

Livingston Public Schools

Empowering All to Learn, Create, Contribute, and Grow



CODE OF CONDUCT

2011 – 2012

LIVINGSTON PUBLIC SCHOOLS

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SUPERINTENDENT'S MESSAGE

Dear Parents/Legal Guardians and Students of the Livingston Public Schools:

The Livingston Board of Education (LBOE) is committed to providing a safe and secure learning environment for students and working environment for staff. We believe that appropriate behaviors and positive character must be modeled and maintained by our staff and students in order to have safe and orderly schools.

To help students, parents/legal guardians, and staff understand expectations for acceptable conduct on school property, the LBOE established a task force to develop a Livingston Public Schools (LPS) Code of Conduct.

Every student and parent/legal guardian will receive a copy of the LPS Code of Conduct electronically at the beginning of each school year or at the time a student is enrolled. Principals will be required to review the document with their faculty and students at the beginning of each school year. School personnel will take appropriate disciplinary action for violations of the LPS Code of Conduct.

It is our collective responsibility to ensure that our staff and students are treated with fairness, respect, and civility. Your support is needed to reinforce the expectations of good behavior as outlined in the LPS Code of Conduct. Please contact your student's principal if you have any questions regarding this document.

Dr. Brad Draeger
Superintendent of Schools

PHILOSOPHY

It is the philosophy of the Livingston Public Schools that students should commit themselves to learning and to the development of their unique potential. Students should understand that their attitudes and actions affect the learning of both their classmates and themselves.

A critical part of maintaining a positive school community environment is developing our students' understanding of their role in maintaining an atmosphere that supports the health, safety and welfare of everyone. We expect our students to be respectful, courteous, and responsible, and to take pride in themselves and in their school. They should accept responsibility for helping to create and maintain a positive learning environment. With the support and assistance of school staff and parents/legal guardians, all students can contribute to the effectiveness of the school and the value of their education.

This LPS Code of Conduct extends beyond the classroom into the halls, the cafeteria, at assemblies and school functions, and while traveling by school bus to and from school and school activities. All students, commensurate with their age, are expected to follow the LPS Code of Conduct.

The LPS Code of Conduct will be implemented in all schools and at related events and it should be understood that the spirit of the document will be maintained and enforced.

EXPECTATIONS

Students are expected to:

- Be on time for school and classes.
- Be prepared for classes; (e.g. books on hand, homework in on time, studying, completing assignments, actively participating.)
- Take responsibility for their own behavior, realizing there are always options and consequences for their choices.
- Respect one another's differences and resolve interpersonal conflicts using discussion, peer mediation or assistance from school personnel.
- Commit themselves to constant personal growth and improvement.
- Contribute to the life of the school through active participation.
- Use appropriate language and show common courtesy in school, on the way to and from school, and at school functions.
- Follow all directions the first time they are given.
- Dress in an appropriate and safe fashion.
- Be substance free.

Parents/legal guardians are expected to:

- Be supportive of the staff's authority and responsibility to establish and maintain a positive, productive, safe, orderly and non-threatening learning environment.
- Provide space, time and necessary supervision in which their child can study and complete assignments.
- Be responsible for property lost or damaged by their child.
- Ensure that their child attends school punctually and regularly.
- Respect and follow the traffic, parking and safety rules at all schools.
- Respect and follow the visitor policy at all schools.
- Be substance free when visiting school or when attending school events.

Faculty and staff are expected to:

- Establish and maintain a positive, productive, safe, orderly and non-threatening learning environment.
- Be good role models by: dressing in a professional manner, being courteous and respectful to all, using appropriate language, and being sensitive to individual needs.
- Follow and support school rules.
- Treat individual students fairly and consistently.
- Communicate student progress and behavior to students, parents/legal guardians and staff in a timely, consistent and effective manner.
- Be substance free when in school or when attending school events.

STUDENT INTEGRITY

ACADEMIC DISHONESTY

- Cheating, plagiarism, forgery and unauthorized computer use* is strictly prohibited.
- Cheating includes, but is not limited to the non-authorized use of books; notes; crib sheets; copying from other students; inappropriate use of electronic devices to store or retrieve information; and/or obtaining copies of examinations illegally.
- Plagiarism is defined as stealing or using, without acknowledgement, the ideas, words, formulas, textual materials, on-line services, computer programs, etc. of another person as one's own.
- Forgery is defined as falsifications, including forging signatures, altering answers after they have been graded, inserting answers after the fact, erasure of a grader's markings and other acts that allow for falsely taking credit.

**Unauthorized computer use is defined under Technology Misuse.*

DISHONESTY

- Students shall not make false accusations against staff or other students and shall not give false information in any form about others.
- Students shall not purposely withhold information.

TECHNOLOGY MISUSE

- Computers, computer networks, and other electronic technology shall only be used for valid educational purposes and only with the approval of a school staff member.
- Unacceptable uses of technology include, but are not limited to, violating others' privacy; using, producing, transmitting, sharing or storing profanity or obscene material; copying commercial software in violation of copyright law; using technology for financial gain or illegal activity; re-posting personal communication without the author's prior consent.

SCHOOL PROCEDURES

ATTENDANCE

Each day that a student is absent from school is a day forever lost. Absences and tardies impact the education of both the missing student as well as all other students in the class. When teachers are required to remediate for absent students, it removes time from the rest of the class. Livingston Public Schools places a high emphasis on student attendance to ensure that all children meet State mandated criteria and to hold the expectation that every student will attend every day to assure maximum progress.

Specific attendance reporting procedures may be found in the individual school handbooks and within the district attendance policy (Policy #5200) and regulations.

Absences, tardiness and/or truancy

- Students must report to school/class on time.
- Absences, tardies and early dismissals must have documented approval from a parent/legal guardian. Medical dismissals should be processed through the school nurse.
- Students who are excessively truant, whether absent, tardy or dismissed early, are subject to attendance proceedings.

Notification Procedures and Conferences Required for Excessive Absences/Tardies

Principal Notification

- Students who accumulate a total of ten absences/tardies/early dismissals shall be contacted by the school principal to analyze and discuss solutions and interventions.

Principal/Assistant Principal Conference

- Students who accumulate a total of ten absences or ten tardies/early dismissals shall require a principal/assistant principal conference to develop an action plan to improve attendance/tardies.

Superintendent/Designee Conference

- Students who accumulate a total of 15 absences or 15 tardies/early dismissals shall require a conference with the Superintendent/designee.

SCHOOL PROCEDURES

LEAVING SCHOOL GROUNDS

- No student shall leave school grounds during the academic day without permission from the administrator/designee of the building.

COMMUNICATION DEVICES/CELL PHONE USAGE

- In elementary schools, cellular phones and other wireless communication devices are allowed on school grounds, but these devices may **not** be visible and must be turned off prior to entering the school and remain off and out of sight during the school day. Cellular phones should never cause a distraction or a disruption in the instructional process.
- In the middle schools, cellular phones may be used as part of a classroom lesson/activity or as assistive technology as deemed appropriate by the staff member in charge. Otherwise, cellular phones are to remain off and out of sight. Cellular phones should never cause a distraction or a disruption in the instructional process.
 - Note: Heritage Middle School allows the use of cell phones in the cafeteria at lunch.
- In the high school, cellular phones may be used during non-instructional times (before school, after school, during lunch and passing times). They may also be used as assistive technology at the discretion of the teacher in the classroom, but should never cause a distraction or a disruption in the instructional process.
- Camera-equipped cellular phones or similar devices may not be used by students as cameras during the school day and within the school buildings or on school buses nor may they be used at any time in locker rooms or bathrooms.
- The transmitting, storing or sharing of inappropriate photographs on cellular phones or other wireless communication devices may constitute criminal behavior which would be reported to the proper authorities.

SCHOOL-SPONSORED PUBLICATIONS

- For purposes of this provision, "school-sponsored publications" shall include all printed materials or other media, sponsored by the school or the District, used to communicate with students, including, but not limited to, newspapers, magazines, articles, brochures, pamphlets, posters, buttons, or audio or video publications.
- Students must submit all school-sponsored publications to the principal or principal's designee prior to distribution.
- The principal or principal's designee may restrict distribution of any school-sponsored publication which, if not restricted, would undermine or disrupt the basic educational activities of the school, interfere with

SCHOOL PROCEDURES

the educational continuity of instruction, subject the Board of Education to legal action for libel or copyright infringement, or is profane, lewd, obscene or inappropriate for a specific age group.

- Publications that are not considered school-sponsored publications are not subject to pre-approval by the principal or the principal's designee.

In the event that the principal or principal's designee elects to restrict the distribution of school-sponsored publications, the affected student(s) will have the right to appeal that determination to the Superintendent or his/her designee. If the student is not satisfied with the Superintendent's determination, he/she may appeal the decision to the Board of Education.

STUDENT DRESS CODE

- The Livingston Public Schools recognize that each student's mode of dress and grooming is a reflection of that student's personal style and individual preferences. The Livingston Public Schools will impose its judgment on students and parents/legal guardians only when a student's dress and grooming are distracting, distasteful or affect the educational program of the school.

Please adhere to the following:

- Proper and safe footwear is required at all times. When students are participating in lab science or technology classrooms, shoes should cover all parts of their feet.
- Clothing that is distracting, disrupting or sexually revealing is not to be worn in school.
- Clothing that could cause damage to any student or school property is not to be worn.
- Slogans, patches and emblems that are obscene, drug/alcohol related, gang or violent in nature, are not permitted in school or at any school-sponsored activity.
- A change of clothing must be worn in gym and/or on the athletic field at the middle and high school levels. Clothing worn while actively participating in physical education class is not to be worn in the classroom in schools where lockers are available.

Should students report to school or to a school activity in clothing which does not conform to the Dress Code, school staff will review the circumstances and determine the measures to be taken to properly address the violation.

SCHOOL PROCEDURES

These measures may include:

- Parent/legal guardian bringing a change of clothes to school.
- Parent/legal guardian student conference.
- Detention.
- In-school suspension.
- Saturday detention/suspension.

UNAUTHORIZED SALES OR DISTRIBUTIONS

All distribution of goods and collection of money must be authorized by the principal or a school district administrator in advance.

SCHOOL BUS PROCEDURES

The Livingston Public Schools make every effort to operate a safe and dependable system of busing for all students in accordance with State guidelines. In order to meet this expectation, the following rules will be enforced. Only approved students may ride the bus.

Students Meeting the Bus Should:

- Arrive at their bus stop at least 5-10 minutes before the regular pick-up time.
- Stand away from the road. Do not stand on the traveled portion of the roadway while waiting for a bus.
- Wait until the bus has stopped, then walk to the front door. Do not run alongside a moving bus.
- Board the bus in an orderly fashion.
- Use only their assigned bus, bus stop and route.
- Not engage in any manner with strangers at the bus stop.

Students Riding the Bus Should:

- Obey instructions of bus driver and/or bus attendant.
- Not distract the bus driver.
- Refrain from horseplay.
- Wear seatbelts at all times.
- Not throw objects in or from the bus.
- Be seated immediately. Remain seated, facing forward.
- Share seats equally.
- Not have any glass objects.
- Not tamper with bus equipment.
- Be courteous.
- Not shout on the bus or out of the bus windows.
- Keep all body parts inside bus.
- Not eat or drink without bus driver/teacher permission.
- Not bring large objects on the bus.
- Keep aisles clear.

Students Leaving the Bus Should:

- Remain seated until the bus comes to a full stop.
- Leave the bus in an orderly manner; students in the front seats exit first.
- Leave the bus stop area when safety permits as soon as discharged from the bus.
- If necessary, cross the street. Crossing should be at a point at least ten feet in front of the bus and not be initiated until the driver has signaled that it is safe to do so.
- Use their assigned bus stop and route only.
- Not engage in any manner with strangers at the bus stop.

SCHOOL BUS PROCEDURES

If a disciplinary problem should occur in the afternoon, and the problem is such that, in the judgment of the driver, it is unsafe to proceed, the driver may return to the school to seek immediate disciplinary action and/or assistance. Bus drivers are instructed to report any infractions to the school principal/designee.

Trespassing

Only authorized persons are permitted aboard a school bus (school property).

Riding the School Bus is a Privilege

Should a student be reported to the principal for an infraction, the principal will be responsible for disciplinary action, which may include the loss of the privilege of bus transportation until the parent/legal guardian, the bus driver, the principal, (and in some instances, a Transportation Department representative) can arrive at an understanding which will correct the problem. The parent/legal guardian will be responsible for the transportation of their child who has lost school bus transportation privileges

DEFINITION OF PROHIBITED ACTIVITIES IN SCHOOL

Listed below are rules, that when violated, disrupt the learning environment and/or compromise the safety of students. Students who violate these rules will be referred to the Principal or his/her designee. The consequences that may be assigned to the student will be listed and defined after the definitions.

ARSON/FIRE/FALSE REPORTING

- Violations of fire regulations
- Making false fire reports
- Falsely activating a fire alarm
- Lighting matches or any flame that is not an approved part of classroom instruction
- Use of incendiary or explosive materials
- Threats to bomb, burn or destroy school property or the property of school personnel or students.

ASSAULT AND BATTERY

- No student shall threaten or attempt to use force upon another student or staff member.

CONDUCT DANGEROUS TO THE PHYSICAL WELL-BEING OF OTHERS

- No student, through their direct or indirect actions, shall place other students or staff in danger of physical harm.

FIGHTING

- Fighting is prohibited.

GAMBLING

- Students are prohibited from any type of gambling.

GANG ACTIVITY

- Gang activity, recruitment and expressions of gang membership will not be tolerated.

DEFINITION OF PROHIBITED ACTIVITIES IN SCHOOL

HAZING

- Students shall not engage in behavior that recklessly or intentionally endangers the health or safety of others or inflicts bodily injury on a student in connection with an initiation, affiliation or admission into an athletic team, club, group organization or student body.

LITTERING

- We all need to maintain a clean and healthy school environment by properly disposing of any and all trash in an effective and efficient manner.

POSSESSION OF BANNED ITEMS

- Students may not have any of the following items without the permission of a school administrator or faculty member
- Laser pointers
- Glass/breakable containers
- Lighters, matches or other incendiary devices
- Profane material or pornography
- Any other item that causes the disruption of the learning environment
- Any other item that compromises the safety of any student

SEXUAL HARASSMENT

- Sexual harassment is not permitted at school, on school grounds, on school buses or at school-sponsored activities.
- Words (spoken or written), actions or bodily contact connected with gender may be considered sexual harassment if they are considered unwanted or harmful by the recipient.
- All instances of sexual harassment should be reported to a staff member or principal.

THEFT

- Taking or attempting to take school property or personal property of others without permission is expressly forbidden.

DEFINITION OF PROHIBITED ACTIVITIES IN SCHOOL

TRESPASSING

- Students are considered to be trespassing if they are present at a school other than the school in which they are enrolled unless they are attending an approved school activity, have the approval of a staff member or are accompanied by a parent/guardian.
- Students who are suspended from school are not allowed at any school or school-sponsored activity or on any school property.
- Students who trespass on any school property are subject to arrest and corrective action at the school.

THREAT TO PROPERTY/VANDALISM

- No student shall threaten or attempt to do damage to the school building, school property, staff or student property. A threat will be considered any expression of intent to cause harm, injury or damage to school property or to other persons on school property, at school-sponsored activities, or on school buses. This expression includes verbal, written and electronic forms.
- Graffiti is prohibited, as is computer and other electronic vandalism.

TOBACCO POSSESSION AND/OR USE

- Students are not permitted to smoke or be in possession of tobacco products, matches or lighters on school buses, in school buildings, on school property or at school-sponsored activities.

THREATENING AND/OR ABUSIVE LANGUAGE

- Any oral, written, or electronic expression of intent to cause harm, injury or damage to school property or to other persons on school property, at a school-sponsored activity or on school buses, will not be tolerated, including threats made off school grounds.

CONSEQUENCES AND INTERVENTIONS FOR RULE VIOLATIONS

JURISDICTION OF SCHOOL OFFICIALS

School officials may discipline students for misconduct as defined in this Code of Conduct which occurs in and around school property or activities. While misconduct which occurs outside the school environment is an issue to be addressed by local law enforcement, school officials may discipline students for such conduct when the conduct impacts the school environment, educational objectives and the greater interests of the school district. Accordingly, school officials may discipline students for conduct occurring:

- While on or about school premises;
- While en route to and from school in school vehicles, including bus stops;
- While on school-sponsored field trips;
- While attending or participating in extracurricular activities;
- While engaged in school related activities on or off premises; and/or
- While on school property, but during non-school hours.

Appropriate remedial action for a student who commits an infraction of the LPS Code of Conduct may be varied and graded according to the following factors which will be considered in determining an appropriate response to prohibited conduct: the nature of the behavior, the developmental age of the student, the levels of harm, the surrounding circumstances, the relationships between the parties involved, the context in which the incident occurred and the student's history of problem behaviors and performance. Actions must be consistent with the provisions of N.J.A.C. 6A:16-7, as appropriate.

A student's failure to comply with school rules and regulations may result in the school taking one or more of the following actions, in whatever order or manner the school deems appropriate (in alphabetical order):

Alternative education programs

Students in grades 9-12 may be referred to alternative education programs sponsored by the school system. Students who regularly exhibit behavior problems, and for whom the base school has utilized many interventions with little or no positive results, may be considered for admission. Alternative education programs may be located in separate facilities.

Assigned tasks

Assignment of a student to complete special tasks or service at school may occur.

CONSEQUENCES AND INTERVENTIONS FOR RULE VIOLATIONS

Bus violations

Students serving detentions for bus violations may not be allowed to ride the bus to or from school or to any school-sponsored activity. Parents/legal guardians are responsible for transportation.

Confiscation of disruptive communication and entertainment devices

Administration may take communication and entertainment devices that are disruptive to the learning environment. Confiscated devices must be picked up by parents/legal guardians unless other arrangements have been established by the administrator and parent/legal guardian.

Counseling

Counseling with a student by an administrator or other school staff member may be useful in bringing about a desired change of behavior.

Detention

Detention is held for a specified amount of time either before a student's first scheduled class, following the last scheduled class, or during lunch and recess. Parents/legal guardians are responsible for providing transportation to and/or from detention. At schools where activity buses are provided, students may be permitted to ride the bus after detention with the principal's permission.

Expulsion

The Board of Education may deny a student attendance at school and school-sponsored activities. See page 21 for specifics, including definitions, procedures and the appeal process (due process rights).

Mediation

This procedure is available in many schools to provide intervention and peaceful settlement of problems. Contact your school for more information.

Non-participation in school-sponsored activities

Restrictions will be set for a fixed period of time or until certain specified requirements have been met. This corrective measure applies to all school-sponsored activities.

Suspension – In-school (ISS) – In-school suspension shall be considered an alternative disciplinary action for selected cases. The parent/legal guardian shall be notified of the temporary change in the student's schedule and a specific reason for the removal will be provided. The school will provide instructional assignments for the student.

CONSEQUENCES AND INTERVENTIONS FOR RULE VIOLATIONS

Suspension – Out-of-school (OSS) – A student may be temporarily removed from school as a disciplinary measure. See below for specifics, including definitions, procedures and the appeal process (due process rights).

Parent/legal guardian conference – Parent/legal guardian conferences are held in an effort to clarify student behavior and to seek help and cooperation from the parent/legal guardian.

Police/court action – A student's failure to comply with county or school regulations and/or requirements of law may result in legal/court action. Offenses involving weapons, alcohol and/or drugs, intentional injury and other serious violations shall be reported to the police or other appropriate authorities.

Restitution – If a student willfully damages school property, the law allows schools to require parents/legal guardians to pay for damages.

Saturday detention – Saturday detention is held at the secondary level. The parent/legal guardian shall be notified in advance of the extension of the student's schedule. Parents/legal guardians are responsible for providing transportation for Saturday detention. The only exemption will be for religious obligations. If an exemption is granted, an alternative disciplinary action will be determined by the administrator.

Warnings – Warnings in the form of contracts, verbal or written understandings or agreements, and probation may be appropriate for some students.

SUSPENSION

Definition

For the purposes of this policy "suspension" means the temporary removal of a student from the regular instructional program. "Short-term suspension" means a suspension of not more than ten days, and "long-term suspension" means a suspension of more than ten days.

Rationale

No student, otherwise eligible for attendance, shall be removed from the instructional program to which he/she has been assigned unless that student has materially and substantially interfered with the maintenance of good order, or removal is necessary to protect the physical safety or emotional well-being of students and/or staff.

Procedure

A school administrator may suspend a student from school for misconduct

CONSEQUENCES AND INTERVENTIONS FOR RULE VIOLATIONS

which includes, but is not limited to, violations stated within the LPS Code of Conduct. The administrator will give the student notice of the charge(s) against him/her, and an account of information known to school personnel about the event(s) in question. The student will be given the opportunity to present his/her version of the events. When a suspension is imposed, the school administrator or appointed designee will notify the student's parent/legal guardian to inform them of the reason for the suspension, the length of suspension (as determined by the administrator), and any arrangements for transportation home, if necessary.

Students who are suspended are not allowed on school property (including buses), or at any school-sponsored activities for the duration of the suspension. Suspended students who trespass on school property or at school-sponsored activities are subject to further corrective action.

In cases of short-term suspension, the parent/legal guardian may make arrangements with the school to provide any missed work for the student. In cases of long-term suspension, the student shall be provided home-based instruction after the fifth day of suspension or be assigned to an alternative educational program on the recommendation of the Superintendent.

Appeals

Upon notification of a suspension, a parent/legal guardian or adult student may provide written notice of an appeal of the action. The appeal will be heard by the principal of the school, who will review the findings regarding the event in question and make a decision to uphold, remove, or modify the suspension. Should a parent/legal guardian/adult student appeal beyond the building level, the appeal process shall then progress to the Superintendent designee, then to the Superintendent, and finally to the Board of Education. The decision of the Board of Education shall be final. In the case of an appeal request, the student shall be allowed to attend school until the case is heard, and a decision is made, unless the school administrator determines that the continued presence of the student creates a threat to the safety or welfare of the persons/property of the school, or may pose a disruption to the school environment.

Specialized Occurrences Warranting Immediate and Long Term Suspension

Any student possessing a firearm on school property, on a school bus or at a school-sponsored function or committing a crime while possessing a firearm 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

CONSEQUENCES AND INTERVENTIONS FOR RULE VIOLATIONS

education school or program pending a hearing before the Board of Education to remove the student (in accordance with Policy No. 5611).

Any student who commits an assault, as defined pursuant to N.J.S.A. 2C:12-1, upon a student, teacher, administrator, LBOE 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.

Any student who commits an assault, as defined pursuant to N.J.S.A. 2C 12-1, upon a teacher, administrator, LBOE member or other school district employee, acting in the performance of his/her duties in a situation where his/her authority to so act is apparent or as a result of the victim's relationship to an institution of public education in New Jersey, not involving the use of a weapon or firearm, shall be immediately suspended from school consistent with procedural due process pending suspension or expulsion hearings before the Board of Education.

Reinstatement

A suspended student may be reinstated:

1. By the principal within ten days of the suspension.
2. By the Superintendent at any time before the next meeting of the Board of Education following the suspension.
3. By the Board of Education at the first meeting following the suspension. (However, no student suspended for reasons of assault upon a person in authority may be reinstated before the Board of Education has held a hearing which must be scheduled within twenty-one calendar days of the suspension. The Board of Education in this case will consider that student's expulsion from school at its second regular meeting after the suspension and thereafter, the Board of Education alone may reinstate the student or continue the suspension.)

Students with Disabilities

Students with disabilities are subject to suspension in accordance with IDEA.

CONSEQUENCES AND INTERVENTIONS FOR RULE VIOLATIONS

EXPULSION

The Board of Education will consider expulsion only if:

- A. The Superintendent, with his/her staff, has exhausted all means to correct the misconduct and reviewed the alternatives to expulsion.
- B. The nature of the single act presents such a clear possibility of danger to others that immediate definitive action is indicated.
- C. The parents/legal guardians of the student have been interviewed and advised of the reasons why expulsion is being considered, the rights of the pupil to a full hearing which will afford him/her procedural due process, and the right of parents/legal guardians to appeal to the Superintendent.

The student shall remain out of the school until either:

- A. An appeal made to the Superintendent is decided in the student's favor, or
- B. The appeal to the Superintendent (if made) has been denied and the Board of Education has decided to reinstate the student.

If the Board of Education determines that the charges may warrant expulsion, they will set a date for the hearing. The Board attorney will arrange for the giving of legal notice to all parties concerned for the preparation and presentation of evidence in support of the charges at the hearing.

The student must receive:

- A. Notification of the charges.
- B. The names of the adverse witnesses.
- C. Copies of the statements and affidavits of those adverse witnesses.
- D. The opportunity to be heard in his/her own defense.
- E. The opportunity to present witnesses and evidence in her/her own defense.
- F. The opportunity to cross-examine adverse witnesses.
- G. The opportunity to be represented by counsel.

Juvenile authorities and law enforcement agencies shall be notified or consulted if necessary.

Appeals on issues related to the LPS Code of Conduct should be completed in accordance with the following procedures.

First Appeal - written appeal to the principal (or a committee designated by the principal to make accommodations) within three school days of incident/notification.

CONSEQUENCES AND INTERVENTIONS FOR RULE VIOLATIONS

Second Appeal - written appeal to a Superintendent designee within three school days of the decision.

Third Appeal - written appeal to the Superintendent within three school days of a second level decision.

Final Appeal - written appeal to the Board of Education. This is the final level of appeal with the exception of appeals concerning harassment, intimidation and bullying.

WEAPONS AND OTHER PROHIBITED ITEMS

The Board of Education recognizes the need to provide a safe and secure environment for students and staff. Therefore, the possession and/or use of weapons, or other instruments which can be used as weapons, are prohibited from school property, at any school-sponsored activity under the supervision of professional school staff, or while en route to or from school or any school-sponsored function.

For the purposes of this document, weapons or dangerous instruments are broadly defined to include, but not limited to, those defined in N.J.S.A.2C:39-1f and N.J.S.A.2C:39-1r. Rifles, shotguns, machine guns, automatic or semiautomatic rifles, B.B. guns, dart guns, pellet guns, and other firearms; stilettos, and other knives which could inflict harm; blackjacks, bludgeons, metal knuckles, cesti or similar leather bands studded with metal fillings or razor blades embedded in wood; ice picks, razors, chains, bats, clubs, explosives; any weapon or other device which projects, releases, or emits tear gas or any other substance intended to provide temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air; and any other object that can reasonably be considered a weapon. The principal or designee 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.

A student found or observed on school property or at a school-sponsored event to be in possession of a weapon or dangerous instrument, shall be reported to the principal/designee immediately. The principal/designee shall immediately inform law enforcement officials and the Superintendent.

Disciplinary action shall be taken against students who possess, handle, transmit, or use weapons or dangerous instruments. As in all disciplinary cases, due process will be provided to the student. Disciplinary action imposed by the school may be in addition to sanctions levied by legal authorities.

Any student who is convicted or found to be delinquent for the following offenses shall be immediately removed by the principal from the district's regular education 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 student:

- A. Possessing a firearm on any school property, on a school bus, or at a school-sponsored function; or
- B. Committing a crime while possessing a firearm.

HARASSMENT, INTIMIDATION AND BULLYING

New regulations that enhance existing laws for the prevention of harassment, intimidation and bullying are in place for the 2011-2012 school year. The legal definition and the major changes in the law are listed below. A parent-and student-friendly question and answer section can be found on the next page.

Legal definition

"Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated 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, on a school bus or off school grounds as provided for in section 16 of P.L 2010, CHAPTER 122, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- A. A reasonable person should know, under the circumstances, that his/her actions will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in a reasonable fear of physical or emotional harm to his person or damage to his property;
- B. Has the effect of insulting or demeaning any student or group of students;
- C. Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

Changes made to meet the requirements of the new regulations:

- A District Anti-Bullying Coordinator has been designated.
- Each school will have an Anti-Bullying Specialist and School Safety Team.
- Bullying incidents that occur off school grounds will be investigated if they disrupt or interfere with the orderly operation of the school.
- Any adult or student who witnesses an incidence of harassment, intimidation or bullying must report the incident to the Principal that same day.
- The Principal must inform the parents of all students involved in an incident of harassment, intimidation or bullying. Information should include the nature of the incident, what evidence was found, if consequences were imposed, and if services were provided to address the incident.
- Parents have the right to appeal any decision made regarding an incident of harassment, intimidation and bullying to the Principal, the Superintendent and the Board of Education in that order.
- The State will assess how effective Livingston Public School has implemented a system to prevent harassment, intimidation and bullying and the results will be posted on the District website.

HARASSMENT, INTIMIDATION AND BULLYING

ALL SCHOOLS WILL HAVE A CULTURE WHERE BULLYING IS NOT TOLERATED

Bullying will not be tolerated in any school, on school buses, during any school activities, on the way to or from school or at any other time that effects the operation of the school. To make this possible, the District has developed a system for reporting and responding to instances of harassment, intimidation and bullying. Below are questions and answers that will help to explain the system put in place to stop harassment, intimidation and bullying in our schools.

Note: The use of the word "bullying" will refer to all acts of harassment, intimidation and bullying.

Q: How are harassment, intimidation and bullying defined?

A: A new anti-bullying law defines bullying as any act based on race, religion, disability or any other characteristic, which disrupts the orderly operation of the school or causes physical and/or emotional harm to the victim.

Bullying involves a difference of power between parties, usually happens repeatedly, is intentional and can happen in-person or electronically. Bullying can be in the form of taunts, insults, threats, humiliation, exclusion from a group and teasing. It can also be in the physical form of hitting/pushing, tripping or aggressively approaching another student.

Note: Two students involved in a conflict does not always constitute an act of bullying

Q: What are the student behavioral expectations in a bullying-free environment?

A: Students are expected to:

- Tell a person who is harassing, intimidating or bullying him/her to stop.
- Respect the right of all students to be educated in an environment free of intimidation and bullying.
- Respect the property of others.
- If possible, constructively attempt to stop incidents of bullying.
- Walk away from incidents of bullying and report the incident of bullying to an adult on campus if an attempt to constructively stop an incident of bullying is not successful.
- Refrain from participating in any act that a reasonable person would perceive to believe:
 - is intimidating of others.
 - excludes others for the purpose of humiliation.
 - is a physical activity that would intimidate another student (hitting, tripping, pushing, etc.).
- Not make any false accusations against other students regarding incidents of harassment, intimidation or bullying.

HARASSMENT, INTIMIDATION AND BULLYING

Q: How should a student report bullying?

A: If a student is being bullied, he or she must report the incident to any school District staff member immediately. All staff members are trained to know where to bring information regarding the incident. The student reporting the incident will be asked to fill out an incident statement, as will the staff member who either witnessed the incident or received the report from a witness or the victim.

Once the statement is given to the anti-bullying specialist in the school, all parents of the students involved will be notified of the incident. An investigation will be initiated no later than the following day and the investigation will be completed within 10 days. Parents will be notified if the District found any evidence of harassment, intimidation or bullying within 5 days of the completion of the investigation. (See Addendum A)

Q: Are there immediate actions that I can take if I am bullied?

A: Yes. These actions include:

- Tell the bully very firmly to stop.
- Keep written notes of dates, times, places, witness names and other information.
- Talk with a staff member, counselor, administrator or parent/legal guardian about the incident immediately

Q: What should I do if the bullying continues?

A: Immediately report the incident to a school administrator or staff member. It is important to tell your parent/legal guardian that the bullying is continuing. Administrators will take disciplinary action up to and including expulsion if the student accused of bullying attempts to retaliate against the victim for reporting his/her bullying behavior.

Q: What is cyber-bullying?

A: Cyber-bullying is the use of electronic information and communication devices, to include but not be limited to, e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blogs, internet chat rooms, social networking websites, internet postings, and defamatory websites that:

- Deliberately threatens, harasses, intimidates an individual or group of individuals; or
- Places an individual in reasonable fear of personal harm or damage to the individual's property; or
- Has the effect of substantially disrupting the orderly operation of the school.

HARASSMENT, INTIMIDATION AND BULLYING

Q: What are the consequences for acts of intimidation, harassment or bullying?

A: Factors such as the age of a student, the degree of harm, severity of the behaviors, past history and patterns of behavior, and the relationship between parties involved will be taken into account when consequences are administered. If the findings of an investigation result in a student requiring consequences for his/her behavior, the consequences may include one or more of the following:

- Loss of privileges
- Administrative detention
- In-school suspension
- Out-of-school suspension
- Reporting of the incident to law enforcement, and
- Expulsion

Q: What are ways to remediate after an act of harassment, intimidation or bullying has occurred?

A: Efforts to develop strategies to remediate behaviors that lead up to acts of harassment, intimidation or bullying must also be implemented to prevent further incidents. Remedial measures also help the victim of incidents to cope and be able to know what to do in future encounters of harassment, intimidation or bullying. Steps will also be taken to help students who are believed to have harassed, intimidated or bullied other students, so they understand appropriate social interaction and how other students feel when they are harassed, intimidated or bullied. Remedial measures may include one or more of the following:

- Counseling sessions (individual or group)
- Peer support group
- Parent conferences
- School-wide anti-bullying activities
- Evaluation for threats to others or oneself
- Restitution

HARASSMENT, INTIMIDATION AND BULLYING

Q: What are the rights of parents to appeal consequences?

A: Parents have the right to appeal the decision of the building Principal to the Superintendent or his/her designee. Further appeal may be made to the Board of Education and it shall be granted within 10 days of the request. A decision in writing by the Board will be made at the next scheduled Board of Education meeting. A final appeal can be made to the Commissioner of Education no later than 90 days after the Board of Education's decision. All appeals must be in writing.

Q: How is retaliation viewed in the harassment, intimidation and bullying law?

A: It is prohibited by law for any school district employee, student, parent or member of the Board of Education to retaliate or make false statements against any person who reports an act of harassment, intimidation or bullying.

Consequences/remediation for harassing, intimidating or bullying another student may include one or more of the following:

- Alternative education programs
- Counseling
- Detention
- Expulsion
- In-school suspension (ISS)
- Mediation
- Non-participation in school-sponsored activities
- Out-of-school suspension (OSS)
- Parent/legal guardian conference
- Saturday detention
- Warnings

SUBSTANCE ABUSE POLICY

The fundamental purpose of our educational process is to foster the intellectual, emotional, social, and physical well-being of each child. In fulfilling this purpose, the Livingston Board of Education accepts responsibility to provide a safe environment, free of drugs, within our schools and to assist our students to learn how to lead drug-free lives.

Accordingly, the Board will establish and maintain a comprehensive substance abuse intervention, prevention and treatment referral program in the schools of this district. The intent of the policy is preventative and therapeutic, but the Board will take the necessary and appropriate steps to protect the school community from harm and from exposure to harmful substances.

The Board prohibits the use, possession, and/or distribution of a substance on school premises, at any event away from the school premises that is sponsored by this Board, and on any transportation vehicle provided by this Board. A pupil who uses, possesses or distributes a substance, on or off school premises, at any event away from the school premises that is sponsored by the Board, and on any transportation vehicle provided by the Board during or after school hours will be subject to discipline.

Definitions:

"Substance" means alcoholic beverages, controlled dangerous substances as defined at N.J.S.A. 24:21-2, anabolic steroids, any chemical or chemical compound that releases vapors 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 at N.J.S.A. 2C:35-10.4, or over-the-counter prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction or dulling of the brain or nervous system.

"Substance abuse" means the consumption or use of any substance for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.

"Evaluation" means those procedures used by a certified or licensed professional trained to assess alcohol and other drug abuse which determine a pupil's need for an educational program or treatment that extends beyond the regular school program by virtue of the use of substances by the pupil or a member of the pupil's family.

SUBSTANCE ABUSE POLICY

"Intervention and referral to treatment" means those programs and services offered to help a pupil because of the use of substances by the pupil or a member of the pupil's family.

Prevention/Instruction

In keeping with the Board's intent to provide preventative and therapeutic assistance to all pupils, an education curriculum for grades K-12, emphasizing primary prevention of alcohol, drug, and substance abuse shall be used, providing students with information and developmental exercises regarding chemical substances. Pupils will receive education, including tobacco and anabolic steroids, appropriate for the pupil's age, maturity, and grade level.

The Board will provide intervention and treatment referral services by teaching staff members who are properly and appropriately certified and trained to render such services.

Such services include instruction, counseling and related services to a pupil who is receiving medical or therapeutic care for diagnosed substance abuse, referral to a community agency approved by the County Local Advisory Council on alcoholism or Drug Abuse or the State Department of Health; support services for pupils who are in care or returning from care for substance dependency; and/or a special class or course designed to meet the needs of pupils with problems of substance abuse.

A substance abuser who has also been identified as potentially disabled shall be evaluated by the Child Study Team to determine his/her eligibility for special education and/or related services.

The Board will provide a program of outreach to parent(s) or legal guardian(s) of pupils that includes information on the district's substance abuse curriculum, the identification of substance abusers and rehabilitation organizations and agencies. The Superintendent is directed to develop the program in consultation with local agencies recommended by the Commissioner and to offer the program at times and in places convenient to parent(s) legal guardian(s) on school premises or in other suitable facilities

Building-Based Programs

In keeping with the district's preventative and therapeutic efforts, building-based programs will be developed district-wide, to provide services to students whose academic careers are being adversely affected. The purpose of these programs will be to address individual learning difficulties, behavioral problems emotional well-being and alcohol/drug dependency issues. These programs include all building-based intervention teams, such as the CORE Team or

SUBSTANCE ABUSE POLICY

Intervention & Referral Services (I&RS). The membership of these teams shall include, but are not limited to: the building principal or designee, regular education teacher(s) and a school staff member selected from one of the following professional titles:

- school counselor
- learning disabilities teacher-consultant
- school social worker
- school nurse
- school psychologist
- speech-language specialist
- substance awareness coordinator/student assistance counselor

The function of the building-based intervention programs is to develop educational/behavioral strategies and to provide crisis intervention, assessment, and referral.

There are instances where substance abuse may be suspected by a certified staff member and reported to the CORE Team, as per N.J.A.C. 6A:16-4.1(b). The CORE Team may recommend a referral for a medical evaluation through one of the following resources:

1. By a district approved medical facility; or
2. Private practitioners certified by an appropriate drug and alcohol licensing board; or
3. Out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services; or
4. Appropriate community agencies as defined in N.J.A.C. 6A:16-4.1(b).

When such a recommendation is being made, the Principal or his/her designee shall consult with the pupil's parent(s) or legal guardian(s) and the Superintendent.

If the written report of the medical evaluation verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student shall remain in school. If there is a positive determination from the medical examination indicating that the student's alcohol or drug use interferes with his/her physical and mental ability to perform in school, attendance at school will not resume until a written report has been submitted to the parent, principal and Superintendent from a physician who has examined the student which states that the student's alcohol or other drug use no longer interferes with his/her physical and mental ability to perform in school.

All drug/alcohol assessment, counseling and treatment programs not provided by staff members of the district or not recommended or required under the

SUBSTANCE ABUSE POLICY

District policy shall be at the sole cost and expense of the parent/guardian and not be paid in whole or in part by the Board of Education.

Substance Abuse - Identification, Evaluation, and Intervention During School Hours and School Events

All staff members shall be alert to signs of substance abuse by pupils in school and shall respond to those signs in accordance with administrative regulations. Any staff member to whom it appears that a pupil may be under the influence of a substance on school property, at a school function or on any transportation vehicle provided by this Board shall report the matter as soon as possible to at least one of the following:

1. The Principal or his/her designee
2. The School Nurse
3. The Substance Awareness Counselor

The Principal and/or his/her designee, in response to this report, may refer the student to the School Nurse for further assessment. If testing is warranted, the Principal and/or his/her designee will:

1. Notify the parent(s) or legal guardian
2. Notify the Superintendent
3. Arrange for an immediate examination of the pupil at a Board approved facility. "Immediate" is defined in the following way:
 - a. Parent shall pick up the child within two hours of being notified by the school.
 - b. The child shall receive a medical examination with a drug test within two hours of being picked up by the parent.
4. If parent(s) or guardian(s) are not available or cannot meet the time frames established in this policy, the school shall arrange for transportation of the student to the approved testing facility or to the emergency room of the nearest hospital.
 - a. The District reserves the right to contact the police or emergency services to transport the student. In this case, a staff member will accompany the student.
 - b. Any expense for transporting the child will be borne by the parent or guardian.

SUBSTANCE ABUSE POLICY

5. The parent(s) or legal guardian may request the examination be conducted by a physician other than at the school approved facility. This examination will not be at the district's expense and must meet Board approved standards for toxicity.
6. A written report will be furnished by the examining physician to the parent(s) or legal guardian, principal and the Superintendent within one school-day of the referral of the student for suspected alcohol or other drug use. If the parent or child refuses to be screened or fails to produce the required report within one school day, the appropriate disciplinary procedures will be implemented.
7. If the written report of the medical examination is not submitted to the parent(s) or legal guardian(s), principal, and Superintendent within one school-day of the referral of the student for suspected alcohol or other drug use, the student will be allowed to return to school until such time as a positive determination of substance abuse is received from the physician. If the student is not permitted to return to school, the absence shall be deemed excused.

CONSEQUENCES

The Superintendent, or designee, will report pupils to law enforcement authorities if the staff member has reason to believe a pupil is unlawfully under the influence, possessing or in any way is involved in the distribution of controlled dangerous substances, anabolic steroids, or drug paraphernalia, on or within 1,000 feet of the outermost boundary of school property pursuant to N.J.A.C. 6A:16-6.3(a). The Superintendent will not report pupils who have voluntarily sought treatment or counseling for a substance abuse problem provided the pupil is not involved or implicated in a drug distribution activity.

Consequences for Possession/Under the Influence of Drugs/Alcohol during school hours or at school events

1st offense

- Notify Police and Superintendent
- Four (4) days out-of-school suspension
- Parent meeting with administration

2nd offense

- Notify Police and Superintendent
- Ten (10) days out-of-school suspension
- Parent meeting with administration

SUBSTANCE ABUSE POLICY

3rd offense

- Notify Police and Superintendent
- Parent meeting with administration
- Out-of-school suspension pending Superintendent review and/or hearing for expulsion with the Board of Education

Consequences for Distribution of Drugs/Alcohol

1st offense

- Notify Police and Superintendent
- Parent meeting with administration
- Ten (10) days out-of-school suspension

2nd offense

- Notify Police and Superintendent
- Parent meeting with administration
- Out-of-school suspension pending Superintendent review and/or hearing for expulsion with the Board of Education

Conditions for Re-Entry for all Offenses

- Mandatory full evaluation from a state approved facility
- Agreement to follow the recommendations of the assessment and evidence towards meeting the treatment goals
- Agreement to be subject to continued drug screenings
- Parent meeting (re-entry conference) with Administration

LIVINGSTON BOARD OF EDUCATION POLICY REFERENCES

Acceptable Use of Computers	#2361
Attendance	#5200
Administration of Medication	#5330
Harassment	#5512
Remotely Activated Communication Devices	#5516
Substance Abuse	#5530
Smoking	#5533
Passive Breath Alcohol Sensor Device	#5535
Code of Conduct	#5600
Suspension and Expulsion	#5610
Smoking on School Grounds	#7434
Alcoholic Beverages on School Premises	#7435
Vandalism	#7610
Reporting Violence/Vandalism	#8461
Weapons	#8467
Civility	#9131

Report of Harassment, Intimidation or Bullying

Appendix A

Harassment, intimidation and bullying consist of words or actions that harm or threaten another person's body, property, self-esteem or group acceptance. This includes any form of sexual harassment.

Harassment, intimidation and bullying are serious offences and will not be tolerated. This is a form to report alleged harassment and bullying that occurred on school property; at a school-sponsored activity or event off school property; or on a school bus. If you are a student victim, the parent/guardian of a student victim, or a close adult relative of a student victim, and wish to report an incident of alleged harassment or bullying, complete this form and return it to the Principal at the student victim's school. Contact the school for additional information or assistance at any time.

Today's date: _____ Date of Incident: _____

Person reporting incident: _____

Address: _____

Home Telephone: _____ Cell Phone: _____

Place an **X** in the appropriate box: ☐ Student/Witness ☐ Parent/Guardian ☐ Other Adult

Name of student victim: _____ **Age:** ____ **School:** _____

Information on the alleged offender(s) (If known):

Name	Age	School

Where did the incident occur: (choose all that apply)?

☐ On school property ☐ At a school-sponsored activity or event off school property ☐ On a school bus ☐ Online

Place an **X** next to the statement(s) that best describes what happened (choose all that apply)

- ☐ Hitting, kicking, shoving, spitting, hair pulling, or throwing something
- ☐ Getting another person to hit or harm the student
- ☐ Teasing, name-calling, making critical remarks, or threatening, in person or by other means
- ☐ Demeaning and making the victim of jokes
- ☐ Making rude and/or threatening gestures
- ☐ Excluding or rejecting the student
- ☐ Intimidating (bullying), extorting, or exploiting
- ☐ Spreading harmful rumors or gossip
- ☐ Unsolicited or inappropriate physical contact including that of a sexual nature
- ☐ Other (specify) _____

Report of Harassment, Intimidation or Bullying

Please attach a separate sheet if necessary for any of these questions:

What did the alleged offender(s) say or do?

Where did the harassment/bullying occur?

For how long has the harassment/bullying been occurring?

Did a physical injury result from this/these incident(s)? ☐ No ☐ Yes
If yes, what were the injuries that required medical treatment?

Signature: _____ **Date:** _____

PLEASE RETURN THIS COMPLETED FORM TO THE PRINCIPAL'S OFFICE

cc. Affirmative Action Officer

ACKNOWLEDGEMENT FORM - SIGN & RETURN

Appendix B



Livingston

PUBLIC SCHOOLS

The Code of Conduct was designed to ensure a positive, safe, orderly and non-threatening learning environment. Everyone in the school and community deserves to be treated with fairness, respect, and civility. It is our duty as a community to develop our children's understanding of their role in maintaining an atmosphere that supports the health, safety, and welfare of everyone.

We are all proud of our school and community and this pride must continue to be instilled in our youth for they are our future. In that vein, it is essential that everyone accept the responsibility to reinforce good citizenship.

Schools and communities are most effective when they work in unison. Your support and assistance in promoting and enforcing the Code of Conduct is essential to our success.

We respectfully request that you review and discuss this Code of Conduct with your family.

I acknowledge that I have received and read the Livingston 2011-2012 Code of Conduct.

Student School (2011-2012 school year)

Parent/Guardian Name (Print and sign)

Date

Student Name (Print and sign)

Date



Livingston
PUBLIC SCHOOLS

2011 – 2012 Code of Conduct

11 Foxcroft Drive, Livingston, NJ 07039 ~ 973-535-8000