

Policy

Egg Harbor Township Board of Education

5000 Pupils

5600.1 DISCIPLINE FOR OFF CAMPUS OFFENSES

It is the mission of the Egg Harbor Township Board of Education to provide a safe, healthy and positive learning environment for all students attending the Egg Harbor Township schools. The Board of Education has implemented this mission through its student discipline code and other policies that protect the health, safety and welfare of the students of Egg Harbor Township School District and ensure an atmosphere conducive to learning such as its no tolerance policies regarding fighting, school violence, use, possession and/or distribution of controlled dangerous substances, and the use of or possession of weapons. Furthermore, Title 18A of the New Jersey Statutes grants local school districts broad statutory powers to administer and supervise the free public schools in this State, including the authority to determine discipline policies and rules and regulations governing student conduct within the context of the overall operation of the School District.

In addition, the New Jersey courts have recognized the authority of the public school officials to impose discipline for misconduct that occurs after school hours and off school grounds, so long as such discipline is reasonably necessary to protect the safety and well-being of the student involved in the misconduct, as well as other students, teachers and public school property *R.R. v Board of Education of Shore Regional High School*, N.J. Super 337 (Ch. Div. 1970).

In furtherance of these goals, and in recognition of its authority to adopt rules and regulations for the conduct and management of the School District, it is the policy of the Egg Harbor Township School District to impose, on a case by case basis, its disciplinary code on egregious, violent and/or illegal activity that occurs off school grounds or outside of any school related activity. Moreover, the Board of Education finds that there are certain offenses committed by students in the community, which by their very nature are detrimental to the physical and emotion well-being of the students of the Egg Harbor Township School District and materially and substantially interfere with the orderly operation of the school, such that application of the discipline code is warranted. More specifically, when these offenses are committed, a student disciplinary hearing will be scheduled to determine any appropriate disciplinary action, up to and including expulsion, notwithstanding that the misconduct was committed off school property or after school hours.

Therefore, it is the policy of the Egg Harbor Township Board of Education to apply its Discipline Policy [Code] and procedures to student misconduct that occurs off school property, after school hours (including any recess), and/or unrelated to any school function (referred to collectively as "off campus misconduct") where the misconduct is of such nature that continuation of the student in the school community would be detrimental to the physical and emotional well being of the students of the Egg Harbor Township School District and materially and substantially interfere with the orderly operation of the school. The application of the Discipline Policy [Code] to off campus misconduct includes but is not limited to detentions, suspensions, and expulsions from the regular educational programs in Egg

Harbor Township School District, as well as participation in extra-curricular activities, such as interscholastic sports teams, club sports, student government positions, class trips, class proms and graduation ceremonies.

Pursuant to this policy, the Board finds that certain off campus misconduct raises a presumption that the misconduct detrimentally affects the physical and emotional well being of the students of the Egg Harbor Township School District and materially and substantially interfere with the orderly operation of the school, such that disciplinary action may occur. Off campus misconduct that will require a Board expulsion hearing includes, but is not limited to, the following:

1. Any student who is convicted in criminal court, or is subject to an adjudication of juvenile delinquency in juvenile court, or enters a guilty plea in either criminal or juvenile court, of violation the following provisions of the Comprehensive Drug Reform Act of 1987, N.J.S.A. 2C:35-1 et seq., including any subparts and subsequent amendments:

a. 2C:35-3, Leader of narcotics trafficking network;

b. 2C:35-4, Maintaining or operating a controlled dangerous substance production facility;

c. 2C:35-5, Manufacturing, distribution or dispensing of a controlled dangerous substance or controlled dangerous analog;

d. 2C:35-6, Employing a juvenile in a drug distribution scheme;

e. 2C:35-10(a)(1)(2)&(3), Possession, use or being under the influence, or failure to make lawful disposition, excluding those offenses listed as disorderly persons offenses;

f. 2C:35-11, Imitation controlled dangerous substance, distribution, possession, manufacture;

g. 2C:35-13, Obtaining by fraud.

2. Any student who is convicted in criminal court, or is subject to an adjudication of juvenile delinquency in juvenile court, or enters a guilty plea in either criminal or juvenile court, of violating the following provisions of the state criminal code pertaining to firearms, other dangerous weapons, and instruments of crime;

N.J.S.A. 2C:39-3, Prohibited weapons and devices;

N.J.S.A. 2C:39-4, Possession of weapons for unlawful purpose;

N.J.S.A. 2C:39-5, Unlawful possession of weapons;

N.J.S.A. 2C:39-9, Manufacture, transport, etc. of weapons;

3. Any student who is convicted in criminal court, or is subject to an adjudication of

juvenile delinquency in juvenile court, or enters a guilty plea in either criminal or juvenile court, of violation the following provisions of the state criminal code:

Criminal homicide, murder, manslaughter, death by auto or vessel and aiding suicide, N.J.S.A. 2C:11-1 through 11-6;

Aggravated Assault, N.J.S.A. 2C:12-1(b);

Terroristic Threats, N.J.S.A. 2C:12-3;

Stalking, N.J.S.A. 2C:12-10;

Kidnapping, N.J.S.A. 2C:13-1;

Criminal Restraint, N.J.S.A. 2C:13-2;

Criminal Coercion, N.J.S.A. 2C:13-5;

Enticement of children into Motor Vehicle, N.J.S.A. 2C:13-6;

Sexual Assault and Aggravated Sexual Assault, N.J.S.A. 2C:14-2;

Lewdness, N.J.S.A. 2C:14-4(b)(fourth degree crime);

Robbery, N.J.S.A. 2C:15-1;

Carjacking, N.J.S.A. 2C:15-2;

Arson, N.J.S.A. 2C:17-1;

Causing or risking widespread injury or damage, N.J.S.A. 2C:17-2;

Burglary, N.J.S.A. 2C:18-1;

Riot, N.J.S.A. 2C:33-1;

Prostitution, N.J.S.A. 2C:34-1.

The listed offenses are meant only as an example of the criminal offenses that may generate discipline. The Board reserves the right to hold an expulsion hearing and to otherwise apply its Discipline Policy [Code] on other off campus misconduct that is not mentioned herein, so long as the underlying misconduct is of such nature that continuation of the student in school is clearly detrimental to the physical and emotional well being of the students of the Egg Harbor Township School District and materially and substantially interfere with the orderly operation of the school.

In addition, the Board may also discipline any student who commits an act which would constitute an offense under the statutes referenced above, even if such conduct has not been or may not be prosecuted under the criminal laws of this State or any other jurisdiction, or has been prosecuted under the criminal laws of this State or any other

jurisdiction and such prosecution has been terminated in a manner other than with a conviction or adjudication of juvenile delinquency.

Before any discipline is imposed pursuant to this Policy, the procedural rights and all other rules and regulations governing student discipline will be observed.

Adopted: 10/22/2002

Revised: 9/11/2012