.S.A. 18A:37-2;
 3. A description of students' rights to:
 - i. Advance notice of behaviors that will result in suspensions and expulsions that have been identified under authority of N.J.S.A. 18A:37-2;
 - ii. Education that supports students' development into productive citizens;
 - iii. Attendance in safe and secure school environments;
 - iv. Attendance at school irrespective of students' marriage, pregnancy or parenthood;
 - v. Due process appeal procedures and policies, pursuant to N.J.A.C. 6A:3-1.3 through 1.17, N.J.A.C. 6A:4 and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8, and 7.2 through 7.6;
 - vi. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3, 7.2, 7.3 and 7.8; and
 - vii. Protections pursuant to 20 U.S.C. § 1232g and 34 CFR Part 99, Family Educational Rights and Privacy Act; 20 U.S.C. § 1232h and 34 CFR Part 98, Protection of Pupil Rights Amendment; N.J.A.C. 6A:32-7, Student Records; 45 CFR § 160, Health Insurance Portability and Accountability Act; 20 U.S.C. § 6301, Title IV(A)IV § 4155 of the Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient

- Records; N.J.S.A. 18A:40A-7.1, School-based drug and alcohol abuse counseling; information from participants; disclosure; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Creation; Pupil Records: Maintenance and Retention, Security and Access; Regulations; Non-Liability; N.J.A.C. 6A:14-2.9, N.J.A.C. 6A:32 Student Records; as well as other existing Federal and State laws pertaining to student protections;
4. A description of comprehensive behavioral supports that promote positive student development and the students' abilities to fulfill the behavioral expectations established by the district board of education, including:
 - i. Positive reinforcement for good conduct and academic success;
 - ii. Supportive interventions and referral services, including those at N.J.A.C. 6A:16-8;
 - iii. Remediation of problem behaviors that take into account the nature of the behaviors, the developmental ages of the students and the student's histories of problem behaviors and performance; and
 - iv. For students with disabilities, the behavior interventions and supports shall be determined and provided pursuant to the requirements of N.J.A.C. 6A:14;
 5. A description of school responses to violations of the behavioral expectations established by the district board of education that, at a minimum, are graded according to the severity of the offenses, consider the developmental ages of the student offenders and students' histories of inappropriate behaviors that shall:
 - i. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
 - ii. Be consistent with other responses, pursuant to N.J.A.C. 6A: 16-5.5, N.J.A.C. 6A:16-5.6 and N.J.A.C. 6A:16-5.7 above;
 - iii. Provide for the equitable application of the code of student conduct without regard to 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, pursuant to N.J.S.A. 10:5; and
 - iv. Be consistent with the provisions of N.J.S.A. 18A:6-1, Corporal punishment of pupils;
 6. A policy and procedures regarding the attendance of students in accordance with N.J.S.A. 18A:38-25 through 31 and N.J.A.C. 6A:32-8 and 13.1 and 6A:16-7.8;
 7. A policy and procedures regarding intimidation, harassment and bullying in accordance with N.J.S.A. 18A:37-13 et seq. and N.J.A.C. 6A:16-7.9; and
 8. A current list of community-based health and social service provider agencies available to support a student and the student's family, as appropriate, and a list of legal resources available to serve the community.
- (d) The code of student conduct shall include the due process procedures and policies for students and their families and shall include the provisions set forth at N.J.A.C. 6A:16-7.2 through 7.6.

- (e) A district board of education may deny participation in extracurricular activities, school functions, sports or graduation exercises as disciplinary sanctions, where such measures are designed to maintain the order and integrity of the school environment.

6A:16-7.2 Short-term suspensions

- (a) In each instance of a short-term suspension, a district board of education shall assure the rights of a student suspended for 10 consecutive school days or fewer by providing for the following:
1. As soon as practicable, oral or written notice of charges to the student.
 - i. When charges are denied, an explanation of the evidence forming the basis of the charges also shall be provided;
 2. An informal hearing prior to the suspension in which the student is given the opportunity to present the student's version of events regarding the student's actions leading to the short-term suspension and provided notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5:
 - i. The informal hearing shall be conducted by a school administrator or his or her designee;
 - ii. To the extent that a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student's educational program and the informal hearing shall be held as soon as practical after the suspension;
 - iii. The informal hearing should take place even when a school staff member has witnessed the conduct forming the basis of the charge; and
 - iv. The informal hearing and the notice given may take place at the same time;
 3. Oral or written notification to the student's parents of the student's removal from the student's educational program prior to the end of the school day on which the school administrator makes the decision to suspend the student, which shall include an explanation of:
 - i. The specific charges;
 - ii. The facts on which the charges are based;
 - iii. The provision(s) of the code of student conduct the student is accused of violating;
 - iv. The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3, and 7.2 through 7.6; and
 - v. The terms and conditions of the suspension.
 4. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day; and
 5. Academic instruction either in school or out of school that addresses the Core Curriculum Content Standards, pursuant to N.J.A.C. 6A:8-3.1, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.
 - i. The instruction shall be provided within five school days of the suspension.

- ii. Educational services provided to a student with a disability shall be provided consistent with the student's Individualized Education Program in accordance with N.J.A.C. 6A:14.
 - iii. At the completion of a short-term suspension, the district board of education shall return the general education student to the general education program.
- (b) The suspending principal shall immediately report the suspension to the chief school administrator, who is required to report it to the district board of education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.
- (c) For a student with a disability, the provisions set forth in this section shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.

6A:16-7.3 Long-term suspensions

- (a) In each instance of a long-term suspension, the district board of education shall assure the rights of a student suspended for more than 10 consecutive school days by providing the following:
 - 1. Immediate notification to the student of the charges, prior to the student's removal from school;
 - 2. An informal hearing prior to the suspension in which the student is given the opportunity to present the student's version of events regarding the student's actions leading to the long-term suspension and the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;
 - 3. Immediate notification to the student's parents of the student's removal from school;
 - 4. Appropriate supervision of the student while waiting for the student's parents to remove the student from school during the school day;
 - 5. Written notification to the parents by the chief school administrator or his or her designee within two school days of the initiation of the suspension, stating:
 - i. The specific charges;
 - ii. The facts on which the charges are based;
 - iii. The student's due process rights, pursuant to N.J.A.C. 6A:16-7.3 through 7.6; and
 - iv. That further engagement by the student in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the student's right to a free public education, in the event that a decision to expel the student is made by the district board of education, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.5.
 - (1) The district board of education shall request written acknowledgement of the notification of the provisions of (a)4iv above from the parents and the student subsequent to the removal from the student's educational program, pursuant to this section.
 - 6. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to (a)10 below;

7. A student with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations incorporated by reference therein;
8. Information on the right of the student to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)8;
9. Educational services, either in school or out of school, that are comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.
 - i. The services shall be provided within five school days of the suspension.
 - ii. The district board of education shall make decisions regarding the appropriate educational program and support services for the suspended general education student, at a minimum, based on the following criteria:
 - (1) A behavioral assessment or evaluation including, but not limited to, a referral to the child study team, as appropriate;
 - (2) The results of any relevant testing, assessments or evaluations of the student;
 - (3) The student's academic, health and behavioral records;
 - (4) The recommendation of the chief school administrator, principal or other relevant school or community resource;
 - (5) Considerations of parental input; or
 - (6) Consultation with the Intervention and Referral Services team, in accordance with N.J.A.C. 6A:16-8, as appropriate.
 - iii. Educational services provided to a student with a disability shall be provided consistent with the student's Individualized Education Program, in accordance with N.J.A.C. 6A:14;
10. A formal hearing before the district board of education, which, at a minimum, shall:
 - i. Be conducted by the district board of education or delegated by the board to a board committee, a school administrator or an impartial hearing officer for the purpose of determining facts or making recommendations.
 - (1) The district board of education as a whole shall receive and consider either a transcript or detailed report on such hearing before taking final action;
 - ii. Include the opportunity for the student to:
 - (1) Confront and cross-examine witnesses, when there is a question of fact; and
 - (2) Present his or her own defense and produce oral testimony or written supporting affidavits.
 - iii. Take place no later than 30 calendar days following the day the student is suspended from the general education program; and
 - iv. Result in a decision by the district board of education, which at a minimum, shall be based on the preponderance of competent and credible evidence;

11. A written statement to the student's parents of the district board of education's decision within five school days after the close of the hearing that includes, at a minimum:
 - i. The charges considered;
 - ii. A summary of the documentary or testimonial evidence from both the student and the administration that was brought before the district board of education at the hearing;
 - iii. Factual findings relative to each charge and the district board of education's determination of each charge;
 - iv. Identification of the educational services to be provided to the student, pursuant to (a)9 above;
 - v. The terms and conditions of the suspension; and
 - vi. The right to appeal the district board of education's decision regarding the student's general education program to the Commissioner of Education in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17;
 12. Immediate return to the general education program if at any time it is found that the general education student did not commit the offense;
 13. For a student with a disability found not to have committed the offense, the student's program shall be determined in accordance with the provisions of N.J.A.C. 6A:14; and
 14. At the completion of a long-term suspension, the district board of education shall return the general education student to the general education program.
- (b) Any appeal of the district board of education's decision regarding the general education student's program shall be made to the Commissioner of Education, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
- (c) Suspension of general education students shall not be continued beyond the district board of education's second regular meeting following the suspension, unless the district board of education so determines, pursuant to N.J.S.A. 18A:37-5.
1. The district board of education shall determine whether to continue the suspension, pursuant to (a) above, based on the following criteria:
 - i. The nature and severity of the offense;
 - ii. The district board of education removal decision;
 - iii. The results of any relevant testing, assessments or evaluations of the student; and
 - iv. The recommendation of the chief school administrator, principal or director of the alternative education program or home or other in-school or out-of-school instruction program in which the student has been placed.
 2. The district board of education shall develop and adopt policies and procedures providing for action on the continuation of student suspensions in the event of cancellation of the first or second regular board meeting pursuant to N.J.S.A. 18A:37-4 and 5.
- (d) When the district board of education votes to continue the suspension of a general education student, the board of education, in consultation with the chief school

administrator, shall review the case at each subsequent district board of education meeting for the purpose of determining:

1. The status of the student's suspension;
 2. The appropriateness of the current educational program for the suspended student; and
 3. Whether the suspended student's current placement, pursuant to (a)9 above, should continue or whether the student should return to the general education program.
- (e) When the district board of education votes to continue the suspension of a general education student, the district board of education, in consultation with the chief school administrator, shall make the final determination on:
1. When the student is prepared to return to the general education program;
 2. Whether the student shall remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in (c)1i through iv above; or
 3. Whether to initiate expulsion proceedings in accordance with N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.5.
- (f) The district board of education shall provide a general education student suspended under this section with an appropriate educational program or appropriate educational services, based on the criteria set forth under (a)9ii above, until the student graduates from high school or reaches the age of 20, whichever comes first.
1. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and N.J.A.C. 6A:14-2 and 4.3, whichever is applicable; or
 2. The educational services provided, either in school or out of school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.
- (g) For a student with a disability who receives a long-term suspension, the district board of education shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the student's educational placement to an interim or alternate educational setting.
1. All procedural protections set forth in N.J.A.C. 6A:14 and this section shall be afforded to each student with a disability who is subjected to a long-term suspension.
 2. All decisions concerning the student's educational program or placement shall be made by the student's Individualized Education Program team.
 3. The provisions of (b) through (f) above shall not apply to students with disabilities.

6A:16-7.4 Mandated student removals from general education

- (a) The district board of education shall follow N.J.A.C 6A:16-5.5 for student removals for firearms offenses.
- (b) The district board of education shall follow N.J.A.C. 6A:16-5.6 for student removals for assaults with weapons offenses.

- (c) The district board of education shall follow N.J.A.C. 6A:16-5.7 for student removals for assaults on district board of education members or employees.

6A:16-7.5 Expulsions

- (a) A district board of education may expel, that is discontinue the educational services or discontinue payment of educational services for, a general education student from school, pursuant to N.J.S.A. 18A:37-2, only after the district board of education has provided the following:
 - 1. The procedural due process rights set forth at N.J.A.C. 6A:16-7.3 and 7.4, subsequent to a long-term suspension, pursuant to N.J.A.C. 6A:16-7.3; and
 - 2. An appropriate educational program or appropriate educational services, based on the criteria set forth under N.J.A.C. 6A:16-7.3(f).
 - i. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14; whichever are applicable; or
 - ii. The educational services provided, either in school or out of school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.
- (b) Any appeal of the district board of education's decision regarding the cessation of the student's general education program shall be made to the Commissioner of Education in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
 - 1. A district board of education shall continue to provide an appropriate educational program or appropriate educational services, in accordance with N.J.A.C. 6A:16-7.5(a)2, until a final determination has been made on the appeal of the district board of education's action to expel a student.
- (c) An expulsion of a student with a disability from a receiving school shall be handled in accordance with N.J.A.C. 6A:14.

6A:16-7.6 Conduct away from school grounds

- (a) School authorities have the right to impose a consequence on a student for conduct away from school grounds, including on a school bus or at a school-sponsored function, that is consistent with the district board of education's code of student conduct, pursuant to N.J.A.C. 6A:16-7.1.
 - 1. 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.
 - 2. This authority shall be exercised only 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.

3. The consequence pursuant to (a) above shall be handled in accordance with the district board of education approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7.2, 7.3 or 7.5.

6A:16-7.7 Staff responsibilities

- (a) District boards of education shall provide for the equitable application of the code of student conduct.
- (b) District boards of education shall delineate the roles and responsibilities of each staff member in the implementation of the code of student conduct.
- (c) District boards of education shall provide to all district board of education employees training annually on the code of student conduct, which shall include training on the prevention, intervention and remediation of student conduct in violation of the district board of education's code of student conduct.
 1. Information on the code of student conduct shall be incorporated into the orientation program for new employees.

6A:16-7.8 Attendance

- (a) Each district board of education shall develop, adopt and implement policies and procedures regarding the attendance of students, pursuant to N.J.S.A. 18A:38-25 through 31 and N.J.A.C. 6A:32-8 and 13.1, at the public schools of the district or day schools in which students are provided with equivalent instruction, according to the requirements of N.J.S.A. 18A:38-25, that shall include, at a minimum:
 1. The expectations and consequences regarding the timely arrival of students to school and classes;
 2. The expectations and consequences regarding attendance at school and classes;
 3. A definition of unexcused absence, for the purpose of this section, that, at a minimum, shall be based on the definition of a school day, pursuant to N.J.A.C. 6A:32-8.3, and the following considerations:
 - i. Family illness or death;
 - ii. Educational opportunities;
 - iii. Written parental permission;
 - iv. Excused religious observances, pursuant to N.J.S.A. 18A:36-14 through 16;
 - v. Where appropriate, Individualized Education Programs pursuant to 20 U.S.C. § § 1400 et seq., the Individuals with Disabilities Education Improvement Act, accommodation plans under 29 U.S.C. § § 794 and 705(20), and individualized health care plans, pursuant to N.J.A.C. 6A:16-2.3(b)2ix; and
 4. School staff responses for unexcused absences:
 - i. For up to four cumulative unexcused absences, the school district shall:
 - (1) Make a reasonable attempt to notify the student's parents of each unexcused absence prior to the start of the following school day;