

STUDENTS
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Removal of Students for Assaults with
Weapons Offenses (M)
Jan 19

[See POLICY ALERT Nos. 203 and 217]

R 5613 REMOVAL OF STUDENTS FOR ASSAULTS WITH WEAPONS OFFENSES

A. Definitions

~~“Removal” means the exclusion of a student from the general education program in the school in which the student was assigned and assigning the student to an alternative education school or program for at least one calendar year, following a proper hearing conducted by the Board of Education.~~

~~“Suspension” means a temporary exclusion from school, following due process procedures as outlined in State law and administrative code.~~

~~“Expulsion” means permanent exclusion from school which denies a student the free, thorough, and efficient public education provided by the public school district in which the student resides, based on specific conditions and following required due process procedures as outlined in State law and administrative code, including a hearing conducted by the Board of Education.~~

“School buildings” and “school grounds” means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central services facilities including, but not limited to, kitchens and maintenance shops. **“School buildings” and “school grounds”** also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; **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. **“School buildings” and “school grounds”** also includes other facilities **such as defined in N.J.A.C. 6A:26-1.2**, playgrounds; and recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land **in accordance with N.J.A.C. 6A:16-1.3 and 6A:26-1.2.**

B. Removal of Students for Assaults with Weapons Offenses



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1. Pursuant to the provisions of N.J.A.C. 6A:16-5.6, any student, other than a student with a disability, 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, Board of Education member, or another student on school grounds, pursuant to N.J.S.A. 18A:37-2.2 through 2.5 shall be immediately removed from the school's general education program for a period not exceeding one calendar year.
 2. The Superintendent may modify on a case-by-case basis the removal of a general education student.
 3. Nothing in N.J.A.C. 6A:16-5.6 shall be construed to prohibit the expulsion of a general education student.
 4. The Board shall immediately remove students with disabilities for assaults with weapons offenses in accordance with N.J.A.C. 6A:14 and applicable Federal regulations.
- C. Procedures – Removal of Students for Assaults with Weapons Offenses
1. The Principal or designee shall:
 - a. Remove a student as set forth in B. above;
 - b. 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;
 - c. Immediately report to the Superintendent the removal of the student;
 - d. Notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice; and
 - e. Notify the student's parent of the following information:
 - (1) The removal action;
 - (2) The law enforcement notification;



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- d. 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.

E. Exception

1. The provisions of N.J.A.C. 6A:16-5.6 shall not apply to a student who has obtained the Superintendent's written authorization to lawfully possess a firearm or other weapon while participating in a school-sponsored function.
 - a. The Superintendent 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.

Adopted: 21 October 2014

Revised: _____

