

**Removal of Pupils for Assaults
With Weapons Offenses**

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5613 REMOVAL OF PUPILS FOR ASSAULTS
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The Board of Education is committed to providing a safe and secure school environment to all pupils attending the public schools. To provide this environment, the Board of Education will implement policies and procedures regarding a pupil 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 pupil on school grounds, pursuant to N.J.S.A. 18A:37-2.2 through 2.5.

A pupil, other than a pupil with a disability, who commits an assault as defined above shall be immediately removed from the school's general education program for a period not exceeding one calendar year and placed in an alternative education program according to the requirements of N.J.A.C. 6A:16-9.1 et seq. The Superintendent may modify on a case-by-case basis the removal of a general education student in accordance with N.J.A.C. 6A:16-5.6(b)1. A pupil with a disability who commits an assault as defined above shall be immediately removed in accordance with the provisions of N.J.A.C. 6A:14 and applicable Federal regulations and shall receive a placement in accordance with N.J.A.C. 6A:14.

The Principal or designee shall remove the pupil in accordance with the requirements outlined in N.J.A.C. 6A:16-5.6(d), which includes notifying the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

If it is found that the removed pupil did not commit these offense(s), the pupil shall be immediately returned to the program from which he or she was removed.

If a pupil, other than a pupil with a disability, is removed from the general education program pursuant to N.J.A.C. 6A:16-5.6 and this Policy, and a placement in an alternative education program is not available, the general education pupil shall be provided home or other out-of-school instruction, according to N.J.A.C. 6A:16-10.2, until placement is available.

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The Superintendent shall make the final determination on whether the general education pupil removed, in accordance with the requirements of N.J.A.C. 6A:16-5.6 and this Policy, 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 criteria outlined in N.J.A.C. 6A:16-5.6(i).

The Superintendent of Schools biannually shall submit to the Commissioner of Education a report on each incident and the circumstance surrounding the removal of pupils pursuant to N.J.A.C. 6A:16-5.6 utilizing the reporting system adopted by the State of New Jersey, pursuant to N.J.A.C. 6A:16-5.3(e)1.

This Policy and Regulation 5613, implementing the requirements of N.J.A.C. 6A:16-5.6, shall be annually disseminated to all school staff, pupils, and parents.

N.J.S.A. 18A:37-1 et seq.
N.J.A.C. 6A:14-2.8 et seq.; 6A:16-5.6;
6A:16-6.1 et seq.; 6A:16-7.1 et seq.;
6A:16-8.1 et seq.; 6A:16-9.1 et seq.;
6A:16-10.2

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**R 5613 - REMOVAL OF PUPILS FOR ASSAULTS
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A. Definitions

“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. School buildings and school grounds also includes other facilities such as, 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 Pupils for Assaults with Weapons Offenses

1. Pursuant to the provisions of N.J.A.C. 6A:16-5.6, any pupil, other than a pupil 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 pupil 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 pupil.
3. Nothing in N.J.A.C. 6A:16-5.6 shall be construed to prohibit the expulsion of a general education pupil.
4. The Board shall immediately remove pupils with disabilities for assaults with weapons offenses in accordance with N.J.A.C. 6A:14 and applicable Federal regulations.

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C. Procedures – Removal of Pupils for Assaults with Weapons Offenses

1. The Principal or designee shall:
 - a. Remove a pupil as set forth in B. above;
 - b. Isolate the pupil and place him or her under the supervision of school staff until the pupil's parent or a law enforcement official takes custody of the pupil;
 - c. Immediately report to the Superintendent the removal of the pupil;
 - d. Notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice; and
 - e. Notify the pupil's parent of the following information:
 - (1) The removal action;
 - (2) The law enforcement notification;
 - (3) The change of custody, if it occurs; and
 - (4) A general education pupil's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.5 or a pupil 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.
2. A pupil, other than a pupil with a disability, removed from the general education program pursuant to N.J.A.C. 6A:16-5.6 shall be placed in an alternative education program, according to the requirements of N.J.A.C. 6A:16-9.1 et seq.:
 - a. If placement in an alternative education program is not available, the general education pupil shall be provided home or other out-of-school instruction, according to N.J.A.C. 6A:16-10, until placement is available.

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3. A pupil with a disability removed pursuant to B. above shall receive a placement in accordance with N.J.A.C. 6A:14.
4. A pupil, other than a pupil with a disability, 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 Board of Education pursuant to N.J.A.C. 6A:16-7.3.
5. If it is found that the removed pupil did not commit the offense(s), the pupil shall be immediately returned to the program from which he or she was removed.

D. Return to General Education Program

1. The Superintendent shall make the final determination on whether the general education pupil 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:
 - a. The nature and severity of the offense;
 - b. The Board's removal decision;
 - c. The results of relevant testing, assessment, or evaluation of the pupil; and
 - 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 pupil has been placed.

In Effect: November 18, 2014

Revised: December 3, 2019