



New Jersey Compilation of School Discipline Laws and Regulations

Prepared: March 31, 2021

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of March 2021. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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- 2C:39-5. Unlawful possession of weapons
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Title 9. Children - Juvenile and Domestic Relations Courts

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Title 52. State Government, Departments and Officers

- 52:17B-4.7. Gang education seminars for school administrators
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[New Jersey Regulations](#)

The State of New Jersey contracts with LexisNexis to provide free public access to the New Jersey Regulations (<http://www.lexisnexis.com/hottopics/njcode>). Users must agree to terms and conditions prior to use of the site. All listed statutes are searchable by title and chapter number or by using key search terms.

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- 6A:16-4.1. Adoption of policies and procedures for the intervention of student alcohol and other drug abuse
- 6A:16-4.2. Review and availability of policies and procedures for the intervention of student alcohol or other drug abuse
- 6A:16-4.3. Reporting, notification, and examination procedures for students suspected of being under the influence of alcohol or other drugs
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Codes of Conduct

Authority to Develop and Establish Codes of Conduct

LAWS

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.

a. Each school district shall adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus. The school district shall adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

18A:40A-10. Referral program in schools.

Each local board of education shall, pursuant to guidelines developed by the Commissioner of Education, in consultation with the Commissioner of Health, establish a comprehensive substance abuse intervention, prevention and treatment referral program in the public elementary and secondary schools of the district. The purpose of the program shall be to identify pupils who are substance abusers, assess the extent of these pupils' involvement with these substances and, where appropriate, refer pupils and their families to organizations and agencies approved by the Department of Health to offer competent professional treatment. Treatment shall not be at the expense of the local board of education.

Each school district shall develop a clear written policy statement which outlines the district's program to combat substance abuse and which provides for the identification, evaluation, referral for treatment and discipline of pupils who are substance abusers. Copies of the policy statement shall be distributed to pupils and their parents at the beginning of each school year.

18A:40A-11. Policies for evaluations, referral, discipline.

Each board of education shall adopt and implement, in accordance with rules and regulations promulgated by the State board, policies and procedures for the evaluation, referral for treatment and discipline of pupils involved in incidents of possession or abuse of substances as defined in section 2 [C.18A:40A-9] of this act, on school property or at school functions, or who show significant symptoms of the use of those substances on school property or at school functions. In adopting and implementing these policies and procedures, the board shall consult and work closely with a local organization involved with the prevention, detection and treatment of substance abuse approved by the Department of Health.

REGULATIONS

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 a 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, other school board employee, or district board of education member 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, pursuant to N.J.S.A. 18A:37-2.1.

(b) A 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 7.5.

1. Nothing in this section shall be construed as prohibiting the expulsion of a general education student.
- (c) A 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 a student as set forth in (a) above;
 2. Isolate the student and place him or her under the supervision of school staff until the student's parent or an appropriate agency takes custody of the student;
 3. Immediately report to the chief school administrator the removal of the student;
 4. Notify the student's parent of the removal action and the student's due process rights; and
 5. Notify the appropriate law enforcement official of a possible violation of the New Jersey Code of Criminal Justice.
- (e) The district board of education shall provide due process proceedings for all students in accordance with N.J.A.C. 6A:16-7.2, 7.3, 7.4, and 7.5 and for a student with a disability in accordance with N.J.A.C. 6A:14-2.7 and 2.8.
- (f) Each chief school administrator biannually shall submit to the Commissioner a report 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 to all school staff, students and parents the adopted policies and procedures for implementing this section.

6A:16-7.1. Code of student conduct.

(a) Each district board of education shall develop, adopt, disseminate, and implement a code of student conduct that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds.

Scope

LAWS

18A:37-8. Offense by pupil involving firearm, removal from school's regular education program.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education to remove the pupil from the regular education program for a period of not less than one calendar year subject to modification on a case-by-case basis by the chief school administrator.

For the purposes of this section "firearm" means those items enumerated in N.J.S. 2C:39-1f and 18 U.S.C. 921.

Any pupil that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available. The provisions herein shall be construed in a manner consistent with 20 U.S.C. 1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.

a. Each school district shall adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus. The school district shall adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

18A:37-2.2. Offense by pupil involving assault, removal from school's regular education program.

Any pupil who commits an assault upon a teacher, administrator, board member, other employee of a school board or another student, with a weapon, on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education.

For purposes of this section "assault" means those actions defined under subsection a.(1) of N.J.S. 2C:12-1.

For purposes of this section "weapon" includes but is not limited to those items enumerated in subsection r. of N.J.S. 2C:39-1, except a firearm as defined by N.J.S. 2C:39-1f and 18 U.S.C. 921.

Any student that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available. The provisions herein shall be construed in a manner consistent with 20 U.S.C. 1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.

REGULATIONS

6A:16-1.3. Definitions.

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

"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:16-7.1.

"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. School grounds also includes school buses, school-sponsored functions, structures that support the 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 municipalities, private entities or other individuals during times when the school district has exclusive use of a portion of the land.

"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.

6A:16-7.1. Code of student conduct.

(a) Each district board of education shall develop, adopt, disseminate, and implement a code of student conduct that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds.

6A:16-7.5. Conduct away from school grounds.

(a) School authorities have the right to impose a consequence on a student for conduct away from school grounds 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 that 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's 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 7.4.

(b) School authorities shall respond to harassment, intimidation, or bullying that occurs off school grounds, pursuant to N.J.S.A. 18A:37-14 and 15.3 and N.J.A.C. 6A:16-1.3, 7.1, and 7.7.

Communication of Policy

LAWS

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.

c. A school district shall adopt a policy and transmit a copy of its policy to the appropriate executive county superintendent of schools by September 1, 2003. A school district shall annually conduct a re-evaluation, reassessment, and review of its policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent of schools within 30 school days of the revision. The first revised policy following the effective date of P.L.2010, c.122 (C.18A:37-13.1 et al.) shall be transmitted to the executive county superintendent of schools by September 1, 2011. [...]

e. Notice of the school district's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for schools within the school district, and in any student handbook.

18A:37-36. Educational resources, recommendation, posting on website.

The Department of Education shall recommend educational resources on dating violence and shall post these materials on its website.

18A:40A-10. Referral program in schools.

Each local board of education shall, pursuant to guidelines developed by the Commissioner of Education, in consultation with the Commissioner of Health, establish a comprehensive substance abuse intervention, prevention and treatment referral program in the public elementary and secondary schools of the district. The purpose of the program shall be to identify pupils who are substance abusers, assess the extent of these pupils' involvement with these substances and, where appropriate, refer pupils and their families to organizations and agencies approved by the Department of Health to offer competent professional treatment. Treatment shall not be at the expense of the local board of education.

Each school district shall develop a clear written policy statement which outlines the district's program to combat substance abuse and which provides for the identification, evaluation, referral for treatment and discipline of pupils who are substance abusers. Copies of the policy statement shall be distributed to pupils and their parents at the beginning of each school year.

REGULATIONS

6A:16-4.2. Review and availability of policies and procedures for the intervention of student alcohol or other drug abuse.

(a) Each district board of education shall establish a process for the annual review of the effectiveness of its policies and procedures regarding student alcohol and other drug abuse. The district board of education may solicit parent, student, and community input, as well as consult in the review process with local alcohol and other drug abuse prevention, intervention and treatment agencies licensed by the New Jersey Department of Human Services.

(b) Each district board of education shall annually disseminate to all school staff, students and parents through its website or other means its adopted policies and procedures for implementing N.J.A.C. 6A:16-4.

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 a 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, other school board employee, or district board of education member 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, pursuant to N.J.S.A. 18A:37-2.1.

(b) A 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 7.5.

1. Nothing in this section shall be construed as prohibiting the expulsion of a general education student.

(c) A 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 a student as set forth in (a) above;
2. Isolate the student and place him or her under the supervision of school staff until the student's parent or an appropriate agency takes custody of the student;
3. Immediately report to the chief school administrator the removal of the student;
4. Notify the student's parent of the removal action and the student's due process rights; and
5. Notify the appropriate law enforcement official of a possible violation of the New Jersey Code of Criminal Justice.

(e) The district board of education shall provide due process proceedings for all students in accordance with N.J.A.C. 6A:16-7.2, 7.3, 7.4, and 7.5 and for a student with a disability in accordance with N.J.A.C. 6A:14-2.7 and 2.8.

(f) Each chief school administrator biannually shall submit to the Commissioner a report 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 to all school staff, students and parents the adopted policies and procedures for implementing this section.

6A:16-7.1. Code of student conduct.

(a) Each district board of education shall develop, adopt, disseminate, and implement a code of student conduct that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds.

1. The code of student conduct may be based on parent, student, and community involvement that represents, where possible, the composition of the school district's schools and community.
2. The district board of education shall establish a process for the annual review and update of the code of student conduct.
3. The code of student conduct shall be disseminated annually to all school staff, students and parents.
4. The district board of education shall provide to all district board of education employees annual training on the code of student conduct, including training on the prevention, intervention, and remediation of student conduct that violates the district board of education's code of student conduct.
 - i. Information on the code of student conduct shall be incorporated into the orientation for new employees.
5. The district board of education shall provide for the code of student conduct's equitable application.
6. For students with disabilities subject to individualized education programs (IEPs) in accordance with 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities Education 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 applicable plans.

6A:16-7.8. Harassment, intimidation, and bullying in approved private schools for students with disabilities (PSSDs).

(a) Each approved private school for students with disabilities (PSSD) shall develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds.

1. Each approved PSSD shall develop the policy to include approved PSSD school grounds, pursuant to N.J.A.C. 6A:16-1.3;
 - i. The policy shall include a provision for notifying the appropriate sending district board(s) of education personnel of the students involved when the approved PSSD receives a complaint or report of an act of harassment, intimidation, or bullying occurring on a sending district board of education school bus, at a sending district board of education school-sponsored function and off school grounds;
2. Each approved PSSD shall develop the policy in consultation with, at a minimum, parents and other community members, school employees, school administrators, and, as appropriate, school volunteers and students;
3. Each approved PSSD shall have control over the content of the policy, except that it shall contain, at a minimum, the following components:
 - i. A statement prohibiting harassment, intimidation, or bullying of a student;
 - ii. A definition of harassment, intimidation, or bullying as set forth in the definition at N.J.A.C. 6A:16-1.3, except for incidents occurring on a sending district board of education bus, at a sending district board of education school-sponsored function, and off school grounds;

- iii. A statement that bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance;
- iv. A description of the type of behavior expected from all students;
- v. Appropriate remedial action for a student who commits an act of harassment, intimidation, or bullying that takes into account the nature of the behavior, the nature of the student's disability, the developmental age of the student, and the student's history of problem behaviors and performance, and that may include the following:
 - (1) A behavioral assessment or evaluation, including, but not limited to, a referral to the individualized education program team of the sending district board of education, as appropriate; and
 - (2) Supportive interventions and referral services, including those at N.J.A.C. 6A:16-8;
- vi. Consequences for a student who commits an act of harassment, intimidation, or bullying that are:
 - (1) Varied and graded according to the nature of the behavior, the nature of the student's disability to the extent relevant, the developmental age of the student, and the student's history of problem behaviors and performance; and
 - (2) Consistent with the provisions of this subchapter, as appropriate, and N.J.A.C. 6A:14-7.6(f);
- vii. Appropriate consequences and remedial action for a staff member who commits an act of harassment, intimidation, or bullying;
- viii. A procedure that allows for reporting, verbally and in writing, an act of harassment, intimidation, or bullying committed by an adult or youth against a student. The procedure shall also include a provision that permits a person to report anonymously.
 - (1) The approved PSSD shall not take formal disciplinary action based solely on the anonymous report;
 - (2) The full-time non-teaching principal shall take into account the circumstances of the incident when providing notification to parents and guardians of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived category motivating the alleged offense; and
 - (3) Disciplinary action shall be consistent with the provisions of N.J.A.C. 6A:14-7.6(f);
- ix. A procedure for prompt investigation of violation and complaint reports.
 - (1) The full-time non-teaching principal, pursuant to N.J.A.C. 6A:14-7.6(d), or his or her designee, shall initiate the investigation within one school day of the initial report of the incident. The school anti-bullying specialist shall conduct the investigation and the full-time non-teaching principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. If information relevant to the investigation is anticipated but not yet received by the end of the 10-school-day period, the school anti-bullying specialist may amend the initial report of the investigation results to reflect the information.
 - (2) The anti-bullying specialist shall report the investigation results to the full-time non-teaching principal within two school days of the investigation's completion.
 - (3) The full-time non-teaching principal may provide intervention services; establish training programs to reduce harassment, intimidation, or bullying and to enhance school climate; and, in consultation and conjunction with the sending district board of education pursuant to N.J.A.C. 6A:14-7.6(f), impose discipline, order counseling as a result of the investigation findings, or take or recommend other appropriate action.

(4) The full-time non-teaching principal shall report to the appropriate sending district board(s) of education personnel of the students who are parties to the harassment, intimidation, or bullying investigation the results of each investigation no later than five school days following the investigation's completion, along with information on any service(s) provided; training established; and, pursuant to N.J.A.C. 6A:14-7.6(f), discipline imposed or other action taken or recommended by the full-time non-teaching principal.

(5) In accordance with Federal and State law and regulation, the full-time non-teaching principal shall provide parents or guardians of students who are parties to the harassment, intimidation, or bullying investigation with information about the investigation, including the nature of the investigation, the findings, and whether discipline was imposed or services were provided, as appropriate, to address the incident of harassment, intimidation, or bullying. The full-time non-teaching principal shall provide the information in writing within five school days following the investigation's completion.

(6) To protect the victim, the procedure also shall take into account the circumstances of the incident when communicating with parents.

(7) A full-time non-teaching principal who receives a report of harassment, intimidation, or bullying, or who determines a reported incident or complaint, assuming all facts presented are true, is a report of an act of harassment, intimidation, or bullying, pursuant to (a)3ix(8) below, and fails to initiate or conduct an investigation, or who has reason to believe an incident of harassment, intimidation, or bullying occurred and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

(8) The procedure set forth in the approved PSSD policy may include a process prior to initiating an investigation by which the full-time non-teaching principal, or his or her designee, in consultation with the anti-bullying specialist, makes a preliminary determination as to whether a reported incident or complaint, assuming all facts presented are true, is a report of an act of harassment, intimidation, or bullying, pursuant to (a)3ii above.

(A) If a preliminary determination finds the incident or complaint is a report outside the scope of the harassment, intimidation, or bullying definition set forth at (a)3ii above, the determination may be appealed to the sending district board of education pursuant to district board of education policies and procedures governing pupil grievances, and thereafter to the Commissioner in accordance with N.J.A.C. 6A:3.

(9) The procedure shall also include a process by which the approved PSSD reports to the appropriate district board of education personnel any complaint or report of harassment, intimidation, or bullying, pursuant to N.J.A.C. 6A:16-7.7(a)2ix, occurring on district board of education school buses, at district board of education school-sponsored functions, and off school grounds involving a student who attends an approved PSSD.

(A) When a complaint or report of harassment, intimidation, or bullying involves students from more than one school district, the sending district board(s) of education of the victim(s) involved shall initiate the investigation.

x. A requirement for the full-time non-teaching principal and school anti-bullying specialist to define the range of ways in which a school will respond once an incident of harassment, intimidation, or bullying is identified, including an appropriate combination of counseling, support services, intervention services, and other programs.

(1) The school district official shall ensure all responses take into account the circumstances of the incident when responding and, at a minimum, shall include support for a victim of harassment, intimidation, or bullying and corrective actions, pursuant to N.J.A.C. 6A:14-7.6, for documented systemic problems related to harassment, intimidation, or bullying;

(2) Once an incident of harassment, intimidation, or bullying is identified, the full-time non-teaching principal shall determine the appropriate response to address the individual circumstances in consultation and conjunction with appropriate sending district board of education personnel, pursuant to N.J.A.C. 6A:14-7.6(f), as necessary;

xi. A requirement that allows the parents or guardians of students who are parties to a harassment, intimidation, or bullying investigation to request a hearing before the sending district board of education concerning the information received about a investigation, pursuant to (a)3ix(5) above.

(1) Any request for a hearing before the sending district board of education shall be filed within 60 calendar days after the written information about the harassment, intimidation, or bullying investigation, pursuant to (a)3ix(4) and (5) above, is received by the sending district board of education and the parents or guardians.

(2) The hearing before the sending district board of education shall be scheduled in collaboration with the PSSD and held by the sending district board of education within 10 business days of the request. The approved PSSD and the sending district board of education shall coordinate the policies and procedures for conducting such hearings;

xii. A statement that prohibits an approved PSSD's employee, student, or volunteer from engaging in reprisal, retaliation, or false accusation against a victim, witness, or any person who reports or has reliable information about an act of harassment, intimidation, or bullying.

(1) The statement shall include the consequence(s) and appropriate remedial action(s) for a person who engages in reprisal or retaliation;

xiii. Consequences and appropriate remedial action identified in consultation and conjunction with the sending district board of education and pursuant to N.J.A.C. 6A:14-7.6(f) for a student found to have falsely accused another as a means of retaliation or harassment, intimidation, or bullying;

xiv. A statement that a parent, student, guardian, or organization may file a complaint with the New Jersey Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the Law Against Discrimination, P.L. 1945, c. 169 (N.J.S.A. 10:5-1 et seq.);

xv. A statement of how the harassment, intimidation, and bullying policy is to be publicized, including notice that the policy applies to participation in approved PSSD-sponsored functions and on school buses operated by the approved PSSD.

(1) Notice of the approved PSSD's policy shall appear in any publication of the approved PSSD that sets forth the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1;

xvi. A requirement that a link to the harassment, intimidation, and bullying policy be posted prominently on the home page of the approved PSSD's website;

xvii. A requirement that the harassment, intimidation, and bullying policy be distributed annually to all school staff, students, and parents; and

xviii. A requirement that the name of the school's anti-bullying specialist and his or her school phone number, school address, and school e-mail address be listed on the home page of the approved PSSD's website.

(b) An approved PSSD employee, contracted service provider, student, or volunteer who has witnessed an incident of harassment, intimidation, or bullying, or has reliable information that a student has been subject to harassment, intimidation, or bullying, shall report the incident to the full-time non-teaching principal, pursuant to (a)3viii above, or to any school administrator or safe schools resource officer, who shall immediately initiate the approved PSSD's procedures concerning harassment, intimidation, and bullying.

(c) The approved PSSD shall:

1. Annually examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the harassment, intimidation, or bullying policies, procedures, programs, and initiatives and implement training programs for school employees and volunteers who have significant contact with students.

i. The annual examination of training needs shall take into consideration the findings of the annual review and update of the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1(a)2.

ii. Information regarding the approved PSSD's policy against harassment, intimidation, or bullying shall be incorporated into its training program.

(1) The program shall be provided to full- and part-time staff, volunteers who have significant contact with students, and persons contracted by the approved PSSD to provide services to students;

2. Develop a process for annually discussing with students the approved PSSD's harassment, intimidation, and bullying policy;

3. Annually conduct a re-evaluation, reassessment, and review of its harassment, intimidation, and bullying policy, and any report(s) and/or finding(s) of the school safety/school climate team(s). The approved PSSD also shall make any necessary revision(s) to its policy, consistent with N.J.A.C. 6A:14-7.3(a), to strengthen the policy to prevent, identify, and address harassment, intimidation, and bullying of students.

i. The programs or other responses shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school administrators, and, as appropriate, school volunteers and students;

4. Annually establish, implement, document, and assess bullying-prevention programs or approaches and other initiatives designed to create schoolwide conditions to prevent or intervene in harassment, intimidation, and bullying in the approved PSSD.

i. Programs, approaches, and initiatives shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school administrators, and, as appropriate, school volunteers and students; and

5. Submit to the executive county superintendent a copy of its harassment, intimidation, and bullying policy in the 2018-2019 school year or within 30 days of revision.

(d) The full-time non-teaching principal shall appoint a school anti-bullying specialist from currently employed school staff to act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school and the functions identified pursuant to (a)3ix, ix(1), and x above.

(e) The approved PSSD shall form a school safety/school climate team to develop, foster, and maintain a positive school climate by focusing on the on-going systemic processes and practices in the school and to address school climate issues, such as harassment, intimidation, or bullying and perform the following functions:

1. Meet two times per school year;

2. Receive any complaint(s) of harassment, intimidation, or bullying of students that has been reported to the full-time non-teaching principal;

3. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;

4. Identify and address patterns of harassment, intimidation, or bullying of students in the school;

5. Review and strengthen school climate and school policies to prevent and address harassment, intimidation, or bullying of students;
6. Educate the school community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students; and
7. Execute other duties related to harassment, intimidation, and bullying as requested by the full-time non-teaching principal;

(f) The school safety/school climate team shall consist of the full-time non-teaching principal, or his or her designee, and the following members appointed by the full-time non-teaching principal: a teacher in the school, the school anti-bullying specialist, a parent of a student in the school, and other members determined by the principal. The team shall be chaired by the school anti-bullying specialist.

1. A parent shall be on the school safety/school climate team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.
2. Other members of the school safety/school climate team who are not authorized to access student records pursuant to N.J.A.C. 6A:32-7.5 shall be on the team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.
3. The approved PSSD shall provide school safety/school climate team members with development opportunities that address effective practices of successful school climate programs or approaches.

(g) The section's requirements shall not be interpreted to prevent a victim of harassment, intimidation, or bullying from seeking redress under any applicable civil or criminal law.

In-School Discipline

Discipline Frameworks

LAWS

No relevant laws found.

REGULATIONS

6A:16-7.1. Code of student conduct.

(a) Each district board of education shall develop, adopt, disseminate, and implement a code of student conduct that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds.

(c) The code of student conduct shall include, at a minimum:

1. A description of students' responsibilities that includes expectations for academic achievement, behavior and attendance, pursuant to N.J.A.C. 6A:32-8 and 12.1;
2. A description of behaviors that 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 result in suspensions and expulsions that have been identified pursuant to 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 N.J.A.C. 6A:16-7.2 through 7.5;
 - vi. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3, this section, and N.J.A.C. 6A:16-7.2 through 7.8; and
 - vii. Protections pursuant to 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; 34 CFR 99, Family Educational Rights and Privacy; 20 U.S.C. § 1232h, Protection of Pupil Rights; 34 CFR Part 98, Student Rights in Research, Experimental Programs, and Testing; P.L. 104-191, Health Insurance Portability and Accountability Act; 45 CFR 160, General Administrative Requirements; 20 U.S.C. § 7165, Transfer of school disciplinary records; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, Confidentiality of certain information provided by pupils, exceptions; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Pupil records, creation, maintenance and retention, security and access, regulations, nonliability; N.J.S.A. 2A:4A-60, Disclosure of juvenile information, penalties for disclosure; N.J.A.C. 6A:32-7, Student Records; N.J.A.C. 6A:14-2.9, Student records; as well as other existing Federal and State laws and rules 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. The description of comprehensive behavioral supports may include:
 - i. Positive reinforcement for good conduct and academic success;
 - ii. Supportive interventions and referral services;

- iii. Remediation of problem behavior that takes into account the behavior's nature, the students' developmental ages, and the students' histories of problem behaviors and performance; and
- iv. For students with disabilities, the behavior interventions and supports shall be determined and provided pursuant to N.J.A.C. 6A:14;

5. A description of school responses to violations of behavioral expectations established by the district board of education that, at a minimum, are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their 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 through 5.7;
- iii. Provide for the equitable application of the code of student conduct without regard to race; color; religion; ancestry; national origin; nationality; sex; gender; sexual orientation; gender identity or expression; marital, domestic-partnership, or civil-union; mental, physical, or sensory disability; or any other distinguishing characteristic, pursuant to N.J.S.A. 10:5-1 et seq.; and
- iv. Be consistent with the provisions of N.J.S.A. 18A:6-1, Corporal punishment of pupils;

6. Expectations and consequences consistent with the district board of education's policies and procedures on attendance, pursuant to N.J.A.C. 6A:16-7.6, and harassment, intimidation, and bullying, pursuant to N.J.A.C. 6A:16-7.7; and

7. 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) A district board of education may deny participation in extracurricular activities, school functions, sports, graduation exercises or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment.

Teacher Authority to Remove Students From Classrooms

LAWS

18A:37-4. Suspension of pupils by teacher or principal.

The teacher in a school having but one teacher or the principal in all other cases may suspend any pupil from school for good cause but such suspension shall be reported forthwith by the teacher or principal so doing to the superintendent of schools of the district if there be one. The superintendent to whom a suspension is reported or if there be no superintendent in the district, the teacher or principal suspending the pupil shall report the suspension to the board of education of the district at its next regular meeting. Such teacher, principal or superintendent may reinstate the pupil prior to the second regular meeting of the board of education of the district held after such suspension unless the board shall reinstate the pupil at such first regular meeting.

18A:37-9. Responsibility for removal, report.

The principal or his or her designee shall be responsible for the removal of any pupil pursuant to section 2 of P.L.1995, c.127 (C.18A:37-8). The principal or his or her designee shall immediately report the removal of any pupil to the district's chief school administrator. The district's chief school administrator may modify such removal of a pupil on a case-by-case basis. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

REGULATIONS

No relevant regulations found.

Alternatives to Suspension

LAWS

9:10-2. Incurrigible, insubordinate and disorderly children and habitual truants.

Children under the age of sixteen who shall be habitual truants from school or habitually insubordinate or incorrigible and disorderly during attendance at school and who have been complained against in accordance with subtitle 5 of this title (9:18-1 et seq.) shall be received by the school of detention.

All children under sixteen years of age arrested for any cause, except murder or manslaughter, and school children habitually truant or incorrigible may by order of the juvenile and domestic relations court be held in the detention school until final judgment.

18A:35-4.31. Recess period required; exceptions.

a. Beginning with the first full school year following the effective date of this act, a public school district shall provide a daily recess period of at least 20 minutes for students in grades kindergarten through 5. The recess period shall be held outdoors, if feasible. A student shall not be denied recess for any reason, except as a consequence of a violation of the district's code of student conduct, including a harassment, intimidation, or bullying investigation pursuant to P.L.2002, c.83 (C.18A:37-13 et seq.). If a student is denied recess, except under conditions set forth in subsection b. of this section, the student shall be provided restorative justice activities during the recess period. A student may not be denied recess more than twice per week.

A school district shall not be required to provide a recess period on a school day in which the day is substantially shortened due to a delayed opening or early dismissal.

The recess period shall not be used to meet the course requirements set forth in N.J.S.18A:35-5.

b. Nothing in this section shall be construed to prohibit school staff from denying recess for a student on the advice of a medical professional, school nurse, or based on the provisions of a student's 504 plan.

c. For purposes of this section, "restorative justice activities" means activities designed to improve the socioemotional and behavioral responses of students through the use of more appropriate, and less punitive, interventions thereby establishing a more supportive and inclusive school culture.

18A:37-38. Definitions relative to restorative justice.

As used in this act:

"Adverse childhood experiences" means severe childhood stressors that, when experienced prenatal to three years old, affect brain development and which are proven to be powerful determinants of physical, mental, social, and behavioral health across a lifespan. Adverse childhood experiences may include, but are not limited to, child physical or sexual abuse, child emotional abuse, child physical or emotional neglect, alcohol or other substance abuse in the home, mental illness or suicidal behaviors in the home, incarceration of a family member, exposure to violence in the home or community, and parental divorce or separation.

"Restorative justice" means a system of dispute resolution tools that allow all parties of a dispute to be involved in defining the harm and devising remedies while giving the necessary attention to community safety, victims' needs, and the need for offender accountability. Restorative justice practices shall include, but need not be limited to, student or community court, restorative circles, mediation, and conferencing.

"Trauma-informed approach" means an approach that recognizes the signs and symptoms of trauma in students, families, staff, and others, and which responds by fully integrating knowledge about trauma into policies, procedures, and practices for the purposes of promoting resiliency and healing, resisting the recurrence of trauma, and improving educational outcomes.

18A:37-39. "Restorative Justice in Education Pilot Program".

Within six months of the effective date of this act, the Commissioner of Education shall establish a three-year "Restorative Justice in Education Pilot Program" to implement restorative justice practices in the public schools. The program shall address school discipline issues through the implementation of restorative justice practices that include a trauma-informed approach. The goals of the pilot program shall be to:

- a. reduce racial disparities in school discipline which result in an inequitable loss of classroom time among certain student groups, thereby boosting the academic outcomes of these students;
- b. improve the socioemotional and behavioral responses of students through the use of more appropriate, and less punitive, interventions, thereby establishing a more supportive and inclusive school culture; and
- c. reduce recidivism rates among students who violate the school district code of conduct through the use of more effective and targeted restorative justice interventions.

18A:37-40. Application for participation by school district.

A school district that wants to participate in the pilot program shall submit an application to the commissioner. The application shall identify one school within the school district to implement the restorative justice model under the pilot program. The application shall include:

- a. a description of the school including the number of enrolled students; the in-school and out-of-school student suspension rates, and any other relevant data collected on student disciplinary actions; absenteeism rates; academic performance indicators, including the percentage of students not meeting expectations on State assessments; and the percentage of enrolled students who qualify for a free or reduced price lunch under the federal School Lunch Program;
- b. a description of which restorative justice practices will be implemented at the school and the trauma-informed approach to be utilized;
- c. a description of how school administrators plan to develop faculty and student support for the restorative justice model of school discipline to be implemented;
- d. a preliminary schedule and description of faculty trainings on the use of restorative justice practices including a trauma-informed approach, and a statement indicating the school district's commitment to collecting ongoing feedback from both students and faculty on the program's impact;
- e. the identification of a faculty member who shall serve as a school-based coordinator of the pilot program and who shall collect, analyze, and report on the program's implementation and outcomes to school district stakeholders and the commissioner; and
- f. any other information the commissioner deems appropriate.

18A:37-41. Selection of districts.

- a. After reviewing the applications submitted pursuant to section 3 [C.18A:37-40] of this act, the commissioner shall select five districts in each of the southern, central, and northern regions of the State to participate in the program.
- b. The commissioner shall provide such guidance, support, and training to participating schools as may be necessary to effectuate the purposes of this act [C.18A:37-38 et seq.].

c. The commissioner shall award grants, within the limit of available State appropriations, to participating school districts to be used to support the development and implementation of restorative justice practices in the selected schools, including for any necessary trainings and materials. The commissioner shall determine the amount of each grant awarded under the program and may award multi-year grants.

18A:37-42. Limitation of number, duration of student expulsions, suspensions.

The principal of a school selected to participate in the pilot program shall be required to limit the number and duration of student expulsions and suspensions to the greatest extent practicable. The principal shall demonstrate a commitment to exhausting other forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions, unless otherwise required by law or unless a student's continuing presence in school poses a threat to school safety or a disruption to other students' learning opportunities.

18A:37-44. Application for grant, aid.

A school district selected to participate in the pilot program may seek and apply for any grant or aid from the federal government, or any appropriate nonprofit organization, foundation or trust, or any other public or private source that might be or may become available for programs in furtherance of the purposes of this act [C.18A:37-38 et seq.].

18A:37-46. "Restorative Justice Education Fund".

There is established within the Department of Education a fund to be known as the "Restorative Justice Education Fund." The fund shall be used to provide grants to participating schools pursuant to subsection c. of section 4 [C.18A:37-41] of this act. The fund shall be annually credited with the moneys appropriated by the Legislature.

REGULATIONS

No relevant regulations found.

Conditions on Use of Certain Forms of Discipline

Corporal Punishment

LAWS

18A:6-1. Corporal punishment of pupils.

No person employed or engaged in a school or educational institution, whether public or private, shall inflict or cause to be inflicted corporal punishment upon a pupil attending such school or institution; but any such person may, within the scope of his employment, use and apply such amounts of force as is reasonable and necessary:

- (1) to quell a disturbance, threatening physical injury to others;
- (2) to obtain possession of weapons or other dangerous objects upon the person or within the control of a pupil;
- (3) for the purpose of self-defense; and
- (4) for the protection of persons or property;

and such acts, or any of them, shall not be construed to constitute corporal punishment within the meaning and intendment of this section. Every resolution, bylaw, rule, ordinance, or other act or authority permitting or authorizing corporal punishment to be inflicted upon a pupil attending a school or educational institution shall be void.

REGULATIONS

No relevant regulations found.

Search and Seizure

LAWS

18A:36-19.2. School locker inspection.

The principal or other official designated by the local board of education may inspect lockers or other storage facilities provided for use by students so long as students are informed in writing at the beginning of each school year that inspections may occur.

18A:37-6.1. Strip, body cavity searches of pupil prohibited.

Any teaching staff member, principal or other educational personnel shall be prohibited from conducting any strip search or body cavity search of a pupil under any circumstances.

REGULATIONS

6A:16-6.2. Development and implementation of policies and procedures.

- (b) School district policies and procedures shall include the following components:
 2. Specific procedures for and responsibilities of staff in summoning appropriate law enforcement authorities onto school grounds, for the purpose of conducting law enforcement investigations, searches, seizures, or arrests; [...]
 5. Specific procedures for and responsibilities of staff in initiating or conducting searches and seizures of students, their property, and their personal effects.

- i. All searches and seizures conducted by school staff shall comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).
- ii. Questions concerning searches conducted by school officials shall be directed to the appropriate county prosecutor.
- iii. School officials may request that law enforcement authorities assume responsibility for conducting a search or seizure.
- iv. No school staff member shall impede a law enforcement officer engaged in a lawful search, seizure, or arrest whether pursuant to a warrant or otherwise.
- v. School staff shall permit law enforcement authorities, upon their arrival, to assume responsibility for conducting a search or seizure.
- vi. All inspections of lockers, desks, or other objects or personal property on school grounds involving the use of law enforcement drug-detection canines may be undertaken with only the express permission of the county prosecutor or the Director of the Division of Criminal Justice or his or her designee in the New Jersey Department of Law and Public Safety.
- vii. Questions concerning the legality of a contemplated or ongoing search, seizure, or arrest conducted by a law enforcement officer on school grounds shall be directed to the county prosecutor or in the case of a search, seizure or arrest undertaken by the Division of Criminal Justice's designee in the New Jersey Department of Law and Public Safety, to the assigned assistant attorney general.

Restraint and Seclusion

LAWS

18A:46-13.4. Definitions relative to use of physical restraint, seclusion techniques on students with disabilities.

As used in this act [C.18A:46-13.4 through 18A:46-13.7]:

"Physical restraint" means the use of a personal restriction that immobilizes or reduces the ability of a student to move all or a portion of his or her body.

"Seclusion technique" means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, but does not include a timeout.

"Timeout" means a behavior management technique that involves the monitored separation of a student in a non-locked setting, and is implemented for the purpose of calming.

18A:46-13.5. Use of physical restraint on students with disabilities.

a. A school district, an educational services commission, or an approved private school for students with disabilities that utilizes physical restraint on students with disabilities shall ensure that:

- (1) physical restraint is used only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;
- (2) a student is not restrained in the prone position, unless the student's primary care physician authorizes, in writing, the use of this restraint technique;
- (3) staff members who are involved in the restraint of a student receive training in safe techniques for physical restraint from an entity determined by the board of education to be qualified to provide such training, and that the training is updated at least annually;
- (4) the parent or guardian of a student is immediately notified when physical restraint is used on that student, which notification may be by telephone or electronic communication. A full written report of the

incident of physical restraint shall be provided to the parent or guardian within 48 hours of the occurrence of the incident;

(5) each incident in which a physical restraint is used is carefully and continuously visually monitored to ensure that it was used in accordance with established procedures set forth in a board policy developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and

(6) each incident in which physical restraint is used is documented in writing in sufficient detail to enable the staff to use this information to develop or improve the behavior intervention plan at the next individualized education plan meeting.

b. A school district, an educational services commission, and an approved private school for students with disabilities shall attempt to minimize the use of physical restraints through inclusion of positive behavior supports in the student's behavior intervention plans developed by the individualized education plan team.

18A:46-13.6. Use of seclusion techniques on students with disabilities.

a. A school district, an educational services commission, or an approved private school for students with disabilities that utilizes seclusion techniques on students with disabilities shall ensure that:

(1) a seclusion technique is used on a student with disabilities only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;

(2) each incident in which a seclusion technique is used is carefully and continuously visually monitored to ensure that it was used in accordance with established procedures set forth in a board policy developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and

(3) each incident in which a seclusion technique is used is documented in writing in sufficient detail to enable the staff to use this information to develop or improve the behavior intervention plan at the next individualized education plan meeting.

b. A school district, an educational services commission, and an approved private school for students with disabilities shall attempt to minimize the use of seclusion techniques through inclusion of positive behavior supports in the student's behavior intervention plans developed by the individualized education plan team.

18A:46-13.7. Guidelines, review process.

The department shall establish guidelines for school districts, educational services commissions, and approved private schools for students with disabilities to ensure that a review process is in place to examine the use of physical restraints or seclusion techniques in emergency situations, and for the repeated use of these methods for an individual child, within the same classroom, or by a single individual. The review process shall include educational, clinical, and administrative personnel. Pursuant to the review process the student's individualized education plan team may, as deemed appropriate, determine to revise the behavior intervention plan or classroom supports, and a school district, educational services commission, or approved private school for students with disabilities may determine to revise a staff member's professional development plan.

REGULATIONS

No relevant regulations found.

Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement

Grounds for Suspension or Expulsion

LAWS

18A:37-2. Causes for suspension, expulsion of pupils.

Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school. Conduct which shall constitute good cause for suspension or expulsion of a pupil guilty of such conduct shall include, but not be limited to, any of the following:

- a. Continued and willful disobedience;
- b. Open defiance of the authority of any teacher or person, having authority over him;
- c. Conduct of such character as to constitute a continuing danger to the physical well-being of other pupils;
- d. Physical assault upon another pupil;
- e. Taking, or attempting to take, personal property or money from another pupil, or from his presence, by means of force or fear;
- f. Willfully causing, or attempting to cause, substantial damage to school property;
- g. Participation in an unauthorized occupancy by any group of pupils or others of any part of any school or other building owned by any school district, and failure to leave such school or other facility promptly after having been directed to do so by the principal or other person then in charge of such building or facility;
- h. Incitement which is intended to and does result in unauthorized occupation by any group of pupils or others of any part of a school or other facility owned by any school district;
- i. Incitement which is intended to and does result in truancy by other pupils;
- j. Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises; and
- k. Harassment, intimidation, or bullying.

18A:37-2.1. Suspension, expulsion of pupil for assault, appeal; report.

a. Any pupil who commits an assault, as defined pursuant to N.J.S.2C:12-1, upon a teacher, administrator, board member or other employee of a board of education, acting in the performance of his duties and in a situation where his authority to so act is apparent, or as a result of the victim's relationship to an institution of public education of this State, not involving the use of a weapon or firearm, shall be immediately suspended from school consistent with procedural due process pending suspension or expulsion proceedings before the local board of education. Said proceedings shall take place no later than 30 calendar days following the day on which the pupil is suspended. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision. The provisions herein shall be construed in a manner consistent with 20 U.S.C. s.1400 et seq.

b. Whenever a teacher, administrator, board member, other employee of a board of education or a labor representative on behalf of an employee makes an allegation in writing that the board member or employee has been assaulted by a pupil, the principal shall file a written report of the alleged assault with the district's superintendent of schools. The superintendent to whom the alleged assault is reported or, if there is no superintendent in the district, the principal who received the allegation from the board member, employee, or labor representative shall report the alleged assault to the board of education of the district at its next regular meeting; provided that the name of the pupil who allegedly committed the assault, although it may be disclosed to the members of the board of education, shall be kept confidential at the public board of education meeting.

Any person who fails to file a report of an alleged assault as required pursuant to this subsection may be liable to disciplinary action by the board of education of the district.

18A:37-2a. Conditions for suspension, expulsion of certain students.

a. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter school shall not be expelled from school, except as provided pursuant to the "Zero Tolerance for Guns Act," P.L.1995, c.127 (C.18A:37-7 et seq.).

b. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter school shall not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual nature that endangers others.

c. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in preschool in a school district or charter school shall not be suspended, and shall not be expelled from school, except as provided pursuant to the "Zero Tolerance for Guns Act," P.L.1995, c.127 (C.18A:37-7 et seq.).

18A:37-4. Suspension of pupils by teacher or principal.

The teacher in a school having but one teacher or the principal in all other cases may suspend any pupil from school for good cause but such suspension shall be reported forthwith by the teacher or principal so doing to the superintendent of schools of the district if there be one. The superintendent to whom a suspension is reported or if there be no superintendent in the district, the teacher or principal suspending the pupil shall report the suspension to the board of education of the district at its next regular meeting. Such teacher, principal or superintendent may reinstate the pupil prior to the second regular meeting of the board of education of the district held after such suspension unless the board shall reinstate the pupil at such first regular meeting.

18A:37-8. Offense by pupil involving firearm, removal from school's regular education program.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education to remove the pupil from the regular education program for a period of not less than one calendar year subject to modification on a case-by-case basis by the chief school administrator.

For the purposes of this section "firearm" means those items enumerated in N.J.S. 2C:39-1f and 18 U.S.C. 921.

Any pupil that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is

available. The provisions herein shall be construed in a manner consistent with 20 U.S.C. 1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.

REGULATIONS

No relevant regulations found.

Limitations or Conditions on Exclusionary Discipline

LAWS

18A:37-2a. Conditions for suspension, expulsion of certain students.

- a. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter school shall not be expelled from school, except as provided pursuant to the "Zero Tolerance for Guns Act," P.L.1995, c.127 (C.18A:37-7 et seq.).
- b. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter school shall not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual nature that endangers others.
- c. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in preschool in a school district or charter school shall not be suspended, and shall not be expelled from school, except as provided pursuant to the "Zero Tolerance for Guns Act," P.L.1995, c.127 (C.18A:37-7 et seq.).

18A:37-42. Limitation of number, duration of student expulsions, suspensions.

The principal of a school selected to participate in the pilot program shall be required to limit the number and duration of student expulsions and suspensions to the greatest extent practicable. The principal shall demonstrate a commitment to exhausting other forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions, unless otherwise required by law or unless a student's continuing presence in school poses a threat to school safety or a disruption to other students' learning opportunities.

REGULATIONS

No relevant regulations found.

Due Process

LAWS

18A:37-2.1. Suspension, expulsion of pupil for assault, appeal; report.

- a. Any pupil who commits an assault, as defined pursuant to N.J.S.2C:12-1, upon a teacher, administrator, board member or other employee of a board of education, acting in the performance of his duties and in a situation where his authority to so act is apparent, or as a result of the victim's relationship to an institution of public education of this State, not involving the use of a weapon or firearm, shall be immediately suspended from school consistent with procedural due process pending suspension or expulsion proceedings before the local board of education. Said proceedings shall take place no later than 30 calendar days following the day on which the pupil is suspended. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made

to the Commissioner of Education within 90 days of the board's decision. The provisions herein shall be construed in a manner consistent with 20 U.S.C. s.1400 et seq.

18A:37-2.2. Offense by pupil involving assault, removal from school's regular education program.

Any pupil who commits an assault upon a teacher, administrator, board member, other employee of a school board or another student, with a weapon, on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education.

For purposes of this section "assault" means those actions defined under subsection a.(1) of N.J.S. 2C:12-1.

For purposes of this section "weapon" includes but is not limited to those items enumerated in subsection r. of N.J.S. 2C:39-1, except a firearm as defined by N.J.S. 2C:39-1f and 18 U.S.C. 921.

Any student that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available. The provisions herein shall be construed in a manner consistent with 20 U.S.C. 1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.

18A:37-2.4. Hearing.

a. Any pupil removed pursuant to section 1 of P.L.1995, c.128 (C.18A:37-2.2) shall be entitled to a hearing before the local board of education to determine if the pupil is guilty of committing an assault upon a teacher, administrator, board member, other employee of a school board or another student, with a weapon, on any school property, on a school bus, or at a school-sponsored function. If it is found that the pupil is not guilty of the offense the pupil shall be immediately returned to the regular education program.

b. The hearing shall take place no longer than 30 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.).

c. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision.

18A:37-10. Hearing.

a. Any pupil removed pursuant to section 2 of P.L.1995, c.127 (C.18A:37-8) shall be entitled to a hearing before the local board of education to determine if the pupil was convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or is guilty of knowingly possessing a firearm on any school property, on a school bus or at a school-sponsored function. If it is found that the pupil is not guilty of these offenses the pupil shall be immediately returned to the regular education program.

b. The hearing shall take place no later than 30 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.).

c. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision.

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.

a. Each school district shall adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus. The school district shall adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:

(6) a procedure for prompt investigation of reports of violations and complaints, which procedure shall at a minimum provide that:

(d) parents or guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with federal and State law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board. A parent or guardian may request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents;

(e) at the next board of education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than 90 days after the issuance of the board's decision.

REGULATIONS

6A:16-1.3. Definitions.

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

"Informal hearing" means a discussion between a school administrator and a student regarding the student's alleged misconduct, 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. During the informal hearing, the student is given the opportunity to explain his or her version of the facts and events regarding the alleged violation.

6A:16-7.1. Code of student conduct.

(c) The code of student conduct shall include, at a minimum:

3. A description of students' rights to:

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 N.J.A.C. 6A:16-7.2 through 7.5.

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 one, but not more than 10 consecutive school days by providing for the following:

1. As soon as practical, 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. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of events regarding his or her actions leading to the short-term suspension and is 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 shall 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 his or her educational program prior to the end of the school day on which the school administrator decides to suspend the student. The notification 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 this section; 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 New Jersey Student Learning Standards.
 - i. The student's academic instruction shall be provided within five school days of the suspension.
 - ii. At the completion of a short-term suspension, the district board of education shall return a general education student to the general education program from which he or she was suspended.
 - iii. The academic instruction provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.
- (b) The suspending principal shall immediately report the suspension to the chief school administrator, who shall report it to the district board of education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.
- (c) An appeal of the district board of education's decision affecting the general education student's educational program shall be made to the Commissioner, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
- (d) For a student with a disability, the provisions of 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. Notification to the student of the charges prior to his or her removal from school;

2. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of events regarding his or her actions leading to the long-term suspension and is provided notice of 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:16-7.1(c)3 and this section; and
 - iv. 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:16-7.4.
 - (1) The district board of education shall request from the parent(s) and student written acknowledgement of the notification provided pursuant to (a)5iv above subsequent to the removal of the student from his or her 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. For a student with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal rules incorporated by reference therein;
8. Information on the student's right to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)7;
9. Either in- or out-of-school educational services 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 N.J.A.C. 6A:16-9 or 10.
 - i. The student's educational 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 based on the New Jersey Student Learning Standards and the following considerations:
 - (1) A behavioral assessment or evaluation including, but not limited to, a referral to the child study team, as appropriate;
 - (2) The results of 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.
 - iii. Educational services provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.
10. A formal hearing before the district board of education that shall, at a minimum:

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) Before taking final action, the district board of education as a whole shall receive and consider either a transcript or detailed report on the hearing;

ii. Include the opportunity for the student to:

(1) Confront and cross-examine witnesses if 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 the district board of education's decision that shall be based, at a minimum, on the preponderance of competent and credible evidence;

11. A written statement to the student's parents regarding the district board of education's decision within five school days after the close of the hearing. The statement shall include, 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 to the Commissioner the district board of education's decision regarding the student's general education program, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17;

12. If at any time it is found that the student did not commit the offense, the student shall be immediately returned to the program from which he or she was removed; and

13. At the completion of a long-term suspension, the district board of education shall return a general education student to the general education program.

(b) An appeal of the district board of education's decision regarding the general education student's program shall be made to the Commissioner, 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 a general education student shall not be continued beyond the district board of education's second regularly scheduled 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. Its removal decision;

iii. The results of relevant testing, assessments, or evaluations of the student; and

iv. The recommendation of the chief school administrator, after considering input from the 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 a general education student's suspension, it shall review the case, in consultation with the chief school administrator, 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 suspended student's current educational program; 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 a general education student's suspension, it shall make, in consultation with the chief school administrator, the final determination on:

1. When the student is prepared to return to the general education program;
2. Whether the student will remain in an alternative education program or receive home or other in- 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:16-7.4.

(f) The district board of education shall provide a general education student suspended under this section with an appropriate educational program or 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 N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is applicable; or
2. The educational services provided, either in- or out-of-school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to 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 a 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. Expulsion.

(a) A district board of education may expel 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:16-7.1(c)3 and 7.3, subsequent to a long-term suspension, pursuant to N.J.A.C. 6A:16-7.3; and
2. An appropriate educational program or service, based on the criteria set forth at N.J.A.C. 6A:16-7.3(f).
 - i. The educational program or service shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever are applicable; or
 - ii. The educational services provided, either in or out of school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25.

(b) An 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 in accordance with N.J.S.A. 18A:6-9 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 service in accordance with (a)2 above until a final determination has been made on the appeal of the district board of education's action to expel a student.

(c) A student with a disability shall only be expelled from his or her current program in accordance with N.J.A.C. 6A:14.

Return to School Following Removal

LAWS

18A:37-2.5. Determination of pupil's preparedness to return.

The chief school administrator shall determine when the pupil is prepared to return to the regular education program in accordance with procedures to be established by the Commissioner of Education.

18A:37-4. Suspension of pupils by teacher or principal.

The teacher in a school having but one teacher or the principal in all other cases may suspend any pupil from school for good cause but such suspension shall be reported forthwith by the teacher or principal so doing to the superintendent of schools of the district if there be one. The superintendent to whom a suspension is reported or if there be no superintendent in the district, the teacher or principal suspending the pupil shall report the suspension to the board of education of the district at its next regular meeting. Such teacher, principal or superintendent may reinstate the pupil prior to the second regular meeting of the board of education of the district held after such suspension unless the board shall reinstate the pupil at such first regular meeting.

18A:37-5. Continuation of suspension; reinstatement or expulsion.

No suspension of a pupil by a teacher or a principal shall be continued longer than the second regular meeting of the board of education of the district after such suspension unless the same is continued by action of the board, and the power to reinstate, continue any suspension reported to it or expel a pupil shall be vested in each board.

18A:37-10. Hearing.

a. Any pupil removed pursuant to section 2 of P.L.1995, c.127 (C.18A:37-8) shall be entitled to a hearing before the local board of education to determine if the pupil was convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or is guilty of knowingly possessing a firearm on any school property, on a school bus or at a school-sponsored function. If it is found that the pupil is not guilty of these offenses the pupil shall be immediately returned to the regular education program.

b. The hearing shall take place no later than 30 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.).

c. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision.

18A:37-11. Determination of pupil's preparedness to return.

The chief school administrator shall determine whether the pupil is prepared to return to the regular education program or whether the pupil shall remain in an alternative education program, home instruction or other suitable facilities and programs, in accordance with procedures to be established by the Commissioner of Education.

18A:40A-12. Reporting of pupils under influence; examination; report; return home; evaluation of possible need for treatment; referral for treatment.

a. Whenever it shall appear to any teaching staff member, school nurse or other educational personnel of any public school in this State that a pupil may be under the influence of substances as defined pursuant to section 2 [C.18A:40A-9] of this act, other than anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a student assistance coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an immediate examination of the pupil by a doctor selected by the parent or guardian, or if that doctor is not immediately available, by the medical inspector, if he is available. If a doctor or medical inspector is not immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination accompanied by a member of the school staff designated by the principal and a parent or guardian of the pupil if available. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil is under such influence. A written report of that examination shall be furnished within 24 hours by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal. If it is determined that the pupil was under the influence of a substance, the pupil shall be returned to the pupil's home as soon as possible and shall not resume attendance at school until the pupil submits to the principal a written report certifying that the pupil is physically and mentally able to return thereto, which report shall be prepared by a personal physician, the medical inspector, or the physician who examined the pupil pursuant to the provisions of this act.

REGULATIONS

6A:16-4.3. Reporting, notification, and examination procedures for students suspected of being under the influence of alcohol or other drugs.

(a) In instances involving alcoholic beverages, controlled dangerous substances other than anabolic steroids, or any other chemical or chemical compound as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a), the following shall apply:

9. If the written report of the medical examination is not submitted to the parent, principal, and chief school administrator within 24 hours of the referral of the student for suspected alcohol or other drug use, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the code of student conduct.

10. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student shall be immediately returned to school.

11. If there is a positive determination from the medical examination indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:

- i. The student shall be returned as soon as possible to the care of a parent;

ii. Attendance at school shall not resume until a written report has been submitted to the parent, the principal and chief school administrator from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school;

(1) The report shall verify that the student's alcohol or other drug use no longer interferes with his other physical and mental ability to perform in school.

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, pursuant to the Zero Tolerance for Guns Act, N.J.S.A. 18A:37-7 through 12. The policies and procedures shall apply to a student who is:

1. Convicted or adjudicated delinquent for possession of a firearm on school grounds;
2. Convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds; and
3. Found knowingly in possession of a firearm on school grounds.

(b) Each district board of education shall immediately remove from the school's general education program for a period of not less than one calendar year a student other than a student with a disability, as set forth in (a) above.

1. The chief school administrator may modify on a case-by-case basis the removal of a general education student.

i. The chief school administrator shall develop and maintain a written record of case-by-case modifications of the removal requirement in this subsection, which shall be made available to the Commissioner upon request.

2. Nothing in this section shall be construed to prohibit the expulsion of a general education student.

(c) Each district board of education shall immediately remove students with disabilities for offenses involving firearms in accordance with N.J.A.C. 6A:14 and applicable Federal regulations incorporated therein. [...]

(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 he or she 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 will 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's removal decision;
3. The results of 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.

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

(h) If it is found that the removed student did not commit the offense(s), the student shall be immediately returned to the program from which he or she 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 will 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's removal decision;
3. The results of 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.

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 one, but not more than 10 consecutive school days by providing for the following:

5. Academic instruction either in school or out of school that addresses the New Jersey Student Learning Standards.

ii. At the completion of a short-term suspension, the district board of education shall return a general education student to the general education program from which he or she was suspended.

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:

12. If at any time it is found that the student did not commit the offense, the student shall be immediately returned to the program from which he or she was removed; and

13. At the completion of a long-term suspension, the district board of education shall return a general education student to the general education program. [...]

(d) When the district board of education votes to continue a general education student's suspension, it shall review the case, in consultation with the chief school administrator, 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 suspended student's current educational program; 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 a general education student's suspension, it shall make, in consultation with the chief school administrator, the final determination on:

1. When the student is prepared to return to the general education program;
2. Whether the student will remain in an alternative education program or receive home or other in- 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:16-7.4.

Alternative Placements

LAWS

18A:35-30. Definitions relative to alternative education programs.

As used in this act:

"Alternative education program" means a comprehensive educational program designed to address the individual learning, behavior, and health needs of students who are not succeeding in a general education program or who have been mandated for removal from general education. The alternative education program shall provide a variety of approaches to meet State-adopted standards, including non-traditional programs, services, and methodologies to ensure curriculum and instruction are delivered in a way that enables students to demonstrate the knowledge and skills specified for all students.

"Recovery high school alternative education program" means an alternative education program that serves students diagnosed with substance use disorder or dependency as defined by the most recent Diagnostic and Statistical Manual of Mental Disorders, and that provides a comprehensive four-year high school education in an alternative public school setting and a structured plan of recovery that is aligned with the national framework of evidence-based practices for recovery high schools.

18A:35-31. Operation of alternative education program permitted.

Any board of education may operate an alternative education program including, but not limited to, a recovery high school alternative education program, upon approval by the board of education. The Commissioner of Education shall approve any alternative education program within a State agency, public college operated program, or department-approved school.

18A:37-2.2. Offense by pupil involving assault, removal from school's regular education program.

Any pupil who commits an assault upon a teacher, administrator, board member, other employee of a school board or another student, with a weapon, on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education.

For purposes of this section "assault" means those actions defined under subsection a.(1) of N.J.S. 2C:12-1.

For purposes of this section "weapon" includes but is not limited to those items enumerated in subsection r. of N.J.S. 2C:39-1, except a firearm as defined by N.J.S. 2C:39-1f and 18 U.S.C. 921.

Any student that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available. The provisions herein shall be construed in a manner consistent with 20 U.S.C. 1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.

18A:37-8. Offense by pupil involving firearm, removal from school's regular education program.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education to remove the pupil from the regular education program for a period of not less than one calendar year subject to modification on a case-by-case basis by the chief school administrator.

For the purposes of this section "firearm" means those items enumerated in N.J.S. 2C:39-1f and 18 U.S.C. 921.

Any pupil that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available. The provisions herein shall be construed in a manner consistent with 20 U.S.C. 1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.

18A:37-11. Determination of pupil's preparedness to return.

The chief school administrator shall determine whether the pupil is prepared to return to the regular education program or whether the pupil shall remain in an alternative education program, home instruction or other suitable facilities and programs, in accordance with procedures to be established by the Commissioner of Education.

REGULATIONS

6A:16-1.1. Purpose.

The 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; physical examinations; 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; and home instruction and approved alternative education programs. Included in the rules are standards for the delivery of home instruction and school health services to nonpublic schools.

6A:16-1.3. Definitions.

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

"Alternative education program" means a comprehensive educational program designed to address the individual learning, behavior, and health needs of students who are not succeeding in the general education program 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. The alternative education program shall provide a variety of approaches to meet the State-adopted standards, such as, through non-traditional programs, services, and methodologies to ensure curriculum and instruction are delivered in a way that enables students to demonstrate the knowledge and skills specified for all students in N.J.A.C. 6A:8.

6A:16-7.3. Long-term suspensions.

(c) Suspension of a general education student shall not be continued beyond the district board of education's second regularly scheduled 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:

iv. The recommendation of the chief school administrator, after considering input from the 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. [...]

(e) When the district board of education votes to continue a general education student's suspension, it shall make, in consultation with the chief school administrator, the final determination on:

1. When the student is prepared to return to the general education program;
2. Whether the student will remain in an alternative education program or receive home or other in- 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:16-7.4.

6A:16-9.1. Establishment of alternative education programs.

(a) Each district board of education choosing to operate an alternative education program, pursuant to N.J.A.C. 6A:16-1.3, shall approve the alternative education program.

(b) Any alternative education program, pursuant to N.J.A.C. 6A:16-1.3, within a State agency, public college operated program or department-approved school shall be approved by the Commissioner of Education.

1. The agency, pursuant to (b) above, shall submit an initial or renewal application, as appropriate, to the designated county office of education, in accordance with the format prescribed by the Commissioner of Education.

2. Each alternative education program established by an agency, pursuant to (b) above, shall be separate and distinct from the already existing programs operated by these agencies.

3. Annually, each agency, pursuant to (b) above, operating an alternative education program, pursuant to N.J.A.C. 6A:16-1.3, shall obtain certificates of fire inspection and, if applicable, health, sewerage plant and health, ventilation, and air conditioning (HVAC) inspections.

i. These certificates shall be maintained and available upon request for review by the Department of Education.

6A:16-9.2. Program criteria.

(a) Each alternative education program, pursuant to N.J.A.C. 6A:16-1.3, shall fulfill the following program criteria for both high school and middle school programs, unless otherwise noted:

1. A maximum student-teacher ratio of 12:1 for high school programs shall be maintained;

2. A maximum student-teacher ratio of 10:1 for middle school programs shall be maintained;

3. An Individualized Program Plan (IPP) shall be developed for each general education student enrolled in the program.

i. The IPP shall be developed by the school district in which the student is enrolled, in consultation with the student's parent and the receiving school district, pursuant to N.J.A.C. 6A:16-9.1(a), or other agency, pursuant to N.J.A.C. 6A:16-9.1(b), as appropriate.

ii. The IPP shall be developed by a multidisciplinary team of professionals with knowledge of the student's educational, behavioral, emotional, social and health needs.

iii. The IPP shall identify the appropriate instructional and support services for addressing the student's identified needs.

iv. The IPP shall be developed in accordance with the format prescribed by the Commissioner of Education and implemented within 30 calendar days of the student's placement in the alternative education program.

(1) The IPP may, but need not, be developed prior to the student's placement.

v. A multidisciplinary team shall review and, as appropriate, revise the IPP prior to the completion of the student's anticipated enrollment in the alternative education program or prior to the end of the school year, whichever occurs first.

(1) The multidisciplinary team shall review and revise the IPP, as needed, at any time during the student's enrollment in the alternative education program.

(2) The multidisciplinary team that reviews the IPP shall include staff from the sending school and the alternative education program who have knowledge of the student's educational, behavioral, emotional, social and health needs.

(3) The student's parent shall be advised of revisions to the IPP.

4. For a student with a disability, the alternative education program shall be consistent with the student's Individualized Education Program (IEP), pursuant to N.J.A.C. 6A:14, Special Education.
5. Individualized instruction to students shall address the New Jersey Student Learning Standards, pursuant to N.J.A.C. 6A:8-3.1;
6. Instructional staff shall be appropriately certified, pursuant to N.J.A.C. 6A:9-3.3;
7. Compliance with attendance policies, pursuant to N.J.A.C. 6A:16-7.8 and 6A:32-8.3, shall be required;
8. Academic instruction sufficient to fulfill graduation requirements, pursuant to N.J.A.C. 6A:8-5.1, shall be provided to high school students;
9. Comprehensive support services and programs shall address each student's health, social and emotional development and behavior;
10. Case management services including, but not limited to, monitoring and evaluating student progress and coordinating instructional and support services, pursuant to (a)5, 8, and 9 above, shall be provided;
11. Services to facilitate the transition of students returning to the general or special education program shall be provided; and
12. A minimum student enrollment period of not less than two complete marking periods shall be required.
 - i. If the student is enrolled with less than two complete marking periods remaining prior to the end of the school year, the decision regarding continued placement in the alternative education program shall be made in accordance with N.J.A.C. 6A:16-9.3(a).
 - ii. If the student is removed from the general education program and placed in an alternative education program as a result of a firearm or assault with a weapon offense, the chief school administrator may modify the term of removal or placement on a case-by-case basis, pursuant to N.J.A.C. 6A:16-5.5(b)1 and 5.6(b)1.
 - iii. For the student with a disability, the enrollment period shall be determined by appropriate school personnel in accordance with the provisions of N.J.A.C. 6A:14, Special Education, and the Individuals with Disabilities Education Act of 2004, 20 U.S.C. §§ 1400 et seq.

6A:16-9.3. Student placements.

(a) Student placement in an alternative education program, pursuant to N.J.A.C. 6A:16-1.3 and 9.1(a) and (b), shall be made as follows:

1. For the general education student, the district board of education shall make a determination of the student's risk for school failure and a decision regarding the student's placement in an alternative education program, at a minimum, based on the following:
 - i. The review of the student's academic, health and behavioral records, including the student's IPP, if one has been developed in accordance with N.J.A.C. 6A:16-9.2(a)3i through v, and the results of available testing, assessment or evaluation of the student;
 - ii. Consultation with and notice to the student's parent; and
 - iii. Information provided by the school-based multidisciplinary team responsible to provide intervention and referral services, pursuant to N.J.A.C. 6A:16-8, or other multidisciplinary team, as appropriate.
2. Decisions regarding the placement of the student with a disability in an alternative education program, pursuant to N.J.A.C. 6A:16-9.1(a) and (b), shall be based on the recommendation of appropriate personnel in accordance with N.J.A.C. 6A:14.

3. The district board of education shall provide mandatory placement for a student in an alternative education program for removal due to a firearms offense, pursuant to N.J.A.C. 6A:16-5.5 or an assault with weapons offense, pursuant to N.J.A.C. 6A:16-5.6.

i. If placement in an alternative education program, pursuant to N.J.A.C. 6A:16-9.1(a) or (b), is not available in the instance of a mandatory student placement, the student shall be provided home or out-of-school instruction, pursuant to N.J.A.C. 6A:16-10, until placement in an alternative education program is available.

ii. For the student with a disability, placement in an alternative education program for a firearm offense or an assault with a weapon offense shall occur only upon a determination by appropriate school personnel to place the student in accordance with the provisions of N.J.A.C. 6A:14, Special Education Programs and the Individuals with Disabilities Act of 2004, 20 U.S.C. §§ 1400 et seq.

(b) If a district board of education places a student in an alternative education program approved by another district board of education, pursuant to N.J.A.C. 6A:16-9.1(a)1, or another approved agency, pursuant to N.J.A.C. 6A:16-9.1(b), the district board of education of the sending school district shall be responsible for ensuring compliance with the requirements of this subchapter.

(c) Decisions regarding continued placement in an alternative education program or a change to a student's placement shall be made as follows:

1. For the general education student returning to the general education program, the continued placement decision shall be made in accordance with N.J.A.C. 6A:16-9.2(a)11, as appropriate, and (a)1 above.

2. For a student with disabilities, the continued placement decision shall be made in accordance with N.J.A.C. 6A:16-9.2(a)11, as appropriate, (a)2 above, and N.J.A.C. 6A:14, Special Education.

Discipline Addressing Specific Code of Conduct Violations

Firearms and Other Weapons Violations

LAWS

2C:39-1. Definitions.

The following definitions apply to this chapter and to chapter 58:

- a. "Antique firearm" means any rifle or shotgun and "antique cannon" means a destructive device defined in paragraph (3) of subsection c. of this section, if the rifle, shotgun or destructive device, as the case may be, is incapable of being fired or discharged, or which does not fire fixed ammunition, regardless of date of manufacture, or was manufactured before 1898 for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value.
- b. "Deface" means to remove, deface, cover, alter or destroy the name of the maker, model designation, manufacturer's serial number or any other distinguishing identification mark or number on any firearm.
- c. "Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket having a propellant charge of more than four ounces or any missile having an explosive or incendiary charge of more than one-quarter of an ounce; (3) any weapon capable of firing a projectile of a caliber greater than 60 caliber, except a shotgun or shotgun ammunition generally recognized as suitable for sporting purposes; (4) any Molotov cocktail or other device consisting of a breakable container containing flammable liquid and having a wick or similar device capable of being ignited. The term does not include any device manufactured for the purpose of illumination, distress signaling, line-throwing, safety or similar purposes.
- d. "Dispose of" means to give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer, or otherwise transfer possession.
- e. "Explosive" means any chemical compound or mixture that is commonly used or is possessed for the purpose of producing an explosion and which contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.
- f. "Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

- g. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm.
- h. "Gravity knife" means any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force.
- i. "Machine gun" means any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom. A machine gun also shall include, without limitation, any firearm with a trigger crank attached.
- j. "Manufacturer" means any person who receives or obtains raw materials or parts and processes them into firearms or finished parts of firearms, except a person who exclusively processes grips, stocks and other nonmetal parts of firearms. The term does not include a person who repairs existing firearms or receives new and used raw materials or parts solely for the repair of existing firearms.
- k. "Handgun" means any pistol, revolver or other firearm originally designed or manufactured to be fired by the use of a single hand.
- l. "Retail dealer" means any person including a gunsmith, except a manufacturer or a wholesale dealer, who sells, transfers or assigns for a fee or profit any firearm or parts of firearms or ammunition which he has purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumers, and includes any person who is engaged in the business of repairing firearms or who sells any firearm to satisfy a debt secured by the pledge of a firearm.
- m. "Rifle" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.
- n. "Shotgun" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shots or a single projectile for each pull of the trigger, or any firearm designed to be fired from the shoulder which does not fire fixed ammunition.
- o. "Sawed-off shotgun" means any shotgun having a barrel or barrels of less than 18 inches in length measured from the breech to the muzzle, or a rifle having a barrel or barrels of less than 16 inches in length measured from the breech to the muzzle, or any firearm made from a rifle or a shotgun, whether by alteration, or otherwise, if such firearm as modified has an overall length of less than 26 inches.
- p. "Switchblade knife" means any knife or similar device which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.
- q. "Superintendent" means the Superintendent of the State Police.
- r. "Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; and (4) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.
- s. "Wholesale dealer" means any person, except a manufacturer, who sells, transfers, or assigns firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate

consumers, and includes persons who receive finished parts of firearms and assemble them into completed or partially completed firearms, in furtherance of such purpose, except that it shall not include those persons dealing exclusively in grips, stocks and other nonmetal parts of firearms.

t. "Stun gun" means any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person.

u. "Ballistic knife" means any weapon or other device capable of lethal use and which can propel a knife blade.

v. "Imitation firearm" means an object or device reasonably capable of being mistaken for a firearm.

w. "Assault firearm" means:

(1) The following firearms:

Algimec AGM1 type

Any shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12"

Armalite AR-180 type

Australian Automatic Arms SAR

Avtomat Kalashnikov type semi-automatic firearms

Beretta AR-70 and BM59 semi-automatic firearms

Bushmaster Assault Rifle

Calico M-900 Assault carbine and M-900

CETME G3

Chartered Industries of Singapore SR-88 type

Colt AR-15 and CAR-15 series

Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

Demro TAC-1 carbine type

Encom MP-9 and MP-45 carbine types

FAMAS MAS223 types

FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

Franchi SPAS 12 and LAW 12 shotguns

G3SA type

Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

Intratec TEC 9 and 22 semi-automatic firearms

M1 carbine type

M14S type

MAC 10, MAC 11, MAC 11-9mm carbine type firearms

PJK M-68 carbine type

Plainfield Machine Company Carbine

Ruger K-Mini-14/5F and Mini-14/5RF

SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

SKS with detachable magazine type

Spectre Auto carbine type

Springfield Armory BM59 and SAR-48 type

Sterling MK-6, MK-7 and SAR types
Steyr A.U.G. semi-automatic firearms
USAS 12 semi-automatic type shotgun
Uzi type semi-automatic firearms
Valmet M62, M71S, M76, or M78 type semi-automatic firearms
Weaver Arm Nighthawk.

(2) Any firearm manufactured under any designation which is substantially identical to any of the firearms listed above.

(3) A semi-automatic shotgun with either a magazine capacity exceeding six rounds, a pistol grip, or a folding stock.

(4) A semi-automatic rifle with a fixed magazine capacity exceeding 10 rounds. "Assault firearm" shall not include a semi-automatic rifle which has an attached tubular device and which is capable of operating only with .22 caliber rimfire ammunition.

(5) A part or combination of parts designed or intended to convert a firearm into an assault firearm, or any combination of parts from which an assault firearm may be readily assembled if those parts are in the possession or under the control of the same person.

(6) A firearm with a bump stock attached.

x. "Semi-automatic" means a firearm which fires a single projectile for each single pull of the trigger and is self-reloading or automatically chambers a round, cartridge, or bullet.

y. "Large capacity ammunition magazine" means a box, drum, tube or other container which is capable of holding more than 10 rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm. The term shall not include an attached tubular device which is capable of holding only .22 caliber rimfire ammunition.

z. "Pistol grip" means a well-defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the shotgun to be held and fired with one hand.

aa. "Antique handgun" means a handgun manufactured before 1898, or a replica thereof, which is recognized as being historical in nature or of historical significance and either (1) utilizes a match, friction, flint, or percussion ignition, or which utilizes a pin-fire cartridge in which the pin is part of the cartridge or (2) does not fire fixed ammunition or for which cartridge ammunition is not commercially available.

bb. "Trigger lock" means a commercially available device approved by the Superintendent of State Police which is operated with a key or combination lock that prevents a firearm from being discharged while the device is attached to the firearm. It may include, but need not be limited to, devices that obstruct the barrel or cylinder of the firearm, as well as devices that immobilize the trigger.

cc. "Trigger locking device" means a device that, if installed on a firearm and secured by means of a key or mechanically, electronically or electromechanically operated combination lock, prevents the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically or electromechanically operated combination lock.

dd. "Personalized handgun" means a handgun which incorporates within its design a permanent programmable feature as part of its manufacture that cannot be deactivated and renders the personalized handgun reasonably resistant to being fired except when activated by the lawful owner or other authorized user. No make or model of a handgun shall be deemed to be a "personalized handgun" unless the Personalized Handgun Authorization Commission established pursuant to section 1 of P.L.2019, c.164 (C.2C:58-2.7) has determined in accordance with section 2 of P.L.2019, c.164

(C.2C:58-2.8), that the personalized handgun meets the performance standards and qualifying criteria established pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8).

ee. "Bump stock" means any device or instrument for a firearm that increases the rate of fire achievable with the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.

ff. "Trigger crank" means any device or instrument to be attached to a firearm that repeatedly activates the trigger of the firearm through the use of a lever or other part that is turned in a circular motion; provided, however, the term shall not include any weapon initially designed and manufactured to fire through the use of a crank or lever.

gg. "Armor piercing ammunition" means: (1) a projectile or projectile core which may be used in a handgun and is constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or (2) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile. "Armor piercing ammunition" shall not include shotgun shot required by federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the United States Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the United States Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil gas well perforating device.

hh. "Covert firearm" means any firearm that is constructed in a shape or configuration such that it does not resemble a handgun, rifle, shotgun, or machine gun including, but not limited to, a firearm that resembles a key-chain, pen, cigarette lighter, cigarette package, cellphone, smart phone, wallet, or cane.

ii. "Undetectable firearm" means a firearm that: (1) after removal of all parts other than major components, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or (2) includes a major component which, if the firearm were subjected to inspection by the types of detection devices commonly used at airports for security screening, would not generate an image that accurately depicts the shape of the component. "Undetectable firearm" shall not be construed to include a firearm subject to the provisions of paragraphs (3) through (6) of subsection (p) of 18 U.S.C. § 922.

jj. "Major component" means the slide or cylinder or the frame or receiver of a firearm and, in the case of a rifle or shotgun, also includes the barrel.

kk. "Security Exemplar" means the Security Exemplar fabricated in accordance with subparagraph (C) of paragraph (2) of subsection (p) of 18 U.S.C. § 922.

ll. "Authorized user" means the lawful owner of a personalized handgun or a person to whom the owner has given consent to use the personalized handgun.

2C:39-5. Unlawful possession of weapons.

a. Machine guns. Any person who knowingly has in his possession a machine gun or any instrument or device adaptable for use as a machine gun, without being licensed to do so as provided in N.J.S.2C:58-5, is guilty of a crime of the second degree.

b. Handguns. (1) Any person who knowingly has in his possession any handgun, including any antique handgun, without first having obtained a permit to carry the same as provided in N.J.S.2C:58-4, is guilty of a crime of the second degree. (2) If the handgun is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a

bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person it is a crime of the third degree.

c. Rifles and shotguns.

(1) Any person who knowingly has in his possession any rifle or shotgun without having first obtained a firearms purchaser identification card in accordance with the provisions of N.J.S.2C:58-3, is guilty of a crime of the third degree.

(2) Unless otherwise permitted by law, any person who knowingly has in his possession any loaded rifle or shotgun is guilty of a crime of the third degree.

d. Other weapons. Any person who knowingly has in his possession any other weapon under circumstances not manifestly appropriate for such lawful uses as it may have is guilty of a crime of the fourth degree.

e. Firearms or other weapons in educational institutions.

(1) Any person who knowingly has in his possession any firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, is guilty of a crime of the third degree, irrespective of whether he possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.

(2) Any person who knowingly possesses any weapon enumerated in paragraphs (3) and (4) of subsection r. of N.J.S.2C:39-1 or any components which can readily be assembled into a firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 or any other weapon under circumstances not manifestly appropriate for such lawful use as it may have, while in or upon any part of the buildings or grounds of any school, college, university or other educational institution without the written authorization of the governing officer of the institution is guilty of a crime of the fourth degree.

(3) Any person who knowingly has in his possession any imitation firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, or while on any school bus is a disorderly person, irrespective of whether he possesses a valid permit to carry a firearm or a valid firearms purchaser identification card.

f. Assault firearms. Any person who knowingly has in his possession an assault firearm is guilty of a crime of the second degree except if the assault firearm is licensed pursuant to N.J.S.2C:58-5; registered pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12); or rendered inoperable pursuant to section 12 of P.L.1990, c.32 (C.2C:58-13).

g. (1) The temporary possession of a handgun, rifle or shotgun by a person receiving, possessing, carrying or using the handgun, rifle, or shotgun under the provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1) shall not be considered unlawful possession under the provisions of subsection b. or c. of this section.

(2) The temporary possession of a firearm by a person receiving, possessing, carrying or using the firearm under the provisions of section 1 of P.L.1997, c.375 (C.2C:58-3.2) shall not be considered unlawful possession under the provisions of this section.

h. A person who is convicted of a crime under subsection a., b., f. or j. of this section shall be ineligible for participation in any program of intensive supervision; provided, however, that this provision shall not apply to a crime under subsection b. involving only a handgun which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

- i. A person convicted of violating subsection a., b. or f. of this section shall be sentenced by the court to a term of imprisonment, which shall include the imposition of a minimum term during which the defendant shall be ineligible for parole, if the court finds that the aggravating circumstance set forth in paragraph (5) of subsection a. of N.J.S.2C:44-1 applies. The minimum term of parole ineligibility shall be fixed at five years. The sentencing court shall make a finding on the record as to whether the aggravating circumstance set forth in paragraph (5) of subsection a. of N.J.S.2C:44-1 applies, and the court shall presume that there is a substantial likelihood that the defendant is involved in organized criminal activity if there is a substantial likelihood that the defendant is a member of an organization or group that engages in criminal activity. The prosecution at the sentencing hearing shall have the initial burden of producing evidence or information concerning the defendant's membership in such an organization or group.
- j. A violation of subsection a., b., c. or f. of this section by a person who has a prior conviction of any of the crimes enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) is a first degree crime.

18A:37-2.1. Suspension, expulsion of pupil for assault, appeal; report.

a. Any pupil who commits an assault, as defined pursuant to N.J.S.2C:12-1, upon a teacher, administrator, board member or other employee of a board of education, acting in the performance of his duties and in a situation where his authority to so act is apparent, or as a result of the victim's relationship to an institution of public education of this State, not involving the use of a weapon or firearm, shall be immediately suspended from school consistent with procedural due process pending suspension or expulsion proceedings before the local board of education. Said proceedings shall take place no later than 30 calendar days following the day on which the pupil is suspended. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision. The provisions herein shall be construed in a manner consistent with 20 U.S.C. s.1400 et seq.

b. Whenever a teacher, administrator, board member, other employee of a board of education or a labor representative on behalf of an employee makes an allegation in writing that the board member or employee has been assaulted by a pupil, the principal shall file a written report of the alleged assault with the district's superintendent of schools. The superintendent to whom the alleged assault is reported or, if there is no superintendent in the district, the principal who received the allegation from the board member, employee, or labor representative shall report the alleged assault to the board of education of the district at its next regular meeting; provided that the name of the pupil who allegedly committed the assault, although it may be disclosed to the members of the board of education, shall be kept confidential at the public board of education meeting.

Any person who fails to file a report of an alleged assault as required pursuant to this subsection may be liable to disciplinary action by the board of education of the district.

18A:37-2a. Conditions for suspension, expulsion of certain students.

a. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter school shall not be expelled from school, except as provided pursuant to the "Zero Tolerance for Guns Act," P.L.1995, c.127 (C.18A:37-7 et seq.).

b. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter school shall not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual nature that endangers others.

c. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in preschool in a school district or charter school shall not be suspended, and

shall not be expelled from school, except as provided pursuant to the "Zero Tolerance for Guns Act," P.L.1995, c.127 (C.18A:37-7 et seq.).

18A:37-7. Short title.

This act shall be known as the "Zero Tolerance for Guns Act."

18A:37-8. Offense by pupil involving firearm, removal from school's regular education program.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education to remove the pupil from the regular education program for a period of not less than one calendar year subject to modification on a case-by-case basis by the chief school administrator.

For the purposes of this section "firearm" means those items enumerated in N.J.S. 2C:39-1f and 18 U.S.C. 921.

Any pupil that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available. The provisions herein shall be construed in a manner consistent with 20 U.S.C. 1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.

18A:37-9. Responsibility for removal, report.

The principal or his or her designee shall be responsible for the removal of any pupil pursuant to section 2 of P.L.1995, c.127 (C.18A:37-8). The principal or his or her designee shall immediately report the removal of any pupil to the district's chief school administrator. The district's chief school administrator may modify such removal of a pupil on a case-by-case basis. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

18A:37-10. Hearing.

a. Any pupil removed pursuant to section 2 of P.L.1995, c.127 (C.18A:37-8) shall be entitled to a hearing before the local board of education to determine if the pupil was convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or is guilty of knowingly possessing a firearm on any school property, on a school bus or at a school-sponsored function. If it is found that the pupil is not guilty of these offenses the pupil shall be immediately returned to the regular education program.

b. The hearing shall take place no later than 30 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.).

c. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision.

18A:37-11. Determination of pupil's preparedness to return.

The chief school administrator shall determine whether the pupil is prepared to return to the regular education program or whether the pupil shall remain in an alternative education program, home instruction or other suitable facilities and programs, in accordance with procedures to be established by the Commissioner of Education.

18A:37-12. Non-applicability of act.

This act shall not apply to any pupil who has obtained the written authorization of the chief school administrator to lawfully possess a firearm while participating in a school-sponsored function. The chief school administrator shall not provide such authorization to any pupil who has been convicted or adjudicated delinquent for possession of a firearm or for a crime involving the use of a firearm.

REGULATIONS

6A:16-1.3. Definitions.

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

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

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, pursuant to the Zero Tolerance for Guns Act, N.J.S.A. 18A:37-7 through 12. The policies and procedures shall apply to a student who is:

1. Convicted or adjudicated delinquent for possession of a firearm on school grounds;
2. Convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds; and
3. Found knowingly in possession of a firearm on school grounds.

(b) Each district board of education shall immediately remove from the school's general education program for a period of not less than one calendar year a student other than a student with a disability, as set forth in (a) above.

1. The chief school administrator may modify on a case-by-case basis the removal of a general education student.
 - i. The chief school administrator shall develop and maintain a written record of case-by-case modifications of the removal requirement in this subsection, which shall be made available to the Commissioner upon request.
2. Nothing in this section shall be construed to prohibit the expulsion of a general education student.

(c) Each district board of education shall immediately remove students with disabilities for offenses involving firearms in accordance with N.J.A.C. 6A:14 and applicable Federal regulations incorporated therein.

(d) The principal or his or her designee shall:

1. Remove a student as set forth in (a) through (c) above;
2. Isolate the student and place him or her under the supervision of school staff until the student's parent or a law enforcement official takes custody of the student;
3. Immediately report to the chief school administrator the removal of the student;
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. A general education student's due process rights, as set forth in N.J.A.C. 6A:16-7.2 through 7.6, or the due process rights of a student with a disability, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.

(e) A 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) 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) A 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:16-7.3 through 7.5.

(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 he or she 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 will 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's removal decision;
3. The results of 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 shall 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, as long as the district board of education adopts appropriate safeguards to ensure student safety.

1. All students shall 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 authorization to a 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 biannually shall submit to the Commissioner a report on each incident under this section utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(d)1.

(l) Each district board of education shall annually disseminate to all school staff, students, and parents the adopted policies and procedures for implementing this section.

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 a 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, 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, other school board employee, district

board of education member, or another student on school grounds, pursuant to N.J.S.A. 18A:37-2.2 through 2.5.

(b) A 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 on a case-by-case basis the removal of a general education student.

2. Nothing in this section shall be construed to prohibit the expulsion of a general education student.

(c) Each district board of education shall immediately remove students with disabilities for assaults with weapons offenses in accordance with N.J.A.C. 6A:14 and applicable Federal regulations incorporated therein.

(d) The principal or his or her designee shall:

1. Remove a student as set forth in (a) through (c) above;

2. Isolate the student and place him or her under the supervision of school staff until the student's parent or a law enforcement official takes custody of the student;

3. Immediately report to the chief school administrator the removal of the student;

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. A general education student's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.5 or a student with a disability's due process rights, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.

(e) A 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) A student removed pursuant to (b) above shall be entitled to an informal hearing, pursuant to N.J.A.C. 6A:16-7.2 and 7.3, and a hearing before the district board of education pursuant to N.J.A.C. 6A:16-7.3.

(h) If it is found that the removed student did not commit the offense(s), the student shall be immediately returned to the program from which he or she 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 will 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's removal decision;

3. The results of 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 student who has obtained the chief school administrator's written authorization to lawfully possess a firearm or other weapon while participating in a school-sponsored function.

1. The chief school administrator shall not provide authorization to a 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 biannually shall submit to the Commissioner a report 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 annually shall disseminate to all school staff, students, and parents its adopted policies and procedures for implementing this section.

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:

iv. Firearms, as defined in N.J.S.A. 2C:39-1f; and

v. Other deadly weapons, as defined in N.J.S.A. 2C:39-1.r; and

2. The planning and conduct of law enforcement activities and operations occurring on school grounds, including arrest procedures and undercover school operations.

6A:16-6.2. Development and implementation of policies and procedures.

(b) School district policies and procedures shall include the following components:

6. The procedures for and responsibilities of staff, with regard to interviews of students suspected of possessing or distributing a controlled dangerous substance, including anabolic steroids, drug paraphernalia or a firearm or other deadly weapon; [...]

8. The procedures for and responsibilities of staff concerning the safe and proper handling of a seized controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon, and the prompt delivery of the items to appropriate law enforcement authorities in accordance with this subchapter;

9. The procedures for and responsibilities of staff in notifying authorities of a suspected violation of laws prohibiting the possession, sale or other distribution of a controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon; [...]

11. Provisions for notifying parents as soon as possible whenever a student is arrested for violating a law prohibiting the possession, sale or other distribution of a controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon.

6A:16-6.3. Reporting students or staff members to law enforcement authorities.

(b) Whenever a school employee develops reason to believe a firearm, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, or other deadly weapon, whether 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, has unlawfully been brought onto school grounds or a student or other person is in unlawful possession of a firearm or other deadly weapon on or off school grounds, or a student or other person has committed an offense with or while in possession of a firearm on or off school grounds or during school operating hours, the matter shall be reported as soon

as possible to the principal, or in the absence of the principal, to the staff member responsible at the time of the alleged violation.

1. Either the principal or the responsible staff member shall notify the chief school administrator, who in turn shall notify as soon as possible the county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.
2. The chief school administrator or designee shall provide to the county prosecutor or designee all known information concerning the matter, including the identity of the student or staff member involved.

Students with Chronic Disciplinary Issues

LAWS

18A:37-2c. Meeting relative to suspension, expulsion of student.

a. In the event a student has experienced multiple suspensions or may be subject to a proposed expulsion from public school, the principal shall convene a meeting, as soon as practicable, between the student and a school psychologist, a school counselor, a school social worker, a student assistance coordinator, or a member of the school's intervention and referral services team. The principal may convene such a meeting, if after the student has been suspended for the first time, the principal upon evaluation deems such a meeting appropriate. The purpose of the meeting shall be to identify any behavior or health difficulties experienced by the student and, where appropriate, to provide supportive interventions or referrals to school or community resources that may assist the student in addressing the identified difficulties.

b. The Department of Education, in consultation with the Department of Health, shall make available to school districts a list of current resources that may be of assistance as referral services for students under subsection a. of this section. The resources may include, but need not be limited to, the New Jersey MentalHealthCares information and referral service, and county or local programs that provide youth services for mental health or substance abuse.

c. The requirements of subsection a. of this section shall not apply when a student's immediate removal or suspension from the school's regular education program is required pursuant to the provisions of the "Zero Tolerance for Guns Act," P.L.1995, c.127 (C.18A:37-7 et seq.); section 2 of P.L.1979, c.189 (C.18A:37-2.1); or section 1 of P.L.1995, c.128 (C.18A:37-2.2); or in any other instance in which the safety and security of other students or school staff requires the student's immediate removal from school. In these instances, the meeting required pursuant to subsection a. of this section shall take place as soon as practicable following the student's removal from the school's regular education program.

d. The provisions of this section shall be construed in a manner consistent with the "Individuals with Disabilities Education Act," 20 U.S.C. § 1400 et seq.

e. The State Board of Education may promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provision of this act.

REGULATIONS

No relevant regulations found.

Chronic Absenteeism and Truancy

LAWS

2A:4A-22. General definitions.

As used in this act:

- a. "Juvenile" means an individual who is under the age of 18 years.
- b. "Adult" means an individual 18 years of age or older.
- c. "Detention" means the temporary care of juveniles in physically restricting facilities pending court disposition.
- d. "Shelter care" means the temporary care of juveniles in facilities without physical restriction pending court disposition.
- e. "Commit" means to transfer legal custody to an institution.
- f. "Guardian" means a person, other than a parent, to whom legal custody of the child has been given by court order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.
- g. "Juvenile-family crisis" means behavior, conduct or a condition of a juvenile, parent or guardian or other family member which presents or results in (1) a serious threat to the well-being and physical safety of a juvenile, or (2) a serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian, or (3) unauthorized absence by a juvenile for more than 24 hours from his home, or (4) a pattern of repeated unauthorized absences from school by a juvenile subject to the compulsory education provision of Title 18A of the New Jersey Statutes, or (5) an act which if committed by an adult would constitute prostitution in violation of N.J.S.2C:34-1 or any offense which the juvenile alleges is related to the juvenile being a victim of human trafficking.
- h. "Repetitive disorderly persons offense" means the second or more disorderly persons offense committed by a juvenile on at least two separate occasions and at different times.
- i. "Court" means the Superior Court, Chancery Division, Family Part unless a different meaning is plainly required.
- j. "Commission" means the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170).

18A:36-25.2. Investigation, reporting of certain pupil absences, transfers.

- a. If any child enrolled in a school district has an unexcused absence from school for five consecutive school days, the attendance officer of the district shall investigate the absence and notify the district superintendent of the absence. In the event the investigation leads the district superintendent to have reasonable cause to believe the child has been abused or neglected as defined in section 1 of P.L.1974, c.119 (C.9:6-8.21), the district superintendent shall then notify the Division of Child Protection and Permanency in the Department of Children and Families for its determination of whether the division is or has been involved with the child and whether action, as appropriate, is warranted.
- b. When a child's parent, guardian, or other person having charge and control of the child notifies a school district that the child will be withdrawing from the district and transferring to another school district, the principal of the school from which the child is withdrawing shall request that the parent, guardian, or other person having charge and control of the child provide the principal with the name and location of the school district in which the child will subsequently be enrolled and the expected date of enrollment. The principal shall provide the information supplied by the parent, guardian, or other person having charge

and control of the child to the district superintendent. Five school days following the expected date of enrollment, the superintendent of the district of last attendance shall contact the school district in which the child is to be subsequently enrolled to determine if the child has enrolled in the district. If the child has not been so enrolled, the attendance officer of the transfer district shall investigate the failure to enroll and notify the superintendent of the transfer district of the failure to enroll. In the event the investigation leads the superintendent of the transfer district to have reasonable cause to believe the child has been abused or neglected as defined in section 1 of P.L.1974, c.119 (C.9:6-8.21), the superintendent of the transfer district shall then notify the Division of Child Protection and Permanency in the Department of Children and Families for its determination of whether the division is or has been involved with the child and whether action, as appropriate, is warranted. If the child has been so enrolled, the district of last attendance and the transfer district shall arrange for the transfer of the child's records in accordance with the provisions of section 1 of P.L.1986, c.160 (C.18A:36-19a) and subsection b. of section 4 of P.L.1995, c.395 (C.18A:36-25.1).

c. School district policies for the early detection of missing and abused children required pursuant to section 2 of P.L.1984, c.228 (C.18A:36-25) shall include provisions to implement the requirements of this section.

18A:38-25. Attendance required of children between six and 16; exceptions.

Every parent, guardian or other person having custody and control of a child between the ages of six and 16 years shall cause such child regularly to attend the public schools of the district or a day school in which there is given instruction equivalent to that provided in the public schools for children of similar grades and attainments or to receive equivalent instruction elsewhere than at school.

18A:38-25.1. "Chronically absent" students, corrective action plan.

a. As used in this section, "chronically absent" shall be defined in rules and regulations promulgated by the Commissioner of Education within 90 days of the effective date of P.L.2018, c.23 (C.18A:38-25.1 et al.).

b. In the event that 10 percent or more of the students enrolled in a public school are chronically absent, the school shall develop a corrective action plan to improve absenteeism rates. The corrective action plan shall include, but need not be limited to, the following:

- (1) identifying problems and barriers to school attendance;
- (2) developing recommendations to address the problems and barriers to school attendance that have been identified;
- (3) outlining communication strategies to educate and inform parents on the importance of school attendance;
- (4) establishing protocols on informing and engaging parents when a child begins to show a pattern of absences; and
- (5) reviewing school policies to ensure that they support improved school attendance.

In developing the corrective action plan, the school shall solicit input from parents of students currently attending the school. The solicitation shall include, at a minimum, a parental survey that includes questions related to parents' beliefs regarding the reasons why students are chronically absent and recommendations on the best ways to improve attendance. In developing the corrective action plan, the school shall engage the school's parent organization, if one exists, in identifying the causes of the school's high absenteeism rate and possible solutions. If there is no parent organization at the school, the school shall hold a public meeting to provide parents with an opportunity to provide input during the development of the corrective action plan.

c. The school shall present the corrective action plan to the board of education. The school shall annually review and revise the corrective action plan, and present the revisions to the board, until the percentage of students who are chronically absent is less than 10 percent.

18A:38-26. Days when attendance required; exceptions.

Such regular attendance shall be during all the days and hours that the public schools are in session in the district, unless it is shown to the satisfaction of the board of education of the district that the mental condition of the child is such that he cannot benefit from instruction in the school or that the bodily condition of the child is such as to prevent his attendance at school, but nothing herein shall be construed as permitting the temporary or permanent exclusion from school by the board of education of any district of any child between the ages of five and 20, except as explicitly otherwise provided by law.

18A:38-27. Truancy and juvenile delinquency defined.

Any child between the ages of six and 16 years who shall repeatedly be absent from school, and any child of such age found away from school during school hours whose parent, guardian or other person having charge and control of the child is unable to cause him to attend school and any pupil who is incorrigible, actually vagrant, vicious, or immoral in conduct, shall be deemed to be a juvenile delinquent and shall be proceeded against as such.

18A:38-28. Truants; return to parents or school.

Any attendance officer who shall find any child between six and 16 years of age who is a truant from school, shall take the child and deliver him to the parent, guardian or other person having charge and control of the child, or to the teacher of the school which such child is lawfully required to attend.

18A:38-29. Warning and arrest of vagrants or habitual truants.

The attendance officer shall examine into all violations of this article, shall warn any child violating any of the provisions of this article and the parent, guardian or other person having charge and control of the child of the consequences of the violation if persisted in, and shall notify such person in writing to cause the child to attend school within five days from the date on which notice is served, and regularly thereafter. The attendance officer shall have full police power to enforce the provisions of this article and may arrest without warrant any vagrant child or habitual truant or any child who is habitually incorrigible or who is vicious or immoral in conduct or illegally absent from school.

REGULATIONS

6A:16-1.3. Definitions.

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

"Truancy" means 10 or more cumulative unexcused student absences, as determined by the district board of education pursuant to N.J.A.C. 6A:16-7.6(a)3 and the definition of a school day, pursuant to N.J.A.C. 6A:32-8.3.

6A:16-7.6. 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 12.1, at the public schools of the school district or at day schools in which students are provided with equivalent instruction, pursuant to N.J.S.A. 18A:38-25. The policies and procedures shall include, at a minimum:

1. The expectations and consequences regarding students' 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 that counts toward truancy, for the purpose of this section, that, at a minimum, shall be consistent with the definition of a school day, pursuant to N.J.A.C. 6A:32-8.3;
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;
 - (2) Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents;
 - (3) Identify in consultation with the student's parents needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;
 - (4) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11 if a potential missing or abused child situation is detected; and
 - (5) Cooperate with law enforcement and other authorities and agencies, as appropriate;
 - ii. For between five and nine 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;
 - (2) Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents;
 - (3) Evaluate the appropriateness of action taken pursuant to (a)4i(3) above;
 - (4) Develop an action plan to establish outcomes based upon the student's patterns of unexcused absences and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:
 - (A) Refer or consult with the building's intervention and referral services team, pursuant to N.J.A.C. 6A:16-8;
 - (B) Conduct testing, assessments or evaluations of the student's academic, behavioral and health needs;
 - (C) Consider an alternate educational placement;
 - (D) Make a referral to or coordinate with a community-based social and health provider agency or other community resource;
 - (E) Refer to a court or court program pursuant to (a)4iv below;
 - (F) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-10 if a potential missing or abused child situation is detected; and
 - (G) Engage the student's family.
 - (5) Cooperate with law enforcement and other authorities and agencies, as appropriate.
 - iii. For cumulative unexcused absences of 10 or more, a student between the ages of six and 16 is truant, pursuant to N.J.S.A. 18A:38-25, and the school district shall:
 - (1) Make a determination regarding the need for a court referral for the truancy, per (a)4iv below;
 - (2) Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;
 - (3) Cooperate with law enforcement and other authorities and agencies, as appropriate; and

(4) Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required; and

iv. A court referral may be made as follows:

(1) When unexcused absences are determined by school officials to be violations of the compulsory education law, pursuant to N.J.S.A. 18A:38-25, and the district board of education's policies, in accordance with (a) above, the parent may be referred to municipal court;

(A) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the municipal court; or

(2) When there is evidence of a juvenile-family crisis, pursuant to N.J.S.A. 2A:4A-22.g, the student may be referred to Superior Court, Chancery Division, Family Part;

(A) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the juvenile-family crisis intervention unit.

(b) For a student with a disability, the attendance plan and its punitive and remedial procedures shall be applied, where applicable, in accordance with the student's individualized education program, pursuant to 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities Education Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plan under 29 U.S.C. §§ 794 and 705(20); and individualized healthcare plan and individualized emergency healthcare plan, pursuant to N.J.A.C. 6A:16-2.3(b)3xii.

(c) All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a), shall act in accordance with (a)4i above for each student with up to four cumulative unexcused absences.

1. For each student attending a receiving school with five or more cumulative unexcused absences, the absences shall be reported to the sending school district.

i. The sending school district shall proceed in accordance with the district board of education policies and procedures pursuant to (a) above and the provisions of (a)4ii through iv and (b) above, as appropriate.

Substance Use

LAWS

18A:37-2. Causes for suspension, expulsion of pupils.

Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school.

Conduct which shall constitute good cause for suspension or expulsion of a pupil guilty of such conduct shall include, but not be limited to, any of the following:

j. Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises.

18A:40A-2. Curriculum guidelines; annual review and updating; minimum requirements.

The Commissioner of Education, in consultation with the Commissioner of Health, shall develop curriculum guidelines for education programs on drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances. These guidelines shall be reviewed annually, and shall be updated as necessary to insure that the curriculum reflects the most current information available on the nature and treatment of drug, alcohol, anabolic steroids, tobacco and controlled dangerous substance abuse and treatment. The

guidelines shall provide for a sequential course of study for each grade, K-12, and shall, at a minimum, include:

- a. Detailed, factual information regarding the physiological, psychological, sociological and legal aspects of substance abuse;
- b. Detailed information concerning the availability of help and assistance for pupils and their families with chemical dependency problems;
- c. Decision making and coping skills; and,
- d. The development of activities and attitudes which are consistent with a healthy life style.

The guidelines shall include model instructional units, shall define specific behavioral and learning objectives and shall recommend instructional materials suitable for each grade level.

18A:40A-3. Initial in-service training programs; curriculum; availability.

- a. Upon completion of the curriculum guidelines required pursuant to section 2 of this act, the Commissioner of Education, in consultation with the Commissioner of Health, shall establish inservice workshops and training programs to train selected public school teachers to teach an education program on drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances. The inservice training programs may utilize existing county or regional offices, or such other institutions, agencies or persons as the Commissioner of Education deems appropriate. The programs and workshops shall provide instructional preparation for the teaching of the drug, alcohol, anabolic steroids, tobacco and controlled dangerous substances curriculum, and shall, in addition to the curriculum material, include information on the history, pharmacology, physiology and psychosocial aspects of drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances, symptomatic behavior associated with substance abuse, the availability of rehabilitation and treatment programs, and the legal aspects of substance abuse. Each local board of education shall provide time for the inservice training during the usual school schedule in order to insure that appropriate teaching staff members are prepared to teach the education program in each grade in each school district.
- b. Upon completion of the initial inservice training program, the Commissioner of Education shall insure that programs and workshops that reflect the most current information on substance abuse are prepared and are made available to teaching staff members at regular intervals.
- c. In addition to providing inservice training programs for teaching staff members who will provide instruction on substance abuse in the public schools, the Commissioner of Education shall make these training programs available to such other instructional and supervisory personnel as he deems necessary and appropriate.

18A:40A-4. Preservice training.

In addition to the provisions for inservice training established pursuant to this act, the commissioner shall insure that the preservice training of individuals intending to enter the teaching profession provides for an adequate treatment of the subject of substance abuse.

No certificate to teach in the public schools shall be issued to any teaching staff member who has not passed a satisfactory examination in (1) physiology and hygiene; and (2) substance abuse issues which includes material on the physiological, psychological, sociological and legal aspects of drug and alcohol abuse, methods of educating students on the negative effects of substance abuse, and intervention strategies for dealing with students engaged in substance abuse.

18A:40A-5. Loan of educational materials.

The board of education in each school district in the State in which a nonpublic school is located shall have the power and duty to loan to all pupils attending nonpublic schools located within the district all

educational materials developed by the Commissioner of Education pursuant to this act for the instruction of public school pupils on the nature and effects of drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances. The Commissioner of Education shall make these materials available so that the local board of education shall not be required to expend funds for the loan of these materials.

18A:40A-6. Evaluation.

The Commissioner of Education, in consultation with the Commissioner of Health, shall establish and administer a system for the evaluation of the effectiveness of instructional programs established pursuant to this act. Programs which are shown to be effective shall be made available to other school districts throughout the State.

18A:40A-7.1. Confidentiality of certain information provided by pupil; exceptions.

a. Except as provided by section 3 of P.L.1971, c.437 (C.9:6-8.10), if a public or private elementary or secondary school pupil who is participating in a school-based drug and alcohol abuse counseling program provides information during the course of a counseling session in that program which indicates that the pupil's parent or guardian or other person residing in the pupil's household is dependent upon or illegally using a substance as that term is defined in section 2 of P.L.1987, c.387 (C.18A:40A-9), that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized under subsection b. of this section.

b. The information provided by a pupil pursuant to subsection a. of this section may be disclosed:

- (1) subject to the pupil's written consent, to another person or entity whom the pupil specifies in writing in the case of a secondary school pupil, or to a member of the pupil's immediate family or the appropriate school personnel in the case of an elementary school pupil;
- (2) pursuant to a court order;
- (3) to a person engaged in a bona fide research purpose, except that no names or other information identifying the pupil or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or
- (4) to the Division of Child Protection and Permanency or to a law enforcement agency, if the information would cause a person to reasonably suspect that the elementary or secondary school pupil or another child may be an abused or neglected child as the terms are used in R.S.9:6-1, or as the terms are defined in section 2 of P.L.1971, c.437 (C.9:6-8.9), or section 1 of P.L.1974, c.119 (C.9:6-8.21).

c. Any disclosure made pursuant to paragraph (1) or (2) of subsection b. of this section shall be limited to that information which is necessary to carry out the purpose of the disclosure, and the person or entity to whom the information is disclosed shall be prohibited from making any further disclosure of that information without the pupil's written consent. The disclosure shall be accompanied by a written statement advising the recipient that the information is being disclosed from records the confidentiality of which is protected by P.L.1997, c.362 (C.18A:40A-7.1 et seq.), and that this law prohibits any further disclosure of this information without the written consent of the person from whom the information originated. Nothing in P.L.1997, c.362 (C.18A:40A-7.1 et seq.) shall be construed as prohibiting the Division of Child Protection and Permanency or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in P.L.1997, c.362 shall be construed as authorizing the violation of any federal law.

d. The prohibition on the disclosure of information provided by a pupil pursuant to subsection a. of this section shall apply whether the person to whom the information was provided believes that the person seeking the information already has it, has other means of obtaining it, is a law enforcement or other

public official, has obtained a subpoena, or asserts any other justification for the disclosure of this information.

18A:40A-7.2. Violations, penalties.

Except as provided by section 6 of P.L.1971, c.437 (C.9:6-8.13), a person who discloses or willfully permits the disclosure of information provided by a pupil in violation of the provisions of section 1 of this act is subject to a fine of not more than \$500 for a first offense and not more than \$5,000 for a second and each subsequent offense. The penalty shall be collected and enforced in summary proceedings under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

18A:40A-8. Findings, declarations.

The Legislature finds and declares that:

- a. A significant number of young people are unfortunately already involved in the abuse of alcohol and other drugs;
- b. Research indicates that particular groups of youngsters, such as the children of alcoholic parents, may in fact face an increased risk of developing alcohol and other substance abuse problems and that early intervention services can be critical in their prevention, detection and treatment; and,
- c. School-based initiatives have proven particularly effective in identifying and assisting students at a high risk of developing alcohol and other drug disturbances and in reducing absenteeism, decreasing the consumption of alcohol and other drugs, and in lessening the problems associated with such addictions.

18A:40A-9. Definitions.

For the purposes of this act:

"Substance" shall mean alcoholic beverages, controlled dangerous substances as defined in section 2 of P.L.1970, c.266 (C.24:21-2), anabolic steroids or any chemical or chemical compound which 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 in section 1 of P.L.1965, c.41 (C.2A:170-25.9).

"Substance abuse" shall mean the consumption or use of any substance as defined herein 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.

18A:40A-10. Referral program in schools.

Each local board of education shall, pursuant to guidelines developed by the Commissioner of Education, in consultation with the Commissioner of Health, establish a comprehensive substance abuse intervention, prevention and treatment referral program in the public elementary and secondary schools of the district. The purpose of the program shall be to identify pupils who are substance abusers, assess the extent of these pupils' involvement with these substances and, where appropriate, refer pupils and their families to organizations and agencies approved by the Department of Health to offer competent professional treatment. Treatment shall not be at the expense of the local board of education.

Each school district shall develop a clear written policy statement which outlines the district's program to combat substance abuse and which provides for the identification, evaluation, referral for treatment and discipline of pupils who are substance abusers. Copies of the policy statement shall be distributed to pupils and their parents at the beginning of each school year.

18A:40A-11. Policies for evaluations, referral, discipline.

Each board of education shall adopt and implement, in accordance with rules and regulations promulgated by the State board, policies and procedures for the evaluation, referral for treatment and discipline of pupils involved in incidents of possession or abuse of substances as defined in section 2 [C.18A:40A-9] of this act, on school property or at school functions, or who show significant symptoms of the use of those substances on school property or at school functions. In adopting and implementing these policies and procedures, the board shall consult and work closely with a local organization involved with the prevention, detection and treatment of substance abuse approved by the Department of Health.

18A:40A-12. Reporting of pupils under influence; examination; report; return home; evaluation of possible need for treatment; referral for treatment.

a. Whenever it shall appear to any teaching staff member, school nurse or other educational personnel of any public school in this State that a pupil may be under the influence of substances as defined pursuant to section 2 [C.18A:40A-9] of this act, other than anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a student assistance coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an immediate examination of the pupil by a doctor selected by the parent or guardian, or if that doctor is not immediately available, by the medical inspector, if he is available. If a doctor or medical inspector is not immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination accompanied by a member of the school staff designated by the principal and a parent or guardian of the pupil if available. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil is under such influence. A written report of that examination shall be furnished within 24 hours by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal. If it is determined that the pupil was under the influence of a substance, the pupil shall be returned to the pupil's home as soon as possible and shall not resume attendance at school until the pupil submits to the principal a written report certifying that the pupil is physically and mentally able to return thereto, which report shall be prepared by a personal physician, the medical inspector, or the physician who examined the pupil pursuant to the provisions of this act.

In addition, the pupil shall be interviewed by a student assistance coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

b. Whenever any teaching staff member, school nurse, or other educational personnel of any public school in this State shall have reason to believe that a pupil has used or may be using anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a student assistance coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an examination of the pupil by a doctor selected by the parent or guardian or by the medical inspector. The pupil shall be examined as soon as possible for the

purpose of diagnosing whether or not the pupil has been using anabolic steroids. A written report of that examination shall be furnished by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal. If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by a student assistance coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

18A:40A-15. In-service training.

a. The Commissioner of Education, in consultation with the Commissioner of Health, shall develop an inservice training program for public school teachers to enable the teachers to recognize and respond to substance abuse by public school pupils. The program shall, at a minimum, include:

- (1) Instruction to assist the teacher in the identification of the symptoms and behavioral patterns which might indicate that a child may be involved in substance abuse;
- (2) Appropriate intervention strategies; and,
- (3) Information on the State, local and community organizations which are available for the prevention, early intervention, treatment and rehabilitation of individuals who show symptoms of substance abuse.

The inservice training program required pursuant to this section shall be updated at regular intervals in order to insure that teaching staff members have the most current information available on this subject.

b. Each local board of education shall insure that all teaching staff members in the district who are involved in the instruction of pupils are provided with the inservice training program developed pursuant to this section. The inservice training program of the local board of education shall also include information concerning the policy of the board regarding the referral for treatment of pupils involved in substance abuse, as required pursuant to section 5 [C.18A:40A-12] of this act.

18A:40A-16. Guidelines, materials for program.

a. The Commissioner of Education, in consultation with the Commissioner of Health, shall establish guidelines for substance abuse education programs to be offered by local boards of education to the parents or legal guardians of public school pupils. The program shall, at a minimum, provide:

- (1) A thorough and comprehensive review of the substance abuse education curriculum which will be taught to the child of the parent or guardian during the school year, with recommendations as to the ways in which the parent or guardian may enhance, reinforce and supplement that program;
- (2) Information on the pharmacology, physiology, psychosocial and legal aspects of substance abuse, and instruction to assist the parent or guardian in the identification of the symptoms and behavioral patterns which might indicate that a child may be involved in substance abuse; and
- (3) Information on the State, local and community organizations which are available for the prevention, early intervention, treatment and rehabilitation of individuals who show symptoms of substance abuse.

b. In addition to the guidelines required pursuant this section, the Commissioner of Education, in consultation with the Commissioner of Health, shall develop and provide to local boards of education suggested materials for the substance abuse education program for parents or legal guardians of school pupils, and shall maintain and continuously update a roster of individuals or groups available to assist boards of education in implementing this program and a list of State and local agencies and organizations

which are approved by the Department of Health to provide services for the prevention, early intervention, treatment or rehabilitation of individuals who show symptoms of substance abuse.

18A:40A-17. Outreach program.

a. Under the guidelines established by the Commissioner of Education, each local board of education shall establish an outreach program to provide substance abuse education for the parents or legal guardians of the pupils of the district. In establishing the program, the local board of education shall consult with such local organizations and agencies as are recommended by the commissioner. The board of education shall insure that the program is offered at times and places convenient to the parents of the district on school premises, or in other suitable facilities.

b. In addition to the substance abuse education program required pursuant to this section, each local board of education shall establish policies and procedures to provide assistance to parents or legal guardians who believe that their child may be involved in substance abuse. These policies and procedures shall be consistent with the policies and procedures for intervention by school personnel developed pursuant to this act.

c. The board of education in each school district in the State in which a nonpublic school is located shall have the power and duty to loan to the parents or legal guardians of all pupils attending nonpublic schools located within the district all educational materials developed by the Commissioner of Education for the instruction of the parents or legal guardians of public school pupils on the nature and effects of substances and substance abuse. The Commissioner of Education shall make these materials available so that the local board of education shall not be required to expend funds for the loan of these materials.

18A:40A-18. Employment of student assistance coordinators in certain school districts.

The Commissioner of Education, in consultation with the Commissioner of Health, shall develop and administer a program which provides for the employment of student assistance coordinators in certain school districts.

a. Within 90 days of the effective date of this act [C.18A:40A-8 et seq.], the Commissioner of Education shall forward to each local school board a request for a proposal for the employment of a student assistance coordinator. A board which wants to participate in the program shall submit a proposal to the commissioner which outlines the district's plan to provide substance abuse prevention, intervention, and treatment referral services to students through the employment of a student assistance coordinator. Nothing shall preclude a district which employs a student assistance coordinator at the time of the effective date of this act from participating in this program. The commissioner shall select school districts to participate in the program through a competitive grant process. The participating districts shall include urban, suburban, and rural districts from the north, central, and southern geographic regions of the State with at least one school district per county. In addition to all other State aid to which the local district is entitled under the provisions of P.L.2007, c.260 (C.18A:7F-43 et al.) and other pertinent statutes, each board of education participating in the program shall receive from the State, for a three-year period, the amount necessary to pay the salary of its student assistance coordinator.

b. The position of student assistance coordinator shall be separate and distinct from any other employment position in the district, including, but not limited to district guidance counselors, school social workers, and school psychologists. The State Board of Education shall approve the education and experience criteria necessary for employment as a student assistance coordinator. The criteria shall include a requirement for certification by the State Board of Examiners. In addition to the criteria established by the State board, the Department of Education and the Department of Health shall jointly conduct orientation and training programs for student assistance coordinators, and shall also provide for continuing education programs for coordinators.

c. It shall be the responsibility of student assistance coordinators to assist local school districts in the effective implementation of this act. Coordinators shall assist with the in service training of school district staff concerning substance abuse issues and the district program to combat substance abuse; serve as an information resource for substance abuse curriculum development and instruction; assist the district in revising and implementing substance abuse policies and procedures; develop and administer intervention services in the district; provide counseling services to pupils regarding substance abuse problems; and, where necessary and appropriate, cooperate with juvenile justice officials in the rendering of substance abuse treatment services.

d. The Commissioner of Education, in consultation with the Commissioner of Health, shall implement a plan to collect data on the effectiveness of the program in treating problems associated with substance abuse and in reducing the incidence of substance abuse in local school districts. Six months prior to the expiration of the program authorized pursuant to this section, the Commissioner of Education shall submit to the Governor and the Legislature an evaluation of the program and a recommendation on the advisability of its continuation or expansion to all school districts in the State.

18A:40A-19. Pilot programs.

The Commissioner of Education is authorized to make grants to local school districts in such amounts as he shall determine, to assist the districts in the implementation of innovative pilot programs designed to educate pupils of elementary and secondary schools and members of the general public on the subject of substance abuse, and to prevent the abuse of those substances. Application for grants shall be made on forms furnished by the Commissioner of Education and shall set forth the program proposed and appropriate administrative procedures for the proper and efficient implementation of the program. These pilot programs shall, at a minimum, include:

a. An early intervention competitive grant pilot program to be established by the Commissioner of Education, in consultation with the Commissioner of Health and the Commissioner of Human Services, to enable local school districts to identify and assist elementary school pupils who are affected by family substance abuse problems or who are at risk of developing such problems themselves. The purpose of the program shall be to encourage the creation of effective model programs for the early identification of children at risk for substance abuse related problems and to provide for effective intervention when these children are identified.

Grants shall be awarded to boards of education through a competitive grant process based upon written applications submitted by local boards of education. The Commissioner of Education shall select not more than eight of the proposals submitted by boards of education for participation in the pilot program. The commissioner, in addition to considering the overall quality of each proposal and the likelihood that the proposal can be replicated in other districts, shall seek to achieve the broadest geographic distribution of recipients consistent with the purposes of this act.

b. The pilot program established in Ocean County by the Department of Education in conjunction with the Juvenile Services Unit in the Family Division of the Administrative Office of the Courts, to coordinate the efforts of school and juvenile justice personnel in the county to combat alcohol and substance abuse by students.

The commissioner shall evaluate the effectiveness of the model program developed and tested pursuant to this section and disseminate information about successful model programs to school districts that do not participate in the pilot program.

18A:40A-20. Annual report.

The Commissioner of Education, in consultation with the Commissioner of Health and the Commissioner of Human Services, shall develop procedures for the evaluation of the impact of the programs established pursuant to this act and shall report annually to the Governor and the Legislature on the effects of these

programs. That report shall include data concerning the incidence of substance abuse in the public schools; the nature and scope of intervention, prevention and treatment referral programs; an assessment of the impact of those programs on the problem of substance abuse; and, any recommendations for modifications in the programs established pursuant to this act.

18A:40A-22. Findings, declarations relative to substance abuse testing policies in public school districts.

The Legislature finds and declares that there are many school districts within the State with a growing problem of drug abuse among their students. The Legislature further finds that federal and State courts have held that it may be appropriate for school districts to combat this problem through the random drug testing of students participating in extracurricular activities, including interscholastic athletics, and students who possess school parking permits. The Legislature also finds that a random drug testing program may have a positive effect on attaining the important objectives of deterring drug use and providing a means for the early detection of students with drug problems so that counseling and rehabilitative treatment may be offered.

18A:40A-23. Adoption of policy for random testing of certain students.

A board of education may adopt a policy, pursuant to rules and regulations adopted by the State Board of Education in consultation with the Department of Human Services, which are consistent with the New Jersey Constitution and the federal Constitution, for the random testing of the district's students in grades 9-12 who participate in extracurricular activities, including interscholastic athletics, or who possess school parking permits, for the use of controlled dangerous substances as defined in N.J.S. 2C:35-2 and anabolic steroids. The testing shall be conducted by the school physician, school nurse or a physician, laboratory or health care facility designated by the board of education and the cost shall be paid by the board. Any disciplinary action taken against a student who tests positive for drug use or who refuses to consent to testing shall be limited to the student's suspension from or prohibition against participation in extracurricular activities, or revocation of the student's parking permits.

26:2BB-7. Alliance to prevent alcoholism and drug abuse.

a. There is created an Alliance to Prevent Alcoholism and Drug Abuse, hereinafter referred to as the "Alliance," in the Governor's Council on Alcoholism and Drug Abuse. The purpose of the Alliance is to create a network comprised of all the communities in New Jersey which is dedicated to a comprehensive and coordinated effort against alcoholism and drug abuse. The Alliance shall be a mechanism both for implementing policies to reduce alcoholism and drug abuse at the municipal level, and for providing funds, including moneys from mandatory penalties on drug offenders, to member communities to support appropriate county and municipal-based alcohol and drug abuse education and public awareness activities.

b. The Governor's Council on Alcoholism and Drug Abuse shall adopt rules and regulations for participation in, and the operation of, the Alliance and for the awarding of grants to municipalities and counties from funds appropriated for such purposes pursuant to P.L.1989, c.51 (C.26:2BB-1 et al.), section 5 of P.L.1993, c.216 (C.54:43-1.3) and funds derived from the "Drug Enforcement and Demand Reduction Fund" established pursuant to N.J.S. 2C:35-15, for the purpose of developing:

- (1) Organized and coordinated efforts involving schools, law enforcement, business groups and other community organizations for the purpose of reducing alcoholism and drug abuse;
- (2) In cooperation with local school districts, comprehensive and effective alcoholism and drug abuse education programs in grades kindergarten through 12;
- (3) In cooperation with local school districts, procedures for the intervention, treatment and discipline of students abusing alcohol or drugs;

(4) Comprehensive alcoholism and drug abuse education, support and outreach efforts for parents in the community; and

(5) Comprehensive alcoholism and drug abuse community awareness programs.

c. Funds disbursed under this section shall not supplant local funds that would have otherwise been made available for alcoholism and drug abuse initiatives. Communities shall provide matching funds when and to the extent required by the regulations adopted pursuant to this section.

d. The county agency or individual designated by the governing body of each county pursuant to subsection a. of section 4 of P.L.1983, c.531 (C.26:2B-33), is authorized to receive from the Governor's Council on Alcoholism and Drug Abuse moneys made available pursuant to this section. The designated county agency or individual shall establish a separate fund for the receipt and disbursement of these moneys.

REGULATIONS

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 school district's public elementary and secondary schools, in accordance with N.J.S.A. 18A:40A-3, 10, and 15.

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. Reduce the factors that place students at risk for involvement with alcohol, tobacco or other drugs through school and community-based planning processes;
- iv. Contribute to the development of school environments and alternative activities that are alcohol, tobacco and other drug-free;
- v. Increase the knowledge and skills of students, staff and community members for avoiding the harmful effects of alcohol, tobacco and other drug use; and
- vi. Actively involve staff, students, 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 that 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;
- v. Help a student or a student's parents follow through on the recommendations resulting from an evaluation that has positively determined the harmful use of alcohol, tobacco, or other drugs by the student or the student's parents; and

- vi. Assist a student or a student's parents with a referral for treatment.
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, in accordance with N.J.S.A. 18A:40A-3 and 15.
 - i. The in-service training shall be updated annually to ensure educational staff members have the most current information available on the subject of substance abuse and on the school district's comprehensive alcohol, tobacco, and other drug abuse program, policies, and procedures.
5. Student assistance coordinators employed by district boards of education shall assist school districts in the effective implementation of N.J.S.A. 18A:40A-1 through 18 and N.J.A.C. 6A:9B-12.2.
6. When a student assistance coordinator is not employed or contracted by a district board of education, the board shall assign school staff with appropriate educational services certificates to perform the student assistance coordinator functions, pursuant to N.J.S.A. 18A:40A-18.c and (a)5 above, and to assist in the effective implementation of the requirements of N.J.S.A. 18A:40A-1 through 17.
 - i. The district board of education shall maintain documentation of school staff with appropriate educational services certificates who will perform the student assistance coordinator functions.
7. Each district board of education shall establish educational programs on alcohol, tobacco, and other drug abuse for parents, pursuant to N.J.S.A. 18A:40A-16 and 17(a), and offered at times and places convenient to the parents of enrolled students.
8. Each district board of education shall make and enforce rules to prohibit any person from smoking or carrying lighted tobacco at any time on school grounds or on school buses or other vehicles owned or contracted by the board of education, pursuant to P.L. 2009, c. 182, P.L. 2005, c. 383, N.J.A.C. 13:28-6.14, and N.J.A.C. 8:6.

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 consistent with the implementation of 20 U.S.C. § 1232g, the Family Education Rights and Privacy Act, and 34 CFR Part 99:

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 that indicates 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.

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 enforcement of the code of student conduct, pursuant to N.J.A.C. 6A:16-7, for 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 or who possess or distribute the following substances on school grounds pursuant to 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 that 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 that 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 assessment, intervention, referral for evaluation, and referral for treatment of alcohol or other drug-affected students, district boards of education shall consult with a local organization licensed by the New Jersey Department of Human Services, and may consult with 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, as appropriate, pursuant to N.J.S.A. 18A:40A-11.
- (c) Each district board of education's policies for students using, possessing, or distributing 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;
 2. Specific procedures, sanctions and due process provisions, consistent with N.J.A.C. 6A:16-4.4 and 7, as appropriate, for violations of the alcohol and other drug policy requiring action by the district board of education to apply the code of student conduct pursuant to N.J.A.C. 6A:16-7, including consequences for not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors;
 3. Appropriate steps for ameliorating student problems related to alcohol and other drug use;
 4. Appropriate steps for providing support for student transitions to and from health and social service agencies;
 5. Specific procedures to govern instances where emergency room services are required in treating alcohol- or other drug-affected students;
 6. Assessment or evaluation services for students who are affected by alcohol or other drug use. The services shall include one or more of the following:
 - i. Assessments by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse;
 - ii. Examinations by a physician for the purpose of determining whether alcohol or other drug use interferes with students' physical and mental abilities to perform in school or students are under the influence of alcohol or other drugs;
 - iii. Referrals for evaluation to community agencies, as defined in (b) above, out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or private practitioners certified by the appropriate alcohol or other drug licensing board; or
 - iv. Evaluations by the child study team to determine students' eligibility for special education and related services, pursuant to N.J.A.C. 6A:14-3.5 and 3.6;
 7. The provision of intervention, referral for evaluation, and referral for treatment services for students who are affected by alcohol or other drug use.

i. The intervention, referral for evaluation, and referral for treatment services shall be provided by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse intervention, assessment, referral for evaluation, and referral for treatment skills.

ii. The intervention, referral for evaluation, and referral for treatment services shall include one or more of the following:

- (1) Provisions for a program of instruction, counseling, and related services provided by the district board of education while a student receives medical treatment for a diagnosed alcohol or other drug dependency problem;
- (2) Referral to a community agency, as defined in (b) above, out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or private practitioners authorized by the appropriate drug and alcohol licensing board;
- (3) Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; or
- (4) A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems;

8. Provisions for assisting parents who believe their child might be involved with alcohol or other drug use, in accordance with N.J.S.A. 18A:40A-17(b);

9. Provisions, pursuant to N.J.A.C. 6A:16-4.3(a)3i and (b)3i and 6.3(a)4, for when to contact law enforcement officials to disclose the identities of students reasonably believed to be in possession of a controlled dangerous substance, including anabolic steroids, or related paraphernalia or involved or implicated in distribution activities regarding controlled dangerous substances, including anabolic steroids.

i. Pursuant to N.J.A.C. 6A:16-4.3(a)3 and (b)3 and 6.3(a)4, the chief school administrator or designee may disclose to law enforcement authorities the identities of students suspected of being under the influence of alcohol or other drugs; and

10. Provisions for reporting to and cooperating with law enforcement authorities, pursuant to N.J.A.C. 6A:16-6, for the unlawful possession, distribution, and disposition of substances, as set forth in this section and N.J.A.C. 6A:16-6.1(a)1.

6A:16-4.2. Review and availability of policies and procedures for the intervention of student alcohol or other drug abuse.

(a) Each district board of education shall establish a process for the annual review of the effectiveness of its policies and procedures regarding student alcohol and other drug abuse. The district board of education may solicit parent, student, and community input, as well as consult in the review process with local alcohol and other drug abuse prevention, intervention and treatment agencies licensed by the New Jersey Department of Human Services.

(b) Each district board of education shall annually disseminate to all school staff, students and parents through its website or other means its adopted policies and procedures for implementing N.J.A.C. 6A:16-4.

6A:16-4.3. Reporting, notification, and examination procedures for students suspected of being under the influence of alcohol or other drugs.

(a) In instances involving alcoholic beverages, controlled dangerous substances other than anabolic steroids, or any other chemical or chemical compound as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a), the following shall apply:

1. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs on school grounds shall report the matter as soon as possible to the principal or, in his or her absence, to his or her designee and either the certified school nurse, noncertified nurse, school physician, or student assistance coordinator, pursuant to N.J.S.A. 18A:40A-12.
 - i. In instances where the principal and either the certified school nurse, non-certified nurse, school physician, or student assistance coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified.
2. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the principal or his or her designee shall:
 - i. Immediately notify the parent and the chief school administrator or his or her designee; and
 - ii. Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids.
3. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs, pursuant to (a)1 above.
 - i. The chief school administrator shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

6A:16-4.4. Voluntary policy for random testing of student alcohol or other drug use.

(a) Each district board of education that chooses to adopt policies and procedures for the random testing of students, pursuant to N.J.S.A. 18A:40A-22 et seq., for the use of controlled dangerous substances, including anabolic steroids, as defined in N.J.S.A. 2C:35-2 and 24:21-2, or alcoholic beverages, as defined in N.J.S.A. 33:1-1, shall:

1. Hold a public hearing prior to the adoption of the alcohol or other drug testing policies and procedures.
 - i. The notice of the public hearing shall specifically identify the proposed alcohol or other drug testing policies and procedures as an agenda item; and
 - ii. Copies of the proposed alcohol or other drug testing policies and procedures shall be made available upon request prior to the public hearing;
2. Apply the alcohol or other drug testing policies and procedures only to students in grades nine through 12 who participate in extra-curricular activities, including interscholastic athletics, or who possess parking permits;
3. Be responsible for all costs of the alcohol or other drug testing, including any costs associated with the transportation of students;
4. Ensure that the voluntary alcohol or other drug testing conducted pursuant to this section is separate and distinct from any other alcohol or other drug testing that might be administered by the district board of education, including the required medical examination of students currently suspected of being under the influence of alcohol or other drugs, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3;

5. Ensure that the policies and procedures for the alcohol or other drug testing program, pursuant to (b) below, are included in and are consistent with the policies and procedures for the intervention of student alcohol or other drug abuse, pursuant to N.J.S.A. 18A:40A-10 and 11 and N.J.A.C. 6A:16-4.1; and
 6. Provide written notice to all ninth-through-12th-grade students and their parents at the beginning of each school year that the active written consent of students and parents for random student alcohol or other drug testing is required for students to participate in extracurricular activities, including interscholastic athletics, or to possess a school parking permit.
- (b) Each district board of education's written alcohol or other drug testing policies and procedures, pursuant to this section, shall include, but need not be limited to, the following components:
1. A statement that the purposes of the alcohol and other drug testing policies are to deter alcohol and other drug use and to provide a means for the early detection of students with alcohol or other drug problems so referral for evaluation or referral for treatment, pursuant to (b)10 below and N.J.A.C. 6A:16-1.3 and 4.1, or other appropriate assistance may be offered;
 2. A description of the procedures for randomly selecting students for alcohol or other drug testing, which shall include, at a minimum:
 - i. The manner in which students shall be randomly selected for alcohol or other drug testing;
 - ii. An explanation of the sampling statistical principles supporting the random selection process; and
 - iii. An explanation of how implementation of the random selection process shall be documented and verified;
 3. A description of the procedures for the acquisition and management of student's alcohol or other drug test specimens, which shall address the following, at a minimum and as appropriate to the method selected under (c) below:
 - i. Student monitoring;
 - ii. Student transportation;
 - iii. The acquisition and handling of students' specimens;
 - iv. The chain of custody of students' specimens;
 - v. The testing and analysis of students' specimens; and
 - vi. The storage of students' specimens;
 4. The standards for ensuring confidentiality and scope of authorized disclosure of alcohol or other drug testing information that protect, at a minimum:
 - i. The identities of students who have been selected to be tested or who have been tested;
 - ii. The results of alcohol or other drug tests;
 - iii. The billing and management reports associated with alcohol or other drug tests; and
 - iv. Information, prior to the time of an alcohol or other drug test, that a test is to take place;
 5. A description of the consequences for violating confidentiality and disclosure standards, pursuant to (b)4 above;
 6. The parent providing consent to alcohol or other drug testing, pursuant to (a)6 above, shall be notified each time his or her child has been tested under the alcohol or other drug testing policy, pursuant to this section.
 - i. The school district shall establish procedures ensuring confidentiality of the notification;
 7. The procedures for reporting results of alcohol or other drug tests, including written notification to students and their parents concerning test findings, that are consistent with (b)4 above.
 - i. Law enforcement authorities shall not be notified of test results;

8. The specific actions pursuant to N.J.A.C. 6A:16-7.1, as appropriate, N.J.A.C. 6A:16-4.1, and this section to be taken against students who test positive for alcohol or other drug use.
- i. Actions to be taken against students who test positive for alcohol or other drug use shall be limited to:
 - (1) Removal from or prohibition against participation in extracurricular activities, including interscholastic athletics; or
 - (2) Disapproval or revocation of student parking permits.
 - ii. Prior to actions being taken pursuant to (b)8i(1) or (2) above, all positive alcohol or other drug test results shall be confirmed by the laboratory using a methodology recommended by the laboratory instrument's manufacturer;
9. The procedures for students or their parents to challenge a positive result from the alcohol or other drug tests;
10. The guidelines for referral for evaluation or referral for treatment, pursuant to N.J.A.C. 6A:16-l.3 and 4.1 and this section, or the provision of other appropriate assistance for students who test positive for alcohol or other drug use; and
11. The specific actions, pursuant to N.J.A.C. 6A:16-7.1, to be taken against students who refuse to consent to alcohol or other drug testing.
- i. Actions to be taken against students who refuse to consent to alcohol or other drug testing shall be limited to:
 - (1) Removal from or prohibition against participation in extracurricular activities, including interscholastic athletics: or
 - (2) Disapproval or revocation of student parking permits.
- (c) Each district board of education shall provide for the collection and testing of alcohol or other drug specimens by implementing one of the following methods, in accordance with N.J.S.A. 45:9-42.26 et seq. and N.J.A.C. 8:44 and 8:45:
1. Transporting randomly selected students, pursuant to (b)2 and 3ii above, to a State-licensed clinical laboratory to perform specimen collection and alcohol or other drug testing;
 2. Choosing a State-licensed clinical laboratory to operate an onsite licensed collection station and to transport the specimens to the offsite licensed laboratory for alcohol or other drug testing;
 3. Choosing to obtain a State license to operate the school district's own collection station for the collection of specimens, pursuant to (a)3 above, as appropriate, and (b)3 and 4 above, and contract with a licensed clinical laboratory for transportation and alcohol or other drug testing of the specimens;
 4. Choosing to obtain a State license to operate a clinical laboratory for onsite collection and alcohol or other drug testing of specimens; or
 5. Choosing to contract with a State-licensed clinical laboratory to provide for both the onsite collection and alcohol or other drug testing of specimens.
- (d) The district board of education shall limit the collection of specimens for alcohol or other drug testing in a State-licensed collection station or clinical laboratory, in accordance with N.J.S.A. 45:9-42.26 et seq., N.J.A.C. 8:44 and 8:45, and (c)1 above to the following persons:
1. A school physician;
 2. A physician, other than the school physician, licensed to practice medicine or osteopathy other than the school physician;
 3. A certified school nurse or noncertified nurse, pursuant to N.J.A.C. 6A:9B-12.3 and 12.4; or

4. The staff of a State-licensed clinical laboratory or health care facility, in accordance with (c) above, as designated by the district board of education.

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:
 - i. Controlled dangerous substances, including anabolic steroids, as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2;
 - ii. Drug paraphernalia as defined in N.J.S.A. 2C:36-1;
 - iii. Alcoholic beverages;
 - iv. Firearms, as defined in N.J.S.A. 2C:39-1f; and
 - v. Other deadly weapons, as defined in N.J.S.A. 2C:39-1.r; and
2. The planning and conduct of law enforcement activities and operations occurring on school grounds, including arrest procedures and undercover school operations.

6A:16-6.2. Development and implementation of policies and procedures.

(a) School district policies and procedures developed pursuant to this subchapter shall be:

1. Developed, implemented, and revised, as necessary, in consultation with the county prosecutor and other law enforcement officials as may be designated by the county prosecutor;
2. Reviewed and approved by the executive county superintendent;
3. Made available annually to all school staff, students and parents;
4. Consistent with reporting, notification, and examination procedures of students suspected of being under the influence of alcohol and other drugs pursuant to N.J.A.C. 6A:16-4.3; and
5. Consistent with N.J.A.C. 6A:16-7, as appropriate.

(b) School district policies and procedures shall include the following components:

1. Designation by the chief school administrator of liaisons to law enforcement agencies and the description of the liaisons' roles and responsibilities;
2. Specific procedures for and responsibilities of staff in summoning appropriate law enforcement authorities onto school grounds, for the purpose of conducting law enforcement investigations, searches, seizures, or arrests;
3. Specific procedures and responsibilities of staff for notifying parents in instances of law enforcement interviews involving their children consistent with the following:
 - i. School officials shall not notify the student's parent(s) in instances of suspected child abuse or neglect;
 - ii. School officials shall notify the student's parent(s) when the student is the target of the law enforcement investigation; and
 - iii. In all other instances, school authorities shall permit law enforcement authorities to determine whether or when a student's parent should be contacted;
4. Specific procedures for and responsibilities of staff in cooperating with arrests made by law enforcement authorities on school grounds;
5. Specific procedures for and responsibilities of staff in initiating or conducting searches and seizures of students, their property, and their personal effects.

- i. All searches and seizures conducted by school staff shall comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).
 - ii. Questions concerning searches conducted by school officials shall be directed to the appropriate county prosecutor.
 - iii. School officials may request that law enforcement authorities assume responsibility for conducting a search or seizure.
 - iv. No school staff member shall impede a law enforcement officer engaged in a lawful search, seizure, or arrest whether pursuant to a warrant or otherwise.
 - v. School staff shall permit law enforcement authorities, upon their arrival, to assume responsibility for conducting a search or seizure.
 - vi. All inspections of lockers, desks, or other objects or personal property on school grounds involving the use of law enforcement drug-detection canines may be undertaken with only the express permission of the county prosecutor or the Director of the Division of Criminal Justice or his or her designee in the New Jersey Department of Law and Public Safety.
 - vii. Questions concerning the legality of a contemplated or ongoing search, seizure, or arrest conducted by a law enforcement officer on school grounds shall be directed to the county prosecutor or in the case of a search, seizure or arrest undertaken by the Division of Criminal Justice's designee in the New Jersey Department of Law and Public Safety, to the assigned assistant attorney general;
6. The procedures for and responsibilities of staff, with regard to interviews of students suspected of possessing or distributing a controlled dangerous substance, including anabolic steroids, drug paraphernalia or a firearm or other deadly weapon;
7. Procedures for planning, approving, and conducting undercover school operations.
- i. The chief school administrator and school principal shall cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The chief school administrator shall approve undercover operations without prior notification to the district board of education.
 - ii. All information concerning requests to undertake an undercover school operation, information supplied by law enforcement authorities to justify the need for and explain a proposed undercover school operation, and all other information concerning an ongoing undercover school operation, including the identity of any undercover officer placed in a school, shall be kept strictly confidential by the chief school administrator and school principal.
 - iii. The chief school administrator and principal shall not divulge information concerning an undercover school operation to any person without the prior express approval of the county prosecutor or designee.
 - iv. The chief school administrator, principal, or any other school staff or district board of education member who may have been informed regarding the existence of the undercover school operation shall immediately communicate to the county prosecutor or designee if he or she subsequently learns of information that suggests the undercover officer's true identity has been revealed, the undercover officer's identity or status as a bona fide member of the school community has been questioned, or the integrity of the undercover school operation has been in any other way compromised;
8. The procedures for and responsibilities of staff concerning the safe and proper handling of a seized controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon, and the prompt delivery of the items to appropriate law enforcement authorities in accordance with this subchapter;

9. The procedures for and responsibilities of staff in notifying authorities of a suspected violation of laws prohibiting the possession, sale or other distribution of a controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon;

10. Provisions for requesting uniformed police attendance at extracurricular school events;

11. Provisions for notifying parents as soon as possible whenever a student is arrested for violating a law prohibiting the possession, sale or other distribution of a controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon;

12. Provisions for in-service training of school staff concerning policies and procedures established in this subchapter, and the exchange of information regarding the practices of the school district and law enforcement agencies;

13. A memorandum of agreement with appropriate law enforcement authorities.

i. The memorandum of agreement shall be consistent with the policies and procedures established in this subchapter and shall be consistent with the format and content established by the State Attorney General and the Commissioner.

ii. The memorandum of agreement shall define the reciprocal rights and obligations of students, parents, school staff, and law enforcement officials with respect to the possession, distribution, and disposition of controlled dangerous substances, including anabolic steroids, drug paraphernalia, and firearms and other deadly weapons; with respect to the planning and conduct of law enforcement activities and operations occurring on school grounds, including arrests and undercover school operations; and with respect to the participation of law enforcement officials in alcohol or other drug abuse prevention programs.

iii. Copies of all memoranda of agreements entered into with law enforcement authorities shall be submitted to and approved by the county prosecutor, executive county superintendent of schools, president of the district board of education, chief school administrator, and chief of the police department or station commander.

14. An annual process for the chief school administrator and appropriate law enforcement officials to discuss the implementation and need for revising the memorandum of agreement, and to review the effectiveness of policies and procedures implemented pursuant to this subchapter.

i. The annual review shall include input from the executive county superintendent, community members, and meeting(s) with the county prosecutor and other law enforcement officials designated by the county prosecutor.

ii. The memorandum of agreement may be revised only to include provisions that are in addition to and do not conflict with the policies and procedures established in this subchapter and that are in addition to and do not conflict with the format and content established by the State Attorney General and the Commissioner;

15. Provisions for contacting the chief executive officer of the involved law enforcement agency, county prosecutor, and/or Division of Criminal Justice, as necessary, to resolve disputes concerning law enforcement activities occurring on school grounds; and

16. Provisions for directing inquiries or complaints received by school staff regarding interviews, investigations, arrests, or other operations conducted by sworn law enforcement officers to the appropriate law enforcement agency.

(c) Nothing in the policies and procedures required under this section shall be construed to prohibit school staff from disclosing information, pursuant to N.J.A.C. 6A:32-7.2 and 7.5(f), if necessary to protect the immediate health or safety of a student or other persons.

6A:16-6.3. Reporting students or staff members to law enforcement authorities.

(a) Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of his or her employment, has reason to believe that a student or staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the principal or, in the absence of the principal, to the staff member responsible at the time of the alleged violation.

1. Either the principal or the responsible staff member shall notify the chief school administrator, who in turn shall notify as soon as possible the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.

2. The chief school administrator or designee shall provide to the county prosecutor or designee all known information concerning the matter, including the identity of the student or staff member involved.

3. The chief school administrator or designee, however, shall not disclose the identity of a student or staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or other drug abuse problem, provided the student or staff member is not reasonably believed to be involved or implicated in drug-distribution activities.

i. For the purpose of this section, an admission by a student or staff member in response to questioning initiated by the principal or teaching staff member, or following the discovery by the principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

4. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol and/or controlled dangerous substances, pursuant to N.J.A.C. 6A:16-4.3(a), or a student suspected to have used or who may be using anabolic steroids, pursuant to N.J.A.C. 6A:16-4.3(b), and who is referred for a medical examination, pursuant to N.J.A.C. 6A:16-4.3(a) or (b), as appropriate, for the purposes of providing appropriate health care for the student and for determining whether the student is under the influence of alcohol or other drugs or has been using anabolic steroids, provided the student is not reasonably believed to be in possession of a controlled dangerous substance or drug paraphernalia, or to be involved or implicated in drug distribution activities.

5. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test, pursuant to N.J.A.C. 6A:16-4.3(a)3i and (b)3i, and (a)4 above, was obtained as a result of the district board of education's voluntary random drug testing policy, pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.

8:6-7.1. Purpose.

The purpose of this subchapter is to implement the prohibition against smoking in school buildings and on school grounds pursuant to N.J.S.A. 26:3D-58.

8:6-7.2. Smoking prohibited in school buildings and on school grounds.

(a) Pursuant to N.J.S.A. 26:3D-58b, smoking is prohibited in school buildings and on school grounds.

(b) As used in (a) above, "school buildings" and "school grounds," means and includes, with respect to public and nonpublic elementary and secondary schools:

1. Land, portions of land, structures, buildings, and vehicles, owned, operated or used for the provision of academic or extracurricular programs sponsored by a school or a community provider and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops;

2. Athletic stadiums, swimming pools, any associated structures or related equipment tied to such facilities including, but not limited to, grandstands and night field lights, greenhouses, garages, facilities used for non-instructional or non-educational purposes, and any structure, building or facility used solely for school administration;
3. 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; and
4. Certain faculty or administrator residences on school grounds as provided in N.J.A.C. 8:6-8.1(b).

Gang-related Activity

LAWS

18A:11-7. Findings, declarations relative to school dress codes.

The Legislature finds and declares that many educators believe that school dress can significantly influence pupil behavior and that schools that have adopted dress codes, including dress codes which require school uniforms and which prohibit clothing indicating membership in certain gangs, experience greater school pride and improved behavior in and out of the classroom. The Legislature further finds that to assist in controlling the environment in public schools, to facilitate and maintain an effective learning environment, and to keep the focus of the classroom on learning, school districts should be specifically authorized to implement uniform clothing requirements for their students.

18A:11-9. Prohibition of gang-related apparel.

A board of education may adopt a dress code policy to prohibit students from wearing, while on school property, any type of clothing, apparel or accessory which indicates that the student has membership in, or affiliation with, any gang associated with criminal activities. The local law enforcement agency shall advise the board, upon its request, of gangs which are associated with criminal activities.

18A:17-43.2. New Jersey School Safety Specialist Academy, Certification programs.

- a. There is established in the Department of Education the New Jersey School Safety Specialist Academy. It shall be the purpose of the academy to serve as a central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning. The academy shall: provide, free of charge, ongoing professional development on national and State best practices, as well as the most current resources on school safety and security; assume a lead role in setting the vision for school safety and security in the State; and provide a coordinated and interdisciplinary approach to providing technical assistance and guidance to schools throughout the State.
- b. The academy shall develop and implement a School Safety Specialist Certification Program. A school safety specialist appointed pursuant to section 2 [C.18A:17-43.3] of this act shall be required to acquire the certification. The certification program shall provide training, free of charge, to newly-appointed school safety specialists in the areas of bullying, hazing, truancy, Internet safety, emergency planning, emergency drills, drugs, weapons, gangs and school policing, and any other areas deemed necessary by the academy. The academy shall also offer annual training sessions for certified school safety specialists. The academy shall develop training modules in both traditional and online formats.

18A:35-4.26. Instruction in gang violence prevention; required for elementary students.

Each board of education that operates an educational program for elementary school students shall offer instruction in gang violence prevention and in ways to avoid membership in gangs. The instruction shall take place as part of the district's implementation of the Core Curriculum Content Standards in

Comprehensive Health and Physical Education, and the comprehensive health and physical education curriculum framework shall provide school districts with sample materials that may be used to support implementation of the instructional requirement.

52:17B-4.7. Gang education seminars for school administrators.

- a. The Attorney General shall develop and maintain, in coordination with the Commissioner of Education, a gang education seminar program to educate public and nonpublic school administrators on how to recognize signs of gang involvement or activity. A seminar shall be offered annually in each county and shall be held in the office of the county superintendent of schools or such other facility as the Attorney General or Commissioner of Education shall designate.
- b. A superintendent, assistant superintendent, principal or other administrator employed by a public school district shall attend a gang education seminar offered pursuant to this section within the first year of initial employment as an administrator with a public school district. An administrator employed by a school district prior to the effective date [Oct.12, 2007] of this act shall attend the first seminar offered in the county subsequent to its enactment. A superintendent, assistant superintendent, principal or other administrator shall be exempt from the requirements of this section if that person has successfully completed a gang education seminar conducted by a public school district which is substantially equivalent to the seminar required pursuant to this section.
- c. A gang education seminar offered pursuant to this section shall be open to all public and nonpublic school administrators.

REGULATIONS

No relevant regulations found.

Bullying, Harassment, or Hazing

LAWS

2C:40-3. Hazing; aggravated hazing.

- a. A person is guilty of hazing, a disorderly persons offense, if, in connection with initiation of applicants to or members of a student or fraternal organization, he knowingly or recklessly organizes, promotes, facilitates or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury.
- b. A person is guilty of aggravated hazing, a crime of the fourth degree, if he commits an act prohibited in subsection a. which results in serious bodily injury to another person.

18A:6-112. Instruction in suicide prevention for public school teaching staff.

The State Board of Education, in consultation with the New Jersey Youth Suicide Prevention Advisory Council established in the Department of Children and Families pursuant to P.L.2003, c.214 (C.30:9A-22 et seq.), shall, as part of the professional development requirement established by the State board for public school teaching staff members, require each public school teaching staff member to complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.

18A:7E-3. Report card information.

Report cards issued pursuant to section 2 [C.18A:7E-2] of this act shall include, but not be limited to, the following information for:

- a. the school district and for each school within the district, as appropriate:
 - (10) data identifying the number and nature of all reports of harassment, intimidation, or bullying.

18A:12-33. Training program; requirements.

e. Training on harassment, intimidation, and bullying in schools shall be provided by the New Jersey School Boards Association, in consultation with recognized experts in school bullying from a cross section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies.

18A:17-46. Reporting of certain acts by school employee; report; public hearing.

Any school employee observing or having direct knowledge from a participant or victim of an act of violence shall, in accordance with standards established by the commissioner, file a report describing the incident to the school principal in a manner prescribed by the commissioner, and copy of same shall be forwarded to the district superintendent.

The principal shall notify the district superintendent of schools of the action taken regarding the incident. Two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, the superintendent of schools shall report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying which occurred during the previous reporting period. The report shall include the number of reports of harassment, intimidation, or bullying, the status of all investigations, the nature of the bullying based on one of the protected categories identified in section 2 of P.L.2002, c.83 (C.18A:37-14), the names of the investigators, the type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying, and any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying. The information shall also be reported once during each reporting period to the Department of Education. The report must include data broken down by the enumerated categories as listed in section 2 of P.L.2002, c.83 (C.18A:37-14), and data broken down by each school in the district, in addition to district-wide data. It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with the provisions of P.L.2002, c.83 (C.18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district. The commissioner shall promulgate guidelines for a program to grade schools for the purposes of this section.

The grade received by a school and the district shall be posted on the homepage of the school's website. The grade for the district and each school of the district shall be posted on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district.

Verification of the reports on violence, vandalism, and harassment, intimidation, or bullying shall be part of the State's monitoring of the school district, and the State Board of Education shall adopt regulations that impose a penalty on a school employee who knowingly falsifies the report. A board of education shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements pursuant to this section. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

18A:17-48. Annual report to Legislature.

The Commissioner of Education shall each year submit a report to the Education Committees of the Senate and General Assembly detailing the extent of violence, vandalism, and harassment, intimidation, or bullying in the public schools and making recommendations to alleviate the problem. The report shall be made available annually to the public no later than October 1, and shall be posted on the department's website.

18A:26-8.2. "School leader" defined; training as part of professional development.

- a. As used in this section, "school leader" means a school district staff member who holds a position that requires the possession of a chief school administrator, principal, or supervisor endorsement.
- b. A school leader shall complete training on issues of school ethics, school law, and school governance as part of the professional development for school leaders required pursuant to State Board of Education regulations. Information on the prevention of harassment, intimidation, and bullying shall also be included in the training. The training shall be offered through a collaborative training model as identified by the Commissioner of Education, in consultation with the State Advisory Committee on Professional Development for School Leaders.

18A:35-4.27. Instruction on responsible use of social media.

- a. Beginning with the 2014-2015 school year, each school district shall incorporate instruction on the responsible use of social media into the technology education curriculum for students in grades 6 through 8 as part of the district's implementation of the Core Curriculum Content Standards in Technology.
- b. The instruction shall provide students with information on:
 - (1) the purpose and acceptable use of various social media platforms;
 - (2) social media behavior that ensures cyber safety, cyber security, and cyber ethics; and
 - (3) potential negative consequences, including cyber bullying, of failing to use various social media platforms responsibly.
- c. The Commissioner of Education shall provide school districts with sample learning activities and resources designed to promote the responsible use of social media.

18A:35-4.31. Recess period required; exceptions.

a. Beginning with the first full school year following the effective date of this act, a public school district shall provide a daily recess period of at least 20 minutes for students in grades kindergarten through 5. The recess period shall be held outdoors, if feasible. A student shall not be denied recess for any reason, except as a consequence of a violation of the district's code of student conduct, including a harassment, intimidation, or bullying investigation pursuant to P.L.2002, c.83 (C.18A:37-13 et seq.). If a student is denied recess, except under conditions set forth in subsection b. of this section, the student shall be provided restorative justice activities during the recess period. A student may not be denied recess more than twice per week.

A school district shall not be required to provide a recess period on a school day in which the day is substantially shortened due to a delayed opening or early dismissal.

The recess period shall not be used to meet the course requirements set forth in N.J.S.18A:35-5.

- b. Nothing in this section shall be construed to prohibit school staff from denying recess for a student on the advice of a medical professional, school nurse, or based on the provisions of a student's 504 plan.
- c. For purposes of this section, "restorative justice activities" means activities designed to improve the socioemotional and behavioral responses of students through the use of more appropriate, and less punitive, interventions thereby establishing a more supportive and inclusive school culture.

18A:36-41. Development, distribution of guidelines concerning transgender students.

- a. The Commissioner of Education shall develop and distribute to school districts guidelines concerning transgender students. The purposes of the guidelines shall be to provide direction for schools in addressing common issues concerning the needs of transgender students, and to assist schools in establishing policies and procedures that ensure a supportive and nondiscriminatory environment for transgender students.
- b. The guidelines developed by the commissioner shall include, but not be limited to, information and guidance regarding the following:
 - (2) maintaining a safe and supportive learning environment that is free from discrimination and harassment for transgender students, including students going through a gender transition;
- c. The guidelines shall include information on organizations or other resources available to students and parents that provide support to transgender individuals.
- d. The commissioner shall periodically review the guidelines developed pursuant to this section, and shall update or modify the guidelines, as appropriate, in accordance with current State or federal laws and regulations concerning the rights of transgender students.

18A:37-2. Causes for suspension, expulsion of pupils.

Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school.

Conduct which shall constitute good cause for suspension or expulsion of a pupil guilty of such conduct shall include, but not be limited to, any of the following:

- k. Harassment, intimidation, or bullying.

18A:37-13. Findings, declarations relative to adoption of harassment and bullying prevention policies.

The Legislature finds and declares that: a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment; and since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

18A:37-13.1. Findings, declarations relative to school bullying.

The Legislature finds and declares that:

- a. A 2009 study by the United States Departments of Justice and Education, "Indicators of School Crime and Safety," reported that 32% of students aged 12 through 18 were bullied in the previous school year. The study reported that 25% of the responding public schools indicated that bullying was a daily or weekly problem;
- b. A 2009 study by the United States Centers for Disease Control and Prevention, "Youth Risk Behavior Surveillance," reported that the percentage of students bullied in New Jersey is 1 percentage point higher than the national median;
- c. In 2010, the chronic persistence of school bullying has led to student suicides across the country, including in New Jersey;

- d. Significant research has emerged since New Jersey enacted its public school anti-bullying statute in 2002, and since the State amended that law in 2007 to include cyber-bullying and in 2008 to require each school district to post its anti-bullying policy on its website and distribute it annually to parents or guardians of students enrolled in the district;
- e. School districts and their students, parents, teachers, principals, other school staff, and board of education members would benefit by the establishment of clearer standards on what constitutes harassment, intimidation, and bullying, and clearer standards on how to prevent, report, investigate, and respond to incidents of harassment, intimidation, and bullying;
- f. It is the intent of the Legislature in enacting this legislation to strengthen the standards and procedures for preventing, reporting, investigating, and responding to incidents of harassment, intimidation, and bullying of students that occur in school and off school premises;
- g. Fiscal responsibility requires New Jersey to take a smarter, clearer approach to fight school bullying by ensuring that existing resources are better managed and used to make our schools safer for students;
- h. In keeping with the aforementioned goal of fiscal responsibility and in an effort to minimize any burden placed on schools and school districts, existing personnel and resources shall be utilized in every possible instance to accomplish the goals of increased prevention, reporting, and responsiveness to incidents of harassment, intimidation, or bullying, including in the appointment of school anti-bullying specialists and district anti-bullying coordinators;
- i. By strengthening standards for preventing, reporting, investigating, and responding to incidents of bullying this act will help to reduce the risk of suicide among students and avert not only the needless loss of a young life, but also the tragedy that such loss represents to the student's family and the community at large; and
- j. Harassment, intimidation, and bullying is also a problem which occurs on the campuses of institutions of higher education in this State, and by requiring the public institutions to include in their student codes of conduct a specific prohibition against bullying, this act will be a significant step in reducing incidents of such activity.

18A:37-13.2. Short title.

Sections 1, 2 [C.18A:37-13.2, 18A:37-13.1], and 16 through 30 [C.18A:37-15.3, 18A:37-20 through 18A:37-32, and 18A:3B-68] of this act and P.L.2002, c.83 (C.18A:37-13 et seq.) shall be known and may be cited as the "Anti-Bullying Bill of Rights Act."

18A:37-14. Definitions relative to adoption of harassment and bullying prevention policies.

As used in this act:

"Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager;

"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 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, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3), 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, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in 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; or
- 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.

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.

- a. Each school district shall adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus. The school district shall adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.
- b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:
 - (1) a statement prohibiting harassment, intimidation or bullying of a student;
 - (2) a definition of harassment, intimidation or bullying no less inclusive than that set forth in section 2 of P.L.2002, c.83 (C.18A:37-14);
 - (3) a description of the type of behavior expected from each student;
 - (4) consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;
 - (5) a procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report. All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying;
 - (6) a procedure for prompt investigation of reports of violations and complaints, which procedure shall at a minimum provide that:
 - (a) the investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information;
 - (b) the results of the investigation shall be reported to the superintendent of schools within two school days of the completion of the investigation, and in accordance with regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the superintendent may decide to provide intervention services, establish training programs

to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action;

(c) the results of each investigation shall be reported to the board of education no later than the date of the board of education meeting next following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the superintendent;

(d) parents or guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with federal and State law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board. A parent or guardian may request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents;

(e) at the next board of education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than 90 days after the issuance of the board's decision; and

(f) a parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.);

(7) the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified, which shall be defined by the principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of services that are available within the district such as counseling, support services, intervention services, and other programs, as defined by the commissioner. In the event that the necessary programs and services are not available within the district, the district may apply to the Department of Education for a grant from the "Bullying Prevention Fund" established pursuant to section 25 of P.L.2010, c.122 (C.18A:37-28) to support the provision of out-of-district programs and services;

(8) a statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;

(9) consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying;

(10) a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions;

(11) a requirement that a link to the policy be prominently posted on the home page of the school district's website and distributed annually to parents and guardians who have children enrolled in a school in the school district; and

(12) a requirement that the name, school phone number, school address and school email address of the district anti-bullying coordinator be listed on the home page of the school district's website and that

on the home page of each school's website the name, school phone number, school address and school email address of the school anti-bullying specialist and the district anti-bullying coordinator be listed. The information concerning the district anti-bullying coordinator and the school anti-bullying specialists shall also be maintained on the department's website.

c. A school district shall adopt a policy and transmit a copy of its policy to the appropriate executive county superintendent of schools by September 1, 2003. A school district shall annually conduct a re-evaluation, reassessment, and review of its policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent of schools within 30 school days of the revision. The first revised policy following the effective date of P.L.2010, c.122 (C.18A:37-13.1 et al.) shall be transmitted to the executive county superintendent of schools by September 1, 2011.

d. (1) To assist school districts in developing policies for the prevention of harassment, intimidation, or bullying, the Commissioner of Education shall develop a model policy applicable to grades kindergarten through 12. This model policy shall be issued no later than December 1, 2002.

(2) The commissioner shall adopt amendments to the model policy which reflect the provisions of P.L.2010, c.122 (C.18A:37-13.1 et al.) no later than 90 days after the effective date of that act and shall subsequently update the model policy as the commissioner deems necessary.

e. Notice of the school district's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for schools within the school district, and in any student handbook.

f. Nothing in this section shall prohibit a school district from adopting a policy that includes components that are more stringent than the components set forth in this section.

18A:37-15.1. "Electronic communication" included in school districts' harassment and bullying prevention policy.

a. A school district's policy on prohibiting harassment, intimidation or bullying adopted pursuant to section 3 of P.L.2002, c.83 (C.18A:37-15), shall be amended, if necessary, to reflect the provisions of P.L.2007, c.129 (C.18A:37-15.1 et al.). The district shall transmit a copy of the amended policy to the appropriate county superintendent of schools. Notice of the amended policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for schools within the school district, and in any student handbook.

b. In the event that a school district's policy on prohibiting harassment, intimidation or bullying adopted pursuant to section 3 of P.L.2002, c.83 (C.18A:37-15) does not accord with the provisions of subsection a. of this section by the 90th day following the effective date of this act, the district's existing policy prohibiting harassment, intimidation or bullying shall be deemed to include an "electronic communication" as defined in section 2 of P.L.2002, c.83 (C.18A:37-14) as amended by section 1 of P.L.2007, c.129.

18A:37-15.2. Actions required relative to bullying policy.

Within 60 days of the effective date of this section each school district shall amend its bullying policy in accordance with section 3 of P.L.2002, c.83 (C.18A:37-15) as amended by section 7 of P.L.2007, c.303, make the policy available on the district's website, and notify students and parents that the policy is available on the district's website.

18A:37-15.3. Policy to include certain incidents occurring off school grounds.

The policy adopted by each school district pursuant to section 3 of P.L.2002, c.83 (C.18A:37-15) shall include provisions for appropriate responses to harassment, intimidation, or bullying, as defined in section

2 of P.L.2002, c.83 (C.18A:37-14), that occurs off school grounds, in cases in which a school employee is made aware of such actions. The responses to harassment, intimidation, or bullying that occurs off school grounds shall be consistent with the board of education's code of student conduct and other provisions of the board's policy on harassment, intimidation, or bullying.

18A:37-16. Reprisal, retaliation, false accusation prohibited.

- a. A member of a board of education, school employee, student or volunteer shall not engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information about an act of harassment, intimidation or bullying.
- b. A member of a board of education, school employee, contracted service provider, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying.
- c. A member of a board of education or a school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.
- d. A school administrator who receives a report of harassment, intimidation, or bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

18A:37-16.1. Immunity for reporting harassment, intimidation, or bullying at certain private schools.

In the event that the State Board of Education requires approved private schools for students with disabilities to develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds, a member of a board of directors or an employee of an approved private school for students with disabilities who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the school's policy or to any school administrator, and who makes this report in compliance with the procedures in the school's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

18A:37-17. Establishment of bullying prevention programs or approaches.

a. Schools and school districts shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying. A school district may implement bullying prevention programs and approaches that may be available at no cost from the Department of Education, the New Jersey State Bar Foundation, or any other entity. A school district may, at its own discretion, implement bullying prevention programs and approaches which impose a cost on the district.

A school district may apply to the Department of Education for a grant to be used for programs, approaches, or personnel established pursuant to this act, to the extent funds are appropriated for these purposes or funds are made available through the "Bullying Prevention Fund" established pursuant to section 25 of P.L.2010, c.122 (C.18A:37-28). A school district may make an application for a grant only

after exploring bullying prevention programs and approaches that are available at no cost, and making an affirmative demonstration of that exploration in its grant application.

b. A school district shall: (1) provide training on the school district's harassment, intimidation, or bullying policies to school employees and volunteers who have significant contact with students; (2) ensure that the training includes instruction on preventing bullying on the basis of the protected categories enumerated in section 2 of P.L.2002, c.83 (C.18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying; and (3) develop a process for discussing the district's harassment, intimidation or bullying policy with students.

A school district may satisfy the training required pursuant to this subsection by utilizing training that may be provided at no cost by the Department of Education, the New Jersey State Bar Foundation, or any other entity. A school district may, at its own discretion, implement a training program which imposes a cost on the district.

c. Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students.

18A:37-18. Other remedies unaffected.

This act shall not be interpreted to prevent a victim from seeking redress under any other available law either civil or criminal. This act does not create or alter any tort liability.

18A:37-19. Application by school district for reimbursement.

A school district that incurs additional costs due to the implementation of the provisions of this act shall apply to the Commissioner of Education for reimbursement.

18A:37-20. Appointment of school anti-bullying specialists, coordinator.

a. The principal in each school in a school district shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the principal shall appoint that individual to be the school anti-bullying specialist. If no individual meeting this criteria is currently employed in the school, the principal shall appoint a school anti-bullying specialist from currently employed school personnel. The school anti-bullying specialist shall:

- (1) chair the school safety team as provided in section 18 of P.L.2010, c.122 (C.18A:37-21);
- (2) lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
- (3) act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.

b. The superintendent of schools shall appoint a district anti-bullying coordinator. The superintendent shall make every effort to appoint an employee of the school district to this position. The district anti-bullying coordinator shall:

- (1) be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, and bullying of students;
- (2) collaborate with school anti-bullying specialists in the district, the board of education, and the superintendent of schools to prevent, identify, and respond to harassment, intimidation, and bullying of students in the district;
- (3) provide data, in collaboration with the superintendent of schools, to the Department of Education regarding harassment, intimidation, and bullying of students; and

(4) execute such other duties related to school harassment, intimidation, and bullying as requested by the superintendent of schools.

c. The district anti-bullying coordinator shall meet at least twice a school year with the school anti-bullying specialists in the district to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.

18A:37-21. School safety teams.

a. A school district shall form a school safety team in each school in the district to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. A school safety team shall meet at least two times per school year.

b. A school safety team shall consist of the principal or his designee who, if possible, shall be a senior administrator in the school and the following appointees of the principal: a teacher in the school; a school anti-bullying specialist; a parent of a student in the school; and other members to be determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team.

c. The school safety team shall:

(1) receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;

(2) receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;

(3) identify and address patterns of harassment, intimidation, or bullying of students in the school;

(4) review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;

(5) educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;

(6) participate in the training required pursuant to the provisions of P.L.2002, c.83 (C.18A:37-13 et seq.) and other training which the principal or the district anti-bullying coordinator may request;

(7) collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, or bullying of students; and

(8) execute such other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator.

d. The members of a school safety team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches.

e. Notwithstanding any provision of this section to the contrary, a parent who is a member of the school safety team shall not participate in the activities of the team set forth in paragraph (1), (2), or (3) of subsection c. of this section or any other activities of the team which may compromise the confidentiality of a student.

18A:37-22. Program required for teaching certification.

a. Beginning with the 2012-2013 school year, all candidates for teaching certification who have completed a teacher preparation program at a regionally-accredited institution of higher education shall have satisfactorily completed a program on harassment, intimidation, and bullying prevention.

b. Beginning with the 2011-2012 school year, any person seeking certification through the alternate route shall, within one year of being employed, satisfactorily complete a program on harassment, intimidation, and bullying prevention.

c. The State Board of Education shall establish the appropriate requirements of the program on harassment, intimidation, and bullying prevention.

d. The State board shall, as part of the professional development requirement established by the State board for public school teachers, require each public school teacher to complete at least two hours of instruction on harassment, intimidation, or bullying prevention in each professional development period.

18A:37-23. Program required for administrative and supervisory certification.

Beginning with the 2012-2013 school year, all candidates for administrative and supervisory certification shall have satisfactorily completed a program on harassment, intimidation, and bullying prevention.

18A:37-24. Development of guidance document.

a. The Department of Education, in consultation with the Division on Civil Rights in the Department of Law and Public Safety shall develop a guidance document for use by parents or guardians, students, and school districts to assist in resolving complaints concerning student harassment, intimidation, or bullying behaviors and the implementation of P.L.2002, c.83 (C.18A:37-13 et seq.) by school districts. The document shall include:

- (1) a school district's obligations under P.L.2002, c.83 (C.18A:37-13 et seq.);
- (2) best practices for the prevention, intervention, and remediation of harassment, intimidation, or bullying in schools, including methods to identify and assist student populations at high risk for harassment, intimidation, or bullying;
- (3) a clear explanation of the procedures for petitioning the Commissioner of Education to hear and decide disputes concerning P.L.2002, c.83 (C.18A:37-13 et seq.);
- (4) a clear explanation of the Division on Civil Rights' jurisdiction and services in regard to specific types of harassment, intimidation, or bullying; and
- (5) a clear explanation of the process for appealing final agency determinations to the Appellate Division of the Superior Court.

b. The guidance document shall be available on the Department of Education's and the Division on Civil Rights' Internet sites and on every school district's Internet site at an easily accessible location.

18A:37-25. Establishment of formal protocol for investigating a complaint.

a. The Commissioner of Education shall establish a formal protocol pursuant to which the office of the executive county superintendent of schools shall investigate a complaint that documents an allegation of a violation of P.L.2002, c.83 (C.18A:37-13 et seq.) by a school district located within the county, when the complaint has not been adequately addressed on the local level. The office of the executive county superintendent shall report its findings, and if appropriate, issue an order for the school district to develop and implement corrective actions that are specific to the facts of the case.

b. The commissioner shall ensure that the personnel of the office of the executive county superintendent of schools who are responsible for conducting the investigations receive training and technical support on the use of the complaint investigation protocol.

18A:37-26. In-service workshops, training programs.

a. The Commissioner of Education, in consultation with recognized experts in school bullying from a cross section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies, shall establish inservice workshops and training programs to train selected

public school employees to act as district anti-bullying coordinators and school anti-bullying specialists in accordance with the provisions of P.L.2010, c.122 (C.18A:37-13.1 et al.). The commissioner shall seek to make the workshops and training programs available and administered online through the department's website or other existing online resources. The commissioner shall evaluate the effectiveness of the consulting group on an annual basis. The inservice training programs may utilize the offices of the executive county superintendent of schools, or such other institutions, agencies, or persons as the commissioner deems appropriate. Each board of education shall provide time for the inservice training during the usual school schedule in order to ensure that appropriate personnel are prepared to act in the district as district anti-bullying coordinators and school anti-bullying specialists.

b. Upon completion of the initial inservice training program, the commissioner shall ensure that programs and workshops that reflect the most current information on harassment, intimidation, and bullying in schools are prepared and made available to district anti-bullying coordinators and school anti-bullying specialists at regular intervals.

18A:37-27. Development of online tutorial, test.

The Commissioner of Education shall develop, in consultation with the Division on Civil Rights, and make available on the Department of Education's Internet site, an online tutorial on harassment, intimidation, and bullying. The online tutorial shall, at a minimum, include best practices in the prevention of harassment, intimidation, and bullying, applicable laws, and such other information that the commissioner determines to be appropriate. The online tutorial shall be accompanied by a test to assess a person's understanding of the information provided in the tutorial.

18A:37-28. "Bullying Prevention Fund".

There is created a special fund in the Department of Education, which shall be designated the "Bullying Prevention Fund." The fund shall be maintained in a separate account and administered by the commissioner to carry out the provisions of this act. The fund shall consist of: (1) any monies appropriated by the State for the purposes of the fund; (2) any monies donated for the purposes of the fund; and (3) all interest and investment earnings received on monies in the fund. The fund shall be used to offer grants to school districts to provide training on harassment, intimidation, and bullying prevention and on the effective creation of positive school climates, and to help fund related personnel expenses.

18A:37-29. "Week of Respect"; designated.

The week beginning with the first Monday in October of each year is designated as a "Week of Respect" in the State of New Jersey. School districts, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation, or bullying as defined in section 2 of P.L.2002, c.83 (C.18A:37-14). Throughout the school year the school district shall provide ongoing age-appropriate instruction on preventing harassment, intimidation, and bullying in accordance with the core curriculum content standards.

18A:37-30. Construction of act.

Nothing contained in P.L.2010, c.122 (C.18A:37-13.1 et al.) shall be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on that act's effective date.

18A:37-31. Compliance by nonpublic schools encouraged.

a. Nonpublic schools are encouraged to comply with the provisions of the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.), as amended and supplemented by P.L.2010, c.122 (C.18A:37-13.1 et al.).

b. In the case of a faith-based nonpublic school, no provision of the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.), as amended and supplemented by P.L.2010, c.122 (C.18A:37-13.1 et al.), shall be interpreted to prohibit or abridge the legitimate statement, expression or free exercise of the beliefs or tenets of that faith by the religious organization operating the school or by the school's faculty, staff, or student body.

18A:37-32. Inapplicability to certain situations.

Nothing contained in the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.), as amended and supplemented by P.L.2010, c.122 (C.18A:37-13.1 et al.), shall alter or reduce the rights of a student with a disability with regard to disciplinary actions or to general or special educational services and supports.

18A:37-32.1. Rules, regulations.

Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) or any other law to the contrary, the commissioner may adopt, immediately upon filing with the Office of Administrative Law, such rules and regulations as the commissioner deems necessary to implement the provisions of P.L.2012, c.1 (C.18A:37-32.1 et al.), P.L.2010, c.122 (C.18A:37-13.2 et al.), and P.L.2002, c.83 (C.18A:37-13 et seq.). The regulations shall thereafter be amended, adopted, or readopted by the commissioner in accordance with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

52:17B-71.8. Training course for safe schools resource officers, liaisons to law enforcement.

a. The Police Training Commission in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the Attorney General, shall develop a training course for safe schools resource officers and public school employees assigned by a board of education to serve as a school liaison to law enforcement. The Attorney General, in conjunction with the Police Training Commission, shall ensure that the training course is developed within 180 days of the effective date of this act. The course shall at a minimum provide comprehensive and consistent training in current school resource officer practices and concepts. The course shall include training in the protection of students from harassment, intimidation, and bullying, including incidents which occur through electronic communication. The course shall be made available to:

- (1) any law enforcement officer or public school employee referred by the board of education of the public school to which assignment as a safe schools resource officer or school liaison to law enforcement is sought; and
- (2) any safe schools resource officer or school liaison to law enforcement assigned to a public school prior to the effective date of P.L.2005, c.276 (C.52:17B-71.8 et al.).

REGULATIONS

6A:16-1.3. Definitions.

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

"Harassment, intimidation, or bullying" means, as set forth in N.J.S.A. 18A:37-14, 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 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, on a school bus, or off school grounds as provided for in N.J.S.A. 18A:37-14 and 15.3, that substantially disrupts or interferes

with the orderly operation of the school or the rights of other students and that a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property or placing a student in reasonable fear of physical or emotional harm to his or her person or damage to his or her property; has the effect of insulting or demeaning any student or group of students; or creates a hostile educational environment for a student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

6A:16-5.3. Incident reporting of violence, vandalism and alcohol and other drug abuse.

(a) For purposes of reporting information to the Department, pursuant to N.J.S.A. 18A:17-46, any school employee who observes or has direct knowledge from a participant or victim of an act of violence, including harassment, intimidation, and bullying, or the possession or distribution of alcohol or other drugs on school grounds, and any school employee who reports a student for being under the influence of alcohol or other drugs, pursuant to N.J.S.A. 18A:40A-12, shall file with the principal a report describing the incident.

1. The report shall be on a form adopted for such purposes by the district board of education.

i. The form shall include all information necessary for complete, accurate reporting on the Electronic Violence and Vandalism Reporting System (EVVRS) and verification of the incident detail, including an incident description, and offender and victim information.

(b) The district board of education shall not discharge or subject to any manner of discrimination a school employee who files a report pursuant to this section.

(c) The majority representative of the school employees' bargaining units shall have access monthly to the number and disposition of all reported acts of school violence, including harassment, intimidation, and bullying, and vandalism pursuant to N.J.S.A. 18A:17-46.

1. Personally identifying information may be provided to the majority representative of the school employees' bargaining units only in instances when school administrators have reason to believe the safety of a school staff member is at risk.

(d) The chief school administrator shall:

1. Submit to the Commissioner reports of each incident of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses, pursuant to N.J.A.C. 6A:16-4.3, in the school district utilizing the EVVRS.

i. The reports shall be submitted twice each school year, once for all incidents occurring between September 1 and January 1 and once for all incidents occurring between January 1 and June 30, and shall include, at a minimum, all information pursuant to N.J.S.A. 18A:17-46.

ii. Prior to submission, the chief school administrator shall verify the accuracy of the reported information.

iii. The grade regarding the harassment, intimidation, and bullying efforts of each school and each school district shall be posted on the homepage of the school district's website, in accordance with the guidelines promulgated by the Commissioner pursuant to N.J.S.A. 18A:17-46.

2. Provide for annual training of staff to prepare them to fulfill the reporting requirements set forth in this section.

(e) Twice each school year, once between September 1 and January 1 and once between January 1 and June 30, the chief school administrator shall report to the district board of education at a public hearing all acts of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses that occurred during the previous reporting period, according to the provisions of N.J.S.A. 18A:17-46.

- (f) Each district board of education shall adopt and implement procedures regarding a school employee who knowingly falsifies reported information on acts of violence or vandalism or any incident included in the annual report on violence and vandalism required under N.J.S.A. 18A:17-46, including the establishment of grievance procedures of section 8 of N.J.S.A. 34:13A-5.3 and 34:13A-29.
- (g) Private schools for the disabled and public-college-operated programs for the disabled shall take action regarding a school employee who knowingly falsifies the reporting of violence, including harassment, intimidation, and bullying, 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 (f) above.
- (h) Each district board of education shall submit and implement a corrective action plan for high incidences of violence, vandalism, or alcohol or other drug abuse upon notification by the Commissioner.

6A:16-7.1. Code of student conduct.

- (c) The code of student conduct shall include, at a minimum:
6. Expectations and consequences consistent with the district board of education's policies and procedures on attendance, pursuant to N.J.A.C. 6A:16-7.6, and harassment, intimidation, and bullying, pursuant to N.J.A.C. 6A:16-7.7.

6A:16-7.5. Conduct away from school grounds.

- (b) School authorities shall respond to harassment, intimidation, or bullying that occurs off school grounds, pursuant to N.J.S.A. 18A:37-14 and 15.3 and N.J.A.C. 6A:16-1.3, 7.1, and 7.7.

6A:16-7.7. Harassment, intimidation, and bullying.

- (a) Each district board of education shall develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds, pursuant to N.J.S.A. 18A:37-15.
1. Each district board of education shall develop the policy in consultation with, at a minimum, parents and other community members, school employees, school volunteers, students, and school administrators.
 2. Each district board of education shall have control over the content of the policy, except that the policy shall contain, at a minimum, the following components:
 - i. A statement prohibiting harassment, intimidation or bullying of a student;
 - ii. A definition of harassment, intimidation or bullying no less inclusive than that set forth in the definition at N.J.S.A. 18A:37-14 and N.J.A.C. 6A:16-1.3;
 - iii. A statement that bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance;
 - iv. A description of the type of behavior expected from each student;
 - v. Appropriate remedial action for a student who commits an act of harassment, intimidation, or bullying that takes into account the nature of the behavior; the nature of the student's disability, if any, and to the extent relevant; the developmental age of the student; and the student's history of problem behaviors and performance. The appropriate remedial action also may include the following:
 - (1) A behavioral assessment or evaluation including, but not limited to, a referral to the child study team, as appropriate; and
 - (2) Supportive interventions and referral services, including those at N.J.A.C. 6A:16-8;
 - vi. Consequences for a student who commits an act of harassment, intimidation, or bullying that are:
 - (1) Varied and graded according to the nature of the behavior; the nature of the student's disability, if any, and to the extent relevant; the developmental age of the student; and the student's history of problem behaviors and performance; and

- (2) Consistent with the provisions of N.J.A.C. 6A:16-7, as appropriate;
- vii. Appropriate consequences and remedial action for a staff member who commits an act of harassment, intimidation, or bullying;
- viii. A procedure that allows for reporting, verbally and in writing, an act of harassment, intimidation, or bullying committed by an adult or youth against a student. The procedure also shall include a provision that permits a person to report anonymously consistent with N.J.S.A. 18A:37-15.b(5).
- (1) The district board of education shall not take formal disciplinary action based solely on the anonymous report.
- (2) The school district official shall take into account the circumstances of the incident when providing notification to parents and guardians of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense;
- ix. A procedure for prompt investigation of violation and complaint reports consistent with N.J.S.A. 18A:37-15.b(6)(a) through (f) and 16.d.
- (1) The procedure set forth in the district board of education policy may include a process prior to initiating an investigation by which the principal, or his or her designee, in consultation with the anti-bullying specialist, makes a preliminary determination as to whether a reported incident or complaint, assuming all facts presented are true, is a report within the scope of N.J.S.A. 18A:37-14.
- (A) If a preliminary determination finds the incident or complaint is a report outside the scope of N.J.S.A. 18A:37-14, the determination may be appealed to the district board of education, pursuant to district board of education policies and procedures governing pupil grievances, and thereafter to the Commissioner in accordance with N.J.A.C. 6A:3.
- (2) The procedure also shall include a process by which the district board of education will investigate a complaint or report of harassment, intimidation, or bullying, pursuant to (a)2ix above, occurring on district board of education school buses, at district board of education school-sponsored functions, and off school grounds involving a student who attends an approved PSSD.
- (A) The investigation conducted by the district board of education's anti-bullying specialist shall be in consultation with the approved PSSD.
- (3) To protect the victim, the procedure also shall take into account the circumstances of the incident when communicating with parents and when following the provisions of N.J.S.A. 18A:37-15.
- (4) Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation;
- x. A requirement for the principal, in conjunction with the school anti-bullying specialist, to define the range of ways in which a school will respond once an incident of harassment, intimidation, or bullying is identified, consistent with the range of responses adopted by the board of education, pursuant to N.J.S.A. 18A:37-15.b(7);
- (1) The school district official shall take into account the circumstances of the incident when responding and, at a minimum, include support for victims of harassment, intimidation, or bullying and corrective actions for documented systemic problems related to harassment, intimidation, or bullying;
- xi. A requirement that within five school days after the results of the harassment, intimidation, or bullying investigation are reported to the district board of education, information about the investigation shall be provided in writing to the parents or guardians of students who are party to a harassment, intimidation, or bullying investigation.

(1) Any request by the parents or guardians for a hearing before the district board of education concerning the written information about a harassment, intimidation, or bullying investigation, pursuant to N.J.S.A. 18A:37-15.b(6)(d), shall be filed with the district board of education secretary no later than 60 calendar days after the written information is received by the parents or guardians.

(2) The hearing shall be held within 10 business days of receipt of the request.

xii. A statement that prohibits a district board of education member, school employee, student, or volunteer from engaging in reprisal, retaliation, or false accusation against a victim, witness, or any person who reports or has reliable information about an act of harassment, intimidation, or bullying.

(1) The statement shall include the consequence(s) and appropriate remedial action(s) for a person who engages in reprisal or retaliation;

xiii. Consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or harassment, intimidation, or bullying;

xiv. A statement of how the harassment, intimidation, and bullying policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions and on school buses.

(1) Notice of the district board of education's policy shall appear in any publication of the school district that sets forth the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1, for schools within the school district;

xv. A requirement that a link to the harassment, intimidation, and bullying policy be posted prominently on the home page of the school district's and each school's website;

xvi. A requirement that the harassment, intimidation, and bullying policy be distributed annually to all school staff, students, and parents;

xvii. A requirement that the name of the school district's anti-bullying coordinator and his or her school phone number, school address, and school e-mail address be listed on the home page of the school district's website;

xviii. A requirement that the name of the school's anti-bullying specialist and his or her school phone number, school address, and school e-mail address be listed on the home page of the school's website; and

xix. Provisions for appropriate responses to harassment, intimidation, or bullying, as defined in N.J.S.A. 18A:37-14 and N.J.A.C. 6A:16-1.3, that occurs off school grounds in cases in which a school employee is made aware of the actions or a school administrator should have known of an incident of harassment, intimidation, or bullying.

(1) Responses to harassment, intimidation, or bullying that occurs off school grounds shall be consistent with N.J.A.C. 6A:16-7.1 and 7.5 and this section.

(b) A district board of education shall not be prohibited from adopting a harassment, intimidation, and bullying policy that includes components more stringent than components set forth in N.J.S.A. 18A:37-15 and (a) above.

(c) A district board of education member, school employee, contracted service provider, student, or volunteer who has witnessed an incident of harassment, intimidation, or bullying, or has reliable information that a student has been subject to harassment, intimidation, or bullying shall report the incident to the appropriate school official designated by the district board of education's policy, pursuant to N.J.S.A. 18A:37-15 and (a)2viii above, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning harassment, intimidation, and bullying.

1. A district board of education member or school employee who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the district board of

education's policy, or to any school administrator or safe schools resource officer, and who makes the report in compliance with the district board of education's policy, is immune from a cause of action for damages arising from a failure to remedy the reported incident, as set forth in N.J.S.A. 18A:37-16.c.

(d) A school administrator who receives a report of harassment, intimidation, or bullying, or who determines a reported incident or complaint, assuming all facts presented are true, is a report within the scope of N.J.S.A. 18A:37-14, pursuant to (a)2ix(1) above, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

(e) The district board of education shall:

1. Annually examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the harassment, intimidation, or bullying policies, procedures, programs, and initiatives of the district board of education and implement training programs for school employees and volunteers who have significant contact with students, consistent with N.J.S.A. 18A:37-17.b.

i. The annual examination of training needs shall take into consideration the findings of the annual review and update of the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1(a)2.

ii. Information regarding the district board of education's policy against harassment, intimidation, and bullying shall be incorporated into the school district's employee training program.

(1) The program shall be provided to full- and part-time staff, volunteers who have significant contact with students and persons contracted by the school district to provide services to students;

2. Develop a process for annually discussing with students the school district's harassment, intimidation, and bullying policy;

3. Annually conduct a re-evaluation, reassessment, and review of its harassment, intimidation, and bullying policy, and any report(s) and/or finding(s) of the school safety/school climate team(s). The district board of education also shall make any necessary revision(s) to its policy, consistent with N.J.S.A. 18A:37-15.c.

i. The programs or other responses shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school volunteers, students, and school administrators;

4. Annually establish, implement, document, and assess bullying prevention programs or approaches and other initiatives designed to create schoolwide conditions to prevent or intervene in harassment, intimidation, and bullying in schools of the school district.

i. Programs, approaches, and initiatives shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school volunteers, students, and school administrators; and

5. Submit to the executive county superintendent a copy of its approved harassment, intimidation, and bullying policy within 30 days of its adoption or revision.

(f) The principal of each school in the school district shall appoint a school anti-bullying specialist to perform the functions established in N.J.S.A. 18A:37-20.a and c.

(g) The chief school administrator of the school district shall appoint a district anti-bullying coordinator to perform the functions established in N.J.S.A. 18A:37-20.b and c.

(h) The district board of education shall form a school safety/school climate team in each school in the school district to achieve the purposes and perform the functions established in N.J.S.A. 18A:37-21.

1. Pursuant to N.J.S.A. 18A:37-21.b, the school safety/school climate team shall consist of the principal or his or her designee and the following members appointed by the principal: a teacher in the school, the school anti-bullying specialist, a parent of a student in the school, and other members determined by the principal. The team shall be chaired by the school anti-bullying specialist.

i. A parent shall be on the school safety/school climate team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality, pursuant to N.J.S.A. 18A:37-21.e.

ii. Other members of the school safety/school climate team who are not authorized to access student records pursuant to N.J.A.C. 6A:32-7.5 shall be on the team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.

(i) The requirements of this section are promulgated pursuant to N.J.S.A. 18A:37-13 through 32 and shall not be interpreted to prevent a victim of harassment, intimidation, or bullying from seeking redress under any other available civil or criminal law.

6A:9C-4.3. Requirements for and implementation of school leaders' individual professional development plans.

(a) Each school leader shall create, implement, and complete an individual professional development plan (PDP) that:

l. Aligns with the Professional Standards for School Leaders set forth in N.J.A.C. 6A:9-3.4 and the standards for professional learning in N.J.A.C. 6A:9C-3.3;

5. Includes training on: school law, ethics, and governance pursuant to N.J.S.A. 18A:26-8.2; and other statutory requirements related to student safety, bullying and harassment, and well-being.

Dating and Relationship Violence

LAWS

18A:35-4.23. Domestic violence, child abuse, instruction on those problems.

A board of education may include instruction on the problems of domestic violence and child abuse in an appropriate place in the curriculum of elementary school, middle school and high school pupils. The instruction shall enable pupils to understand the psychology and dynamics of family violence, dating violence and child abuse, the relationship of alcohol and drug use to such violence and abuse, the relationship of animal cruelty to such violence and abuse, and to learn methods of non-violent problem-solving.

18A:35-4.23a. Dating violence education incorporated into health education curriculum.

a. Beginning with the 2011-2012 school year, each school district shall incorporate dating violence education that is age appropriate into the health education curriculum as part of the district's implementation of the Core Curriculum Content Standards in Comprehensive Health and Physical Education for students in grades 7 through 12.

b. The dating violence education shall include, but not be limited to, information on the definition of dating violence, recognizing dating violence warning signs, and the characteristics of healthy relationships.

c. To assist school districts in developing a dating violence education program, the Department of Education shall recommend educational resources on dating violence.

d. Upon written request to the school principal, a parent or legal guardian of a student less than 18 years of age, shall be permitted within a reasonable period of time after the request is made, to examine the dating violence education program instruction materials developed by the school district.

e. As used in this section:

"Dating partner" means any person involved in an intimate association with another individual that is primarily characterized by the expectation of affectionate involvement, whether casual, serious, or long-term.

"Dating violence" means a pattern of behavior where one person threatens to use, or actually uses physical, sexual, verbal, or emotional abuse to control a dating partner.

18A:37-33. Findings, declarations relative to dating violence policy and education.

The Legislature finds and declares that: a safe and civil environment in school is necessary for students to learn and achieve high academic standards; a student who is a victim of dating violence suffers academically, and the student's safety at school is jeopardized; and since all students have a right to learn and study in a safe, supportive environment that is free from violence, each school district should have a policy to prevent, and for responding to, incidents of dating violence, and should provide dating violence education to students in order to prevent dating violence and address incidents involving dating violence.

18A:37-34. Definitions relative to dating violence policy and education.

As used in this act [C.18A:37-33 et al.]:

"At school" means in a classroom or anywhere on school property, on a school bus or other school-related vehicle, at an official school bus stop, or at any school-sponsored activity or event whether or not it is on school grounds.

"Dating partner" means any person involved in an intimate association with another individual that is primarily characterized by the expectation of affectionate involvement, whether casual, serious, or long-term.

"Dating violence" means a pattern of behavior where one person threatens to use, or actually uses physical, sexual, verbal, or emotional abuse to control a dating partner.

18A:37-35. Task force to develop policy.

a. The Department of Education shall establish a task force to develop a policy to address incidents of dating violence involving students at school. The task force shall include members who have expertise in issues relating to dating violence. The policy shall contain, at a minimum, the following components:

- (1) a statement that dating violence will not be tolerated;
- (2) dating violence reporting procedures;
- (3) guidelines for responding to at-school incidents of dating violence;
- (4) discipline procedures specific to at-school incidents of dating violence;
- (5) warning signs of dating violence; and
- (6) information on safe, appropriate school, family, peer, and community resources available to address dating violence.

b. Each school district shall implement either the policy developed by the department or a dating violence policy developed by the district. In the event that a district determines to develop its policy, the policy shall contain, at a minimum, the components required pursuant to paragraphs (1) through (6) of subsection a. of this section.

c. Notice of the policy implemented by the school district shall appear in any publication of the district that sets forth the comprehensive rules, procedures, and standards of conduct for schools within the district, and in any student handbook.

18A:37-36. Educational resources, recommendation, posting on website.

The Department of Education shall recommend educational resources on dating violence and shall post these materials on its website.

36:2-224. "Teen Dating Violence Awareness and Prevention Month," February; designated.

February of each year is designated as "Teen Dating Violence Awareness and Prevention Month" in New Jersey in order to promote public awareness and increase prevention of teen dating violence.

36:2-225. Annual observance.

The Governor is respectfully requested to annually issue a proclamation recognizing February as "Teen Dating Violence Awareness and Prevention Month" in New Jersey and calling upon public officials, high schools, law enforcement agencies, the citizens of the State, and other interested groups to observe the month with appropriate activities and programs.

REGULATIONS

No relevant regulations found.

Prevention, Behavioral Intervention, and Supports

State Model Policies and Implementation Support

LAWS

18A:6-135. Development, establishment of Response to Intervention framework.

- a. The Commissioner of Education shall develop and establish an initiative to support and encourage the use of a Response to Intervention framework by school districts to promote the achievement of all students. The initiative shall include dissemination of information and guidance to school districts regarding the development and effective implementation of a Response to Intervention framework as a methodology to identify struggling learners, maximize student achievement, and reduce behavioral problems. The initiative shall also include dissemination of information and guidance to school districts regarding the effective use of a Response to Intervention framework as a methodology to identify students with specific learning disabilities in accordance with the "Individuals with Disabilities Education Act," 20 U.S.C. § 1400 et seq. The information and guidance provided to school districts shall make clear that a Response to Intervention framework is not a substitute for classification of a student as eligible for special education and related services if the student requires classification.
- b. The commissioner shall ensure that a Response to Intervention framework implemented by a school district includes, at a minimum, the following elements:
- (1) high quality research-based instruction in the general education setting;
 - (2) universal screening procedures to identify students at risk for poor learning outcomes or behavioral challenges;
 - (3) multiple levels of evidence-based interventions that are progressively more intense, based on the student's responsiveness; and
 - (4) continuous monitoring of student progress.
- c. The commissioner shall make available technical assistance and training to assist school districts in the implementation of a Response to Intervention framework.

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.

- d. (1) To assist school districts in developing policies for the prevention of harassment, intimidation, or bullying, the Commissioner of Education shall develop a model policy applicable to grades kindergarten through 12. This model policy shall be issued no later than December 1, 2002.
- (2) The commissioner shall adopt amendments to the model policy which reflect the provisions of P.L.2010, c.122 (C.18A:37-13.1 et al.) no later than 90 days after the effective date of that act and shall subsequently update the model policy as the commissioner deems necessary.
- e. Notice of the school district's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for schools within the school district, and in any student handbook.
- f. Nothing in this section shall prohibit a school district from adopting a policy that includes components that are more stringent than the components set forth in this section.

18A:37-24. Development of guidance document.

- a. The Department of Education, in consultation with the Division on Civil Rights in the Department of Law and Public Safety shall develop a guidance document for use by parents or guardians, students, and

school districts to assist in resolving complaints concerning student harassment, intimidation, or bullying behaviors and the implementation of P.L.2002, c.83 (C.18A:37-13 et seq.) by school districts. The document shall include:

- (1) a school district's obligations under P.L.2002, c.83 (C.18A:37-13 et seq.);
- (2) best practices for the prevention, intervention, and remediation of harassment, intimidation, or bullying in schools, including methods to identify and assist student populations at high risk for harassment, intimidation, or bullying;
- (3) a clear explanation of the procedures for petitioning the Commissioner of Education to hear and decide disputes concerning P.L.2002, c.83 (C.18A:37-13 et seq.);
- (4) a clear explanation of the Division on Civil Rights' jurisdiction and services in regard to specific types of harassment, intimidation, or bullying; and
- (5) a clear explanation of the process for appealing final agency determinations to the Appellate Division of the Superior Court.

b. The guidance document shall be available on the Department of Education's and the Division on Civil Rights' Internet sites and on every school district's Internet site at an easily accessible location.

18A:37-41. Selection of districts.

a. After reviewing the applications submitted pursuant to section 3 [C.18A:37-40] of this act, the commissioner shall select five districts in each of the southern, central, and northern regions of the State to participate in the program.

b. The commissioner shall provide such guidance, support, and training to participating schools as may be necessary to effectuate the purposes of this act [C.18A:37-38 et seq.].

c. The commissioner shall award grants, within the limit of available State appropriations, to participating school districts to be used to support the development and implementation of restorative justice practices in the selected schools, including for any necessary trainings and materials. The commissioner shall determine the amount of each grant awarded under the program and may award multi-year grants.

18A:40A-19. Pilot programs.

The Commissioner of Education is authorized to make grants to local school districts in such amounts as he shall determine, to assist the districts in the implementation of innovative pilot programs designed to educate pupils of elementary and secondary schools and members of the general public on the subject of substance abuse, and to prevent the abuse of those substances. Application for grants shall be made on forms furnished by the Commissioner of Education and shall set forth the program proposed and appropriate administrative procedures for the proper and efficient implementation of the program. These pilot programs shall, at a minimum, include:

- a. An early intervention competitive grant pilot program to be established by the Commissioner of Education, in consultation with the Commissioner of Health and the Commissioner of Human Services, to enable local school districts to identify and assist elementary school pupils who are affected by family substance abuse problems or who are at risk of developing such problems themselves. The purpose of the program shall be to encourage the creation of effective model programs for the early identification of children at risk for substance abuse related problems and to provide for effective intervention when these children are identified.

Grants shall be awarded to boards of education through a competitive grant process based upon written applications submitted by local boards of education. The Commissioner of Education shall select not more than eight of the proposals submitted by boards of education for participation in the pilot program. The commissioner, in addition to considering the overall quality of each proposal and the likelihood that

the proposal can be replicated in other districts, shall seek to achieve the broadest geographic distribution of recipients consistent with the purposes of this act.

b. The pilot program established in Ocean County by the Department of Education in conjunction with the Juvenile Services Unit in the Family Division of the Administrative Office of the Courts, to coordinate the efforts of school and juvenile justice personnel in the county to combat alcohol and substance abuse by students.

The commissioner shall evaluate the effectiveness of the model program developed and tested pursuant to this section and disseminate information about successful model programs to school districts that do not participate in the pilot program.

18A:40A-2. Curriculum guidelines; annual review and updating; minimum requirements.

The Commissioner of Education, in consultation with the Commissioner of Health, shall develop curriculum guidelines for education programs on drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances. These guidelines shall be reviewed annually, and shall be updated as necessary to insure that the curriculum reflects the most current information available on the nature and treatment of drug, alcohol, anabolic steroids, tobacco and controlled dangerous substance abuse and treatment. The guidelines shall provide for a sequential course of study for each grade, K-12, and shall, at a minimum, include:

- a. Detailed, factual information regarding the physiological, psychological, sociological and legal aspects of substance abuse;
- b. Detailed information concerning the availability of help and assistance for pupils and their families with chemical dependency problems;
- c. Decision making and coping skills; and,
- d. The development of activities and attitudes which are consistent with a healthy life style.

The guidelines shall include model instructional units, shall define specific behavioral and learning objectives and shall recommend instructional materials suitable for each grade level.

REGULATIONS

No relevant regulations found.

Multi-tiered Frameworks and Systems of Support

LAWS

18A:6-135. Development, establishment of Response to Intervention framework.

a. The Commissioner of Education shall develop and establish an initiative to support and encourage the use of a Response to Intervention framework by school districts to promote the achievement of all students. The initiative shall include dissemination of information and guidance to school districts regarding the development and effective implementation of a Response to Intervention framework as a methodology to identify struggling learners, maximize student achievement, and reduce behavioral problems. The initiative shall also include dissemination of information and guidance to school districts regarding the effective use of a Response to Intervention framework as a methodology to identify students with specific learning disabilities in accordance with the "Individuals with Disabilities Education Act," 20 U.S.C. § 1400 et seq. The information and guidance provided to school districts shall make clear that a Response to Intervention framework is not a substitute for classification of a student as eligible for special education and related services if the student requires classification.

b. The commissioner shall ensure that a Response to Intervention framework implemented by a school district includes, at a minimum, the following elements:

- (1) high quality research-based instruction in the general education setting;
- (2) universal screening procedures to identify students at risk for poor learning outcomes or behavioral challenges;
- (3) multiple levels of evidence-based interventions that are progressively more intense, based on the student's responsiveness; and
- (4) continuous monitoring of student progress.

c. The commissioner shall make available technical assistance and training to assist school districts in the implementation of a Response to Intervention framework.

18A:37-2b. Early detection and prevention program.

A school district or charter school shall implement an early detection and prevention program to: identify students in preschool through grade two who are experiencing behavioral or disciplinary problems; and provide behavioral supports for these students, which may include, but need not be limited to, remediation of problem behaviors, positive reinforcements, supportive interventions, and referral services. An early detection and prevention program may be incorporated into the intervention and referral services required to be established in each school pursuant to State Board of Education regulations.

REGULATIONS

No relevant regulations found.

Prevention

LAWS

18A:17-43.2. New Jersey School Safety Specialist Academy, Certification programs.

a. There is established in the Department of Education the New Jersey School Safety Specialist Academy. It shall be the purpose of the academy to serve as a central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning. The academy shall: provide, free of charge, ongoing professional development on national and State best practices, as well as the most current resources on school safety and security; assume a lead role in setting the vision for school safety and security in the State; and provide a coordinated and interdisciplinary approach to providing technical assistance and guidance to schools throughout the State.

b. The academy shall develop and implement a School Safety Specialist Certification Program. A school safety specialist appointed pursuant to section 2 [C.18A:17-43.3] of this act shall be required to acquire the certification. The certification program shall provide training, free of charge, to newly-appointed school safety specialists in the areas of bullying, hazing, truancy, Internet safety, emergency planning, emergency drills, drugs, weapons, gangs and school policing, and any other areas deemed necessary by the academy. The academy shall also offer annual training sessions for certified school safety specialists. The academy shall develop training modules in both traditional and online formats.

18A:36-5.1. "School Violence Awareness Week"; designated.

The week beginning with the third Monday in October of each year is designated as "School Violence Awareness Week" in the State of New Jersey. School districts shall observe this week by organizing

activities to prevent school violence including, but not limited to, age-appropriate opportunities for student discussion on conflict resolution, issues of student diversity, and tolerance. Law enforcement personnel shall be invited to join members of the teaching staff in the discussions. Programs shall also be provided for school board employees that are designed to help them recognize warning signs of school violence and to instruct them on recommended conduct during an incident of school violence. The Department of Education shall provide guidelines and information to boards of education for use in planning the activities in observance of the week and such funds as are

REGULATIONS

6A:16-1.1. Purpose.

The 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; physical examinations; 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; and home instruction and approved alternative education programs. Included in the rules are standards for the delivery of home instruction and school health services to nonpublic schools.

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 school district's public elementary and secondary schools, in accordance with N.J.S.A. 18A:40A-3, 10, and 15.

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. Reduce the factors that place students at risk for involvement with alcohol, tobacco or other drugs through school and community-based planning processes;
 - iv. Contribute to the development of school environments and alternative activities that are alcohol, tobacco and other drug-free;
 - v. Increase the knowledge and skills of students, staff and community members for avoiding the harmful effects of alcohol, tobacco and other drug use; and
 - vi. Actively involve staff, students, 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 that 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;
 - v. Help a student or a student's parents follow through on the recommendations resulting from an evaluation that has positively determined the harmful use of alcohol, tobacco, or other drugs by the student or the student's parents; and
 - vi. Assist a student or a student's parents with a referral for treatment.
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, in accordance with N.J.S.A. 18A:40A-3 and 15.
 - i. The in-service training shall be updated annually to ensure educational staff members have the most current information available on the subject of substance abuse and on the school district's comprehensive alcohol, tobacco, and other drug abuse program, policies, and procedures.
 5. Student assistance coordinators employed by district boards of education shall assist school districts in the effective implementation of N.J.S.A. 18A:40A-1 through 18 and N.J.A.C. 6A:9B-12.2.
 6. When a student assistance coordinator is not employed or contracted by a district board of education, the board shall assign school staff with appropriate educational services certificates to perform the student assistance coordinator functions, pursuant to N.J.S.A. 18A:40A-18.c and (a)5 above, and to assist in the effective implementation of the requirements of N.J.S.A. 18A:40A-1 through 17.
 - i. The district board of education shall maintain documentation of school staff with appropriate educational services certificates who will perform the student assistance coordinator functions.
 7. Each district board of education shall establish educational programs on alcohol, tobacco, and other drug abuse for parents, pursuant to N.J.S.A. 18A:40A-16 and 17(a), and offered at times and places convenient to the parents of enrolled students.
 8. Each district board of education shall make and enforce rules to prohibit any person from smoking or carrying lighted tobacco at any time on school grounds or on school buses or other vehicles owned or contracted by the board of education, pursuant to P.L. 2009, c. 182, P.L. 2005, c. 383, N.J.A.C. 13:28-6.14, and N.J.A.C. 8:6.

6A:16-7.1. Code of student conduct.

- (a) Each district board of education shall develop, adopt, disseminate, and implement a code of student conduct that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds.
1. The code of student conduct may be based on parent, student, and community involvement that represents, where possible, the composition of the school district's schools and community.
 2. The district board of education shall establish a process for the annual review and update of the code of student conduct.
 3. The code of student conduct shall be disseminated annually to all school staff, students and parents.
 4. The district board of education shall provide to all district board of education employees annual training on the code of student conduct, including training on the prevention, intervention, and remediation of student conduct that violates the district board of education's code of student conduct.

i. Information on the code of student conduct shall be incorporated into the orientation for new employees.

5. The district board of education shall provide for the code of student conduct's equitable application.

6. For students with disabilities subject to individualized education programs (IEPs) in accordance with 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities Education 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 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 problem student 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 offenses, the developmental ages of student offenders and students' histories of inappropriate behaviors in accordance with N.J.A.C. 6A:16-7.2 through 7.8, as appropriate.

(c) The code of student conduct shall include, at a minimum:

1. A description of students' responsibilities that includes expectations for academic achievement, behavior and attendance, pursuant to N.J.A.C. 6A:32-8 and 12.1;
2. A description of behaviors that 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 result in suspensions and expulsions that have been identified pursuant to 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 N.J.A.C. 6A:16-7.2 through 7.5;
 - vi. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3, this section, and N.J.A.C. 6A:16-7.2 through 7.8; and
 - vii. Protections pursuant to 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; 34 CFR 99, Family Educational Rights and Privacy; 20 U.S.C. § 1232h, Protection of Pupil Rights; 34 CFR Part 98, Student Rights in Research, Experimental Programs, and Testing; P.L. 104-191, Health Insurance Portability and Accountability Act; 45 CFR 160, General Administrative Requirements; 20 U.S.C. § 7165, Transfer of school disciplinary records; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, Confidentiality of certain information provided by pupils, exceptions; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Pupil records, creation, maintenance and retention, security and access, regulations, nonliability; N.J.S.A. 2A:4A-60, Disclosure of juvenile information, penalties for disclosure; N.J.A.C. 6A:32-7, Student Records; N.J.A.C. 6A:14-2.9, Student records; as well as other existing Federal and State laws and rules 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. The description of comprehensive behavioral supports may include:

- i. Positive reinforcement for good conduct and academic success;
- ii. Supportive interventions and referral services;
- iii. Remediation of problem behavior that takes into account the behavior's nature, the students' developmental ages, and the students' histories of problem behaviors and performance; and
- iv. For students with disabilities, the behavior interventions and supports shall be determined and provided pursuant to N.J.A.C. 6A:14;

5. A description of school responses to violations of behavioral expectations established by the district board of education that, at a minimum, are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their 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 through 5.7;
- iii. Provide for the equitable application of the code of student conduct without regard to race; color; religion; ancestry; national origin; nationality; sex; gender; sexual orientation; gender identity or expression; marital, domestic-partnership, or civil-union; mental, physical, or sensory disability; or any other distinguishing characteristic, pursuant to N.J.S.A. 10:5-1 et seq.; and
- iv. Be consistent with the provisions of N.J.S.A. 18A:6-1, Corporal punishment of pupils;

6. Expectations and consequences consistent with the district board of education's policies and procedures on attendance, pursuant to N.J.A.C. 6A:16-7.6, and harassment, intimidation, and bullying, pursuant to N.J.A.C. 6A:16-7.7; and

7. 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) A district board of education may deny participation in extracurricular activities, school functions, sports, graduation exercises or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment.

Social-emotional Learning (SEL)

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Trauma-informed Practices

LAWS

18A:37-43. Ongoing professional development for teachers, staff.

A school district selected to participate in the pilot program shall provide ongoing professional development to teachers and other staff employed in the school in which the restorative justice model is being implemented on: how to understand, recognize, and respond to students and their families who are impacted by the effects of trauma and adverse childhood experiences; the adverse consequences of the exclusion of students from school and their involvement in the juvenile justice system; effective classroom management strategies; culturally responsive discipline; and developmentally appropriate disciplinary methods that promote a positive and healthy school climate.

REGULATIONS

No relevant regulations found.

Mental Health Literacy Training

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

School-based Behavioral Health Programs

LAWS

No relevant laws found.

REGULATIONS

6A:16-8.1. Establishment of intervention and referral services.

(a) District boards of education shall establish and implement in each school building in which general education students are served a coordinated system for planning and delivering intervention and referral services designed to assist students who are experiencing learning, behavior, or health difficulties, and to assist staff who have difficulties in addressing students' learning, behavior, or health needs. District boards of education shall choose the appropriate multidisciplinary team approach for planning and delivering the services required under this subchapter.

1. The intervention and referral services shall be provided to aid students in the general education program; and
2. The intervention and referral services may be provided for students who have been determined to need special education programs and services.
 - i. The intervention and referral services provided for students determined to need special education programs and services shall be coordinated with the student's individualized education program team, as appropriate.

3. Child study team members and, to the extent appropriate, specialists in the area of disability may participate on intervention and referral services teams, pursuant to N.J.A.C. 6A:14-3.1(d)6.

6A:16-8.2. Functions of intervention and referral services.

(a) The functions of the system of intervention and referral services in each school building shall be to:

1. Identify learning, behavior and health difficulties of students;
2. Collect information on the identified learning, behavior, and health difficulties;
3. Develop and implement action plans that provide for appropriate school or community interventions or referrals to school and community resources, based on the collected data and desired outcomes for the identified learning, behavior, and health difficulties;
4. Provide support, guidance and professional development to school staff who identify learning, behavior and health difficulties;
5. Provide support, guidance and professional development to school staff who participate in each building's system for planning and providing intervention and referral services;
6. Actively involve parents or guardians in the development and implementation of intervention and referral services action plans;
7. Coordinate the access to and delivery of school resources and services for achieving outcomes identified in intervention and referral services action plans;
8. Coordinate the services of community-based social and health provider agencies and other community resources for achieving outcomes identified in intervention and referral services action plans;
9. Maintain records of all requests for assistance and all intervention and referral services action plans and all related student information, according to the requirements of 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; 34 CFR Part 99, Family Educational Rights and Privacy; 20 U.S.C. § 1232h, Protection of Pupil Rights; 34 CFR Part 98, Student Rights in Research, Experimental Programs, and Testing; P.L. 104-191, Health Insurance Portability and Accountability Act; 45 CFR Part 160, General Administrative Requirements; 20 U.S.C. § 7165, Transfer of school disciplinary records; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, Confidentiality of certain information provided by pupils, exceptions; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Pupil records, creation, maintenance and retention, security and access, regulations, nonliability; N.J.S.A. 2A:4A-60, Disclosure of juvenile information, penalties for disclosure; N.J.A.C. 6A:32-7, Student Records; N.J.A.C. 6A:14-2.9, Student records; as well as other existing Federal and State laws and rules pertaining to student records and confidentiality.
10. Review and assess the effectiveness of each intervention and referral services action plan in achieving the identified outcomes, and modify each action plan to achieve the outcomes, as appropriate; and
11. At a minimum, annually review intervention and referral services action plans and the actions taken as a result of the building's system of intervention and referral services, and make recommendations to the principal for improving school programs and services, as appropriate.

Monitoring and Accountability

Formal Incident Reporting of Conduct Violations

LAWS

18A:17-46. Reporting of certain acts by school employee; report; public hearing.

Any school employee observing or having direct knowledge from a participant or victim of an act of violence shall, in accordance with standards established by the commissioner, file a report describing the incident to the school principal in a manner prescribed by the commissioner, and copy of same shall be forwarded to the district superintendent.

The principal shall notify the district superintendent of schools of the action taken regarding the incident. Two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, the superintendent of schools shall report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying which occurred during the previous reporting period. The report shall include the number of reports of harassment, intimidation, or bullying, the status of all investigations, the nature of the bullying based on one of the protected categories identified in section 2 of P.L.2002, c.83 (C.18A:37-14), the names of the investigators, the type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying, and any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying. The information shall also be reported once during each reporting period to the Department of Education. The report must include data broken down by the enumerated categories as listed in section 2 of P.L.2002, c.83 (C.18A:37-14), and data broken down by each school in the district, in addition to district-wide data. It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with the provisions of P.L.2002, c.83 (C.18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district. The commissioner shall promulgate guidelines for a program to grade schools for the purposes of this section.

The grade received by a school and the district shall be posted on the homepage of the school's website. The grade for the district and each school of the district shall be posted on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district.

Verification of the reports on violence, vandalism, and harassment, intimidation, or bullying shall be part of the State's monitoring of the school district, and the State Board of Education shall adopt regulations that impose a penalty on a school employee who knowingly falsifies the report. A board of education shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements pursuant to this section. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

18A:37-2.1. Suspension, expulsion of pupil for assault, appeal; report.

a. Any pupil who commits an assault, as defined pursuant to N.J.S.2C:12-1, upon a teacher, administrator, board member or other employee of a board of education, acting in the performance of his duties and in a situation where his authority to so act is apparent, or as a result of the victim's relationship to an institution of public education of this State, not involving the use of a weapon or firearm, shall be immediately suspended from school consistent with procedural due process pending suspension or

expulsion proceedings before the local board of education. Said proceedings shall take place no later than 30 calendar days following the day on which the pupil is suspended. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision. The provisions herein shall be construed in a manner consistent with 20 U.S.C. s.1400 et seq.

b. Whenever a teacher, administrator, board member, other employee of a board of education or a labor representative on behalf of an employee makes an allegation in writing that the board member or employee has been assaulted by a pupil, the principal shall file a written report of the alleged assault with the district's superintendent of schools. The superintendent to whom the alleged assault is reported or, if there is no superintendent in the district, the principal who received the allegation from the board member, employee, or labor representative shall report the alleged assault to the board of education of the district at its next regular meeting; provided that the name of the pupil who allegedly committed the assault, although it may be disclosed to the members of the board of education, shall be kept confidential at the public board of education meeting.

Any person who fails to file a report of an alleged assault as required pursuant to this subsection may be liable to disciplinary action by the board of education of the district.

18A:40A-12. Reporting of pupils under influence; examination; report; return home; evaluation of possible need for treatment; referral for treatment.

a. Whenever it shall appear to any teaching staff member, school nurse or other educational personnel of any public school in this State that a pupil may be under the influence of substances as defined pursuant to section 2 [C.18A:40A-9] of this act, other than anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a student assistance coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an immediate examination of the pupil by a doctor selected by the parent or guardian, or if that doctor is not immediately available, by the medical inspector, if he is available. If a doctor or medical inspector is not immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination accompanied by a member of the school staff designated by the principal and a parent or guardian of the pupil if available. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil is under such influence. A written report of that examination shall be furnished within 24 hours by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal. If it is determined that the pupil was under the influence of a substance, the pupil shall be returned to the pupil's home as soon as possible and shall not resume attendance at school until the pupil submits to the principal a written report certifying that the pupil is physically and mentally able to return thereto, which report shall be prepared by a personal physician, the medical inspector, or the physician who examined the pupil pursuant to the provisions of this act.

In addition, the pupil shall be interviewed by a student assistance coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

b. Whenever any teaching staff member, school nurse, or other educational personnel of any public school in this State shall have reason to believe that a pupil has used or may be using anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a student assistance coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an examination of the pupil by a doctor selected by the parent or guardian or by the medical inspector. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil has been using anabolic steroids. A written report of that examination shall be furnished by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal. If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by a student assistance coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

REGULATIONS

6A:16-4.3. Reporting, notification, and examination procedures for students suspected of being under the influence of alcohol or other drugs.

(a) In instances involving alcoholic beverages, controlled dangerous substances other than anabolic steroids, or any other chemical or chemical compound as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a), the following shall apply:

1. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs on school grounds shall report the matter as soon as possible to the principal or, in his or her absence, to his or her designee and either the certified school nurse, noncertified nurse, school physician, or student assistance coordinator, pursuant to N.J.S.A. 18A:40A-12.
 - i. In instances where the principal and either the certified school nurse, non-certified nurse, school physician, or student assistance coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified.
2. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the principal or his or her designee shall:
 - i. Immediately notify the parent and the chief school administrator or his or her designee; and
 - ii. Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids.
3. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs, pursuant to (a)1 above.
 - i. The chief school administrator shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia

or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

4. The medical examination, pursuant to (a)2ii above, shall be performed by a physician licensed to practice medicine or osteopathy who is selected by the parent.

i. The school district, in cooperation with medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical examination.

ii. The examination shall be at the expense of the parent and not the district board of education.

5. If the physician chosen by the parent is not immediately available, the medical examination shall be conducted by the school physician.

i. If the school physician is not available, the student shall be accompanied by a member of the school staff designated by the principal to the emergency room of the nearest hospital for examination.

ii. The student's parent, if available, also shall accompany the student.

iii. When the medical examination is conducted by the school physician or a physician at the emergency room of the nearest hospital, the examination shall be at the expense of the district board of education.

6. Each district board of education shall have a plan in place for the appropriate supervision of the student:

i. While waiting for a parent to take the student to the physician selected by the parent, or while the student is waiting for and receiving the medical examination by the school physician or a physician in an emergency room; and

ii. Provisions shall be made for the appropriate care of the student while awaiting the results of the medical examination.

7. A written report of the medical examination shall be furnished to the student's parent, the principal, and the chief school administrator by the examining physician within 24 hours of the referral of the student for suspected alcohol or other drug use.

i. The school district, in cooperation with the school physician or medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical report.

ii. The report's findings shall verify whether the student's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.

8. When the medical examination is performed by a physician other than the school physician or a physician at the emergency room of the nearest hospital, the school district shall require the parent to verify within 24 hours of the notification that the student is suspected of alcohol or other drug use that a medical examination was performed in compliance with (a)7i above.

i. The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the report required in (a)7 above will be provided.

ii. Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation and handled in accordance with (d) below.

9. If the written report of the medical examination is not submitted to the parent, principal, and chief school administrator within 24 hours of the referral of the student for suspected alcohol or other drug use, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the code of student conduct.

10. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student shall be immediately returned to school.
11. If there is a positive determination from the medical examination indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:
- i. The student shall be returned as soon as possible to the care of a parent;
 - ii. Attendance at school shall not resume until a written report has been submitted to the parent, the principal and chief school administrator from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school;
 - (1) The report shall verify that the student's alcohol or other drug use no longer interferes with his or her physical and mental ability to perform in school; and
 - iii. Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14.
12. While the student is at home because of the medical examination or after the student returns to school, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall:
- i. Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse, for the purpose of making a preliminary determination of the student's need for educational programs, supportive services, or treatment that extend beyond the general school program by virtue of the student's use of alcohol or other drugs.
 - (1) The findings of the assessment alone shall not be used to prevent a student from attending school; and
 - ii. Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral and continuity of care for alcohol or other drug abuse treatment.
13. While the student is at home because of the medical examination or after his or her return to school, the principal or chief school administrator may recommend or require alcohol and other drug assessment of the student or evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.
- i. The findings of additional evaluations alone shall not be used to prevent a student from attending school.
14. If at any time it is determined that the student's use of alcohol or other drugs presents a danger to the student's health and well-being, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for alcohol or other drug abuse treatment.
15. The district board of education may provide additional intervention and referral services for the student according to N.J.S.A. 18A:40A-10 and N.J.A.C. 6A:16-8.

(b) In instances involving the suspected use of anabolic steroids, the following shall apply according to N.J.S.A. 18A:40A-12(b):

1. Whenever a teaching staff member, certified or non-certified school nurse, or other educational personnel has reason to believe that a student has used or may be using anabolic steroids, the person shall report the matter as soon as possible to the principal or, in his or her absence, to his or her designee and either the certified or non-certified school nurse, school physician, or student assistance coordinator.

2. In response to a report of suspected anabolic steroid use pursuant to (b)1 above, including instances when a report is made to law enforcement, the principal or his or her designee shall immediately notify the parent and the chief school administrator and shall arrange for an examination of the student by a physician licensed to practice medicine or osteopathy selected by the parent.

i. If the physician chosen by the parent is not available to perform the examination, it shall be conducted by the school physician or other physician identified by the principal.

ii. The student shall be examined as soon as possible for the purpose of determining whether he or she has been using anabolic steroids.

3. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to have used or to be using anabolic steroids, pursuant to (b)1 above.

i. The chief school administrator shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of anabolic steroids or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.

4. The examining physician shall provide to the parent, principal, and chief school administrator a written report of the examination.

5. If it is determined the student has used anabolic steroids, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall interview the student and others, as necessary, for the purpose of determining the extent of the student's involvement with and use of anabolic steroids and the possible need for referral for treatment.

i. To make this determination, school staff members identified in (b)5 above may conduct a reasonable investigation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse.

6. If results of a referral for evaluation positively determine the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community agencies, as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or to private practitioners certified by the appropriate drug and alcohol licensing board.

(c) Any educational or non-educational district board of education employee who in good faith reports to the principal or his or her designee a student in compliance with the provisions of this subsection shall not be liable in civil damages as a result of making a report, as specified in N.J.S.A. 18A:40A-13 and 14.

(d) Refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40A-12 and this section shall be treated as a policy violation of the Compulsory Education Act, pursuant to N.J.S.A. 18A:38-25 and 31, and child neglect laws, pursuant to N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11.

6A:16-5.3. Incident reporting of violence, vandalism and alcohol and other drug abuse.

(a) For purposes of reporting information to the Department, pursuant to N.J.S.A. 18A:17-46, any school employee who observes or has direct knowledge from a participant or victim of an act of violence, including harassment, intimidation, and bullying, or the possession or distribution of alcohol or other drugs on school grounds, and any school employee who reports a student for being under the influence of alcohol or other drugs, pursuant to N.J.S.A. 18A:40A-12, shall file with the principal a report describing the incident.

1. The report shall be on a form adopted for such purposes by the district board of education.

i. The form shall include all information necessary for complete, accurate reporting on the Electronic Violence and Vandalism Reporting System (EVVRS) and verification of the incident detail, including an incident description, and offender and victim information.

(b) The district board of education shall not discharge or subject to any manner of discrimination a school employee who files a report pursuant to this section.

(c) The majority representative of the school employees' bargaining units shall have access monthly to the number and disposition of all reported acts of school violence, including harassment, intimidation, and bullying, and vandalism pursuant to N.J.S.A. 18A:17-46.

1. Personally identifying information may be provided to the majority representative of the school employees' bargaining units only in instances when school administrators have reason to believe the safety of a school staff member is at risk.

(d) The chief school administrator shall:

1. Submit to the Commissioner reports of each incident of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses, pursuant to N.J.A.C. 6A:16-4.3, in the school district utilizing the EVVRS.

i. The reports shall be submitted twice each school year, once for all incidents occurring between September 1 and January 1 and once for all incidents occurring between January 1 and June 30, and shall include, at a minimum, all information pursuant to N.J.S.A. 18A:17-46.

ii. Prior to submission, the chief school administrator shall verify the accuracy of the reported information.

iii. The grade regarding the harassment, intimidation, and bullying efforts of each school and each school district shall be posted on the homepage of the school district's website, in accordance with the guidelines promulgated by the Commissioner pursuant to N.J.S.A. 18A:17-46.

2. Provide for annual training of staff to prepare them to fulfill the reporting requirements set forth in this section.

(e) Twice each school year, once between September 1 and January 1 and once between January 1 and June 30, the chief school administrator shall report to the district board of education at a public hearing all acts of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses that occurred during the previous reporting period, according to the provisions of N.J.S.A. 18A:17-46.

(f) Each district board of education shall adopt and implement procedures regarding a school employee who knowingly falsifies reported information on acts of violence or vandalism or any incident included in the annual report on violence and vandalism required under N.J.S.A. 18A:17-46, including the establishment of grievance procedures of section 8 of N.J.S.A. 34:13A-5.3 and 34:13A-29.

(g) Private schools for the disabled and public-college-operated programs for the disabled shall take action regarding a school employee who knowingly falsifies the reporting of violence, including harassment, intimidation, and bullying, 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 (f) above.

(h) Each district board of education shall submit and implement a corrective action plan for high incidences of violence, vandalism, or alcohol or other drug abuse upon notification by the Commissioner.

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 a 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, other school board employee, or district board of education member 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, pursuant to N.J.S.A. 18A:37-2.1.

(b) A 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 7.5.

1. Nothing in this section shall be construed as prohibiting the expulsion of a general education student.

(c) A 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 a student as set forth in (a) above;
2. Isolate the student and place him or her under the supervision of school staff until the student's parent or an appropriate agency takes custody of the student;
3. Immediately report to the chief school administrator the removal of the student;
4. Notify the student's parent of the removal action and the student's due process rights; and
5. Notify the appropriate law enforcement official of a possible violation of the New Jersey Code of Criminal Justice.

(e) The district board of education shall provide due process proceedings for all students in accordance with N.J.A.C. 6A:16-7.2, 7.3, 7.4, and 7.5 and for a student with a disability in accordance with N.J.A.C. 6A:14-2.7 and 2.8.

(f) Each chief school administrator biannually shall submit to the Commissioner a report 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 to all school staff, students and parents the adopted policies and procedures for implementing this section.

6A:16-6.3. Reporting students or staff members to law enforcement authorities.

(a) Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of his or her employment, has reason to believe that a student or staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the principal or, in the absence of the principal, to the staff member responsible at the time of the alleged violation.

1. Either the principal or the responsible staff member shall notify the chief school administrator, who in turn shall notify as soon as possible the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.

2. The chief school administrator or designee shall provide to the county prosecutor or designee all known information concerning the matter, including the identity of the student or staff member involved.

3. The chief school administrator or designee, however, shall not disclose the identity of a student or staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or other drug abuse problem, provided the student or staff member is not reasonably believed to be involved or implicated in drug-distribution activities.

i. For the purpose of this section, an admission by a student or staff member in response to questioning initiated by the principal or teaching staff member, or following the discovery by the principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

4. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol and/or controlled dangerous substances, pursuant to N.J.A.C. 6A:16-4.3(a), or a student suspected to have used or who may be using anabolic steroids, pursuant to N.J.A.C. 6A:16-4.3(b), and who is referred for a medical examination, pursuant to N.J.A.C. 6A:16-4.3(a) or (b), as appropriate, for the purposes of providing appropriate health care for the student and for determining whether the student is under the influence of alcohol or other drugs or has been using anabolic steroids, provided the student is not reasonably believed to be in possession of a controlled dangerous substance or drug paraphernalia, or to be involved or implicated in drug distribution activities.

5. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test, pursuant to N.J.A.C. 6A:16-4.3(a)3i and (b)3i, and (a)4 above, was obtained as a result of the district board of education's voluntary random drug testing policy, pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.

(b) Whenever a school employee develops reason to believe a firearm, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, or other deadly weapon, whether 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, has unlawfully been brought onto school grounds or a student or other person is in unlawful possession of a firearm or other deadly weapon on or off school grounds, or a student or other person has committed an offense with or while in possession of a firearm on or off school grounds or during school operating hours, the matter shall be reported as soon as possible to the principal, or in the absence of the principal, to the staff member responsible at the time of the alleged violation.

1. Either the principal or the responsible staff member shall notify the chief school administrator, who in turn shall notify as soon as possible the county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.

2. The chief school administrator or designee shall provide to the county prosecutor or designee all known information concerning the matter, including the identity of the student or staff member involved.

(c) The designated school official, as defined in (b)1 above, shall immediately notify the designated law enforcement official whenever a school employee in the course of his or her employment develops reason to believe a student has threatened, is planning or otherwise intends to cause death, serious bodily injury, or significant bodily injury to another person under circumstances in which a reasonable person would believe the student genuinely intends at some time in the future to commit the violent act or carry out the threat.

(d) The designated school official, as defined in (b)1 above, shall immediately notify the designated law enforcement official whenever a school employee in the course of his or her employment develops reason to believe a crime involving sexual penetration or criminal sexual conduct has been committed on school grounds, or by or against a student during school operating hours or during school-related functions or activities.

(e) School employees shall immediately notify the principal and chief school administrator when in the course of their employment they develop reason to believe a bias-related act has been committed or is about to be committed on school grounds, or has been or is about to be committed by a student on or off school grounds, and whether such offense was or is to be committed during operating school hours, or a student enrolled in the school has been or is about to become the victim of a bias-related act on or off school grounds, or during operating school hours.

1. The designated school official, as defined in (b)1 above, shall promptly notify the local police department and the bias investigation officer for the county prosecutor's office in the instances described in (e) above.

2. The designated school official, as defined in (b)1 above, shall immediately notify the local police department and the bias investigation officer for the county prosecutor's office where there is reason to believe a bias-related act that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe a life has been or will be threatened.

(f) All incidents shall be reported under this section utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(e)1, where appropriate.

6A:16-6.4. Handling of alcohol or other drugs, firearms and other items.

(a) A school employee who seizes or discovers alcohol, other drug, or an item believed to be a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall immediately notify and turn over to the principal or designee the alcohol, other drug, or item.

1. The principal or designee shall immediately notify the chief school administrator or his or her designee who in turn shall notify the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.

2. The school employee, principal or designee shall safeguard the alcohol, other drug or paraphernalia against further use or destruction and shall secure the alcohol, other drug or paraphernalia until it can be turned over to the county prosecutor or designee.

3. The principal or designee shall provide to the county prosecutor or his or her designee all information concerning the manner in which the alcohol, other drug, or paraphernalia was discovered or seized, including:

i. The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and

ii. The identity of the student or staff member believed to have been in possession of the substance or paraphernalia.

4. The principal or designee shall not disclose the identity of a student or staff member who voluntarily and on his or her own initiative turned over the alcohol, other drug or paraphernalia to a school employee, provided there is reason to believe the student or staff member was involved with the alcohol, other drug or paraphernalia for the purpose of personal use and not distribution activities, and further provided the student or staff member agrees to participate in an appropriate treatment or counseling program.

i. For the purposes of this section, an admission by a student or staff member in response to questioning initiated by the principal or teaching staff member, or following the discovery by the principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall not constitute a voluntary, self-initiated request for counseling and treatment.

(b) Whenever a school employee seizes or comes upon a firearm or dangerous weapon, school officials shall:

1. In the case of a firearm, immediately advise the county prosecutor or appropriate law enforcement official, and secure the firearm pending the response by law enforcement to retrieve and take custody of the firearm; and
2. In the case of a dangerous weapon other than a firearm, immediately advise the county prosecutor or appropriate law enforcement official, and secure the dangerous weapon pending the response by law enforcement to retrieve and take custody of the dangerous weapon.

(c) School employees in custody of a firearm or dangerous weapon shall take reasonable precautions, according to district board of education procedures, to prevent the theft, destruction, or unlawful use of the firearm or dangerous weapon by any person.

Parental Notification

LAWS

18A:37-15. Adoption of policy concerning harassment, intimidating or bullying by each school district.

a. Each school district shall adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus. The school district shall adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:

(5) a procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying.

18A:38-29. Warning and arrest of vagrants or habitual truants.

The attendance officer shall examine into all violations of this article, shall warn any child violating any of the provisions of this article and the parent, guardian or other person having charge and control of the child of the consequences of the violation if persisted in, and shall notify such person in writing to cause the child to attend school within five days from the date on which notice is served, and regularly thereafter. The attendance officer shall have full police power to enforce the provisions of this article and

may arrest without warrant any vagrant child or habitual truant or any child who is habitually incorrigible or who is vicious or immoral in conduct or illegally absent from school.

18A:40A-12. Reporting of pupils under influence; examination; report; return home; evaluation of possible need for treatment; referral for treatment.

a. Whenever it shall appear to any teaching staff member, school nurse or other educational personnel of any public school in this State that a pupil may be under the influence of substances as defined pursuant to section 2 [C.18A:40A-9] of this act, other than anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a student assistance coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an immediate examination of the pupil by a doctor selected by the parent or guardian, or if that doctor is not immediately available, by the medical inspector, if he is available. If a doctor or medical inspector is not immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination accompanied by a member of the school staff designated by the principal and a parent or guardian of the pupil if available. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil is under such influence. A written report of that examination shall be furnished within 24 hours by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal. If it is determined that the pupil was under the influence of a substance, the pupil shall be returned to the pupil's home as soon as possible and shall not resume attendance at school until the pupil submits to the principal a written report certifying that the pupil is physically and mentally able to return thereto, which report shall be prepared by a personal physician, the medical inspector, or the physician who examined the pupil pursuant to the provisions of this act.

In addition, the pupil shall be interviewed by a student assistance coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

b. Whenever any teaching staff member, school nurse, or other educational personnel of any public school in this State shall have reason to believe that a pupil has used or may be using anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a student assistance coordinator, and to the principal or, in his absence, to his designee. The principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an examination of the pupil by a doctor selected by the parent or guardian or by the medical inspector. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil has been using anabolic steroids. A written report of that examination shall be furnished by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal. If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by a student assistance coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination

the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

REGULATIONS

6A:16-4.3. Reporting, notification, and examination procedures for students suspected of being under the influence of alcohol or other drugs.

(a) In instances involving alcoholic beverages, controlled dangerous substances other than anabolic steroids, or any other chemical or chemical compound as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a), the following shall apply:

2. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the principal or his or her designee shall:
 - i. Immediately notify the parent and the chief school administrator or his or her designee.

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, pursuant to the Zero Tolerance for Guns Act, N.J.S.A. 18A:37-7 through 12. The policies and procedures shall apply to a student who is:

1. Convicted or adjudicated delinquent for possession of a firearm on school grounds;
2. Convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds; and
3. Found knowingly in possession of a firearm on school grounds.

(b) Each district board of education shall immediately remove from the school's general education program for a period of not less than one calendar year a student other than a student with a disability, as set forth in (a) above.

1. The chief school administrator may modify on a case-by-case basis the removal of a general education student.

- i. The chief school administrator shall develop and maintain a written record of case-by-case modifications of the removal requirement in this subsection, which shall be made available to the Commissioner upon request.

2. Nothing in this section shall be construed to prohibit the expulsion of a general education student. [...]

(d) The principal or his or her designee shall:

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. A general education student's due process rights, as set forth in N.J.A.C. 6A:16-7.2 through 7.6, or the due process rights of a student with a disability, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.

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 a 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, 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, other school board employee, district board of education member, or another student on school grounds, pursuant to N.J.S.A. 18A:37-2.2 through 2.5.

(b) A 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 on a case-by-case basis the removal of a general education student.

2. Nothing in this section shall be construed to prohibit the expulsion of a general education student.

(c) Each district board of education shall immediately remove students with disabilities for assaults with weapons offenses in accordance with N.J.A.C. 6A:14 and applicable Federal regulations incorporated therein.

(d) The principal or his or her designee shall:

1. Remove a student as set forth in (a) through (c) above;

2. Isolate the student and place him or her under the supervision of school staff until the student's parent or a law enforcement official takes custody of the student;

3. Immediately report to the chief school administrator the removal of the student;

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. A general education student's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.5 or a student with a disability's due process rights, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.

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 a 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, other school board employee, or district board of education member 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, pursuant to N.J.S.A. 18A:37-2.1.

(b) A 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 7.5.

1. Nothing in this section shall be construed as prohibiting the expulsion of a general education student.

(c) A 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 a student as set forth in (a) above;
 2. Isolate the student and place him or her under the supervision of school staff until the student's parent or an appropriate agency takes custody of the student;
 3. Immediately report to the chief school administrator the removal of the student;
 4. Notify the student's parent of the removal action and the student's due process rights; and
 5. Notify the appropriate law enforcement official of a possible violation of the New Jersey Code of Criminal Justice.
- (e) The district board of education shall provide due process proceedings for all students in accordance with N.J.A.C. 6A:16-7.2, 7.3, 7.4, and 7.5 and for a student with a disability in accordance with N.J.A.C. 6A:14-2.7 and 2.8.
- (f) Each chief school administrator biannually shall submit to the Commissioner a report 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 to all school staff, students and parents the adopted policies and procedures for implementing this section.

6A:16-6.2. Development and implementation of policies and procedures.

- (a) School district policies and procedures developed pursuant to this subchapter shall be:
1. Developed, implemented, and revised, as necessary, in consultation with the county prosecutor and other law enforcement officials as may be designated by the county prosecutor;
 2. Reviewed and approved by the executive county superintendent;
 3. Made available annually to all school staff, students and parents;
 4. Consistent with reporting, notification, and examination procedures of students suspected of being under the influence of alcohol and other drugs pursuant to N.J.A.C. 6A:16-4.3; and
 5. Consistent with N.J.A.C. 6A:16-7, as appropriate.
- (b) School district policies and procedures shall include the following components:
1. Designation by the chief school administrator of liaisons to law enforcement agencies and the description of the liaisons' roles and responsibilities;
 2. Specific procedures for and responsibilities of staff in summoning appropriate law enforcement authorities onto school grounds, for the purpose of conducting law enforcement investigations, searches, seizures, or arrests;
 3. Specific procedures and responsibilities of staff for notifying parents in instances of law enforcement interviews involving their children consistent with the following:
 - i. School officials shall not notify the student's parent(s) in instances of suspected child abuse or neglect;
 - ii. School officials shall notify the student's parent(s) when the student is the target of the law enforcement investigation; and
 - iii. In all other instances, school authorities shall permit law enforcement authorities to determine whether or when a student's parent should be contacted; [...]
 11. Provisions for notifying parents as soon as possible whenever a student is arrested for violating a law prohibiting the possession, sale or other distribution of a controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon.

6A:16-7.1. Code of student conduct.

(a) Each district board of education shall develop, adopt, disseminate, and implement a code of student conduct that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds. [...]

(c) The code of student conduct shall include, at a minimum:

3. A description of students' rights to:

vi. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3, this section, and N.J.A.C. 6A:16-7.2 through 7.8.

6A:16-7.6. 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 12.1, at the public schools of the school district or at day schools in which students are provided with equivalent instruction, pursuant to N.J.S.A. 18A:38-25. The policies and procedures shall include, at a minimum:

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;

(2) Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents;

(3) Identify in consultation with the student's parents needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance; [...]

ii. For between five and nine 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;

(2) Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents.

Data Collection, Review, and Reporting of Discipline Policies and Actions

LAWS

18A:7E-3. Report card information.

Report cards issued pursuant to section 2 [C.18A:7E-2] of this act shall include, but not be limited to, the following information for:

a. the school district and for each school within the district, as appropriate:

(1) results of the elementary assessment programs;

(2) results of the Early Warning Test;

(3) results of the High School Proficiency Test;

(4) daily attendance records for students and professional staff;

- (5) student graduation and dropout rates;
 - (6) annual student scores on the Scholastic Aptitude Test;
 - (7) total student enrollment, percentage of limited English proficient students, percentage of students in advanced placement courses, and any other school characteristics which the commissioner deems appropriate;
 - (8) instructional resources including teacher/student ratio, average class size and amount of instructional time per day, as calculated by formulas specified by the commissioner;
 - (9) a written narrative by the school principal or a designee which describes any special achievements, events, problems or initiatives of the school or district;
 - (10) data identifying the number and nature of all reports of harassment, intimidation, or bullying;
 - (11) indicators of student career readiness;
 - (12) the number and percentage of students who were chronically absent, as defined in rules and regulations promulgated by the Commissioner of Education within 90 days of the effective date of P.L.2018, c.23 (C.18A:38-25.1 et al.), including the number and percentage of students who were chronically absent disaggregated by multiple student subgroups to be determined by the commissioner; and
 - (13) the number and percentage of students who received a disciplinary suspension; and
- b. the school district, as appropriate:
- (1) per pupil expenditures and State aid ratio;
 - (2) percent of budget allocated for salaries and benefits of administrative personnel;
 - (3) percent of budget allocated for salaries and benefits of teachers;
 - (4) percentage increase over the previous year for salaries and benefits of administrative and instructional personnel;
 - (5) the number of administrative personnel and the ratio of administrative personnel to instructional personnel;
 - (6) a profile of the most recent graduating class concerning their educational or employment plans following graduation; and
 - (7) any other information which the commissioner deems appropriate.

18A:17-48. Annual report to Legislature.

The Commissioner of Education shall each year submit a report to the Education Committees of the Senate and General Assembly detailing the extent of violence, vandalism, and harassment, intimidation, or bullying in the public schools and making recommendations to alleviate the problem. The report shall be made available annually to the public no later than October 1, and shall be posted on the department's website.

18A:37-45. Report.

Each school district shall prepare and submit to the commissioner a report on its experience with and the effects of the pilot program. The report shall include, to the greatest extent feasible, quantifiable measures of the program impact including, but not limited to, the number of faculty trainings on restorative justice practices and the use of a trauma-informed approach, discipline rates, absenteeism rates, and academic performance indicators.

18A:37-47. Report to Governor, Legislature.

At the conclusion of the pilot program, the commissioner shall submit a report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature. The report shall contain information on the implementation of the pilot program and shall include the commissioner's recommendation on the feasibility of expanding the program to other school districts in the State. The report shall also include copies of the reports submitted to the commissioner by the pilot school districts pursuant to section 8 [C.18A:37-45] of this act.

REGULATIONS

6A:16-4.2. Review and availability of policies and procedures for the intervention of student alcohol or other drug abuse.

(a) Each district board of education shall establish a process for the annual review of the effectiveness of its policies and procedures regarding student alcohol and other drug abuse. The district board of education may solicit parent, student, and community input, as well as consult in the review process with local alcohol and other drug abuse prevention, intervention and treatment agencies licensed by the New Jersey Department of Human Services.

(b) Each district board of education shall annually disseminate to all school staff, students and parents through its website or other means its adopted policies and procedures for implementing N.J.A.C. 6A:16-4.

6A:16-5.3. Incident reporting of violence, vandalism and alcohol and other drug abuse.

(a) For purposes of reporting information to the Department, pursuant to N.J.S.A. 18A:17-46, any school employee who observes or has direct knowledge from a participant or victim of an act of violence, including harassment, intimidation, and bullying, or the possession or distribution of alcohol or other drugs on school grounds, and any school employee who reports a student for being under the influence of alcohol or other drugs, pursuant to N.J.S.A. 18A:40A-12, shall file with the principal a report describing the incident.

1. The report shall be on a form adopted for such purposes by the district board of education.

i. The form shall include all information necessary for complete, accurate reporting on the Electronic Violence and Vandalism Reporting System (EVVRS) and verification of the incident detail, including an incident description, and offender and victim information.

(b) The district board of education shall not discharge or subject to any manner of discrimination a school employee who files a report pursuant to this section.

(c) The majority representative of the school employees' bargaining units shall have access monthly to the number and disposition of all reported acts of school violence, including harassment, intimidation, and bullying, and vandalism pursuant to N.J.S.A. 18A:17-46.

1. Personally identifying information may be provided to the majority representative of the school employees' bargaining units only in instances when school administrators have reason to believe the safety of a school staff member is at risk.

(d) The chief school administrator shall:

1. Submit to the Commissioner reports of each incident of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses, pursuant to N.J.A.C. 6A:16-4.3, in the school district utilizing the EVVRS.

- i. The reports shall be submitted twice each school year, once for all incidents occurring between September 1 and January 1 and once for all incidents occurring between January 1 and June 30, and shall include, at a minimum, all information pursuant to N.J.S.A. 18A:17-46.
- ii. Prior to submission, the chief school administrator shall verify the accuracy of the reported information.
- iii. The grade regarding the harassment, intimidation, and bullying efforts of each school and each school district shall be posted on the homepage of the school district's website, in accordance with the guidelines promulgated by the Commissioner pursuant to N.J.S.A. 18A:17-46.

2. Provide for annual training of staff to prepare them to fulfill the reporting requirements set forth in this section.

(e) Twice each school year, once between September 1 and January 1 and once between January 1 and June 30, the chief school administrator shall report to the district board of education at a public hearing all acts of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses that occurred during the previous reporting period, according to the provisions of N.J.S.A. 18A:17-46.

(f) Each district board of education shall adopt and implement procedures regarding a school employee who knowingly falsifies reported information on acts of violence or vandalism or any incident included in the annual report on violence and vandalism required under N.J.S.A. 18A:17-46, including the establishment of grievance procedures of section 8 of N.J.S.A. 34:13A-5.3 and 34:13A-29.

(g) Private schools for the disabled and public-college-operated programs for the disabled shall take action regarding a school employee who knowingly falsifies the reporting of violence, including harassment, intimidation, and bullying, 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 (f) above.

(h) Each district board of education shall submit and implement a corrective action plan for high incidences of violence, vandalism, or alcohol or other drug abuse upon notification by the Commissioner.

6A:16-7.1. Code of student conduct.

(a) Each district board of education shall develop, adopt, disseminate, and implement a code of student conduct that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds.

- 1. The code of student conduct may be based on parent, student, and community involvement that represents, where possible, the composition of the school district's schools and community.
- 2. The district board of education shall establish a process for the annual review and update of the code of student conduct.
- 3. The code of student conduct shall be disseminated annually to all school staff, students and parents.
- 4. The district board of education shall provide to all district board of education employees annual training on the code of student conduct, including training on the prevention, intervention, and remediation of student conduct that violates the district board of education's code of student conduct.
 - i. Information on the code of student conduct shall be incorporated into the orientation for new employees.
- 5. The district board of education shall provide for the code of student conduct's equitable application.
- 6. For students with disabilities subject to individualized education programs (IEPs) in accordance with 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities Education 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 applicable plans.

6A:16-7.7. Harassment, intimidation, and bullying.

(e) The district board of education shall:

1. Annually examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the harassment, intimidation, or bullying policies, procedures, programs, and initiatives of the district board of education and implement training programs for school employees and volunteers who have significant contact with students, consistent with N.J.S.A. 18A:37-17.b.

i. The annual examination of training needs shall take into consideration the findings of the annual review and update of the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1(a)2.

ii. Information regarding the district board of education's policy against harassment, intimidation, and bullying shall be incorporated into the school district's employee training program.

(1) The program shall be provided to full- and part-time staff, volunteers who have significant contact with students and persons contracted by the school district to provide services to students;

2. Develop a process for annually discussing with students the school district's harassment, intimidation, and bullying policy;

3. Annually conduct a re-evaluation, reassessment, and review of its harassment, intimidation, and bullying policy, and any report(s) and/or finding(s) of the school safety/school climate team(s). The district board of education also shall make any necessary revision(s) to its policy, consistent with N.J.S.A. 18A:37-15.c.

i. The programs or other responses shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school volunteers, students, and school administrators;

4. Annually establish, implement, document, and assess bullying prevention programs or approaches and other initiatives designed to create schoolwide conditions to prevent or intervene in harassment, intimidation, and bullying in schools of the school district.

i. Programs, approaches, and initiatives shall be planned in consultation with, at a minimum, parents and other community members, school employees, law enforcement, school volunteers, students, and school administrators; and

5. Submit to the executive county superintendent a copy of its approved harassment, intimidation, and bullying policy within 30 days of its adoption or revision.

Partnerships between Schools and Law Enforcement

Referrals to Law Enforcement

LAWS

2A:4A-71.1. Diversionary programs for certain juveniles.

a. Where a complaint against a juvenile pursuant to section 11 of P.L.1982, c.77 (C.2A:4A-30) alleges that the juvenile has committed an eligible offense as defined in subsection c. of this section and the court has approved diversion of the complaint pursuant to section 4 of P.L.1982, c.81 (C.2A:4A-73), the resolution of the complaint shall include the juvenile's participation in a remedial education or counseling program. The parents or guardian of the juvenile shall bear the cost of participation in the program, except that the court shall take into consideration the ability of the juvenile's parents or guardian to pay and the availability of such a program in the area in which the juvenile resides and, where appropriate, may permit the juvenile to participate in a self-guided awareness program in lieu of a remedial education or counseling program provided that it satisfies the requirements of subsection b. of this section.

b. A remedial education or counseling program satisfies the requirements of this act if the program is designed to increase the juvenile's awareness of:

- (1) the legal consequences and penalties for sharing sexually suggestive or explicit materials, including applicable federal and State statutes;
- (2) the non-legal consequences of sharing sexually suggestive or explicit materials including, but not limited to, the effect on relationships, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities;
- (3) the potential, based upon the unique characteristics of cyberspace and the Internet, of long-term and unforeseen consequences for sharing sexually suggestive or explicit materials; and
- (4) the possible connection between bullying and cyber-bullying and juveniles sharing sexually suggestive or explicit materials.

c. As used in this act, "eligible offense" means an offense in which:

- (1) the facts of the case involve the creation, exhibition or distribution of a photograph depicting nudity or portraying a child in a sexually suggestive manner, as defined in N.J.S.2C:24-4, through the use of an electronic communication device, an interactive wireless communications device, or a computer; and
- (2) the creator and subject of the photograph are juveniles or were juveniles at the time of its making.

2C:39-5. Unlawful possession of weapons.

a. Machine guns. Any person who knowingly has in his possession a machine gun or any instrument or device adaptable for use as a machine gun, without being licensed to do so as provided in N.J.S.2C:58-5, is guilty of a crime of the second degree.

b. Handguns.

- (1) Any person who knowingly has in his possession any handgun, including any antique handgun, without first having obtained a permit to carry the same as provided in N.J.S.2C:58-4, is guilty of a crime of the second degree.
- (2) If the handgun is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person it is a crime of the third degree.

c. Rifles and shotguns.

(1) Any person who knowingly has in his possession any rifle or shotgun without having first obtained a firearms purchaser identification card in accordance with the provisions of N.J.S.2C:58-3, is guilty of a crime of the third degree.

(2) Unless otherwise permitted by law, any person who knowingly has in his possession any loaded rifle or shotgun is guilty of a crime of the third degree.

d. Other weapons. Any person who knowingly has in his possession any other weapon under circumstances not manifestly appropriate for such lawful uses as it may have is guilty of a crime of the fourth degree.

e. Firearms or other weapons in educational institutions.

(1) Any person who knowingly has in his possession any firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, is guilty of a crime of the third degree, irrespective of whether he possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.

(2) Any person who knowingly possesses any weapon enumerated in paragraphs (3) and (4) of subsection r. of N.J.S.2C:39-1 or any components which can readily be assembled into a firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 or any other weapon under circumstances not manifestly appropriate for such lawful use as it may have, while in or upon any part of the buildings or grounds of any school, college, university or other educational institution without the written authorization of the governing officer of the institution is guilty of a crime of the fourth degree.

(3) Any person who knowingly has in his possession any imitation firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, or while on any school bus is a disorderly person, irrespective of whether he possesses a valid permit to carry a firearm or a valid firearms purchaser identification card.

f. Assault firearms. Any person who knowingly has in his possession an assault firearm is guilty of a crime of the second degree except if the assault firearm is licensed pursuant to N.J.S.2C:58-5; registered pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12); or rendered inoperable pursuant to section 12 of P.L.1990, c.32 (C.2C:58-13).

g. (1) The temporary possession of a handgun, rifle or shotgun by a person receiving, possessing, carrying or using the handgun, rifle, or shotgun under the provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1) shall not be considered unlawful possession under the provisions of subsection b. or c. of this section.

(2) The temporary possession of a firearm by a person receiving, possessing, carrying or using the firearm under the provisions of section 1 of P.L.1997, c.375 (C.2C:58-3.2) shall not be considered unlawful possession under the provisions of this section.

h. A person who is convicted of a crime under subsection a., b., f. or j. of this section shall be ineligible for participation in any program of intensive supervision; provided, however, that this provision shall not apply to a crime under subsection b. involving only a handgun which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

i. A person convicted of violating subsection a., b. or f. of this section shall be sentenced by the court to a term of imprisonment, which shall include the imposition of a minimum term during which the defendant

shall be ineligible for parole, if the court finds that the aggravating circumstance set forth in paragraph (5) of subsection a. of N.J.S.2C:44-1 applies. The minimum term of parole ineligibility shall be fixed at five years. The sentencing court shall make a finding on the record as to whether the aggravating circumstance set forth in paragraph (5) of subsection a. of N.J.S.2C:44-1 applies, and the court shall presume that there is a substantial likelihood that the defendant is involved in organized criminal activity if there is a substantial likelihood that the defendant is a member of an organization or group that engages in criminal activity. The prosecution at the sentencing hearing shall have the initial burden of producing evidence or information concerning the defendant's membership in such an organization or group.

j. A violation of subsection a., b., c. or f. of this section by a person who has a prior conviction of any of the crimes enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) is a first degree crime.

18A:17-42. Preamble; purpose of article.

The legislature finds that the safety and welfare of the public school students of this state while attending sessions of the public schools is a matter of prime concern to the citizens of this state; that, in several isolated instances throughout this state, unlawful intruders into the public schools have subjected public school students and their teachers to physical and verbal attacks during sessions of the public schools and on the property of said public schools; that such attacks might have been prevented, and similar attacks will be prevented, if public school law enforcement officers are stationed in said schools; and that state aid to local boards is necessary to help such boards bear the cost of employing and stationing public school law enforcement officers.

18A:17-43. Employment of law enforcement officers.

(a) The commissioner may, in accordance with rules and regulations promulgated pursuant to this article and upon a finding of need therefor, authorize any board of education to employ, subject to the provisions of Title 11, Civil Service, of the Revised Statutes, one or more public school law enforcement officers, and to station such public school law enforcement officers in public schools of this state during hours when said public schools are normally in session or are occupied by public school students or their teachers.

(b) No such public school law enforcement officer shall be employed, except upon the application of a board of education and with the approval of the county superintendent.

18A:37-2.3. Responsibility for removal, report.

The principal or his or her designee shall be responsible for the removal of any pupil pursuant to section 1 of P.L.1995, c.128 (C.18A:37-2.2). The principal or his or her designee shall immediately report the removal of any pupil to the district's chief school administrator. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

18A:37-6. Rules and regulations.

The State Board of Education, in consultation and cooperation with the Attorney General, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) rules and regulations regarding law enforcement activities on school grounds and the reporting of suspected offenses and acts of delinquency to law enforcement.

18A:37-9. Responsibility for removal, report.

The principal or his or her designee shall be responsible for the removal of any pupil pursuant to section 2 of P.L.1995, c.127 (C.18A:37-8). The principal or his or her designee shall immediately report the removal of any pupil to the district's chief school administrator. The district's chief school administrator may modify

such removal of a pupil on a case-by-case basis. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

18A:40A-18. Employment of student assistance coordinators in certain school districts.

The Commissioner of Education, in consultation with the Commissioner of Health, shall develop and administer a program which provides for the employment of student assistance coordinators in certain school districts.

- a. Within 90 days of the effective date of this act [C.18A:40A-8 et seq.], the Commissioner of Education shall forward to each local school board a request for a proposal for the employment of a student assistance coordinator. A board which wants to participate in the program shall submit a proposal to the commissioner which outlines the district's plan to provide substance abuse prevention, intervention, and treatment referral services to students through the employment of a student assistance coordinator. Nothing shall preclude a district which employs a student assistance coordinator at the time of the effective date of this act from participating in this program. The commissioner shall select school districts to participate in the program through a competitive grant process. The participating districts shall include urban, suburban, and rural districts from the north, central, and southern geographic regions of the State with at least one school district per county. In addition to all other State aid to which the local district is entitled under the provisions of P.L.2007, c.260 (C.18A:7F-43 et al.) and other pertinent statutes, each board of education participating in the program shall receive from the State, for a three-year period, the amount necessary to pay the salary of its student assistance coordinator.
- b. The position of student assistance coordinator shall be separate and distinct from any other employment position in the district, including, but not limited to district guidance counselors, school social workers, and school psychologists. The State Board of Education shall approve the education and experience criteria necessary for employment as a student assistance coordinator. The criteria shall include a requirement for certification by the State Board of Examiners. In addition to the criteria established by the State board, the Department of Education and the Department of Health shall jointly conduct orientation and training programs for student assistance coordinators, and shall also provide for continuing education programs for coordinators.
- c. It shall be the responsibility of student assistance coordinators to assist local school districts in the effective implementation of this act. Coordinators shall assist with the in service training of school district staff concerning substance abuse issues and the district program to combat substance abuse; serve as an information resource for substance abuse curriculum development and instruction; assist the district in revising and implementing substance abuse policies and procedures; develop and administer intervention services in the district; provide counseling services to pupils regarding substance abuse problems; and, where necessary and appropriate, cooperate with juvenile justice officials in the rendering of substance abuse treatment services.
- d. The Commissioner of Education, in consultation with the Commissioner of Health, shall implement a plan to collect data on the effectiveness of the program in treating problems associated with substance abuse and in reducing the incidence of substance abuse in local school districts. Six months prior to the expiration of the program authorized pursuant to this section, the Commissioner of Education shall submit to the Governor and the Legislature an evaluation of the program and a recommendation on the advisability of its continuation or expansion to all school districts in the State.

18A:41-9. Access to school surveillance equipment by law enforcement authorities.

- a. If at least one school building of a school district is equipped with video surveillance equipment that is capable of streaming live video wirelessly to a remote location, the board of education shall enter into a memorandum of understanding with local law enforcement authorities providing the authorities with the

capacity to activate the equipment and view live streaming video. The memorandum of understanding shall include, but need not be limited to, the following:

- (1) the designation of individuals who shall be authorized to view live streaming video;
- (2) the circumstances under which the designated individuals would view live streaming video; and
- (3) a detailed plan for preventing and detecting unauthorized access to live streaming video.

b. In the case of a school building that is located in a municipality in which there is no municipal police department, the board shall enter into a memorandum of understanding with an entity designated by the Superintendent of the State Police.

c. In the event that the parties to the memorandum of understanding are unable to reach an agreement regarding any provision required to be included pursuant to subsection a. of this section, the county prosecutor shall make the final determination regarding that provision.

d. A board shall enter into the memorandum of understanding no later than 180 days following the effective date of this act.

e. Nothing in this section shall be construed as to require the installation of video surveillance equipment capable of streaming live video wirelessly to a remote site.

18A:58-37.10. Provision of security services.

A board of education of a school district in which a nonpublic school is located shall within the limit of funds appropriated or otherwise made available, adopt policies and procedures to provide the students who are enrolled full-time in the nonpublic school with security services, equipment, or technology to help ensure a safe and secure school environment.

18A:58-37.11. Annual conference.

a. The superintendent of schools of each school district in which a nonpublic school is located shall confer annually with the chief school administrator of each of the nonpublic schools to:

- (1) advise the nonpublic school of the limit of funds available pursuant to this act [C.18A:58-37.8 et seq.];
- (2) agree upon the security services, equipment, or technology to be provided to the students of the nonpublic school, within the limit of the funds that are available; and
- (3) agree on the date when the board of education will meet to approve how the security services, equipment, or technology will be provided to the students of the nonpublic school.

b. In the event that the superintendent of schools and the chief school administrator of the nonpublic school are unable to agree regarding the security services, equipment, or technology to be provided for a safe and secure school environment, the executive county superintendent shall be consulted to determine the security services, equipment, or technology to be provided. The decision of the executive county superintendent shall be final.

18A:58-37.14. Rules pursuant to the "Administrative Procedure Act".

The State Board of Education shall promulgate rules pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of this act [C.18A:58-37.8 et seq.] in a manner that comports with the provisions of the State and federal Constitutions, including a list of allowable expenditures for security services, equipment, or technology to ensure a safe and secure school environment for nonpublic school students.

40A:14-146.8. Short title.

This act shall be known and may be cited as the "Special Law Enforcement Officers' Act."

40A:14-146.9. Definitions.

As used in this act [C.40A:14-146.8 et seq.]:

- a. "Commission" means the Police Training Commission established in the Department of Law and Public Safety pursuant to section 5 of P.L.1961, c.56 (C.52:17B-70);
- b. "Emergency" means any sudden, unexpected or unforeseeable event requiring the immediate use or deployment of law enforcement personnel as shall be determined by the chief of police, or in the absence of the chief, other chief law enforcement officer or the mayor or the mayor's designee or, in the case of a county, the county executive or freeholder director or designee, as appropriate, to whom the authority of designating an "emergency" has been prescribed by local ordinance or resolution, as appropriate. Vacancies, shortages in police personnel caused by vacancies unfilled by the appointing authority for more than 60 days, or any other condition which could reasonably have been anticipated or foreseen shall not constitute an "emergency" for the purposes of this act; but an "emergency" may continue for the purposes of this act when a vacancy remains unfilled for more than 60 days and when, on application of the appointing authority, the county prosecutor grants an extension for one or more additional 60-day periods upon a showing by the appointing authority of a diligent, good faith effort to fill the vacancy;
- c. "Local unit" means any municipality or county having established a regular police force pursuant to law;
- d. "Population" means the population of the resort municipality shown in the last federal decennial census;
- e. "Public entity" means the State and any county, municipality, district, public authority, public agency and any other political subdivision or public body in the State;
- f. "Resort municipality" means a municipality which, because of its recreational or entertainment characteristics or facilities or its close proximity to such characteristics or facilities, experiences a substantial increase during the seasonal period in the number of persons visiting or temporarily residing there;
- g. "Seasonal period" means any one period of four consecutive months during the calendar year, except with regard to a resort municipality bordering on the Atlantic ocean, in which case, "seasonal period" means one period of six consecutive months during the calendar year;
- h. "Special law enforcement officer" means any person appointed pursuant to this act to temporarily or intermittently perform duties similar to those performed regularly by members of a police force of a local unit, or to provide assistance to a police force during unusual or emergency circumstances, or at individual times or during regular seasonal periods in resort municipalities; and
- i. "County college" means an educational institution established or to be established by one or more counties, offering programs of instruction, extending not more than two years beyond the high school, which may include but need not be limited to specialized or comprehensive curriculums, including college credit transfer courses, terminal courses in the liberal arts and sciences, and technical institute type programs; the term shall include a county vocational school.

40A:14-146.11. Training; classifications.

a. A person shall not commence the duties of a special law enforcement officer unless the person has successfully completed a training course approved by the commission and a special law enforcement officer shall not be issued a firearm unless the officer has successfully completed the basic firearms course approved by the commission for permanent, regularly appointed police and annual requalification examinations as required by subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14). There shall be three classifications for special police officers. The commission shall prescribe by rule or regulation the

training standards to be established for each classification. Training may be in a commission approved academy or in any other training program which the commission may determine appropriate. The classifications shall be based upon the duties to be performed by the special law enforcement officer as follows:

(1) Class One. Officers of this class shall be authorized to perform routine traffic detail, spectator control, and similar duties. If authorized by ordinance or resolution, as appropriate, Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances, and violations of Title 39 of the Revised Statutes. The use of a firearm by an officer of this class shall be strictly prohibited and a Class One officer shall not be assigned any duties which may require the carrying or use of a firearm.

(2) Class Two. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the commission.

(3) Class Three. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing security at a public or nonpublic school or a county college on the school or college premises during hours when the public or nonpublic school or county college is normally in session or when it is occupied by public or nonpublic school or county college students or their teachers or professors. While on duty in the jurisdiction of employment, an officer may respond to offenses or emergencies off school or college grounds if they occur in the officer's presence while traveling to a school facility or county college, but an officer shall not otherwise be dispatched or dedicated to any assignment off school or college property.

The use of a firearm by an officer of this class shall be authorized pursuant to the provisions of subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14). An officer of this class shall not be authorized to carry a firearm while off duty unless the officer complies with the requirements set forth in subsection l. of N.J.S.2C:39-6 authorizing a retired law enforcement officer to carry a handgun.

b. The commission may, in its discretion, except from the requirements of this section any person who demonstrates to the commission's satisfaction that the person has successfully completed a police training course conducted by any federal, state or other public or private agency, the requirements of which are substantially equivalent to the requirements of this act.

c. The commission shall certify officers who have satisfactorily completed training programs and issue appropriate certificates to those officers. The certificate shall clearly state the category of certification for which the officer has been certified by the commission.

d. All special law enforcement officers appointed and in service on the effective date of this act may continue in service if within 24 months of the effective date of this act they will have completed all training and certification requirements of this act.

40A:14-146.12. Uniforms.

Every special law enforcement officer prior to the commencement of his duties shall be furnished with a uniform which shall identify the officer's function. The uniform shall include, but not be limited to, a hat and appropriate badges which shall bear an identification number or name tag and the name of the local unit in which the officer is employed. The uniform shall also include an insignia issued by the commission which clearly indicates the officer's status as a special law enforcement officer and the type of certification issued pursuant to section 4 of this act. Within six months following the effective date of this act the commission shall issue the insignia. All special law enforcement officers prior to the commencement of duties shall be in uniform properly displaying the appropriate insignia. Nothing in this section shall preclude the designation on an insignia to read either "special police" or "special law enforcement officer."

40A:14-146.13. Fees.

a. Except as specified in subsection b. of this section, a local unit may charge a reasonable fee as may be fixed by the governing body for equipment and uniforms supplied pursuant to this act, but may not charge a fee for the costs of training or issuing a certificate of appointment. The local unit shall not be required to compensate a special law enforcement officer for time spent in training;

b. In addition to charging a reasonable fee as fixed by the governing body for equipment and uniforms supplied pursuant to this act, a local unit with a population in excess of 300,000, according to the 1980 federal decennial census, may charge a fee for the costs of training and for the administrative costs of issuing a certificate of appointment for a special law enforcement officer whose duties consist solely of performing public safety functions for a private employer.

40A:14-146.14. Special law enforcement officers, appointment, terms, regulations.

a. Special law enforcement officers may be appointed for terms not to exceed one year, and the appointments may be revoked by the local unit for cause after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require reappointment upon the expiration of the term. The special law enforcement officers so appointed shall not be members of the police force of the local unit, and their powers and duties as determined pursuant to this act shall cease at the expiration of the term for which they were appointed.

b. A special law enforcement officer shall not carry a firearm except while engaged in the actual performance of the officer's official duties and when specifically authorized by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit to carry a firearm and provided that the officer has satisfactorily completed the basic firearms course required by the commission for regular police officers and annual requalification examinations as required for permanent, regularly appointed full-time officers in the local unit.

A special law enforcement officer shall be deemed to be on duty only while the officer is performing the public safety functions on behalf of the local unit pursuant to this act and when the officer is receiving compensation, if any, from the local unit at the rates or stipends as shall be established by ordinance. A special law enforcement officer shall not be deemed to be on duty for purposes of this act while performing private security duties for private employers, which duties are not assigned by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit, or while receiving compensation for those duties from a private employer. A special law enforcement officer may, however, be assigned by the chief of police or, in the absence of the chief, other chief law enforcement officer, to perform public safety functions for a private entity if the chief of police or other chief law enforcement officer supervises the performance of the public safety functions. If the chief of police or other chief law enforcement officer assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the local unit is reimbursed for the cost of assigning a special law enforcement officer at a private entity, the special law enforcement officer shall be deemed to be on duty. The reimbursement for the duties of a special law enforcement officer, which is made to a municipality with a population in excess of 300,000, according to the 1980 federal decennial census, may be by direct payments from the employer to the special law enforcement officer, provided that records of the hours worked are forwarded to and maintained by the chief of police or other chief law enforcement officer responsible for assigning the special law enforcement officer those public safety duties.

Any firearm utilized by a special law enforcement officer shall be returned at the end of the officer's workday to the officer in charge of the station house, unless the firearm is owned by the special law enforcement officer and was acquired in compliance with a condition of employment established by the local unit. Any special law enforcement officer first appointed after the effective date of this act shall only

use a firearm supplied by the local unit. A special law enforcement officer shall not carry a revolver or other similar weapon when off duty; but if any special law enforcement officer appointed by the governing body of any municipality having a population in excess of 300,000, according to the 1980 federal census, who is a resident of the municipality and is employed as a special law enforcement officer at least 35 hours per week, or less at the discretion of the chief of police and mayor, shall, at the direction of the chief of police, have taken and successfully completed a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and has successfully completed within three years of the effective date of P.L.1985, c.45 or three years of the date of appointment of the special law enforcement officer, whichever is later, 280 hours of training in arrest, search and seizure, criminal law, and the use of deadly force, and shall annually qualify in the use of a revolver or similar weapon, the special law enforcement officer shall be permitted to carry a revolver or other similar weapon when off duty within the municipality where the officer is employed. Specific authorization shall be in the form of a permit which shall not be unreasonably withheld, which is subject to renewal annually and may be revoked at any time by the chief of police. The permit shall be on the person of the special law enforcement officer whenever a revolver or other similar weapon is carried off duty. A permit shall not be issued until the special law enforcement officer has successfully completed all training courses required under this section. Any training courses completed by a special law enforcement officer under the direction of the chief of police in a school and a curriculum approved by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), shall be credited towards the 280 hours of training required to be completed by this section. Any training required by this section shall commence within 90 days of the effective date of P.L.1985, c.45 or within 90 days of the date of the appointment of the special law enforcement officer, whichever is later.

c. A special law enforcement officer shall be under the supervision and direction of the chief of police or, in the absence of the chief, other chief law enforcement officer of the local unit wherein the officer is appointed, and shall perform the officer's duties only in the local unit except when in fresh pursuit of any person pursuant to chapter 156 of Title 2A of the New Jersey Statutes or when authorized to perform duties in another unit pursuant to a mutual aid agreement enacted in accordance with section 1 of P.L.1976, c.45 (C.40A:14-156.1).

d. The officer shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the local unit, as well as any rules and regulations applicable to the conduct and decorum of special law enforcement officers.

e. Notwithstanding any provision of P.L.1985, c.439 (C.40A:14-146.8 et seq.) to the contrary, a special law enforcement officer may travel through another local unit to reach a noncontiguous area of the local unit in which the officer's appointment was issued or to transport persons to and from a correctional facility.

40A:14-146.15. Powers.

The chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit wherein the officer is appointed, may authorize special law enforcement officers when on duty to exercise the same powers and authority as permanent, regularly appointed police officers of the local unit, including, but not limited to, the carrying of firearms and the power of arrest, subject to rules and regulations, not inconsistent with the certification requirements of this act, as may be established by local ordinance or resolution, as appropriate, adopted by the appropriate authority of the local unit in which they are employed.

40A:14-146.16. Limitation on hours.

a. Except as provided in subsection c. of this section, a special law enforcement officer shall not be employed for more than 20 hours per week by the local unit except that special law enforcement officers

may be employed by the local unit for those hours as the governing body may determine necessary in accordance with the limits prescribed below:

- (1) In resort municipalities not to exceed 48 hours per week during any seasonal period.
- (2) In all municipalities or counties without limitation as to hours during periods of emergency.
- (3) In all municipalities or counties in addition to not more than 20 hours per week including duties assigned pursuant to the provisions of section 7 of P.L.1985, c.439 (C.40A:14-146.14) a special law enforcement officer may be assigned for not more than 20 hours per week to provide public safety and law enforcement services to a public entity.
- (4) In municipalities or counties, as provided in subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14), for hours to be determined at the discretion of the director of the municipal or county police force.
- (5) A Class Three special law enforcement officer in all municipalities without limitation.

b. Notwithstanding any provision of P.L.1985, c.439 (C.40A:14-146.8 et seq.) to the contrary, special law enforcement officers may be employed only to assist the local law enforcement unit but may not be employed to replace or substitute for full-time, regular police officers or in any way diminish the number of full-time officers employed by the local unit or a school or county college. A Class Three special law enforcement officer may be employed only to assist the local law enforcement unit with security duties and shall not supplant a law enforcement officer employed pursuant to the provisions of N.J.S.18A:17-43 or a safe schools resource officer employed pursuant to the provisions of section 3 of P.L.2005, c.276 (C.18A:17-43.1). A Class Three special law enforcement officer shall not be assigned to an extra-curricular or after-school function at a school or county college unless the assignment has first been made available to full-time members employed by the local unit or school or county college.

c. Each municipality or county may designate one special law enforcement officer to whom the limitations on hours employed set forth in subsection a. of this section shall not be applicable.

d. A Class Three special law enforcement officer appointed pursuant to the provisions of P.L.1985, c.439 (C.40A:14-146.8 et seq.) shall not, based on this appointment, be eligible for health care benefits or enrollment in any State-administered retirement system.

40A:14-146.17. Limitations on number, categories.

The local governing body shall by ordinance or resolution, as appropriate, establish limitations upon the number and categories of special law enforcement officers which may be employed by the local unit in accordance with the certification and other requirements provided for in this act. In communities other than resort municipalities, the number of Class Two special law enforcement officers shall not exceed 25% of the total number of regular police officers, except that no municipality shall be required to reduce the number of Class Two special law enforcement officers or the equivalent thereof in the employ of the municipality as of March 1, 1985. Notwithstanding the provisions of this section, each local unit may appoint two Class Two special law enforcement officers.

52:17B-71.8. Training course for safe schools resource officers, liaisons to law enforcement.

a. The Police Training Commission in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the Attorney General, shall develop a training course for safe schools resource officers and public school employees assigned by a board of education to serve as a school liaison to law enforcement. The Attorney General, in conjunction with the Police Training Commission, shall ensure that the training course is developed within 180 days of the effective date of this act. The course shall at a minimum provide comprehensive and consistent training in current school resource officer practices and concepts. The course shall include training in the protection of students from

harassment, intimidation, and bullying, including incidents which occur through electronic communication. The course shall be made available to:

(1) any law enforcement officer or public school employee referred by the board of education of the public school to which assignment as a safe schools resource officer or school liaison to law enforcement is sought; and

(2) any safe schools resource officer or school liaison to law enforcement assigned to a public school prior to the effective date of P.L.2005, c.276 (C.52:17B-71.8 et al.).

b. The training course developed by the commission pursuant to subsection a. of this section shall be offered at each school approved by the commission to provide police training courses pursuant to the provisions of P.L.1961, c.56 (C.52:17B-66 et seq.). The commission shall ensure that an individual assigned to instruct the course is proficient and experienced in current school resource officer practices and concepts.

c. The commission shall award a certificate to each individual who successfully completes the course.

d. The Police Training Commission, in consultation with the Commissioner of Education, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions of this section.

REGULATIONS

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 enforcement of the code of student conduct, pursuant to N.J.A.C. 6A:16-7, for 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 or who possess or distribute the following substances on school grounds pursuant to 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 that 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 that 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 assessment, intervention, referral for evaluation, and referral for treatment of alcohol or other drug-affected students, district boards of education shall consult with a local organization licensed by the New Jersey Department of Human Services, and may consult with 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, as appropriate, pursuant to N.J.S.A. 18A:40A-11.

(c) Each district board of education's policies for students using, possessing, or distributing 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;

2. Specific procedures, sanctions and due process provisions, consistent with N.J.A.C. 6A:16-4.4 and 7, as appropriate, for violations of the alcohol and other drug policy requiring action by the district board of education to apply the code of student conduct pursuant to N.J.A.C. 6A:16-7, including consequences for not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors;
3. Appropriate steps for ameliorating student problems related to alcohol and other drug use;
4. Appropriate steps for providing support for student transitions to and from health and social service agencies;
5. Specific procedures to govern instances where emergency room services are required in treating alcohol- or other drug-affected students;
6. Assessment or evaluation services for students who are affected by alcohol or other drug use. The services shall include one or more of the following:
 - i. Assessments by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse;
 - ii. Examinations by a physician for the purpose of determining whether alcohol or other drug use interferes with students' physical and mental abilities to perform in school or students are under the influence of alcohol or other drugs;
 - iii. Referrals for evaluation to community agencies, as defined in (b) above, out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or private practitioners certified by the appropriate alcohol or other drug licensing board; or
 - iv. Evaluations by the child study team to determine students' eligibility for special education and related services, pursuant to N.J.A.C. 6A:14-3.5 and 3.6;
7. The provision of intervention, referral for evaluation, and referral for treatment services for students who are affected by alcohol or other drug use.
 - i. The intervention, referral for evaluation, and referral for treatment services shall be provided by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse intervention, assessment, referral for evaluation, and referral for treatment skills.
 - ii. The intervention, referral for evaluation, and referral for treatment services shall include one or more of the following:
 - (1) Provisions for a program of instruction, counseling, and related services provided by the district board of education while a student receives medical treatment for a diagnosed alcohol or other drug dependency problem;
 - (2) Referral to a community agency, as defined in (b) above, out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or private practitioners authorized by the appropriate drug and alcohol licensing board;
 - (3) Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; or

(4) A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems;

8. Provisions for assisting parents who believe their child might be involved with alcohol or other drug use, in accordance with N.J.S.A. 18A:40A-17(b);

9. Provisions, pursuant to N.J.A.C. 6A:16-4.3(a)3i and (b)3i and 6.3(a)4, for when to contact law enforcement officials to disclose the identities of students reasonably believed to be in possession of a controlled dangerous substance, including anabolic steroids, or related paraphernalia or involved or implicated in distribution activities regarding controlled dangerous substances, including anabolic steroids.

i. Pursuant to N.J.A.C. 6A:16-4.3(a)3 and (b)3 and 6.3(a)4, the chief school administrator or designee may disclose to law enforcement authorities the identities of students suspected of being under the influence of alcohol or other drugs; and

10. Provisions for reporting to and cooperating with law enforcement authorities, pursuant to N.J.A.C. 6A:16-6, for the unlawful possession, distribution, and disposition of substances, as set forth in this section and N.J.A.C. 6A:16-6.1(a)1.

6A:16-4.3. Reporting, notification, and examination procedures for students suspected of being under the influence of alcohol or other drugs.

(a) In instances involving alcoholic beverages, controlled dangerous substances other than anabolic steroids, or any other chemical or chemical compound as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a), the following shall apply:

1. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs on school grounds shall report the matter as soon as possible to the principal or, in his or her absence, to his or her designee and either the certified school nurse, noncertified nurse, school physician, or student assistance coordinator, pursuant to N.J.S.A. 18A:40A-12.

i. In instances where the principal and either the certified school nurse, non-certified nurse, school physician, or student assistance coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified.

2. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the principal or his or her designee shall:

i. Immediately notify the parent and the chief school administrator or his or her designee; and

ii. Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids.

3. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs, pursuant to (a)1 above.

i. The chief school administrator shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

4. The medical examination, pursuant to (a)2ii above, shall be performed by a physician licensed to practice medicine or osteopathy who is selected by the parent.

i. The school district, in cooperation with medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical examination.

- ii. The examination shall be at the expense of the parent and not the district board of education.
5. If the physician chosen by the parent is not immediately available, the medical examination shall be conducted by the school physician.
 - i. If the school physician is not available, the student shall be accompanied by a member of the school staff designated by the principal to the emergency room of the nearest hospital for examination.
 - ii. The student's parent, if available, also shall accompany the student.
 - iii. When the medical examination is conducted by the school physician or a physician at the emergency room of the nearest hospital, the examination shall be at the expense of the district board of education.
6. Each district board of education shall have a plan in place for the appropriate supervision of the student:
 - i. While waiting for a parent to take the student to the physician selected by the parent, or while the student is waiting for and receiving the medical examination by the school physician or a physician in an emergency room; and
 - ii. Provisions shall be made for the appropriate care of the student while awaiting the results of the medical examination.
7. A written report of the medical examination shall be furnished to the student's parent, the principal, and the chief school administrator by the examining physician within 24 hours of the referral of the student for suspected alcohol or other drug use.
 - i. The school district, in cooperation with the school physician or medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical report.
 - ii. The report's findings shall verify whether the student's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.
8. When the medical examination is performed by a physician other than the school physician or a physician at the emergency room of the nearest hospital, the school district shall require the parent to verify within 24 hours of the notification that the student is suspected of alcohol or other drug use that a medical examination was performed in compliance with (a)7i above.
 - i. The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the report required in (a)7 above will be provided.
 - ii. Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation and handled in accordance with (d) below.
9. If the written report of the medical examination is not submitted to the parent, principal, and chief school administrator within 24 hours of the referral of the student for suspected alcohol or other drug use, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the code of student conduct.
10. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student shall be immediately returned to school.
11. If there is a positive determination from the medical examination indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:
 - i. The student shall be returned as soon as possible to the care of a parent;
 - ii. Attendance at school shall not resume until a written report has been submitted to the parent, the principal and chief school administrator from a physician licensed to practice medicine or osteopathy

who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school;

(1) The report shall verify that the student's alcohol or other drug use no longer interferes with his or her physical and mental ability to perform in school; and

iii. Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14.

12. While the student is at home because of the medical examination or after the student returns to school, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall:

i. Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse, for the purpose of making a preliminary determination of the student's need for educational programs, supportive services, or treatment that extend beyond the general school program by virtue of the student's use of alcohol or other drugs.

(1) The findings of the assessment alone shall not be used to prevent a student from attending school; and

ii. Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral and continuity of care for alcohol or other drug abuse treatment.

13. While the student is at home because of the medical examination or after his or her return to school, the principal or chief school administrator may recommend or require alcohol and other drug assessment of the student or evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.

i. The findings of additional evaluations alone shall not be used to prevent a student from attending school.

14. If at any time it is determined that the student's use of alcohol or other drugs presents a danger to the student's health and well-being, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for alcohol or other drug abuse treatment.

15. The district board of education may provide additional intervention and referral services for the student according to N.J.S.A. 18A:40A-10 and N.J.A.C. 6A:16-8.

(b) In instances involving the suspected use of anabolic steroids, the following shall apply according to N.J.S.A. 18A:40A-12(b):

1. Whenever a teaching staff member, certified or non-certified school nurse, or other educational personnel has reason to believe that a student has used or may be using anabolic steroids, the person shall report the matter as soon as possible to the principal or, in his or her absence, to his or her designee and either the certified or non-certified school nurse, school physician, or student assistance coordinator.

2. In response to a report of suspected anabolic steroid use pursuant to (b)1 above, including instances when a report is made to law enforcement, the principal or his or her designee shall immediately notify

the parent and the chief school administrator and shall arrange for an examination of the student by a physician licensed to practice medicine or osteopathy selected by the parent.

i. If the physician chosen by the parent is not available to perform the examination, it shall be conducted by the school physician or other physician identified by the principal.

ii. The student shall be examined as soon as possible for the purpose of determining whether he or she has been using anabolic steroids.

3. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to have used or to be using anabolic steroids, pursuant to (b)1 above.

i. The chief school administrator shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of anabolic steroids or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.

4. The examining physician shall provide to the parent, principal, and chief school administrator a written report of the examination.

5. If it is determined the student has used anabolic steroids, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall interview the student and others, as necessary, for the purpose of determining the extent of the student's involvement with and use of anabolic steroids and the possible need for referral for treatment.

i. To make this determination, school staff members identified in (b)5 above may conduct a reasonable investigation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse.

6. If results of a referral for evaluation positively determine the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community agencies, as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or to private practitioners certified by the appropriate drug and alcohol licensing board.

(c) Any educational or non-educational district board of education employee who in good faith reports to the principal or his or her designee a student in compliance with the provisions of this subsection shall not be liable in civil damages as a result of making a report, as specified in N.J.S.A. 18A:40A-13 and 14.

(d) Refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40A-12 and this section shall be treated as a policy violation of the Compulsory Education Act, pursuant to N.J.S.A. 18A:38-25 and 31, and child neglect laws, pursuant to N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11.

6A:16-4.4. Voluntary policy for random testing of student alcohol or other drug use.

(a) Each district board of education that chooses to adopt policies and procedures for the random testing of students, pursuant to N.J.S.A. 18A:40A-22 et seq., for the use of controlled dangerous substances, including anabolic steroids, as defined in N.J.S.A. 2C:35-2 and 24:21-2, or alcoholic beverages, as defined in N.J.S.A. 33:1-1, shall:

1. Hold a public hearing prior to the adoption of the alcohol or other drug testing policies and procedures.
 - i. The notice of the public hearing shall specifically identify the proposed alcohol or other drug testing policies and procedures as an agenda item; and
 - ii. Copies of the proposed alcohol or other drug testing policies and procedures shall be made available upon request prior to the public hearing;
 2. Apply the alcohol or other drug testing policies and procedures only to students in grades nine through 12 who participate in extra-curricular activities, including interscholastic athletics, or who possess parking permits;
 3. Be responsible for all costs of the alcohol or other drug testing, including any costs associated with the transportation of students;
 4. Ensure that the voluntary alcohol or other drug testing conducted pursuant to this section is separate and distinct from any other alcohol or other drug testing that might be administered by the district board of education, including the required medical examination of students currently suspected of being under the influence of alcohol or other drugs, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3;
 5. Ensure that the policies and procedures for the alcohol or other drug testing program, pursuant to (b) below, are included in and are consistent with the policies and procedures for the intervention of student alcohol or other drug abuse, pursuant to N.J.S.A. 18A:40A-10 and 11 and N.J.A.C. 6A:16-4.1; and
 6. Provide written notice to all ninth-through-12th-grade students and their parents at the beginning of each school year that the active written consent of students and parents for random student alcohol or other drug testing is required for students to participate in extracurricular activities, including interscholastic athletics, or to possess a school parking permit.
- (b) Each district board of education's written alcohol or other drug testing policies and procedures, pursuant to this section, shall include, but need not be limited to, the following components:
1. A statement that the purposes of the alcohol and other drug testing policies are to deter alcohol and other drug use and to provide a means for the early detection of students with alcohol or other drug problems so referral for evaluation or referral for treatment, pursuant to (b)10 below and N.J.A.C. 6A:16-1.3 and 4.1, or other appropriate assistance may be offered;
 2. A description of the procedures for randomly selecting students for alcohol or other drug testing, which shall include, at a minimum:
 - i. The manner in which students shall be randomly selected for alcohol or other drug testing;
 - ii. An explanation of the sampling statistical principles supporting the random selection process; and
 - iii. An explanation of how implementation of the random selection process shall be documented and verified;
 3. A description of the procedures for the acquisition and management of student's alcohol or other drug test specimens, which shall address the following, at a minimum and as appropriate to the method selected under (c) below:
 - i. Student monitoring;
 - ii. Student transportation;
 - iii. The acquisition and handling of students' specimens;
 - iv. The chain of custody of students' specimens;
 - v. The testing and analysis of students' specimens; and
 - vi. The storage of students' specimens;
 4. The standards for ensuring confidentiality and scope of authorized disclosure of alcohol or other drug testing information that protect, at a minimum:

- i. The identities of students who have been selected to be tested or who have been tested;
 - ii. The results of alcohol or other drug tests;
 - iii. The billing and management reports associated with alcohol or other drug tests; and
 - iv. Information, prior to the time of an alcohol or other drug test, that a test is to take place;
5. A description of the consequences for violating confidentiality and disclosure standards, pursuant to (b)4 above;
6. The parent providing consent to alcohol or other drug testing, pursuant to (a)6 above, shall be notified each time his or her child has been tested under the alcohol or other drug testing policy, pursuant to this section.
- i. The school district shall establish procedures ensuring confidentiality of the notification;
7. The procedures for reporting results of alcohol or other drug tests, including written notification to students and their parents concerning test findings, that are consistent with (b)4 above.
- i. Law enforcement authorities shall not be notified of test results;
8. The specific actions pursuant to N.J.A.C. 6A:16-7.1, as appropriate, N.J.A.C. 6A:16-4.1, and this section to be taken against students who test positive for alcohol or other drug use.
- i. Actions to be taken against students who test positive for alcohol or other drug use shall be limited to:
 - (1) Removal from or prohibition against participation in extracurricular activities, including interscholastic athletics; or
 - (2) Disapproval or revocation of student parking permits.
 - ii. Prior to actions being taken pursuant to (b)8i(1) or (2) above, all positive alcohol or other drug test results shall be confirmed by the laboratory using a methodology recommended by the laboratory instrument's manufacturer;
9. The procedures for students or their parents to challenge a positive result from the alcohol or other drug tests;
10. The guidelines for referral for evaluation or referral for treatment, pursuant to N.J.A.C. 6A:16-1.3 and 4.1 and this section, or the provision of other appropriate assistance for students who test positive for alcohol or other drug use; and
11. The specific actions, pursuant to N.J.A.C. 6A:16-7.1, to be taken against students who refuse to consent to alcohol or other drug testing.
- i. Actions to be taken against students who refuse to consent to alcohol or other drug testing shall be limited to:
 - (1) Removal from or prohibition against participation in extracurricular activities, including interscholastic athletics: or
 - (2) Disapproval or revocation of student parking permits.
- (c) Each district board of education shall provide for the collection and testing of alcohol or other drug specimens by implementing one of the following methods, in accordance with N.J.S.A. 45:9-42.26 et seq. and N.J.A.C. 8:44 and 8:45:
- 1. Transporting randomly selected students, pursuant to (b)2 and 3ii above, to a State-licensed clinical laboratory to perform specimen collection and alcohol or other drug testing;
 - 2. Choosing a State-licensed clinical laboratory to operate an onsite licensed collection station and to transport the specimens to the offsite licensed laboratory for alcohol or other drug testing;

3. Choosing to obtain a State license to operate the school district's own collection station for the collection of specimens, pursuant to (a)3 above, as appropriate, and (b)3 and 4 above, and contract with a licensed clinical laboratory for transportation and alcohol or other drug testing of the specimens;
4. Choosing to obtain a State license to operate a clinical laboratory for onsite collection and alcohol or other drug testing of specimens; or
5. Choosing to contract with a State-licensed clinical laboratory to provide for both the onsite collection and alcohol or other drug testing of specimens.

(d) The district board of education shall limit the collection of specimens for alcohol or other drug testing in a State-licensed collection station or clinical laboratory, in accordance with N.J.S.A. 45:9-42.26 et seq., N.J.A.C. 8:44 and 8:45, and (c)1 above to the following persons:

1. A school physician;
2. A physician, other than the school physician, licensed to practice medicine or osteopathy other than the school physician;
3. A certified school nurse or noncertified nurse, pursuant to N.J.A.C. 6A:9B-12.3 and 12.4; or
4. The staff of a State-licensed clinical laboratory or health care facility, in accordance with (c) above, as designated by the district board of education.

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, pursuant to the Zero Tolerance for Guns Act, N.J.S.A. 18A:37-7 through 12. The policies and procedures shall apply to a student who is:

1. Convicted or adjudicated delinquent for possession of a firearm on school grounds;
2. Convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds; and
3. Found knowingly in possession of a firearm on school grounds.

(b) Each district board of education shall immediately remove from the school's general education program for a period of not less than one calendar year a student other than a student with a disability, as set forth in (a) above.

1. The chief school administrator may modify on a case-by-case basis the removal of a general education student.
 - i. The chief school administrator shall develop and maintain a written record of case-by-case modifications of the removal requirement in this subsection, which shall be made available to the Commissioner upon request.
2. Nothing in this section shall be construed to prohibit the expulsion of a general education student.

(c) Each district board of education shall immediately remove students with disabilities for offenses involving firearms in accordance with N.J.A.C. 6A:14 and applicable Federal regulations incorporated therein.

(d) The principal or his or her designee shall:

1. Remove a student as set forth in (a) through (c) above;
2. Isolate the student and place him or her under the supervision of school staff until the student's parent or a law enforcement official takes custody of the student;
3. Immediately report to the chief school administrator the removal of the student;

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. A general education student's due process rights, as set forth in N.J.A.C. 6A:16-7.2 through 7.6, or the due process rights of a student with a disability, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.
- (e) A 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) 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) A 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:16-7.3 through 7.5.
- (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 he or she 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 will 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's removal decision;
 3. The results of 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 shall 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, as long as the district board of education adopts appropriate safeguards to ensure student safety.
1. All students shall 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 authorization to a 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 biannually shall submit to the Commissioner a report on each incident under this section utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(d)1.
- (l) Each district board of education shall annually disseminate to all school staff, students, and parents the adopted policies and procedures for implementing this section.

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 a 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, 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, other school board employee, district board of education member, or another student on school grounds, pursuant to N.J.S.A. 18A:37-2.2 through 2.5.

(b) A 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 on a case-by-case basis the removal of a general education student.

2. Nothing in this section shall be construed to prohibit the expulsion of a general education student.

(c) Each district board of education shall immediately remove students with disabilities for assaults with weapons offenses in accordance with N.J.A.C. 6A:14 and applicable Federal regulations incorporated therein.

(d) The principal or his or her designee shall:

1. Remove a student as set forth in (a) through (c) above;

2. Isolate the student and place him or her under the supervision of school staff until the student's parent or a law enforcement official takes custody of the student;

3. Immediately report to the chief school administrator the removal of the student;

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. A general education student's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.5 or a student with a disability's due process rights, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.

(e) A 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) A student removed pursuant to (b) above shall be entitled to an informal hearing, pursuant to N.J.A.C. 6A:16-7.2 and 7.3, and a hearing before the district board of education pursuant to N.J.A.C. 6A:16-7.3.

(h) If it is found that the removed student did not commit the offense(s), the student shall be immediately returned to the program from which he or she 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 will 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's removal decision;
3. The results of 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 student who has obtained the chief school administrator's written authorization to lawfully possess a firearm or other weapon while participating in a school-sponsored function.

1. The chief school administrator shall not provide authorization to a 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 biannually shall submit to the Commissioner a report 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 annually shall disseminate to all school staff, students, and parents its adopted policies and procedures for implementing this section.

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 a 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, other school board employee, or district board of education member 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, pursuant to N.J.S.A. 18A:37-2.1.

(b) A 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 7.5.

1. Nothing in this section shall be construed as prohibiting the expulsion of a general education student.

(c) A 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 a student as set forth in (a) above;
2. Isolate the student and place him or her under the supervision of school staff until the student's parent or an appropriate agency takes custody of the student;
3. Immediately report to the chief school administrator the removal of the student;
4. Notify the student's parent of the removal action and the student's due process rights; and
5. Notify the appropriate law enforcement official of a possible violation of the New Jersey Code of Criminal Justice.

(e) The district board of education shall provide due process proceedings for all students in accordance with N.J.A.C. 6A:16-7.2, 7.3, 7.4, and 7.5 and for a student with a disability in accordance with N.J.A.C. 6A:14-2.7 and 2.8.

(f) Each chief school administrator biannually shall submit to the Commissioner a report 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 to all school staff, students and parents the adopted policies and procedures for implementing this section.

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:
 - i. Controlled dangerous substances, including anabolic steroids, as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2;
 - ii. Drug paraphernalia as defined in N.J.S.A. 2C:36-1;
 - iii. Alcoholic beverages;
 - iv. Firearms, as defined in N.J.S.A. 2C:39-1f; and
 - v. Other deadly weapons, as defined in N.J.S.A. 2C:39-1.r; and
2. The planning and conduct of law enforcement activities and operations occurring on school grounds, including arrest procedures and undercover school operations.

6A:16-6.2. Development and implementation of policies and procedures.

(a) School district policies and procedures developed pursuant to this subchapter shall be:

1. Developed, implemented, and revised, as necessary, in consultation with the county prosecutor and other law enforcement officials as may be designated by the county prosecutor;
2. Reviewed and approved by the executive county superintendent;
3. Made available annually to all school staff, students and parents;
4. Consistent with reporting, notification, and examination procedures of students suspected of being under the influence of alcohol and other drugs pursuant to N.J.A.C. 6A:16-4.3; and
5. Consistent with N.J.A.C. 6A:16-7, as appropriate.

(b) School district policies and procedures shall include the following components:

1. Designation by the chief school administrator of liaisons to law enforcement agencies and the description of the liaisons' roles and responsibilities;
2. Specific procedures for and responsibilities of staff in summoning appropriate law enforcement authorities onto school grounds, for the purpose of conducting law enforcement investigations, searches, seizures, or arrests;
3. Specific procedures and responsibilities of staff for notifying parents in instances of law enforcement interviews involving their children consistent with the following:
 - i. School officials shall not notify the student's parent(s) in instances of suspected child abuse or neglect;
 - ii. School officials shall notify the student's parent(s) when the student is the target of the law enforcement investigation; and
 - iii. In all other instances, school authorities shall permit law enforcement authorities to determine whether or when a student's parent should be contacted;
4. Specific procedures for and responsibilities of staff in cooperating with arrests made by law enforcement authorities on school grounds;
5. Specific procedures for and responsibilities of staff in initiating or conducting searches and seizures of students, their property, and their personal effects.

- i. All searches and seizures conducted by school staff shall comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).
 - ii. Questions concerning searches conducted by school officials shall be directed to the appropriate county prosecutor.
 - iii. School officials may request that law enforcement authorities assume responsibility for conducting a search or seizure.
 - iv. No school staff member shall impede a law enforcement officer engaged in a lawful search, seizure, or arrest whether pursuant to a warrant or otherwise.
 - v. School staff shall permit law enforcement authorities, upon their arrival, to assume responsibility for conducting a search or seizure.
 - vi. All inspections of lockers, desks, or other objects or personal property on school grounds involving the use of law enforcement drug-detection canines may be undertaken with only the express permission of the county prosecutor or the Director of the Division of Criminal Justice or his or her designee in the New Jersey Department of Law and Public Safety.
 - vii. Questions concerning the legality of a contemplated or ongoing search, seizure, or arrest conducted by a law enforcement officer on school grounds shall be directed to the county prosecutor or in the case of a search, seizure or arrest undertaken by the Division of Criminal Justice's designee in the New Jersey Department of Law and Public Safety, to the assigned assistant attorney general;
6. The procedures for and responsibilities of staff, with regard to interviews of students suspected of possessing or distributing a controlled dangerous substance, including anabolic steroids, drug paraphernalia or a firearm or other deadly weapon;
7. Procedures for planning, approving, and conducting undercover school operations.
 - i. The chief school administrator and school principal shall cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The chief school administrator shall approve undercover operations without prior notification to the district board of education.
 - ii. All information concerning requests to undertake an undercover school operation, information supplied by law enforcement authorities to justify the need for and explain a proposed undercover school operation, and all other information concerning an ongoing undercover school operation, including the identity of any undercover officer placed in a school, shall be kept strictly confidential by the chief school administrator and school principal.
 - iii. The chief school administrator and principal shall not divulge information concerning an undercover school operation to any person without the prior express approval of the county prosecutor or designee.
 - iv. The chief school administrator, principal, or any other school staff or district board of education member who may have been informed regarding the existence of the undercover school operation shall immediately communicate to the county prosecutor or designee if he or she subsequently learns of information that suggests the undercover officer's true identity has been revealed, the undercover officer's identity or status as a bona fide member of the school community has been questioned, or the integrity of the undercover school operation has been in any other way compromised;
8. The procedures for and responsibilities of staff concerning the safe and proper handling of a seized controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon, and the prompt delivery of the items to appropriate law enforcement authorities in accordance with this subchapter;

9. The procedures for and responsibilities of staff in notifying authorities of a suspected violation of laws prohibiting the possession, sale or other distribution of a controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon;

10. Provisions for requesting uniformed police attendance at extracurricular school events;

11. Provisions for notifying parents as soon as possible whenever a student is arrested for violating a law prohibiting the possession, sale or other distribution of a controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon;

12. Provisions for in-service training of school staff concerning policies and procedures established in this subchapter, and the exchange of information regarding the practices of the school district and law enforcement agencies;

13. A memorandum of agreement with appropriate law enforcement authorities.

i. The memorandum of agreement shall be consistent with the policies and procedures established in this subchapter and shall be consistent with the format and content established by the State Attorney General and the Commissioner.

ii. The memorandum of agreement shall define the reciprocal rights and obligations of students, parents, school staff, and law enforcement officials with respect to the possession, distribution, and disposition of controlled dangerous substances, including anabolic steroids, drug paraphernalia, and firearms and other deadly weapons; with respect to the planning and conduct of law enforcement activities and operations occurring on school grounds, including arrests and undercover school operations; and with respect to the participation of law enforcement officials in alcohol or other drug abuse prevention programs.

iii. Copies of all memoranda of agreements entered into with law enforcement authorities shall be submitted to and approved by the county prosecutor, executive county superintendent of schools, president of the district board of education, chief school administrator, and chief of the police department or station commander.

14. An annual process for the chief school administrator and appropriate law enforcement officials to discuss the implementation and need for revising the memorandum of agreement, and to review the effectiveness of policies and procedures implemented pursuant to this subchapter.

i. The annual review shall include input from the executive county superintendent, community members, and meeting(s) with the county prosecutor and other law enforcement officials designated by the county prosecutor.

ii. The memorandum of agreement may be revised only to include provisions that are in addition to and do not conflict with the policies and procedures established in this subchapter and that are in addition to and do not conflict with the format and content established by the State Attorney General and the Commissioner;

15. Provisions for contacting the chief executive officer of the involved law enforcement agency, county prosecutor, and/or Division of Criminal Justice, as necessary, to resolve disputes concerning law enforcement activities occurring on school grounds; and

16. Provisions for directing inquiries or complaints received by school staff regarding interviews, investigations, arrests, or other operations conducted by sworn law enforcement officers to the appropriate law enforcement agency.

(c) Nothing in the policies and procedures required under this section shall be construed to prohibit school staff from disclosing information, pursuant to N.J.A.C. 6A:32-7.2 and 7.5(f), if necessary to protect the immediate health or safety of a student or other persons.

6A:16-6.3. Reporting students or staff members to law enforcement authorities.

(a) Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of his or her employment, has reason to believe that a student or staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the principal or, in the absence of the principal, to the staff member responsible at the time of the alleged violation.

1. Either the principal or the responsible staff member shall notify the chief school administrator, who in turn shall notify as soon as possible the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.

2. The chief school administrator or designee shall provide to the county prosecutor or designee all known information concerning the matter, including the identity of the student or staff member involved.

3. The chief school administrator or designee, however, shall not disclose the identity of a student or staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or other drug abuse problem, provided the student or staff member is not reasonably believed to be involved or implicated in drug-distribution activities.

i. For the purpose of this section, an admission by a student or staff member in response to questioning initiated by the principal or teaching staff member, or following the discovery by the principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

4. The chief school administrator or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol and/or controlled dangerous substances, pursuant to N.J.A.C. 6A:16-4.3(a), or a student suspected to have used or who may be using anabolic steroids, pursuant to N.J.A.C. 6A:16-4.3(b), and who is referred for a medical examination, pursuant to N.J.A.C. 6A:16-4.3(a) or (b), as appropriate, for the purposes of providing appropriate health care for the student and for determining whether the student is under the influence of alcohol or other drugs or has been using anabolic steroids, provided the student is not reasonably believed to be in possession of a controlled dangerous substance or drug paraphernalia, or to be involved or implicated in drug distribution activities.

5. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test, pursuant to N.J.A.C. 6A:16-4.3(a)3i and (b)3i, and (a)4 above, was obtained as a result of the district board of education's voluntary random drug testing policy, pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.

(b) Whenever a school employee develops reason to believe a firearm, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, or other deadly weapon, whether 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, has unlawfully been brought onto school grounds or a student or other person is in unlawful possession of a firearm or other deadly weapon on or off school grounds, or a student or other person has committed an offense with or while in possession of a firearm on or off school grounds or during school operating hours, the matter shall be reported as soon as possible to the principal, or in the absence of the principal, to the staff member responsible at the time of the alleged violation.

1. Either the principal or the responsible staff member shall notify the chief school administrator, who in turn shall notify as soon as possible the county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.

2. The chief school administrator or designee shall provide to the county prosecutor or designee all known information concerning the matter, including the identity of the student or staff member involved.

(c) The designated school official, as defined in (b)1 above, shall immediately notify the designated law enforcement official whenever a school employee in the course of his or her employment develops reason to believe a student has threatened, is planning or otherwise intends to cause death, serious bodily injury, or significant bodily injury to another person under circumstances in which a reasonable person would believe the student genuinely intends at some time in the future to commit the violent act or carry out the threat.

(d) The designated school official, as defined in (b)1 above, shall immediately notify the designated law enforcement official whenever a school employee in the course of his or her employment develops reason to believe a crime involving sexual penetration or criminal sexual conduct has been committed on school grounds, or by or against a student during school operating hours or during school-related functions or activities.

(e) School employees shall immediately notify the principal and chief school administrator when in the course of their employment they develop reason to believe a bias-related act has been committed or is about to be committed on school grounds, or has been or is about to be committed by a student on or off school grounds, and whether such offense was or is to be committed during operating school hours, or a student enrolled in the school has been or is about to become the victim of a bias-related act on or off school grounds, or during operating school hours.

1. The designated school official, as defined in (b)1 above, shall promptly notify the local police department and the bias investigation officer for the county prosecutor's office in the instances described in (e) above.

2. The designated school official, as defined in (b)1 above, shall immediately notify the local police department and the bias investigation officer for the county prosecutor's office where there is reason to believe a bias-related act that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe a life has been or will be threatened.

(f) All incidents shall be reported under this section utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(e)1, where appropriate.

6A:16-6.4. Handling of alcohol or other drugs, firearms and other items.

(a) A school employee who seizes or discovers alcohol, other drug, or an item believed to be a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall immediately notify and turn over to the principal or designee the alcohol, other drug, or item.

1. The principal or designee shall immediately notify the chief school administrator or his or her designee who in turn shall notify the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.

2. The school employee, principal or designee shall safeguard the alcohol, other drug or paraphernalia against further use or destruction and shall secure the alcohol, other drug or paraphernalia until it can be turned over to the county prosecutor or designee.

3. The principal or designee shall provide to the county prosecutor or his or her designee all information concerning the manner in which the alcohol, other drug, or paraphernalia was discovered or seized, including:

i. The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and

ii. The identity of the student or staff member believed to have been in possession of the substance or paraphernalia.

4. The principal or designee shall not disclose the identity of a student or staff member who voluntarily and on his or her own initiative turned over the alcohol, other drug or paraphernalia to a school employee, provided there is reason to believe the student or staff member was involved with the alcohol, other drug or paraphernalia for the purpose of personal use and not distribution activities, and further provided the student or staff member agrees to participate in an appropriate treatment or counseling program.

i. For the purposes of this section, an admission by a student or staff member in response to questioning initiated by the principal or teaching staff member, or following the discovery by the principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall not constitute a voluntary, self-initiated request for counseling and treatment.

(b) Whenever a school employee seizes or comes upon a firearm or dangerous weapon, school officials shall:

1. In the case of a firearm, immediately advise the county prosecutor or appropriate law enforcement official, and secure the firearm pending the response by law enforcement to retrieve and take custody of the firearm; and

2. In the case of a dangerous weapon other than a firearm, immediately advise the county prosecutor or appropriate law enforcement official, and secure the dangerous weapon pending the response by law enforcement to retrieve and take custody of the dangerous weapon.

(c) School employees in custody of a firearm or dangerous weapon shall take reasonable precautions, according to district board of education procedures, to prevent the theft, destruction, or unlawful use of the firearm or dangerous weapon by any person.

6A:16-6.5. Confidentiality of student or staff member involvement in alcohol or other drug abuse intervention and treatment programs.

(a) All information concerning a staff member's involvement in a school intervention or treatment program for alcohol or other drug abuse shall be kept strictly confidential, and all information concerning a student's involvement in a school intervention or treatment program for alcohol or other drug abuse shall be kept strictly confidential according to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 and 7.2, and N.J.A.C. 6A:16-3.2.

(b) Nothing in this subchapter shall be construed in any way to authorize or require the transmittal of information or records in the possession of an alcohol or other drug abuse counseling or treatment program.

(c) The principal or designee shall not disclose to law enforcement officials or to any person other than a member of the school district's comprehensive alcohol, tobacco, and other drug abuse program that a student or staff member has received or is receiving services through the program. The principal or designee also shall not disclose information, including the student's or staff member's identity or information about illegal activity, when the information was learned in the course of or as a result of services provided through the school district's comprehensive alcohol, tobacco and other drug abuse program.

(d) Nothing in this section shall be construed to preclude the disclosure and reporting of information about illegal activity that was learned by a school employee outside of the school district's comprehensive alcohol, tobacco, and other drug abuse program.

School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification

LAWS

18A:6-4.4. Police training course.

Every person so appointed and commissioned shall, within 1 year of the date of his commission, successfully complete a police training course at a school approved and authorized by the Police Training Commission; provided, however, that the Police Training Commission may, in its discretion, except from the requirements of this section any person who demonstrates to the commission's satisfaction that he has successfully completed a police training course conducted by any Federal, State or other public or private agency, the requirements of which are substantially equivalent to the requirements of that at a school approved by the commission.

18A:17-43.1. Training course required for service as safe schools resource officer, liaison to law enforcement.

a. Following the development of the training course pursuant to subsection a. of section 2 of P.L. 2005, c. 276 (C. 52:17B-71.8) or 180 days following the effective date of this act, whichever occurs first, a board of education shall not assign a safe schools resource officer to a public school unless that individual first completes the safe schools resource officer training course.

b. Following the development of the training course pursuant to subsection a. of section 2 of P.L. 2005, c. 276 (C. 52:17B-71.8) or 180 days following the effective date of this act, whichever occurs first, a board of education shall not assign an employee to serve as a school liaison to law enforcement unless that individual first completes the safe schools resource officer training course.

c. A person who is assigned to a public school as a safe schools resource officer prior to the effective date of P.L. 2005, c. 276 (C. 52:17B-71.8 et al.) or assigned to serve as a school liaison to law enforcement prior to that date shall not be required to complete the safe schools resource officer training course developed by the Police Training Commission pursuant to subsection a. of section 2 of P.L. 2005, c. 276 (C. 52:17B-71.8), but may in accordance with that section.

40A:14-146.11. Training; classifications.

a. A person shall not commence the duties of a special law enforcement officer unless the person has successfully completed a training course approved by the commission and a special law enforcement officer shall not be issued a firearm unless the officer has successfully completed the basic firearms course approved by the commission for permanent, regularly appointed police and annual requalification examinations as required by subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14). There shall be three classifications for special police officers. The commission shall prescribe by rule or regulation the training standards to be established for each classification. Training may be in a commission approved academy or in any other training program which the commission may determine appropriate. The classifications shall be based upon the duties to be performed by the special law enforcement officer as follows:

(1) Class One. Officers of this class shall be authorized to perform routine traffic detail, spectator control, and similar duties. If authorized by ordinance or resolution, as appropriate, Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances, and violations of Title 39 of the Revised Statutes. The use of a firearm by an officer of this class shall be strictly prohibited and a Class One officer shall not be assigned any duties which may require the carrying or use of a firearm.

(2) Class Two. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the commission.

(3) Class Three. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing security at a public or nonpublic school or a county college on the school or college premises during hours when the public or nonpublic school or county college is normally in session or when it is occupied by public or nonpublic school or county college students or their teachers or professors. While on duty in the jurisdiction of employment, an officer may respond to offenses or emergencies off school or college grounds if they occur in the officer's presence while traveling to a school facility or county college, but an officer shall not otherwise be dispatched or dedicated to any assignment off school or college property.

The use of a firearm by an officer of this class shall be authorized pursuant to the provisions of subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14). An officer of this class shall not be authorized to carry a firearm while off duty unless the officer complies with the requirements set forth in subsection l. of N.J.S.2C:39-6 authorizing a retired law enforcement officer to carry a handgun.

b. The commission may, in its discretion, except from the requirements of this section any person who demonstrates to the commission's satisfaction that the person has successfully completed a police training course conducted by any federal, state or other public or private agency, the requirements of which are substantially equivalent to the requirements of this act.

c. The commission shall certify officers who have satisfactorily completed training programs and issue appropriate certificates to those officers. The certificate shall clearly state the category of certification for which the officer has been certified by the commission.

d. All special law enforcement officers appointed and in service on the effective date of this act may continue in service if within 24 months of the effective date of this act they will have completed all training and certification requirements of this act.

52:17B-71.8. Training course for safe schools resource officers, liaisons to law enforcement.

a. The Police Training Commission in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the Attorney General, shall develop a training course for safe schools resource officers and public school employees assigned by a board of education to serve as a school liaison to law enforcement. The Attorney General, in conjunction with the Police Training Commission, shall ensure that the training course is developed within 180 days of the effective date of this act. The course shall at a minimum provide comprehensive and consistent training in current school resource officer practices and concepts. The course shall include training in the protection of students from harassment, intimidation, and bullying, including incidents which occur through electronic communication. The course shall be made available to:

(1) any law enforcement officer or public school employee referred by the board of education of the public school to which assignment as a safe schools resource officer or school liaison to law enforcement is sought; and

(2) any safe schools resource officer or school liaison to law enforcement assigned to a public school prior to the effective date of P.L.2005, c.276 (C.52:17B-71.8 et al.).

b. The training course developed by the commission pursuant to subsection a. of this section shall be offered at each school approved by the commission to provide police training courses pursuant to the provisions of P.L.1961, c.56 (C.52:17B-66 et seq.). The commission shall ensure that an individual assigned to instruct the course is proficient and experienced in current school resource officer practices and concepts.

- c. The commission shall award a certificate to each individual who successfully completes the course.
- d. The Police Training Commission, in consultation with the Commissioner of Education, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions of this section.

REGULATIONS

No relevant regulations found.

Authorizations, Memoranda of Understanding (MOUs), and/or Funding

LAWS

18A:6-4.1. Security officers of public and nonprofit educational institutions; training courses.

Upon application to, and approval by, the Superintendent of State Police security officers of public and nonprofit educational institutions of this State may be admitted to training courses conducted by the Division of State Police for State, county and municipal law enforcement officers, provided that the costs of such training as determined by the superintendent shall be paid to the State Treasurer by the private nonprofit institutions sending security officers to such training courses.

18A:6-4.2. Policemen; appointment by governing body of institution of learning.

The governing body of any institution of higher education, academy, school or other institution of learning may appoint such persons as the governing body may designate to act as policemen for the institution.

18A:6-4.3. Application by policeman; approval; issuance to commission.

All applications shall, in the first instance, be made to the chief of police of the municipality in which the institution is located, except that where the municipality does not have an organized full time police department or where the institution is located within more than one municipality, application shall be made to the Superintendent of State Police. The chief of police or the superintendent, as the case may be, shall investigate and determine the character, competency, integrity and fitness of the person or persons designated in the application. If the application is approved by the chief of police or the superintendent, the approved application shall be returned to the institution which shall issue a commission to the person appointed, a copy of which shall be filed in the office of the superintendent and with the chief of police of the municipality or municipalities in which such institution is located.

18A:6-4.5. Police powers.

Every person so appointed and commissioned shall possess all the powers of policemen and constables in criminal cases and offenses against the law anywhere in the State of New Jersey, pursuant to any limitations as may be imposed by the governing body of the institution which appointed and commissioned the person.

18A:6-4.10. Construction of act.

Nothing in this act shall be construed to limit or impair the rights of any State, county or municipal law enforcement officer in the performance of his duties.

18A:6-4.11. Severability.

If any provision of this act shall be adjudged by any court of competent jurisdiction to be ineffective, such determination shall not affect or impair the remaining provisions thereof but shall be confined in its

operation to the provisions directly involved in a controversy in which said determination shall have been rendered.

18A:6-4.12. Educational institution reimbursement.

a. If a person who was appointed as a police officer of an educational institution pursuant to P.L. 1970, c. 211 (C. 18A:6-4.2 et seq.) resigns and is subsequently appointed as a police officer for another educational institution or for a county or municipal law enforcement agency, a State law enforcement agency or the New Jersey Transit Police Department pursuant to section 2 of P.L. 1989, c. 291 (C. 27:25-15.1) within 120 days of resignation, and if that person held a probationary appointment at the time of resignation or held a permanent appointment for 30 days or less prior to resignation, the educational institution, county or municipal law enforcement agency, or State law enforcement agency appointing the person, or the New Jersey Transit Corporation, shall be liable to the former educational institution for the total certified costs incurred by that former educational institution in the examination, hiring, and training of the person.

b. If a person who was appointed as a police officer of an educational institution pursuant to P.L. 1970, c. 211 (C. 18A:6-4.2 et seq.) resigns and is subsequently appointed as a police officer for another educational institution or for a county or municipal law enforcement agency, State law enforcement agency or the New Jersey Transit Police Department pursuant to section 2 of P.L. 1989, c. 291 (C. 27:25-15.1) within 120 days of resignation, and if that person held a permanent appointment for more than 30 days but less than two years at the time of resignation, the educational institution, county or municipal law enforcement agency or State law enforcement agency appointing the person, or the New Jersey Transit Corporation, shall be liable to the former educational institution for one-half of the total certified costs incurred by that former institution in the examination, hiring, and training of the person.

c. Upon the appointment of a former police officer of an educational institution, the appointing educational institution, county or municipal law enforcement agency, State law enforcement agency or the New Jersey Transit Corporation shall notify the former educational institution immediately upon the appointment of a police officer formerly with that institution and shall reimburse the institution within 120 days of the receipt of the certified costs.

d. As used in this section:

"County or municipal law enforcement agency" means and includes, but is not limited to, a county or municipal police department or force, a county corrections department and a county sheriff's office;

"Examination costs" means and includes, but is not limited to, the costs of all qualifying examinations and public advertisements for these examinations.

"State law enforcement agency" means and includes, but is not limited to, the police department of a State agency and the State Department of Corrections, but does not include the State Police.

"Training costs" means the police training course fees and the base salary received while attending the police training course as required by section 3 of P.L.1970, c.211 (C.18A:6-4.4).

18A:17-42. Preamble; purpose of article.

The legislature finds that the safety and welfare of the public school students of this state while attending sessions of the public schools is a matter of prime concern to the citizens of this state; that, in several isolated instances throughout this state, unlawful intruders into the public schools have subjected public school students and their teachers to physical and verbal attacks during sessions of the public schools and on the property of said public schools; that such attacks might have been prevented, and similar attacks will be prevented, if public school law enforcement officers are stationed in said schools; and that state aid to local boards is necessary to help such boards bear the cost of employing and stationing public school law enforcement officers.

18A:17-43. Employment of law enforcement officers.

(a) The commissioner may, in accordance with rules and regulations promulgated pursuant to this article and upon a finding of need therefor, authorize any board of education to employ, subject to the provisions of Title 11, Civil Service, of the Revised Statutes, one or more public school law enforcement officers, and to station such public school law enforcement officers in public schools of this state during hours when said public schools are normally in session or are occupied by public school students or their teachers.

(b) No such public school law enforcement officer shall be employed, except upon the application of a board of education and with the approval of the county superintendent.

18A:38-30. Assistance of sheriffs, police officers, etc.

The sheriff and his officers and all police officers and constables shall assist attendance officers in the performance of their duties.

40A:14-146.10. Special law enforcement officers.

a. Any local unit may, as it deems necessary, appoint special law enforcement officers sufficient to perform the duties and responsibilities permitted by local ordinances authorized by N.J.S.40A:14-118 or ordinance or resolution, as appropriate, authorized by N.J.S.40A:14-106 and within the conditions and limitations as may be established pursuant to this act.

b. A person shall not be appointed as a special law enforcement officer unless the person:

- (1) Is a resident of this State during the term of appointment;
- (2) Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;
- (3) Is sound in body and of good health;
- (4) Is of good moral character;
- (5) Has not been convicted of any offense involving dishonesty or which would make him unfit to perform the duties of his office;
- (6) Has successfully undergone the same psychological testing that is required of all full-time police officers in the municipality or county or, with regard to a special law enforcement officer hired for a seasonal period by a resort municipality which requires psychological testing of its full-time police officers, has successfully undergone a program of psychological testing approved by the commission.

c. Every applicant for the position of special law enforcement officer appointed pursuant to this act shall have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.

d. No person shall be appointed to serve as a special law enforcement officer in more than one local unit at the same time, nor shall any permanent, regularly appointed full-time police officer of any local unit be appointed as a special law enforcement officer in any local unit. No public official with responsibility for setting law enforcement policy or exercising authority over the budget of the local unit or supervision of the police department of a local unit shall be appointed as a special law enforcement officer.

e. Before any special law enforcement officer is appointed pursuant to this act, the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit shall ascertain the eligibility and qualifications of the applicant and report these determinations in writing to the appointing authority.

f. Any person who at any time prior to his appointment had served as a duly qualified, fully-trained, full-time officer in any municipality or county of this State and who was separated from that prior service in good standing, shall be eligible to serve as a special law enforcement officer consistent with guidelines promulgated by the commission. The training requirements set forth in section 4 of P.L.1985, c.439

(C.40A:14-146.11) may be waived by the commission with regard to any person eligible to be appointed as a special law enforcement officer pursuant to the provisions of this section.

g. In addition to the qualifications established in subsection b. of this section, a person shall not be appointed as a Class Three special law enforcement officer unless the person:

- (1) is a retired law enforcement officer who is less than 65 years of age; for the purposes of this paragraph, a law enforcement officer shall not be considered retired if the officer's return to employment violates any federal or State law or regulation which would deem the officer's retirement as not being bona fide;
- (2) had served as a duly qualified, fully-trained, full-time officer in any law enforcement position eligible for participation in the Police and Firemen's Retirement System or in any federal or bi-state law enforcement agency or as a member of the State Police and was separated from that prior service in good standing;
- (3) is physically capable of performing the functions of the position, determined in accordance with Police Training Commission guidelines;
- (4) possesses a New Jersey Police Training Commission Basic Police Officer Certification, New Jersey State Police Academy Certification, or other proof of basic police training approved by the Police Training Commission;
- (5) has completed the training course for safe schools resource officers developed pursuant to subsection a. of section 2 of P.L.2005, c.276 (C.52:17B-71.8); and
- (6) is hired in a part-time capacity.

For the purposes of this subsection, "good standing" shall exclude a retirement resulting from injury or incapacity.

40A:14-146.13. Fees.

a. Except as specified in subsection b. of this section, a local unit may charge a reasonable fee as may be fixed by the governing body for equipment and uniforms supplied pursuant to this act, but may not charge a fee for the costs of training or issuing a certificate of appointment. The local unit shall not be required to compensate a special law enforcement officer for time spent in training;

b. In addition to charging a reasonable fee as fixed by the governing body for equipment and uniforms supplied pursuant to this act, a local unit with a population in excess of 300,000, according to the 1980 federal decennial census, may charge a fee for the costs of training and for the administrative costs of issuing a certificate of appointment for a special law enforcement officer whose duties consist solely of performing public safety functions for a private employer.

40A:14-146.14. Special law enforcement officers, appointment, terms, regulations.

a. Special law enforcement officers may be appointed for terms not to exceed one year, and the appointments may be revoked by the local unit for cause after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require reappointment upon the expiration of the term. The special law enforcement officers so appointed shall not be members of the police force of the local unit, and their powers and duties as determined pursuant to this act shall cease at the expiration of the term for which they were appointed.

b. A special law enforcement officer shall not carry a firearm except while engaged in the actual performance of the officer's official duties and when specifically authorized by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit to carry a firearm and provided that the officer has satisfactorily completed the basic firearms course required by the commission for

regular police officers and annual requalification examinations as required for permanent, regularly appointed full-time officers in the local unit.

A special law enforcement officer shall be deemed to be on duty only while the officer is performing the public safety functions on behalf of the local unit pursuant to this act and when the officer is receiving compensation, if any, from the local unit at the rates or stipends as shall be established by ordinance. A special law enforcement officer shall not be deemed to be on duty for purposes of this act while performing private security duties for private employers, which duties are not assigned by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit, or while receiving compensation for those duties from a private employer. A special law enforcement officer may, however, be assigned by the chief of police or, in the absence of the chief, other chief law enforcement officer, to perform public safety functions for a private entity if the chief of police or other chief law enforcement officer supervises the performance of the public safety functions. If the chief of police or other chief law enforcement officer assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the local unit is reimbursed for the cost of assigning a special law enforcement officer at a private entity, the special law enforcement officer shall be deemed to be on duty.

The reimbursement for the duties of a special law enforcement officer, which is made to a municipality with a population in excess of 300,000, according to the 1980 federal decennial census, may be by direct payments from the employer to the special law enforcement officer, provided that records of the hours worked are forwarded to and maintained by the chief of police or other chief law enforcement officer responsible for assigning the special law enforcement officer those public safety duties.

Any firearm utilized by a special law enforcement officer shall be returned at the end of the officer's workday to the officer in charge of the station house, unless the firearm is owned by the special law enforcement officer and was acquired in compliance with a condition of employment established by the local unit. Any special law enforcement officer first appointed after the effective date of this act shall only use a firearm supplied by the local unit. A special law enforcement officer shall not carry a revolver or other similar weapon when off duty; but if any special law enforcement officer appointed by the governing body of any municipality having a population in excess of 300,000, according to the 1980 federal census, who is a resident of the municipality and is employed as a special law enforcement officer at least 35 hours per week, or less at the discretion of the chief of police and mayor, shall, at the direction of the chief of police, have taken and successfully completed a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and has successfully completed within three years of the effective date of P.L.1985, c.45 or three years of the date of appointment of the special law enforcement officer, whichever is later, 280 hours of training in arrest, search and seizure, criminal law, and the use of deadly force, and shall annually qualify in the use of a revolver or similar weapon, the special law enforcement officer shall be permitted to carry a revolver or other similar weapon when off duty within the municipality where the officer is employed. Specific authorization shall be in the form of a permit which shall not be unreasonably withheld, which is subject to renewal annually and may be revoked at any time by the chief of police. The permit shall be on the person of the special law enforcement officer whenever a revolver or other similar weapon is carried off duty. A permit shall not be issued until the special law enforcement officer has successfully completed all training courses required under this section. Any training courses completed by a special law enforcement officer under the direction of the chief of police in a school and a curriculum approved by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), shall be credited towards the 280 hours of training required to be completed by this section. Any training required by this section shall commence within 90 days of the effective date of P.L.1985, c.45 or within 90 days of the date of the appointment of the special law enforcement officer, whichever is later.

c. A special law enforcement officer shall be under the supervision and direction of the chief of police or, in the absence of the chief, other chief law enforcement officer of the local unit wherein the officer is

appointed, and shall perform the officer's duties only in the local unit except when in fresh pursuit of any person pursuant to chapter 156 of Title 2A of the New Jersey Statutes or when authorized to perform duties in another unit pursuant to a mutual aid agreement enacted in accordance with section 1 of P.L.1976, c.45 (C.40A:14-156.1).

d. The officer shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the local unit, as well as any rules and regulations applicable to the conduct and decorum of special law enforcement officers.

e. Notwithstanding any provision of P.L.1985, c.439 (C.40A:14-146.8 et seq.) to the contrary, a special law enforcement officer may travel through another local unit to reach a noncontiguous area of the local unit in which the officer's appointment was issued or to transport persons to and from a correctional facility.

40A:14-146.15. Powers.

The chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit wherein the officer is appointed, may authorize special law enforcement officers when on duty to exercise the same powers and authority as permanent, regularly appointed police officers of the local unit, including, but not limited to, the carrying of firearms and the power of arrest, subject to rules and regulations, not inconsistent with the certification requirements of this act, as may be established by local ordinance or resolution, as appropriate, adopted by the appropriate authority of the local unit in which they are employed.

40A:14-146.16. Limitation on hours.

a. Except as provided in subsection c. of this section, a special law enforcement officer shall not be employed for more than 20 hours per week by the local unit except that special law enforcement officers may be employed by the local unit for those hours as the governing body may determine necessary in accordance with the limits prescribed below:

- (1) In resort municipalities not to exceed 48 hours per week during any seasonal period.
- (2) In all municipalities or counties without limitation as to hours during periods of emergency.
- (3) In all municipalities or counties in addition to not more than 20 hours per week including duties assigned pursuant to the provisions of section 7 of P.L.1985, c.439 (C.40A:14-146.14) a special law enforcement officer may be assigned for not more than 20 hours per week to provide public safety and law enforcement services to a public entity.
- (4) In municipalities or counties, as provided in subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14), for hours to be determined at the discretion of the director of the municipal or county police force.
- (5) A Class Three special law enforcement officer in all municipalities without limitation.

b. Notwithstanding any provision of P.L.1985, c.439 (C.40A:14-146.8 et seq.) to the contrary, special law enforcement officers may be employed only to assist the local law enforcement unit but may not be employed to replace or substitute for full-time, regular police officers or in any way diminish the number of full-time officers employed by the local unit or a school or county college. A Class Three special law enforcement officer may be employed only to assist the local law enforcement unit with security duties and shall not supplant a law enforcement officer employed pursuant to the provisions of N.J.S.18A:17-43 or a safe schools resource officer employed pursuant to the provisions of section 3 of P.L.2005, c.276 (C.18A:17-43.1). A Class Three special law enforcement officer shall not be assigned to an extra-curricular or after-school function at a school or county college unless the assignment has first been made available to full-time members employed by the local unit or school or county college.

c. Each municipality or county may designate one special law enforcement officer to whom the limitations on hours employed set forth in subsection a. of this section shall not be applicable.

d. A Class Three special law enforcement officer appointed pursuant to the provisions of P.L.1985, c.439 (C.40A:14-146.8 et seq.) shall not, based on this appointment, be eligible for health care benefits or enrollment in any State-administered retirement system.

40A:14-146.17. Limitations on number, categories.

The local governing body shall by ordinance or resolution, as appropriate, establish limitations upon the number and categories of special law enforcement officers which may be employed by the local unit in accordance with the certification and other requirements provided for in this act. In communities other than resort municipalities, the number of Class Two special law enforcement officers shall not exceed 25% of the total number of regular police officers, except that no municipality shall be required to reduce the number of Class Two special law enforcement officers or the equivalent thereof in the employ of the municipality as of March 1, 1985. Notwithstanding the provisions of this section, each local unit may appoint two Class Two special law enforcement officers.

REGULATIONS

6A:16-6.2. Development and implementation of policies and procedures.

(a) School district policies and procedures developed pursuant to this subchapter shall be:

1. Developed, implemented, and revised, as necessary, in consultation with the county prosecutor and other law enforcement officials as may be designated by the county prosecutor;
2. Reviewed and approved by the executive county superintendent;
3. Made available annually to all school staff, students and parents;
4. Consistent with reporting, notification, and examination procedures of students suspected of being under the influence of alcohol and other drugs pursuant to N.J.A.C. 6A:16-4.3; and
5. Consistent with N.J.A.C. 6A:16-7, as appropriate.

(b) School district policies and procedures shall include the following components:

1. Designation by the chief school administrator of liaisons to law enforcement agencies and the description of the liaisons' roles and responsibilities;
2. Specific procedures for and responsibilities of staff in summoning appropriate law enforcement authorities onto school grounds, for the purpose of conducting law enforcement investigations, searches, seizures, or arrests;
3. Specific procedures and responsibilities of staff for notifying parents in instances of law enforcement interviews involving their children consistent with the following:
 - i. School officials shall not notify the student's parent(s) in instances of suspected child abuse or neglect;
 - ii. School officials shall notify the student's parent(s) when the student is the target of the law enforcement investigation; and
 - iii. In all other instances, school authorities shall permit law enforcement authorities to determine whether or when a student's parent should be contacted;
4. Specific procedures for and responsibilities of staff in cooperating with arrests made by law enforcement authorities on school grounds;
5. Specific procedures for and responsibilities of staff in initiating or conducting searches and seizures of students, their property, and their personal effects.

- i. All searches and seizures conducted by school staff shall comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).
 - ii. Questions concerning searches conducted by school officials shall be directed to the appropriate county prosecutor.
 - iii. School officials may request that law enforcement authorities assume responsibility for conducting a search or seizure.
 - iv. No school staff member shall impede a law enforcement officer engaged in a lawful search, seizure, or arrest whether pursuant to a warrant or otherwise.
 - v. School staff shall permit law enforcement authorities, upon their arrival, to assume responsibility for conducting a search or seizure.
 - vi. All inspections of lockers, desks, or other objects or personal property on school grounds involving the use of law enforcement drug-detection canines may be undertaken with only the express permission of the county prosecutor or the Director of the Division of Criminal Justice or his or her designee in the New Jersey Department of Law and Public Safety.
 - vii. Questions concerning the legality of a contemplated or ongoing search, seizure, or arrest conducted by a law enforcement officer on school grounds shall be directed to the county prosecutor or in the case of a search, seizure or arrest undertaken by the Division of Criminal Justice's designee in the New Jersey Department of Law and Public Safety, to the assigned assistant attorney general;
6. The procedures for and responsibilities of staff, with regard to interviews of students suspected of possessing or distributing a controlled dangerous substance, including anabolic steroids, drug paraphernalia or a firearm or other deadly weapon;
7. Procedures for planning, approving, and conducting undercover school operations.
 - i. The chief school administrator and school principal shall cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The chief school administrator shall approve undercover operations without prior notification to the district board of education.
 - ii. All information concerning requests to undertake an undercover school operation, information supplied by law enforcement authorities to justify the need for and explain a proposed undercover school operation, and all other information concerning an ongoing undercover school operation, including the identity of any undercover officer placed in a school, shall be kept strictly confidential by the chief school administrator and school principal.
 - iii. The chief school administrator and principal shall not divulge information concerning an undercover school operation to any person without the prior express approval of the county prosecutor or designee.
 - iv. The chief school administrator, principal, or any other school staff or district board of education member who may have been informed regarding the existence of the undercover school operation shall immediately communicate to the county prosecutor or designee if he or she subsequently learns of information that suggests the undercover officer's true identity has been revealed, the undercover officer's identity or status as a bona fide member of the school community has been questioned, or the integrity of the undercover school operation has been in any other way compromised;
8. The procedures for and responsibilities of staff concerning the safe and proper handling of a seized controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon, and the prompt delivery of the items to appropriate law enforcement authorities in accordance with this subchapter;

9. The procedures for and responsibilities of staff in notifying authorities of a suspected violation of laws prohibiting the possession, sale or other distribution of a controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon;
 10. Provisions for requesting uniformed police attendance at extracurricular school events;
 11. Provisions for notifying parents as soon as possible whenever a student is arrested for violating a law prohibiting the possession, sale or other distribution of a controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon;
 12. Provisions for in-service training of school staff concerning policies and procedures established in this subchapter, and the exchange of information regarding the practices of the school district and law enforcement agencies;
 13. A memorandum of agreement with appropriate law enforcement authorities.
 - i. The memorandum of agreement shall be consistent with the policies and procedures established in this subchapter and shall be consistent with the format and content established by the State Attorney General and the Commissioner.
 - ii. The memorandum of agreement shall define the reciprocal rights and obligations of students, parents, school staff, and law enforcement officials with respect to the possession, distribution, and disposition of controlled dangerous substances, including anabolic steroids, drug paraphernalia, and firearms and other deadly weapons; with respect to the planning and conduct of law enforcement activities and operations occurring on school grounds, including arrests and undercover school operations; and with respect to the participation of law enforcement officials in alcohol or other drug abuse prevention programs.
 - iii. Copies of all memoranda of agreements entered into with law enforcement authorities shall be submitted to and approved by the county prosecutor, executive county superintendent of schools, president of the district board of education, chief school administrator, and chief of the police department or station commander.
 14. An annual process for the chief school administrator and appropriate law enforcement officials to discuss the implementation and need for revising the memorandum of agreement, and to review the effectiveness of policies and procedures implemented pursuant to this subchapter.
 - i. The annual review shall include input from the executive county superintendent, community members, and meeting(s) with the county prosecutor and other law enforcement officials designated by the county prosecutor.
 - ii. The memorandum of agreement may be revised only to include provisions that are in addition to and do not conflict with the policies and procedures established in this subchapter and that are in addition to and do not conflict with the format and content established by the State Attorney General and the Commissioner;
 15. Provisions for contacting the chief executive officer of the involved law enforcement agency, county prosecutor, and/or Division of Criminal Justice, as necessary, to resolve disputes concerning law enforcement activities occurring on school grounds; and
 16. Provisions for directing inquiries or complaints received by school staff regarding interviews, investigations, arrests, or other operations conducted by sworn law enforcement officers to the appropriate law enforcement agency.
- (c) Nothing in the policies and procedures required under this section shall be construed to prohibit school staff from disclosing information, pursuant to N.J.A.C. 6A:32-7.2 and 7.5(f), if necessary to protect the immediate health or safety of a student or other persons.

Threat Assessment Protocols

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by New Jersey provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Attendance, Truancy & Chronic Absenteeism, New Jersey Department of Education (NJDOE)	Addresses attendance, truancy and chronic absenteeism and provides guidance for reporting student attendance for chronic absenteeism, information and resources for prevention and remediation of attendance problems, and other related resources.	https://www.nj.gov/education/students/safety/behavior/attendance/
Codes of Student Conduct (CSC), NJDOE	Provides information and links to resources on the CSC requirements and their adoption, development and implementation.	http://www.state.nj.us/education/students/safety/behavior/codes/
Harassment, Intimidation, and Bullying (HIB), NJDOE	Provides information and links to resources to support school implementation of the <i>Anti-Bullying Bill of Rights Act</i> . Provides links, resources and information to aid schools in the establishment of HIB policies, the adoption of HIB program strategies, and the implementation of proactive responses to HIB and the adoption of HIB reporting procedures.	http://www.state.nj.us/education/students/safety/behavior/hib/
New Jersey Tiered System of Supports (NJTSS), NJDOE	Provides an overview of NJTSS and additional resources including briefings, information on essential components, assessment tools, implementation guidelines, and intervention resources.	https://www.nj.gov/education/njtss/
Social and Emotional Learning, NJDOE	Provides schools and districts with resources to support social and emotional learning to enhance the building of positive school climates and the healthy development of young people.	http://www.state.nj.us/education/students/safety/sandp/sel/

Title	Description	Website address (if applicable)
Student Suspensions, Expulsions and Due Process, NJDOE	Establishes standards and parameters for addressing student conduct issues and concerns that result in suspensions or expulsions.	https://www.nj.gov/education/students/safety/behavior/sedp/
Documents		
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (2019), NJDOE	Memorandum designed to ensure cooperation between law enforcement and education officials and ultimately to protect the educational environment. All public-school districts, charter and Renaissance schools, jointure commissions, educational services commissions and approved private schools for students with disabilities are required to adopt and implement this memorandum.	https://www.state.nj.us/education/students/safety/behavior/law/moa/EdLawMOAJanuary2019.pdf
Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act (December 2011), NJDOE	Guidance document for schools to implement the Anti-Bullying Bill of Rights Act signed into law to strengthen procedures for preventing, reporting, investigating and responding to incidents of HIB.	https://www.nj.gov/education/students/safety/behavior/hib/guidance.pdf
Model policy and guidance for prohibiting harassment, intimidation and bullying on school property, at school-sponsored functions and on school buses (April 2011), NJDOE	Model policy and guidance document for prohibiting harassment, intimidation and bullying on school property, at school-sponsored functions and on school buses.	https://www.nj.gov/education/students/safety/behavior/hib/bully.pdf
New Jersey Tiered System of Supports (NJTSS) Implementation Guidelines (2019), NJDOE	Comprehensive guidelines for NJ school districts on best practices for implemented NJTSS.	https://www.nj.gov/education/njtss/guidelines.pdf

Title	Description	Website address (if applicable)
SCTP School Climate Strategy Resource Guide (December 2018), NJDOE	Resource guide supports schools in exploring the most common research-based strategies used to improve school climate. The guide supports schools in assessing the quality and comprehensiveness of strategies currently in place as well as designing new interventions to address needs indicated through data collection (i.e. survey administration, focus groups, observation data). This includes strategies related to how members of the community interact, feelings of safety and school connectedness, and conditions for teaching and learning.	https://www.state.nj.us/education/students/safety/sandp/climate/SCTP%20Strategy%20Resource.pdf
<i>Other Resources</i>		
New Jersey School Climate Survey, NJDOE	The New Jersey School Climate Survey is a free survey tool that includes four validated questionnaires (elementary students, middle/high school students, staff and parents). School districts may use this instrument to assist in reinforcing positive conditions and addressing vulnerabilities for learning as an integral part of their continuous efforts to improve student's education and prevent at-risk behavior.	http://www.state.nj.us/education/students/safety/behavior/njscs/
Student Safety and Discipline in New Jersey Schools: The Commissioner's Annual Report to the State Legislature (2018-19), NJDOE	Commissioner's annual report to the State Legislature of student safety and discipline in New Jersey schools.	https://www.nj.gov/education/schools/vandv/1819/vandv.pdf