

**DATE:** December 14, 1998

**REVIEWED:** December 11, 2008

**REMOVAL OF PUPILS FROM REGULAR  
EDUCATION PROGRAM FOR WEAPONS/FIREARMS VIOLATION**

**RESPONSIBILITY:** The school principal shall be responsible for administering this policy.

**PROCEDURES:**

**A. Definitions for the purposes of this regulations are:**

1. **Removal** - The exclusion of a pupil from the regular education program in the school in which pupil was assigned and the assignment of the pupil to an alternative education school or program for at least one calendar year, following proper hearing conducted by the Board of Education.
2. **Suspension** - A temporary exclusion from school, following due process procedures.
3. **Expulsion** - A permanent exclusion from school which denies a pupil the free, thorough, and efficient public education provided by the public school district in which the pupil resides, based on specific conditions and following due process procedures, including a hearing conducted by the Board of Education.

**B. Procedures - Removal of Pupils From Regular Education**

1. Any pupil convicted or found to be delinquent for the following offenses 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:
  - Possessing a firearm on any school property, on a school bus, or at a school-sponsored function; or
  - Convicted or adjudicated delinquent for possession of a firearm or crime while armed with a firearm.
2. Any pupil who assaults any person including a pupil, teacher, administrator, board member, or other school District employee, with a weapon 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.

3. The principal is responsible for the removal of the pupil and the principal must immediately report the removal to the Superintendent of Schools and the Bernards Township police.
4. The principal will notify the pupil's parent or legal guardian if the pupil possesses a firearm on school property or assaults a member of the school community with a weapon other than a firearm on school property, on a school bus, or at a school-sponsored function.
5. If placement in an approved alternative education school or program is not available, the pupil must be provided home instruction or instruction in other suitable facilities or program until the alternative educational placement is available.
6. Our District may consider other alternative education programs, such as an Individualized Program Plan (IPP) developed in accordance with the graduation requirement standards set forth in N.J.A.C. 6:8.7.1 (d) ii.
7. Any pupil removed for a weapons offense is entitled to a hearing before the Board of Education to determine if the pupil is guilty of the offense.
  - The hearing shall take place no longer than 30 calendar days following the day the pupil is removed from the regular education program. The hearing is not subject to the provisions of the Open Public Meetings Act, P.L. 1975, c.231 (C.10:4-6 et seq.).
  - The decision of the Board of Education must be made within 5 days after the close of the hearing. Any appeal to the Commissioner of Education must be made within 90 calendar days of the Board's decision.
  - If the Board finds the pupil is not guilty of the offense(s), the pupil must be immediately returned to the regular education program.
  - The Superintendent of Schools may modify the decision to remove the pupil on a case by case basis.

### **C. Return of Pupils to Regular 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 educationally disabled, the pupil's placement is determined by the child study team and the pupil's parent or legal guardian in accordance with N.J.A.C. 6:14 et seq.

### **D. Expulsion**

The Board of Education is not prohibited from expelling a pupil and none of the above procedures in this regulation or within the law prohibit expulsion.

## E. Superintendent's Permission For Firearm

The Superintendent may grant permission to written requests from pupils to possess, handle, or use weapons as part of their participation in school-sponsored functions, military classes, or for recreational activities such as hunting clubs and rifle clubs. The Superintendent must not grant such permission to any pupil who has been convicted or found delinquent for possession of a firearm or for a crime involving the use of a firearm.

## F. Alternative Education Settings

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 following alternatives are available:

1. **Home Instruction** - Home instruction may be provided in accordance with Policy 2412. If instruction cannot reasonably be provided at the pupil's place of confinement, a suitable alternative location such as a municipal building, state government facility, or county facility may be considered;
2. **Home Schooling** - Parents or legal guardians with children removed from the regular education program have the right to educate a child at home. The parent or legal guardian must demonstrate to the school District that the instruction provided at home is academically equivalent to that provided in public school for a child of similar grade and attainment. If a child is educated at home, the school District will evaluate the child before returning to the public school to determine placement;
3. **Distance Learning** - Video/audio bridges providing local access to school-based or home sites used to deliver instruction; or
4. **Another Program Completion Option** - An Individualized Program Plan (IPP) may be developed in accordance with graduation standards set forth in N.J.A.C. 6:8-7.1(d)ii. The IPP may be used in conjunction with home instruction, or as the basis for organizing the provision of other tutorial and supervised learning experiences.

## G. Special Education

1. Pupils with disabilities who exhibit dangerous or violent behavior, may be removed immediately from the school setting. The principal may suspend the pupil for up to ten school days without the involvement of the child study team. If the school believes the pupil should be removed for more than ten school days, the following steps shall be taken:
  - For disciplinary reasons, school officials may order the removal of a student with a disability from his or her current educational placement to an interim alternative educational setting, another setting, or a suspension without the provision of educational services for up to ten consecutive or cumulative schools

days in a school year. Such suspensions are subject to the same District Board of Education procedures as nondisabled students. However, at the time of removal, the Principal shall forward written notification and a description of the reasons for such action to the case manager.

- Disciplinary action initiated by our District Board of Education which involves removal to an interim alternative educational setting, suspension for more than ten school days in a school year or expulsion of a student with a disability shall be in accordance with 20 U.S.C.: 1415(k), as amended and supplemented.