

# Policy

## Board of Education Nutley

### PUPILS

#### REMOVAL OF PUPILS FROM REGULAR EDUCATION PROGRAM FOR WEAPONS/FIREARMS VIOLATIONS

The Board of Education is committed to providing a safe school environment to all pupils attending the public schools. To provide this safe learning environment, the Board of Education will implement the Safe Schools Initiative - Chapters 127 and 128, The Zero Tolerance For Guns Act. The Act provides for immediate removal of a pupil found to be in possession of a firearm, committing a crime with a firearm or assaulting a member of the school community with a weapon other than a firearm.

Any pupil convicted or found to be delinquent for possessing a firearm on school property, on a school bus, or at a school-sponsored function or committing a crime while possessing a firearm shall be immediately removed from the school's regular educational program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the Board of Education to remove the pupil.

Any pupil who assaults a pupil, teacher, administrator, board member, or other school district employee, with a weapon other than a firearm on school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's regular education program and placed in an alternative education school or program, pending a hearing before the Board of Education.

The Superintendent determines whether the pupil is prepared to return to the regular education program or whether the pupil remains in the alternative education program or other educational placement. The Superintendent's decision must be made in accordance with school district policy and New Jersey Administrative Code. If the pupil is educationally disabled, the pupil's placement is determined by the child study team and the pupil's parent or legal guardian in accordance with N.J.A.C. 6:28 et seq., Special Education.

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If a pupil is removed from the regular education program and a placement in an approved alternative education program is not available, or if the Superintendent determines that it is not in the best interest of the pupil and the school to modify the conditions for the removal and placement of the pupil, the school district may consider and provide home instruction, home schooling, distance learning or another program completion option.

Pupils with disabilities who exhibit dangerous or violent behavior, may be removed immediately from the school setting. The principal may suspend the pupil for up to ten school days without the involvement of the child study team. If the school believes the pupil should be removed for more than ten school days the child study team must conduct a reevaluation to determine if the pupil's misconduct was primarily caused by his/her disability. If the misconduct is determined not to be primarily caused by the pupil's disability, the pupil may be removed, expelled, or suspended for more than ten school days following applicable due process procedures. The district may not cease educational service. If the misconduct is determined to be primarily caused by the pupil's disability, the pupil may not be expelled or suspended from school for more than ten days. The school district may change the pupil's placement if it believes that maintaining the pupil in the current educational placement is inappropriate.

In accordance with N.J.A.C. 6:29-10.3(a) the Board of Education will adopt procedures and a memorandum of agreement with appropriate law enforcement authorities consistent with the Attorney General's Executive Directive 1988-1. The Superintendent will work with the local law enforcement officials to review and revise the implementation of any agreements.

Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act  
N.J.A.C. 6:28 et seq.