



# Student Code of Conduct (SCC)

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## STUDENT CODE OF CONDUCT (SCC)

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## **Student Code of Conduct (SCC)**

### **Vision:**

The Trenton Public School Community believes that it will create an environment where all members are welcomed, supported, and feel safe in school: socially, emotionally, intellectually and physically. The safety and security of all our students, and staff is one of our highest priorities in which we are committed and dedicated to providing an environment that is truly conducive to learning.

### **Positive Behavior Support Statement**

It is the goal of the Trenton Public Schools to provide a positive learning environment for every student. In order to accomplish this goal it requires an understanding of and adherence to acceptable standards of respectful behavior that will allow student learning to take place. The Student Code of Conduct must be implemented with fidelity. Student expectations must be taught and reinforced in a positive manner. A great deal of attention must be applied to creating positive learning environments in which student expectations are modeled and reinforced at all times in addition to student interventions are put in place that match the specific student need.

It is the responsibility of all to ensure that standards of behavior are taught and positively reinforced in every school every day by every staff member utilizing school wide behavior plans, and positive behavior supports. This includes careful monitoring of student's academic progress with appropriate interventions, to avoid behavioral disruptions often caused by academic failure.

### **Goals and Objectives of the Student Code of Conduct:**

The “reculturing” of a school to a positive school climate supports academic achievement and promotes fairness, civility, acceptance of diversity, as well as mutual respect. To assist students, parents, guardians, administrators, and school personnel in maintaining a safe and supportive environment, the Student Code of Conduct will:

- Describe rights and responsibilities of all students and parents/guardians
- Describe the responsibilities of District staff
- Identify prevention strategies
- Identify classifications of incidents and describe corrective strategies for behavioral infractions



## Purpose of the Student Code of Conduct

The Trenton Public Schools believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of pupils.

The District expects pupils to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other pupils, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

The District believes that standards of pupil behavior must be set cooperatively by interaction among the pupils, parents/guardians, staff and community, producing an atmosphere that encourages pupils to grow in self-discipline. Such an atmosphere must include respect for self and others, as well as for district and community property.

The District has developed and implemented a Student Code of Conduct that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions, and as appropriate, conduct away from school grounds. Each pupil of this District shall adhere to the rules and regulations established by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules.

The Superintendent's designee and appropriate school-based personnel shall provide to pupils and their parents/guardians the rules of this District regarding pupil conduct and the sanctions that may be imposed for breach of those rules. Provisions shall be made for informing parents/guardians whose primary language is other than English.

In developing the standards, policies, and procedures to implement this policy, the Superintendent and the District's Student Code of Conduct Committee shall ensure that the Student Code of Conduct is: (i) based on parent, student, and community involvement which represents, where possible, the composition of the schools and community; (ii) based on locally determined and accepted core ethical values; and (iii) board approved. However, **each case must be individually evaluated and the administration has the right to determine the appropriate consequences based on the facts of the offense. Therefore based on the offense, the consequences could be maximum for that particular offense, regardless of the frequency of the offense.** Trenton Board of Education complies with all procedural safeguards set forth at 20 U.S.C.A. 1400, et seq. and N.J.A.C. 6A:14 – 1.1, et seq., that are provided to those students entitled to special education and related services. The Behavioral Guidelines shall be disseminated annually



to all school staff, students, and parents. Pursuant to 6A: 16 7.1 (b), these guidelines were 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 student problem behaviors at stages of identification; and
6. Establish parameters for school responses to violations of the Student Code of Conduct to take in account, at a minimum, the severity of those offenses, the developmental ages of the student offenders and student's histories of inappropriate behaviors.

Administrators are asked to administer discipline in a progressive manner. The underlying principle is to use the least severe action that is appropriate for the misbehavior. Administrators would increase the severity of the action if the misbehaviors continue. When deciding what disciplinary action should be taken, the Principal or designee shall consider the student's age, exceptionality, English Language Learners (ELL) status, previous conduct, intent, and severity of the incidents.

**For schools to be safe and orderly everyone has a responsibility. Every student, parent/guardian, teacher, administrator, support staff and district personnel has a role. The following are some of each group's responsibilities:**

### **Responsibilities of Administrators**

- Define, teach, model, reinforce, and support appropriate student behaviors to create positive school environments.
- Monitor, support and sustain the effective implementation and maintenance of Positive Behavior Support.
- Expand the adoption and implementation of Alternatives to Suspension at the school.
- Distribute the Student Code of Conduct to students, parents and all school personnel annually and post on website.
- Implement the Student Code of Conduct in a fair and consistent manner.
- Review each discipline referral and ensure that appropriate interventions and/or corrective strategies/consequences are developed and implemented in accordance with the Student Code of Conduct.



- Use professional judgment to prevent minor behavioral incidents from becoming major challenges.
- Identify appropriate training and resources as needed to implement positive behavior interventions and supports.
- Implement all Trenton Board of Education School Board policies in a fair and consistent manner.
- Maintain accurate personal discipline data of students through student management systems.
- Ensure that behavior support plans for at risk youths are implemented with high levels of integrity and compliance.
- Ensure teacher provides academic work for student during suspension.

### **Responsibilities of Teachers**

- Define, supervise, teach, model, and support appropriate student behaviors to create positive school environments.
- Use appropriate classroom management strategies to maintain a learning environment that supports academic success.
- Establish positive behavioral expectations consistent with Student Code of Conduct.
- Provide a positive classroom and school environment.
- Provide corrective feedback and re-teaching of a behavioral skill when a student demonstrates challenging behavior or when misconduct occurs.
- Address infractions through a variety of interventions, including positive behavior interventions and supports.
- Use professional judgment to prevent minor incidents from becoming major challenges.
- Follow any Behavior Intervention Plan (BIP) for identified students.
- Report the behavior to the appropriate school administrator at the school for a student who engages in ongoing misconduct, despite appropriate interventions.
- Request additional training or staff development as needed.
- Refer students to Intervention and Referral Services (IR&S) who are in need of additional support.
- Provide academic work for student during suspension.

### **Responsibilities of Students**

- Attend school and all classes daily as scheduled.
- Follow the Student Code of Conduct.
- Be accepting of individual differences between people.
- Show respect by using respectful language and actions.





- Do not be a bystander when bullying and/or harassment occur. Report any bullying and/or harassment to an administrator.
- Respect the rights of other students, parents, faculty, staff, school visitors, school property and the property of others.
- Work hard and do your best.
- Ask teachers, counselors, support staff, parents, school administrators, and other adults for help in solving problems.
- Complete academic work as assigned.

### **Responsibilities of Parents, Advocates, Caregivers, and Guardians**

- Make sure your child comes to school every day on time and ready to learn.
- Visit your child's school, as necessary, to evaluate his/her academic and/or behavioral progress.
- Read the Student Code of Conduct.
- Support your child in following the Student Code of Conduct.
- Take an active role in supporting the implementation of School-wide Positive Behavior Support.
- Teach your child to respect the rights of others.
- Teach your child to respect school property and the property of others.
- Seek available resources to support your child within the school and the community.
- Encourage student to complete all academic work as assigned.



## Sample Parental Acknowledge Student Code of Conduct Contract Campus Copy

As the parent/guardian of the student listed below, We hereby confirm that we have been given a copy of the Trenton Public School District's Student Code of Conduct and that:

1. We accept the responsibilities expected of me as a parent/guardian of a student.
2. We acknowledge receipt of the policies, procedures, rules, regulations and practices as presented in this document.
3. We have read the procedures listed in the appeal process.
4. We understand that there will be consequences should my child fail to abide by as outlined in the Student Code of Conduct behavioral expectations of the Trenton Public School District

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Student (please print)

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Parent's/Guardian's Signature

NOTE: This Handbook is designed to be used as a guide for parents/guardians and students of the Trenton Public School District.



## TRENTON BOARD OF EDUCATION *Harassment, Intimidation, and Bullying (HIB)*

### **Purpose Statement**

To provide guidance in the implementation of policies and procedures regarding Harassment, Intimidation, and Bullying (HIB) behavior in schools in accordance with (*P.L. 2010, Chapter 122*).

### **Policy Statement**

The Trenton Board of Education prohibits acts of harassment, intimidation, or bullying of a pupil. A safe and civil environment in school is necessary for pupils to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a pupil's ability to learn and a school's ability to educate its pupils in a safe and disciplined environment. Since pupils 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 (TBOE Policy 5512.01).

For the purposes of this Policy, the term "parent," pursuant to N.J.A.C. 6A:16-1.3, means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a pupil. Where parents are separated or divorced, "parent" means the person or agency which has legal custody of the pupil, as well as the natural or adoptive parent(s) of the pupil, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

Students are expected to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with proper regard for the rights and welfare of other pupils and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment consistent with the Code of Student Conduct. Standards for student behavior are developed to produce an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school district and community property on the part of pupils, staff, and community members.

Pupils are expected to behave in a way that creates a supportive learning environment. The district believes the best discipline is self-imposed, and it is the responsibility of staff to use instances of violations of the Code of Student Conduct as opportunities to help pupils learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with pupils shall apply best practices designed to prevent or remediate student conduct problems and foster students' abilities to grow in self-discipline.



## *Harassment, Intimidation, and Bullying (HIB)*

### **Definition**

***P. L. 2010, CHAPTER 122, Assembly, No. 3466 (corrected copy) approved January 5, 2011 and 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:

1. 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; and that
2. Takes place on school property, at any school-sponsored functions, on a school bus, or off school grounds, and that takes place through electronic communication.
3. 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; or that
  - b. has the **effect of insulting or demeaning** any student or group of students in such a way as **to cause substantial disruption** in, or **substantial interference** with, the orderly operation of the school; or
  - c. **creates a hostile educational environment** at school for the student; or



- d. **infringes on the rights of the student at school** by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

### **Consequences and Appropriate Remedial Actions**

The Trenton Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for pupils who commit one or more acts of harassment, intimidation, or bullying consistent with the Code of Pupil Conduct. **The following factors**, at a minimum shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation and bullying by pupil:

1. Age, developmental and maturity levels of the parties involved and their relationship to the school district;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and
7. Context in which the alleged incidents occurred.

However, an administrator may issue discipline for an incident even if there is no finding of harassment, intimidation or bullying. For example, two students engage in a fistfight that is witnessed and broken-up by teachers. The anti-bullying specialist may investigate to determine if the fight stemmed from any of the characteristics cited in the Harassment Intimidation and Bullying law. The anti-bullying specialist may make a finding of no harassment intimidation and bullying; however, the students will still receive discipline for the fight itself.



**Tier 1 Unacceptable Student Behaviors**  
**Elementary School/Secondary School**

**Tier I violations include infractions that are generally violations of classroom and campus rules. These are typically violations that can be corrected by the classroom teacher. Teachers and other staff members may keep a written record of the violation.**

<b><u>Tier 1 Misconduct(A)</u></b>	<b><u>Action Taken for Tier 1 Misconduct by Teacher/School Disciplinarian or Designee</u></b>
Disruptive behavior Defiance Disrespect Excessive Horseplay Harassment/Intimidation and Bullying Inappropriate use of electronic devices, including cell phones Use of Profanity	Verbal Reprimand Contact parent Peer mediation Conference Confiscation items will only be returned to parents Withdrawal of privileges Detention Behavioral contract Behavioral improvement program After School/Saturday School Detention

\*Please note continuation of unmodified Tier 1 misbehavior will be moved to a Tier 2 offense.

\*Required in addition to the corrective consequences.



**Tier 1 Unacceptable Student Behaviors**  
**Elementary School/Secondary School**

**Tier I violations include infractions that are generally violations of classroom and campus rules. These are typically violations that can be corrected by the classroom teacher. Teachers and other staff members may keep a written record of the violation.**

<b><u>Tier 1 Misconduct(B)</u></b>	<b><u>Action Taken for Tier 1 Misconduct by Teacher/School Disciplinarian or Designee</u></b>
Harassment/Intimidation and Bullying Unexcused tardiness/class cutting/absence Cheating Inappropriate use of electronic devices, including cell phones Failure to complete to assignments Failure to follow instructions Wearing hats, hoodies, or other apparel disruptive to the educational process or other Dress Code Violations	Verbal Reprimand Contact parent Peer mediation Conference Confiscation items will only be returned to parents Withdrawal of privileges Detention Behavioral contract Behavioral improvement program After School/Saturday School Detention

\*\*Please note continuation of unmodified Tier 1 misbehavior will be moved to a Tier 2 offense.

\*Required in addition to the corrective consequences.



**Tier 2 Unacceptable Student Behavior**  
**Elementary/ Secondary School**  
**Unmodified Tier 1 Misbehavior**

**Description**

A student is guilty of Unmodified Tier 1 Misbehavior when they continue to engage in repeated acts of Tier 1 Misbehavior.

**Student Expectation**

Students enrolled in Trenton Public Schools are expected to follow the Student of Conduct.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Parent/guardian notification
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offense: mandatory 1-2 days out of school suspension</li> <li>• 2<sup>nd</sup> Offense: mandatory 3-4 days out of school suspension; Behavior Management Plan; and counseling</li> <li>• 3<sup>rd</sup> Offense: mandatory 5-6 days out of school suspension with prior approval from the Executive Director of FACE or her designee (if a classified student is suspended for more that 10 days, within those first 10 day the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days).</b></li> </ul>	<ul style="list-style-type: none"> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• Behavioral Management Plan</li> <li>• Deprivation of privileges</li> <li>• Pupil counseling</li> <li>• <b>Parent conference*</b></li> <li>• <b>Student conference*</b></li> <li>• Family therapy</li> <li>• Alternative education program</li> <li>• In School Suspension (Secondary)</li> </ul>

\*Required in addition to the corrective consequences.





**Tier 2 Unacceptable Student Behavior**  
**Elementary School**  
**Fighting**

**Description**

A student is guilty of fighting if he/she engages in a violent struggle involving the exchange of physical blows with another student.

**Student Expectation**

Students enrolled in Trenton Public Schools resolve disputes and differences peacefully; accept the rights of others to their own opinions and beliefs; display loyalty and good sportsmanship; and acknowledge and accept the consequences of their own actions.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit Electronic Violence Vandalism Reporting System (EVVRS)

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offense: mandatory 1-3 days out of school suspension</li> <li>• 2<sup>nd</sup> Offense: mandatory 3-5 days out of school suspension; Behavior Management Plan; and counseling</li> <li>• 3<sup>rd</sup> Offense: mandatory 6-8 days out of school suspension with prior approval from the Executive Director of FACE or her designee (if a classified student is suspended for more that 10 days, within those first 10 day the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the</b></li> </ul>	<ul style="list-style-type: none"> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• Behavioral Management Plan</li> <li>• Deprivation of privileges</li> <li>• Pupil counseling</li> <li>• <b>Parent conference*</b></li> <li>• <b>Student conference*</b></li> <li>• Family therapy</li> <li>• Alternative education program</li> </ul>



school year cause a combined suspension of more than 10 days).	
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\*Required in addition to the corrective consequences.



**Tier 2 Unacceptable Student Behavior**  
**Elementary School**  
**Simple Assault (Attempting to or causing bodily injury)**

**Description**

A student is guilty of simple assault if he/she attempts to cause or purposely, knowingly, or recklessly causes bodily injury to another; or attempting by physical menace to put another in fear of imminent serious bodily injury. (N.J.S.A 2C:12-1a)

**Student Expectation**

Students enrolled in Trenton Public Schools resolve disputes and differences peacefully; accept the rights of others to their own opinions and beliefs; display loyalty and good sportsmanship; and acknowledge and accept the consequences of their own actions.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offense: mandatory 1-3 days out of school suspension</li> <li>• 2<sup>nd</sup> Offense: mandatory 4-5 days out of school suspension; Behavior Management Plan; and counseling</li> <li>• 3<sup>rd</sup> Offense: mandatory 6-8 days out of school suspension with prior approval from the Executive Director of FACE or her designee.</li> <li>• 4<sup>th</sup> Offense: mandatory 9 days out of school suspension</li> </ul>	<ul style="list-style-type: none"> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• Behavioral Management Plan</li> <li>• Deprivation of privileges</li> <li>• Pupil counseling</li> <li>• <b>Parent conference*</b></li> <li>• <b>Student conference*</b></li> <li>• Family therapy</li> <li>• Alternative education program</li> </ul>



<p>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated representative.</p> <p>(ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.</b></p>	
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\*Required in addition to the corrective consequences



**Tier 2 Unacceptable Student Behavior**  
**Elementary School**  
**Extortion**

**Description**

A student is guilty of extortion if he/she gains property or money by almost any kind of force, or threat of violence, property damage, or harm to reputation. Extortion differs from robbery in that the threat in question does not pose an imminent physical danger to the victim. (N.J.S.A. 2C:20-5)

**Student Expectation**

Students are expected to respect others and their property. Students should not take, or attempt to take, personal property or money from another pupil (regardless of value), or his/her presence, by means of force or fear.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offense: mandatory 1-3 days out of school suspension and civil restitution</li> <li>• 2<sup>nd</sup> Offense: mandatory 4-5 days out of school suspension; civil restitution; and counseling</li> <li>• 3<sup>rd</sup> Offense: mandatory 6-8 day out of school suspension with prior approval from the Executive Director of FACE or her designee (if a classified student is suspended for more that 10 days, within those first 10 day the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Restitution and restoration and/or Community Service*</b></li> <li>• <b>Recommendations of a school safety/behavior team*</b></li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• Behavioral Management Plan</li> <li>• Deprivation of privileges</li> <li>• Pupil counseling</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conference *</b></li> </ul>



between the behavior and disability.  
**The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days).**

\*Required in addition to the corrective consequences



**Tier 2 Unacceptable Student Behavior**  
**Elementary School**

**Defacing, destroying, or damaging school or school employee property**

**Description**

A student is guilty of defacing, destroying, or damaging school, or personal property, causing an economic loss due to repair or replacement. Serious incidental damage to property occurring during an act of violence should be reported. Knowingly setting off a fire alarm when no fire exists is entered in this category. (N.J.S.A. 2C:17-3)

**Student Expectation**

Trenton Public Schools encourages respect for the property of the school and/or school system at all times. Students are expected to respect school property and the property of others.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
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<ul style="list-style-type: none"><li>• 1<sup>st</sup> Offense: mandatory 1-3 days out of school suspension; civil restitution; counseling; and possible criminal proceedings</li><li>• 2<sup>nd</sup> Offense: mandatory 4-5 days out of school suspension; civil restitution; counseling; and possible criminal proceedings</li><li>• 3<sup>rd</sup> Offense: mandatory 6-8 days out of school suspension with prior approval from the Executive Director of FACE or her designee (if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days</b>), civil restitution; counseling; possible criminal proceedings; and possible legal hearing.</li></ul>	<ul style="list-style-type: none"><li>• <b>Restitution and restoration and/or Community Service *</b></li><li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li><li>• <b>Behavioral management plan *</b></li><li>• Pupil counseling</li><li>• Deprivation of privileges</li><li>• <b>Student conference*</b></li><li>• <b>Parent conference *</b></li><li>• Alternative education programs</li></ul>
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\*Required in addition to the corrective consequences





**Tier 2 Unacceptable Student Behavior**  
**Elementary School**  
**Inciting a Riot**

**Description**

A student is guilty of riot if he/she participates with four or more others in a course of disorderly conduct with purpose to commit or facilitate the commission of a crime; with purpose to prevent or coerce official action; or when student or any other participant, known to him, uses or plans to use a firearm or other deadly weapon. (N.J.S.A. 2C:33-1.a)

**Student Expectation**

Students will be expected to respect themselves, others, property, and the teaching and learning process. Students are expected to maintain a safe and orderly school environment.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• Mandatory 9 day out of school suspension</li> <li>• Possible expulsion/criminal proceeding</li> </ul> <p>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated representative.</p> <p>(ii) if a classified student is suspended for more than 10 days, within</p>	<ul style="list-style-type: none"> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• Behavioral management plan</li> <li>• Pupil counseling</li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conference*</b></li> <li>• <b>Alternative education programs*</b></li> <li>• Referral for pupil treatment or pupil therapy</li> </ul>



those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. **The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.**

\*Required in addition to the corrective consequences



**Tier 2 Unacceptable Student Behavior**  
**Elementary School**  
**False alarm, bomb threat**

**Description**

A student is guilty of making a false alarm if he/she initiates or circulates a report or warning of an impending fire, explosion, bombing, crime, catastrophe or emergency knowing that the report or warning is false or baseless and that it is likely to cause evacuation of a building, place of assembly, or facility of public transport, or to cause public inconvenience or alarm.

**Student Expectation**

Students are expected to promote a safe and orderly learning environment. Setting off, attempting to set off, or aiding and abetting anyone in setting off a fire alarm is strictly not allowed. Students are also expected to not interfere with or damage any part of a fire alarm, fire or smoke detection device, or fire extinguishing system.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> offense: mandatory referral to Trenton Fire Department Starter’s program; mandatory 5 day out of school suspension; restitution;</li> <li>• 2<sup>nd</sup> offense: mandatory referral to Trenton Fire Department Starter’s program; mandatory 6-8 days out of school suspension with prior approval from the Executive Director of FACE or her designee; mandatory legal hearing; restitution; removal from general</li> </ul>	<ul style="list-style-type: none"> <li>• Restitution or restoration and/or Community Service</li> <li>• Peer support group</li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• <b>Pupil counseling*</b></li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conferences*</b></li> <li>• <b>Referral for pupil treatment or pupil</b></li> </ul>



<p>education population for up to one school year;</p> <ul style="list-style-type: none"><li>• 3<sup>rd</sup> offense: mandatory referral to Trenton Fire Department Starter's program; mandatory 9 day out of school suspension; mandatory legal hearing; restitution; possible expulsion.</li></ul> <p>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated representative.</p> <p>(ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.</b></p>	<p><b>therapy*</b></p>
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\*Required in addition to the corrective consequences



**Tier 2 Unacceptable Student Behavior**  
**Elementary School**

**Use of any controlled dangerous substances (drugs, narcotics, alcohol, anabolic steroids etc.)**

**Description**

It shall be unlawful for any student to use, possess with intent to use, or possess with intent to distribute any controlled dangerous substance. This includes but it not limited to over the counter and prescription medications, which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system; and anabolic steroids. (N.J.S.A. 2C:36-2)

**Student Expectation**

Students are expected to maintain a drug-free school environment. Students shall not use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substance, any alcoholic beverage, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, counterfeit drugs or unauthorized prescription drug, or use any other chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student’s mood or behavior.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1st offense: mandatory 1-3 days out of school suspension; clearance by physician; assessment by certified substance abuse counselor (SAC) who must recommend re-entry</li> <li>• 2nd offense: mandatory 4-5 days out of school suspension; mandatory clearance</li> </ul>	<ul style="list-style-type: none"> <li>• Peer support group</li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• <b>Pupil counseling*</b></li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> </ul>



<p>by physician; mandatory assessment by certified substance abuse counselor (SAC); must follow SAC recommendations;</p> <ul style="list-style-type: none"> <li>• 3<sup>rd</sup> offense: mandatory 6-8 days out of school suspension with prior approval from the Executive Director of FACE or her designee; mandatory clearance by physician; mandatory assessment by certified substance abuse counselor (SAC); must follow SAC recommendations; mandatory legal hearing; removal from general education population for up to one school year.</li> </ul> <p>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated representative.</p> <p>(ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.</b></p> <p>(iii) For classified students, immediate removal for up to 45 days may occur regardless of the outcome of a manifestation hearing under the following circumstances: when the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled</p>	<ul style="list-style-type: none"> <li>• <b>Parent conference*</b></li> <li>• <b>Referral for pupil treatment or pupil therapy*</b></li> <li>• Alternative education programs</li> </ul>
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substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency	
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\*Required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Elementary School**

**Possession or distribution of any controlled dangerous substances (drugs, narcotics, alcohol, anabolic steroids etc.)**

**Description**

It shall be unlawful for any student to use, possess with intent to use, or possess with intent to distribute any controlled dangerous substance. This includes but is not limited to over the counter and prescription medications, which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system; and anabolic steroids. (N.J.S.A. 2C:36-2)

**Student Expectation**

Students are expected to maintain a drug-free school environment. Students shall not possess or distribute any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substance, any alcoholic beverage, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, counterfeit drugs or unauthorized prescription drug, or possess any other chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student’s mood or behavior.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1st offense: mandatory 5 day out of school suspension; mandatory clearance by physician; mandatory assessment by certified substance abuse counselor (SAC); must follow SAC recommendations</li> <li>• 2nd offense: mandatory 6-8 day out of</li> </ul>	<ul style="list-style-type: none"> <li>• Peer support group</li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• <b>Pupil counseling*</b></li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> </ul>





<p>school suspension with prior approval from the Executive Director of FACE or her designee; mandatory clearance by physician; mandatory assessment by certified substance abuse counselor (SAC); must follow SAC recommendations; mandatory legal hearing; removal from general education population for up to one school year</p> <ul style="list-style-type: none"><li>• 3<sup>rd</sup> offense: mandatory 9 day out of school suspension; mandatory clearance by physician; mandatory assessment by certified substance abuse counselor (SAC); must follow SAC recommendations; mandatory legal hearing; removal from general education population for one school year; possible expulsion</li></ul> <p>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated representative.</p> <p>(ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.</b></p> <p>(iii) For classified students, immediate removal for up to 45 days may occur regardless of the outcome of a manifestation hearing when the</p>	<ul style="list-style-type: none"><li>• <b>Parent conference*</b></li><li>• Alternative education programs</li><li>• <b>Referral for pupil treatment or pupil therapy*</b></li></ul>
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<p>student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.</p>	
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\*required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Elementary School**  
**Aggravated Assault (Causing serious bodily harm)**

**Description**

A student is guilty of aggravated assault if he/she attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly. Any assault on a school board member, school administrator, teacher, school bus driver or other employee of the school board is guilty of aggravated assault. (N.J.S.A. 2C:12-1.b)

**Student Expectation**

Students enrolled in Trenton Public Schools should respect the person, property, and intellectual and creative products of others; resolving disputes and differences peacefully; respecting the rights and opinions of others; acknowledge and accept the consequences of their own actions.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offense: mandatory 5 day out of school suspension; a mandatory legal; and removal from the general education population (up to one school year); possible criminal proceedings;</li> <li>• 2<sup>nd</sup> Offense: mandatory 6-8 days out of school suspension with prior approval from the Executive Director of FACE or her designee; a mandatory legal hearing; and removal from the general education population for one year; possible criminal proceedings;</li> </ul>	<ul style="list-style-type: none"> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• <b>Behavioral Management Plan*</b></li> <li>• <b>Pupil counseling upon exit and re-entry*</b></li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conference*</b></li> <li>• Alternative education programs, if convicted by police</li> </ul>



<ul style="list-style-type: none"><li>• 3<sup>rd</sup> Offense: mandatory 9 day out of school suspension with prior approval from the Executive Director of FACE or her designee, counseling; possible criminal proceedings; mandatory legal hearing; possible expulsion<ul style="list-style-type: none"><li>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated representative.</li><li>(ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.</b></li><li>(iii) For classified students, immediate removal for up to 45 days may occur regardless of the outcome of a manifestation hearing when the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.</li></ul></li></ul>	
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\*Required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Elementary School**  
**Terrorist Threats and Intimidation**

**Description**

A student is guilty of making terrorist threats if he/she threatens to commit any crime of violence with the purpose to terrorize another or to cause evacuation of a building, place of assembly, or facility of public transportation. A person is guilty of a crime of the third degree if he threatens to kill another with the purpose to put him in imminent fear of death under circumstances reasonably causing the victim to believe the immediacy of the threat and the likelihood that it will be carried out. (N.J.S.A. 2C:12-3)

**Student Expectation**

Students enrolled in TPS shall not communicate threats of death or serious bodily injury toward any student, school employee or school volunteer. This includes threats made verbally, in writing, or in any other form of communication.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offense: mandatory 3-5 days out of school suspension, counseling</li> <li>• 2<sup>nd</sup> Offense: mandatory 6-8 days out of school suspension; counseling; legal hearing</li> <li>• 3<sup>rd</sup> Offense: mandatory 9 day out of school suspension; legal hearing; and removal from the general education population for up to one year</li> </ul> <p>(i) if a general education student</p>	<ul style="list-style-type: none"> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• Behavioral management plan</li> <li>• Pupil counseling</li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conference*</b></li> <li>• <b>Alternative education programs*</b></li> </ul>



<p>is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated representative.</p> <p>(ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.</b></p>	
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\*Required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Elementary School**  
**Possession, custody, or use of a weapon Zero Tolerance**

**Description**

A weapon is defined as any instrument that is not used as intended and is capable of inflicting injury or death to someone. (a) Firearms mean 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.

**Student Expectation**

Students are expected to attend school in an environment free from all weapons. Students shall not possess, handle, transmit, or bring on to school property any item that could be considered a weapon or dangerous instrument.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1st offense: in the event of an assault or knowing possession of a firearm, the student is to be removed immediately from the general education program for a period of one year. A subsequent Board hearing must be held within 30 days after the initial removal; as a result of this hearing, the Superintendent may modify this penalty on a case-by-case basis.</li> </ul>	<ul style="list-style-type: none"> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• <b>Pupil counseling*</b></li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conference*</b></li> </ul>



- In the event of an assault with a weapon this is not a firearm, the student is to be removed from the general education program pending the outcome of a legal hearing before the Board of Education for up to one year.
- For classified students, immediate removal for up to 45 days may occur regardless of the outcome of a manifestation hearing when the student carries or posses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency.

\*Required in addition to the corrective consequences





**Tier 3 Unacceptable Student Behavior**  
**Elementary School**  
**Arson causing serious bodily harm**

**Description**

A student is guilty of aggravated arson if he/she starts a fire on any district property purposely or knowingly placing another person in danger of death or bodily injury; with the purpose of destroying a building or structure of another; with the purpose of collecting insurance for the destruction or damage to such property under circumstances which recklessly place any other person in danger of death or bodily injury; or with the purpose of destroying or damaging a structure in order to exempt the structure, completely or partially, from the provisions of any State, county or local zoning, planning or building law, regulation, ordinance or enactment under circumstances which recklessly place any other person in danger of death or bodily injury (N.J.S.A. 2C:17-3)

**Student Expectation**

Trenton Public Schools promotes a safe and orderly learning environment for all students. Students will respect the person and property of others by displaying care for the property of others; resolving disputes and differences peacefully; displaying loyalty and good sportsmanship; and acknowledge and accept the consequences of their own actions.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> offense: mandatory referral to Trenton Fire Department Starter's program; mandatory suspension 9 days; mandatory legal hearing; restitution; removal from general</li> </ul>	<ul style="list-style-type: none"> <li>• Restitution or restoration and/or Community Service</li> <li>• Peer support group</li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> </ul>



<p>education population for up to one school year subsequent offensive could lead to expulsion</p> <p>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated representative.</p> <p>(ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.</b></p> <p>(iii) For classified students, immediate removal for up to 45 days may occur regardless of the outcome of a manifestation hearing when the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.</p>	<ul style="list-style-type: none"><li>• <b>Pupil counseling*</b></li><li>• <b>Student conference*</b></li><li>• <b>Parent conference*</b></li><li>• <b>Referral for pupil treatment or pupil therapy*</b></li></ul>
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\*Required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Elementary School**  
**Stealing, theft**

**Description**

- a.) Movable property: A student is guilty of stealing, theft if he unlawfully takes, or exercises unlawful control over, moveable property of another with purpose to deprive him thereof.
- b.) Immoveable property: A student is guilty of stealing, theft if he unlawfully transfers any interest in immovable property of another with purpose to benefit himself or another not entitled thereto. (N.J.S.A. 2C:20-3)

**Student Expectation**

Students will respect the person, property, and intellectual and creative products of others by displaying care for the property of others, being honest, forthcoming, and courteous, displaying loyalty and good sportsmanship, and accept the rights of others.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> offense: mandatory 1-3 days out of school suspension; civil restitution; deprivation of privileges</li> <li>• 2<sup>nd</sup> offense: mandatory 4-5 days out of school suspension; civil restitution; mandatory counseling</li> <li>• 3<sup>rd</sup> offense: mandatory 6-8 days out of school suspension with prior approval from the Executive Director of FACE or her designee (if student is classified manifestation hearing must be held prior</li> </ul>	<ul style="list-style-type: none"> <li>• Restitution or restoration and/or Community Service</li> <li>• Corrective instruction or other relevant learning or service experience</li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conferences*</b></li> </ul>



to request); civil restitution; legal hearing; removal from general education population for up to one school year.	
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\*Required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Elementary School**

**Inappropriate sexual behavior, including contact or harassment; possession of pornography**

**Description**

Sexual Harassment includes but is not limited to deliberate and unwelcoming touching, unwelcoming sexual advances, requests for sexual favors or pressure for sexual activity, and sexual or degrading words used toward and individual. SEE: Indecent Exposure Lewdness (N.J.S.A. 2C: 14-4)

**Student Expectation**

Students are expected to respect the worth and dignity of all students. Students are expected to maintain appropriate physical contact and conduct at all times.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> offense: mandatory 1-3 days out of school suspension; mandatory counseling;</li> <li>• 2<sup>nd</sup> offense: mandatory 4-5 days out of school suspension; mandatory counseling; mandatory legal hearing</li> <li>• 3<sup>rd</sup> offense: mandatory 6-8 days out of school suspension with prior approval from the Executive Director of FACE or her designee (if a classified student is suspended for more that 10 days, within those first 10 day the Child Study Team shall conduct a manifestation hearing to</li> </ul>	<ul style="list-style-type: none"> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conferences*</b></li> <li>• <b>Referral for pupil treatment or pupil therapy*</b></li> </ul>



determine the existence of a relationship between the behavior and disability. **The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days);** mandatory counseling; mandatory legal hearing; removal from general education program for up to one year

\*Required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Elementary School**  
**Sexual assault**

**Description**

A student is guilty of sexual assault if he/she subjects another to sexual contact or exposure without consent. The offender must intentionally touch, either directly or through clothing, the victim’s intimate parts, for the purpose of degrading or humiliating the victim, or sexually arouse of sexually gratify himself or herself in view of the victim whom the offender knows to be present for the incident to be considered a sex offense. Incidents of sexual assault should be reported in this category. Consider age and developmentally appropriate behavior before using this category. (N.J.S.A. 18A: 37-2c)

**Student Expectation**

Students are expected to respect the worth and dignity of all students. Students are expected to maintain appropriate physical contact and conduct at all times.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> offense; mandatory suspension 9 days; mandatory legal hearing; removal from general education program for up to one year subsequent offensive could lead to expulsion</li> <li>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated</li> </ul>	<ul style="list-style-type: none"> <li>• Corrective instruction or other relevant learning or service experience</li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• <b>Pupil counseling*</b></li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conference*</b></li> <li>• Alternative education programs</li> <li>• <b>Referral for pupil treatment or pupil therapy*</b></li> </ul>



<p>representative.</p> <p>(ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.</b></p> <p>(iii) For classified students, immediate removal for up to 45 days may occur regardless of the outcome of a manifestation hearing when the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.</p>	
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\*Required in addition to the corrective consequences





**Tier 3 Unacceptable Student Behavior**  
**Elementary School**  
**Indecent Exposure**

**Description**

Inappropriate exposure of intimate parts of a body to another without their consent for the purpose of degrading or humiliating the victim, or to sexually arouse, or to sexually gratify himself or herself in view of the victim.

**Student Expectation**

Students are expected to respect the worth and dignity of all students. Students are expected to maintain appropriate physical contact and conduct at all times.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> offense: mandatory 1-3 days out of school suspension; mandatory counseling; behavioral management plan</li> <li>• 2<sup>nd</sup> offense: mandatory 4-5 days out of school suspension; mandatory counseling; behavioral assessment or evaluation; behavioral management plan;</li> <li>• 3<sup>rd</sup> offense: mandatory 6-8 days out of school suspension with prior approval from the Executive Director of FACE or her designee (if student is classified manifestation hearing must be held prior to request); mandatory counseling; legal hearing; removal from general education</li> </ul>	<ul style="list-style-type: none"> <li>• Corrective instruction or other relevant learning or service experience</li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• Behavioral Management Plan</li> <li>• <b>Pupil counseling*</b></li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conferences*</b></li> <li>• Alternative education programs</li> <li>• <b>Referral for pupil treatment or pupil therapy</b></li> </ul>



population for a period of up to one school year.	
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\*Required in addition to the corrective consequences



**Tier 2 Unacceptable Student Behavior**  
**Secondary School**  
**Fighting**

**Description**

A student is guilty of fighting if he/she engages in a violent struggle involving the exchange of physical blows with another student.

**Student Expectation**

Students enrolled in Trenton Public Schools resolve disputes and differences peacefully; accept the rights of others to their own opinions and beliefs; display loyalty and good sportsmanship; and acknowledge and accept the consequences of their own actions.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offense: mandatory 1-3 days out of school suspension</li> <li>• 2<sup>nd</sup> Offense: mandatory 3-5 days out of school suspension; Behavior Management Plan; and counseling</li> <li>• 3<sup>rd</sup> Offense: mandatory 6-8 days out of school suspension with prior approval from the Executive Director of FACE or her designee (if a classified student is suspended for more that 10 days, within those first 10 day the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the</b></li> </ul>	<ul style="list-style-type: none"> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• Behavioral Management Plan</li> <li>• Deprivation of privileges</li> <li>• Pupil counseling</li> <li>• <b>Parent conference*</b></li> <li>• <b>Student conference*</b></li> <li>• Family therapy</li> <li>• Alternative education program</li> </ul>



<p>school year cause a combined suspension of more than 10 days)., and review/revise the Behavior Management Plan.</p>	
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**Tier 2 Unacceptable Student Behavior**  
**Secondary School**  
**Simple Assault (Attempting to or causing bodily injury)**

**Description**

A student is guilty of simple assault if he/she attempts to cause or purposely, knowingly, or recklessly causes bodily injury to another; or attempting by physical menace to put another in fear of imminent serious bodily injury. (N.J.S.A 2C:12-1a)

**Student Expectation**

Students enrolled in Trenton Public Schools resolve disputes and differences peacefully; accept the rights of others to their own opinions and beliefs; display loyalty and good sportsmanship; and acknowledge and accept the consequences of their own actions.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offense: mandatory 3 days out of school suspension</li> <li>• 2<sup>nd</sup> Offense: mandatory 4-5 days out of school suspension; Behavior Management Plan; and counseling</li> <li>• 3<sup>rd</sup> Offense: mandatory 6-8 days out of school suspension with prior approval from the Executive Director of FACE or her designee (if a classified student is suspended for more that 10 days, within those first 10 day the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship</li> </ul>	<ul style="list-style-type: none"> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• Behavioral Management Plan</li> <li>• Deprivation of privileges</li> <li>• Pupil counseling</li> <li>• <b>Parent conference*</b></li> <li>• <b>Student conference*</b></li> <li>• Family therapy</li> <li>• Alternative education program</li> </ul>



between the behavior and disability. **The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days),**

- 4<sup>th</sup> Offense: mandatory 9 days out of school suspension, legal hearing, behavioral assessment or evaluation; and possible alternative education program

- (i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated representative.
- (ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. **The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.**

\*Required in addition to the corrective consequences



**Tier 2 Unacceptable Student Behavior**  
**Secondary School**  
**Extortion**

**Description**

A student is guilty of extortion if he/she gains property or money by almost any kind of force, or threat of violence, property damage, or harm to reputation. Extortion differs from robbery in that the threat in question does not pose an imminent physical danger to the victim. (N.J.S.A. 2C:20-5)

**Student Expectation**

Students are expected to respect others and their property. Students should not take, or attempt to take, personal property or money from another pupil (regardless of value), or his/her presence, by means of force or fear.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offense: mandatory 3 day out of school suspension and civil restitution</li> <li>• 2<sup>nd</sup> Offense: mandatory 4-5 days out of school suspension; civil restitution; and counseling</li> <li>• 3<sup>rd</sup> Offense: mandatory 6-8 day out of school suspension with prior approval from the Executive Director of FACE or her designee (if student is classified manifestation hearing must be held prior to request), civil restitution; counseling; and a behavioral assessment or evaluation</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Restitution and restoration and/or Community Service *</b></li> <li>• <b>Recommendations of a school safety/behavior team*</b></li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• Behavioral Management Plan</li> <li>• Deprivation of privileges</li> <li>• Pupil counseling</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conference *</b></li> </ul>



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\*Required in addition to the corrective consequences





**Tier 2 Unacceptable Student Behavior**  
**Secondary School**

**Defacing, destroying, or damaging school or school employee property**

**Description**

A student is guilty of defacing, destroying, or damaging school, or personal property, causing an economic loss due to repair or replacement. Serious incidental damage to property occurring during an act of violence should be reported. Knowingly setting off a fire alarm when no fire exists is entered in this category. (N.J.S.A. 2C:17-3)

**Student Expectation**

Trenton Public Schools encourages respect for the property of the school and/or school system at all times. Students are expected to respect school property and the property of others.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offense: mandatory 1-3 days out of school suspension; civil restitution; counseling; and possible criminal proceedings</li> <li>• 2<sup>nd</sup> Offense: mandatory 4-5 days out of school suspension; civil restitution; counseling; and possible criminal proceedings</li> <li>• 3<sup>rd</sup> Offense: mandatory 6-8 days out of school suspension with prior approval from the Executive Director of FACE or her designee (if student is classified manifestation hearing must be held prior</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Restitution and restoration and/or Community Service *</b></li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• <b>Behavioral management plan *</b></li> <li>• Pupil counseling</li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conference *</b></li> <li>• Alternative education programs</li> </ul>



to request), civil restitution; counseling; possible criminal proceedings; and possible legal hearing	
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\*Required in addition to the corrective consequences



**Tier 2 Unacceptable Student Behavior**  
**Secondary School**  
**Inciting a Riot**

**Description**

A student is guilty of riot if he/she participates with four or more others in a course of disorderly conduct with purpose to commit or facilitate the commission of a crime; with purpose to prevent or coerce official action; or when student or any other participant, known to him, uses or plans to use a firearm or other deadly weapon. (N.J.S.A. 2C:33-1.a)

**Student Expectation**

Students will be expected to respect themselves, others, property, and the teaching and learning process. Students are expected to maintain a safe and orderly school environment.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• Mandatory 9 day out of school suspension</li> <li>• Legal hearing</li> <li>• Possible expulsion/criminal proceeding</li> </ul> <p>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated representative.</p> <p>(ii) if a classified student is suspended</p>	<ul style="list-style-type: none"> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• Behavioral management plan</li> <li>• Pupil counseling</li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conference*</b></li> <li>• <b>Alternative education programs*</b></li> <li>• <b>Referral for pupil treatment or pupil therapy</b></li> </ul>



for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. **The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.**

\*Required in addition to the corrective consequences



**Tier 2 Unacceptable Student Behavior**  
**Secondary School**

**Use of any controlled dangerous substances (drugs, narcotics, alcohol, anabolic steroids etc.)**

**Description**

It shall be unlawful for any student to use, possess with intent to use, or possess with intent to distribute any controlled dangerous substance. This includes but it not limited to over the counter and prescription medications, which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system; and anabolic steroids. (N.J.S.A. 2C:36-2)

**Student Expectation**

Students are expected to maintain a drug-free school environment. Students shall not use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substance, any alcoholic beverage, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, counterfeit drugs or unauthorized prescription drug, or use any other chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student's mood or behavior.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1st offense: mandatory 1-3 days out of school suspension; clearance by physician; assessment by certified substance abuse counselor (SAC) who must recommend re-entry</li> <li>• 2nd offense: mandatory 4-5 days out of school suspension; mandatory clearance</li> </ul>	<ul style="list-style-type: none"> <li>• Peer support group</li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• <b>Pupil counseling*</b></li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> </ul>



<p>by physician; mandatory assessment by certified substance abuse counselor (SAC); must follow SAC recommendations;</p> <ul style="list-style-type: none"><li>• 3<sup>rd</sup> offense: mandatory 6-8 day out of school suspension with prior approval from the Executive Director of FACE or her designee; mandatory clearance by physician; mandatory assessment by certified substance abuse counselor (SAC); must follow SAC recommendations; mandatory legal hearing; removal from general education population for up to one school year.</li></ul> <p>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated representative.</p> <p>(ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.</b></p> <p>(iii) For classified students, immediate removal for up to 45 days may occur regardless of the outcome of a manifestation hearing when the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on</p>	<ul style="list-style-type: none"><li>• <b>Parent conference*</b></li><li>• <b>Referral for pupil treatment or pupil therapy*</b></li><li>• Alternative education programs</li></ul>
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school premises, or at a school function under the jurisdiction of a State or local educational agency.	

\*Required in addition to the corrective consequences



**Tier 2 Unacceptable Student Behavior**  
**Secondary School**  
**False alarm, bomb threat**

**Description**

A student is guilty of making a false alarm if he/she initiates or circulates a report or warning of an impending fire, explosion, bombing, crime, catastrophe or emergency knowing that the report or warning is false or baseless and that it is likely to cause evacuation of a building, place of assembly, or facility of public transport, or to cause public inconvenience or alarm.

**Student Expectation**

Students are expected to promote a safe and orderly learning environment. Setting off, attempting to set off, or aiding and abetting anyone in setting off a fire alarm is strictly not allowed. Students are also expected to not interfere with or damage any part of a fire alarm, fire or smoke detection device, or fire extinguishing system.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> offense: mandatory referral to Trenton Fire Department Starter’s program; mandatory 9 day out of school suspension; restitution;</li> <li>• 2<sup>nd</sup> offense: mandatory referral to Trenton Fire Department Starter’s program; mandatory 9 day out of school suspension; restitution; removal from general education population for up to one school year</li> <li>• 3<sup>rd</sup> offense: mandatory referral to Trenton</li> </ul>	<ul style="list-style-type: none"> <li>• Restitution or restoration and/or Community Service</li> <li>• Peer support group</li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• <b>Pupil counseling*</b></li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conferences*</b></li> <li>• <b>Referral for pupil treatment or pupil</b></li> </ul>





<p>Fire Department Starter's program; mandatory 9 day out of school suspension; mandatory legal hearing; restitution; possible expulsion.</p> <p>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated representative.</p> <p>(ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.</b></p>	<p><b>therapy*</b></p>
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\*Required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Secondary School**  
**Aggravated Assault (Causing serious bodily harm)**

**Description**

A student is guilty of aggravated assault if he/she attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly. Any assault on a school board member, school administrator, teacher, school bus driver or other employee of the school board is guilty of aggravated assault. (N.J.S.A. 2C:12-1.b)

**Student Expectation**

Students enrolled in Trenton Public Schools should respect the person, property, and intellectual and creative products of others; resolving disputes and differences peacefully; respecting the rights and opinions of others; acknowledge and accept the consequences of their own actions.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offense: mandatory 9 day out of school suspension; a mandatory legal; and removal from the general education population (up to one school year); possible criminal proceedings; subsequent offensive could lead to expulsion</li> <li>• For classified students, immediate removal for up to 45 days may occur regardless of the outcome of a manifestation when the student has inflicted serious bodily injury upon</li> </ul>	<ul style="list-style-type: none"> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• <b>Behavioral Management Plan*</b></li> <li>• <b>Pupil counseling upon exit and re-entry*</b></li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conference*</b></li> <li>• Alternative education programs</li> </ul>



another person while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency.	
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\*Required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Secondary School**  
**Terrorist Threats and Intimidation**

**Description**

A student is guilty of making terrorist threats if he/she threatens to commit any crime of violence with the purpose to terrorize another or to cause evacuation of a building, place of assembly, or facility of public transportation. A person is guilty of a crime of the third degree if he threatens to kill another with the purpose to put him in imminent fear of death under circumstances reasonably causing the victim to believe the immediacy of the threat and the likelihood that it will be carried out. (N.J.S.A. 2C:12-3)

**Student Expectation**

Students enrolled in TPS shall not communicate threats of death or serious bodily injury toward any student, school employee or school volunteer. This includes threats made verbally, in writing, or in any other form of communication.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offense: mandatory 9 day out of school suspension; counseling; subsequent offensive could lead to expulsion</li> <li>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated</li> </ul>	<ul style="list-style-type: none"> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• Behavioral management plan</li> <li>• Pupil counseling</li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conference*</b></li> <li>• <b>Alternative education programs*</b></li> </ul>



<p>representative.</p> <p>(ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.</b></p>	
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\*Required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Secondary School**

**Possession or distribution of any controlled dangerous substances (drugs, narcotics, alcohol, anabolic steroids etc.)**

**Description**

It shall be unlawful for any student to use, possess with intent to use, or possess with intent to distribute any controlled dangerous substance. This includes but is not limited to over the counter and prescription medications, which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system; and anabolic steroids. (N.J.S.A. 2C:36-2)

**Student Expectation**

Students are expected to maintain a drug-free school environment. Students shall not possess or distribute any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substance, any alcoholic beverage, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, counterfeit drugs or unauthorized prescription drug, or possess any other chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student’s mood or behavior.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1st offense: mandatory 5 day out of school suspension; mandatory clearance by physician; mandatory assessment by certified substance abuse counselor (SAC); must follow SAC recommendations</li> <li>• 2<sup>nd</sup> offense: mandatory 6-8 day out of</li> </ul>	<ul style="list-style-type: none"> <li>• Peer support group</li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• <b>Pupil counseling*</b></li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> </ul>



<p>school suspension with prior approval from the Executive Director of FACE or her designee (if student is classified manifestation hearing must be held prior to request); mandatory clearance by physician; mandatory assessment by certified substance abuse counselor (SAC); must follow SAC recommendations; mandatory legal hearing; removal from general education population for up to one school year</p> <ul style="list-style-type: none"><li>• 3<sup>rd</sup> offense: mandatory 9 day out of school suspension; mandatory clearance by physician; mandatory assessment by certified substance abuse counselor (SAC); must follow SAC recommendations; mandatory legal hearing; removal from general education population for one school year; possible expulsion</li></ul> <p>For classified students, immediate removal for up to 45 days may occur regardless of the outcome of a manifestation hearing when the student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency.</p>	<ul style="list-style-type: none"><li>• <b>Parent conference*</b></li><li>• Alternative education programs</li><li>• <b>Referral for pupil treatment or pupil therapy*</b></li></ul>
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\*Required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Secondary School**  
**Possession, custody, or use of a weapon Zero Tolerance**

**Description**

A weapon is defined as any instrument that is not used as intended and is capable of inflicting injury or death to someone. (a) Firearms mean 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.

**Student Expectation**

Students are expected to attend school in an environment free from all weapons. Students shall not possess, handle, transmit, or bring on to school property any item that could be considered a weapon or dangerous instrument.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1st offense: mandatory suspension 9 days; mandatory legal hearing; removal from general education population for up to one school year subsequent offensive could lead to expulsion</li> <li>• For classified students, immediate removal for up to 45 days may occur regardless of the outcome of a manifestation hearing when the student carries or possesses a weapon to or at</li> </ul>	<ul style="list-style-type: none"> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• <b>Pupil counseling*</b></li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conference*</b></li> </ul>





school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency.	
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\*Required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Secondary School**  
**Arson causing serious bodily harm**

**Description**

A student is guilty of aggravated arson if he/she starts a fire on any district property purposely or knowingly placing another person in danger of death or bodily injury; with the purpose of destroying a building or structure of another; with the purpose of collecting insurance for the destruction or damage to such property under circumstances which recklessly place any other person in danger of death or bodily injury; or with the purpose of destroying or damaging a structure in order to exempt the structure, completely or partially, from the provisions of any State, county or local zoning, planning or building law, regulation, ordinance or enactment under circumstances which recklessly place any other person in danger of death or bodily injury (N.J.S.A. 2C:17-3)

**Student Expectation**

Trenton Public Schools promotes a safe and orderly learning environment for all students. Students will respect the person and property of others by displaying care for the property of others; resolving disputes and differences peacefully; displaying loyalty and good sportsmanship; and acknowledge and accept the consequences of their own actions.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> offense: mandatory referral to Trenton Fire Department Starter’s program; mandatory 9 day suspension; mandatory legal hearing; restitution; removal from</li> </ul>	<ul style="list-style-type: none"> <li>• Restitution or restoration and/or Community Service</li> <li>• Peer support group</li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> </ul>



<p>general education population for up to one school year subsequent offensive could lead to expulsion</p> <ul style="list-style-type: none"><li>• For classified students, immediate removal for up to 45 days may occur regardless of the outcome of a manifestation hearing when the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency.</li></ul>	<ul style="list-style-type: none"><li>• <b>Pupil counseling*</b></li><li>• <b>Student conference*</b></li><li>• <b>Parent conference*</b></li><li>• <b>Referral for pupil treatment or pupil therapy*</b></li></ul>
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\*Required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Secondary School**  
**Stealing, theft**

**Description**

- c.) Movable property: A student is guilty of stealing, theft if he unlawfully takes, or exercises unlawful control over, moveable property of another with purpose to deprive him thereof.
- d.) Immoveable property: A student is guilty of stealing, theft if he unlawfully transfers any interest in immovable property of another with purpose to benefit himself or another not entitled thereto. (N.J.S.A. 2C:20-3)

**Student Expectation**

Students will respect the person, property, and intellectual and creative products of others by displaying care for the property of others, being honest, forthcoming, and courteous, displaying loyalty and good sportsmanship, and accept the rights of others.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> offense: mandatory 3 day out of school suspension; civil restitution; deprivation of privileges</li> <li>• 2<sup>nd</sup> offense: mandatory 4-5 days out of school suspension; civil restitution; mandatory counseling</li> <li>• 3<sup>rd</sup> offense: mandatory 6-8 days out of school suspension with prior approval from the Executive Director of FACE or her designee; civil restitution; legal hearing; removal from general education</li> </ul>	<ul style="list-style-type: none"> <li>• Restitution or restoration and/or Community Service</li> <li>• Corrective instruction or other relevant learning or service experience</li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conferences*</b></li> </ul>



<p>population for up to one school year.</p> <p>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated representative.</p> <p>(ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.</b></p>	
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\*Required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Secondary School**

**Inappropriate sexual behavior, including contact or harassment; possession of pornography**

**Description**

Sexual Harassment includes but is not limited to deliberate and unwelcoming touching, unwelcoming sexual advances, requests for sexual favors or pressure for sexual activity, and sexual or degrading words used toward and individual. SEE: Indecent Exposure Lewdness (N.J.S.A. 2C: 14-4)

**Student Expectation**

Students are expected to respect the worth and dignity of all students. Students are expected to maintain appropriate physical contact and conduct at all times.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> offense: mandatory 3 day out of school suspension; mandatory counseling;</li> <li>• 2<sup>nd</sup> offense: mandatory 4-5 days out of school suspension; mandatory counseling;</li> <li>• 3<sup>rd</sup> offense: mandatory 6-8 days out of school suspension with prior approval from the Executive Director of FACE or her designee; mandatory counseling; mandatory legal hearing; removal from general education program for up to one year</li> </ul>	<ul style="list-style-type: none"> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conferences*</b></li> <li>• <b>Referral for pupil treatment or pupil therapy*</b></li> </ul>



<p>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated representative.</p> <p>(ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.</b></p>	
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\*Required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Secondary School**  
**Sexual assault**

**Description**

A student is guilty of sexual assault if he/she subjects another to sexual contact or exposure without consent. The offender must intentionally touch, either directly or through clothing, the victim's intimate parts, for the purpose of degrading or humiliating the victim, or sexually arouse of sexually gratify himself or herself in view of the victim whom the offender knows to be present for the incident to be considered a sex offense. Incidents of sexual assault should be reported in this category. Consider age and developmentally appropriate behavior before using this category. (N.J.S.A. 18A: 37-2c)

**Student Expectation**

Students are expected to respect the worth and dignity of all students. Students are expected to maintain appropriate physical contact and conduct at all times.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**
- Mandatory Violence and Vandalism report to Student Services within 48 hours; submit EVVRS

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> offense; mandatory suspension 9 day; mandatory legal hearing; removal from general education program for up to one year subsequent offensive could lead to expulsion</li> <li>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of</li> </ul>	<ul style="list-style-type: none"> <li>• Corrective instruction or other relevant learning or service experience</li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• <b>Pupil counseling*</b></li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conference*</b></li> <li>• Alternative education programs</li> <li>• <b>Referral for pupil treatment or pupil</b></li> </ul>





<p>Education or a designated representative.</p> <p>(ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.</b></p> <p>(iii) For classified students, immediate removal for up to 45 days may occur regardless of the outcome of a manifestation hearing when the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency.</p>	<p><b>therapy*</b></p>
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\*Required in addition to the corrective consequences



**Tier 3 Unacceptable Student Behavior**  
**Secondary School**  
**Indecent Exposure**

**Description**

Inappropriate exposure of intimate parts of a body to another without their consent for the purpose of degrading or humiliating the victim, or to sexually arouse, or to sexually gratify himself or herself in view of the victim.

**Student Expectation**

Students are expected to respect the worth and dignity of all students. Students are expected to maintain appropriate physical contact and conduct at all times.

**Building Principal/Designee Required Actions**

*(TBOE Regulation 5600)*

- Administrative notification with mandatory RI-90 report to the superintendent or designee
- **Immediate police notification and complaint filed\***
- Parent/guardian notification
- **If student has an IEP, please review IEP and contact Child Study Team and hold Manifestation Hearing as prescribed by law.**
- Provide student with an opportunity for make-up work
- Home instruction application is required if student receives an out of school suspension more than five consecutive days
- A school level informal student due process hearing
- **Complete Student Code of Conduct Violation report in Powerschool.**

Corrective Consequences	Remedial Measures taken by School Administrator or designee
<ul style="list-style-type: none"> <li>• 1<sup>st</sup> offense: mandatory 3 day out of school suspension; mandatory counseling; behavioral management plan</li> <li>• 2<sup>nd</sup> offense: mandatory 4-5 days out of school suspension; mandatory counseling; behavioral assessment or evaluation; behavioral management plan;</li> <li>• 3<sup>rd</sup> offense: mandatory 6-8 days out of school suspension with prior approval from the Executive Director of FACE or her designee; mandatory counseling; mandatory legal hearing; removal from general education population for a period of up to one school year.</li> </ul>	<ul style="list-style-type: none"> <li>• Corrective instruction or other relevant learning or service experience</li> <li>• Behavioral assessment, including, but not limited to, a referral to the IR&amp;S Team, as appropriate</li> <li>• Behavioral Management Plan</li> <li>• <b>Pupil counseling*</b></li> <li>• Deprivation of privileges</li> <li>• <b>Student conference*</b></li> <li>• <b>Parent conferences*</b></li> <li>• Alternative education programs</li> <li>• <b>Referral for pupil treatment or pupil therapy</b></li> </ul>



<p>(i) if a general education student is suspended for more than 10 days, that student will be entitled to a legal hearing before the Board of Education or a designated representative.</p> <p>(ii) if a classified student is suspended for more than 10 days, within those first 10 days the Child Study Team shall conduct a manifestation hearing to determine the existence of a relationship between the behavior and disability. <b>The manifestation hearing must also take place if a series of short suspensions over the course of the school year cause a combined suspension of more than 10 days.</b></p>	
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\*Required in addition to the corrective consequences



## Discipline for Students with Disabilities

A team must convene a Manifestation Determination within 48 hours of the misconduct, and will invite the parents/guardian. The team must:

- A) Provide written notice to the parent/guardian of the recommended disciplinary action and the date of the proposed Individualized Education Program (IEP) team meeting.
- B) During the IEP/ Manifestation Determination meeting, the IEP team will review the student's most current evaluation, IEP and placement to determine if the referred misconduct is related to the student's disability. Two questions are to be answered by the school team at the manifestation meeting: (1) Is the conduct caused by, or did it have a direct and substantial relationship to, the student's disability (2) Was the conduct in question a direct result of the school's failure to implement the student's IEP.
- C) If the school team determines that the student's behavior is **NOT a Manifestation of the Disability**, school officials may apply the Student Code of Conduct. The school team must also continue services as appropriate, review Behavior Intervention Plan (BIP) and or conduct Functional Behavioral Assessment (FBA).
- D) If the student's behavior **IS a Manifestation of the Disability**, school official's cannot suspend the student unless the student (i) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency; (ii) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency, or (iii) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency. The student's Behavior Intervention Plan (BIP), must be referred and /or conduct a Functional Behavioral Assessment (FBA), in doing so student's program may change at IEP meeting.



## Legal Glossary

### **1. *Simple Assault:***

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

(2) (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.

2C:12-1a. Simple assault

A person is guilty of assault if he:

- (1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or
- (2) Negligently causes bodily injury to another with a deadly weapon; or
- (3) Attempts by physical menace to put another in fear of imminent serious bodily injury.



Simple assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

## **2. *Aggravated Assault:***

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

(1) 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. s.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. s.1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.

2C:12-1b. Aggravated assault

A person is guilty of aggravated assault if he:

- (1) Attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury; or
- (2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or
- (3) Recklessly causes bodily injury to another with a deadly weapon; or
- (4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined in section 2C:39-1f., at or in the direction of another, whether or not the actor believes it to be loaded; or



- (5) Commits a simple assault as defined in subsection a. (1), (2) or (3) of this section upon:
- (a) Any law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority or because of his status as a law enforcement officer; or
  - (b) Any paid or volunteer fireman acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a fireman; or
  - (c) Any person engaged in emergency first-aid or medical services acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services; or
  - (d) Any school board member, school administrator, teacher, school bus driver or other employee of a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a member or employee of a public or nonpublic school or school board or any school bus driver employed by an operator under contract to a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a school bus driver; or
  - (e) Any employee of the Division of Youth and Family Services while clearly identifiable as being engaged in the performance of his duties or because of his status as an employee of the division; or
  - (f) Any justice of the Supreme Court, judge of the Superior Court, judge of the Tax Court or municipal judge while clearly identifiable as being engaged in the performance of judicial duties or because of his status as a member of the judiciary; or
  - (g) Any operator of a motorbus or the operator's supervisor or any employee of a rail passenger service while clearly identifiable as being engaged in the performance of his duties or because of his status as an operator of a motorbus or as the operator's supervisor or as an employee of a rail passenger service; or
  - (h) Any Department of Corrections employee, county corrections officer, juvenile corrections officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer or any sheriff, undersheriff, or sheriff's officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority; or
  - (i) Any employee, including any person employed under contract, of a utility company as defined in section 2 of P.L.1971, c.224 (C.2A:42-86) or a cable television company subject to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) while clearly



identifiable as being engaged in the performance of his duties in regard to connecting, disconnecting or repairing or attempting to connect, disconnect or repair any gas, electric or water utility, or cable television or telecommunication service; or

(6) Causes bodily injury to another person while fleeing or attempting to elude a law enforcement officer in violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this subsection upon proof of a violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily injury to another person; or

(7) Attempts to cause significant bodily injury to another or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life recklessly causes such significant bodily injury; or

(8) Causes bodily injury by knowingly or purposely starting a fire or causing an explosion in violation of N.J.S.2C:17-1 which results in bodily injury to any emergency services personnel involved in fire suppression activities, rendering emergency medical services resulting from the fire or explosion or rescue operations, or rendering any necessary assistance at the scene of the fire or explosion, including any bodily injury sustained while responding to the scene of a reported fire or explosion. For purposes of this subsection, "emergency services personnel" shall include, but not be limited to, any paid or volunteer fireman, any person engaged in emergency first-aid or medical services and any law enforcement officer. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of N.J.S.2C:17-1 which resulted in bodily injury to any emergency services personnel; or

(9) Knowingly, under circumstances manifesting extreme indifference to the value of human life, points or displays a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer; or

(10) Knowingly points, displays or uses an imitation firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer with the purpose to intimidate, threaten or attempt to put the officer in fear of bodily injury or for any unlawful purpose; or

(11) Uses or activates a laser sighting system or device, or a system or device which, in the manner used, would cause a reasonable person to believe that it is a laser sighting system or device, against a law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority. As used in this paragraph, "laser sighting





system or device" means any system or device that is integrated with or affixed to a firearm and emits a laser light beam that is used to assist in the sight alignment or aiming of the firearm.

Aggravated assault under subsections b. (1) and b. (6) is a crime of the second degree; under subsections b. (2), b. (7), b. (9) and b. (10) is a crime of the third degree; under subsections b. (3) and b. (4) is a crime of the fourth degree; and under subsection b. (5) is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree. Aggravated assault under subsection b. (8) is a crime of the third degree if the victim suffers bodily injury; if the victim suffers significant bodily injury or serious bodily injury it is a crime of the second degree. Aggravated assault under subsection b. (11) is a crime of the third degree.

(1) A person is guilty of assault by auto or vessel when the person drives a vehicle or vessel recklessly and causes either serious bodily injury or bodily injury to another. Assault by auto or vessel is a crime of the fourth degree if serious bodily injury results and is a disorderly persons offense if bodily injury results.

(2) Assault by auto or vessel is a crime of the third degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results and is a crime of the fourth degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

(3) Assault by auto or vessel is a crime of the second degree if serious bodily injury results from the defendant operating the auto or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) while:

(a) On any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property;

(b) Driving through a school crossing as defined in R.S.39:1-1 if the municipality, by ordinance or resolution, has designated the school crossing as such; or

(c) Driving through a school crossing as defined in R.S.39:1-1 knowing that juveniles are present if the municipality has not designated the school crossing as such by ordinance or resolution.

Assault by auto or vessel is a crime of the third degree if bodily injury results from the defendant operating the auto or vessel in violation of this paragraph.



A map or true copy of a map depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board produced pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under subparagraph (a) of paragraph (3) of this section.

It shall be no defense to a prosecution for a violation of subparagraph (a) or (b) of paragraph (3) of this subsection that the defendant was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property or while driving through a school crossing. Nor shall it be a defense to a prosecution under subparagraph (a) or (b) of paragraph (3) of this subsection that no juveniles were present on the school property or crossing zone at the time of the offense or that the school was not in session.

As used in this section, "vessel" means a means of conveyance for travel on water and propelled otherwise than by muscular power.

(d) A person who is employed by a facility as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as defined in paragraph (1) or (2) of subsection a. of this section upon an institutionalized elderly person as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

(e) Deleted by amendment, P.L.2001, c.443).

(f) A person who commits a simple assault as defined in paragraph (1), (2) or (3) of subsection a. of this section in the presence of a child under 16 years of age at a school or community sponsored youth sports event is guilty of a crime of the fourth degree. The defendant shall be strictly liable upon proof that the offense occurred, in fact, in the presence of a child under 16 years of age. It shall not be a defense that the defendant did not know that the child was present or reasonably believed that the child was 16 years of age or older. The provisions of this subsection shall not be construed to create any liability on the part of a participant in a youth sports event or to abrogate any immunity or defense available to a participant in a youth sports event. As used in this act, "school or community sponsored youth sports event" means a competition, practice or instructional event involving one or more interscholastic sports teams or youth sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a youth league organized by or affiliated with a county or municipal recreation department and shall not include collegiate, semi-professional or professional sporting events.

### **3. *Extortion:***

2C:20-5. Theft by extortion



A person is guilty of theft by extortion if he purposely and unlawfully obtains property of another by extortion. A person extorts if he purposely threatens to:

- (a) Inflict bodily injury on or physically confine or restrain anyone or commit any other criminal offense;
- (b) Accuse anyone of an offense or cause charges of an offense to be instituted against any person;
- (c) Expose or publicize any secret or any asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule, or to impair his credit or business repute;
- (d) Take or withhold action as an official, or cause an official to take or withhold action;
- (e) Bring about or continue a strike, boycott or other collective action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act;
- (f) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (g) Inflict any other harm which would not substantially benefit the actor but which is calculated to materially harm another person.

It is an affirmative defense to prosecution based on paragraphs b, c, d or f that the property obtained was honestly claimed as restitution or indemnification for harm done in the circumstances or as lawful compensation for property or services.

#### ***4. Defacing, Destroying, or Damaging School or School Employee Property***

18A37-3. Liability of parents or guardian of minor for damage to property

The parents or guardian of any minor who shall injure any public or nonpublic school property shall be liable for damages for the amount of injury to be collected by the board of education of the district or the owner of the premises in any court of competent jurisdiction, together with costs of suit.

2C:17-3. Criminal mischief

- (a) Offense defined. A person is guilty of criminal mischief if he:



(1) Purposely or knowingly damages tangible property of another or damages tangible property of another recklessly or negligently in the employment of fire, explosives or other dangerous means listed in subsection a. of N.J.S.2C:17-2; or

(2) Purposely, knowingly or recklessly tampers with tangible property of another so as to endanger person or property, including the damaging or destroying of a rental premises by a tenant in retaliation for institution of eviction proceedings.

(b) Grading. (1) Criminal mischief is a crime of the third degree if the actor purposely or knowingly causes pecuniary loss of \$2,000.00 or more.

(2) Criminal mischief is a crime of the fourth degree if the actor causes pecuniary loss in excess of \$500.00 but less than \$2000.00. It is a disorderly persons offense if the actor causes pecuniary loss of \$500.00 or less.

(3) Criminal mischief is a crime of the third degree if the actor damages, defaces, eradicates, alters, receives, releases or causes the loss of any research property used by the research facility, or otherwise causes physical disruption to the functioning of the research facility. The term "physical disruption" does not include any lawful activity that results from public, governmental, or research facility employee reaction to the disclosure of information about the research facility.

(4) Criminal mischief is a crime of the fourth degree if the actor damages, removes or impairs the operation of any device, including, but not limited to, a sign, signal, light or other equipment, which serves to regulate or ensure the safety of air traffic at any airport, landing field, landing strip, heliport, helistop or any other aviation facility; however, if the damage, removal or impediment of the device recklessly causes bodily injury or damage to property, the actor is guilty of a crime of the third degree, or if it recklessly causes a death, the actor is guilty of a crime of the second degree.

(5) Criminal mischief is a crime of the fourth degree if the actor interferes or tampers with any airport, landing field, landing strip, heliport, helistop or any other aviation facility; however if the interference or tampering with the airport, landing field, landing strip, heliport, helistop or other aviation facility recklessly causes bodily injury or damage to property, the actor is guilty of a crime of the third degree, or if it recklessly causes a death, the actor is guilty of a crime of the second degree.

(6) Criminal mischief is a crime of the third degree if the actor tampers with a grave, crypt, mausoleum or other site where human remains are stored or interred, with the purpose to desecrate, destroy or steal such human remains or any part thereof.



(7) Criminal mischief is a crime of the third degree if the actor purposely or knowingly causes a substantial interruption or impairment of public communication, transportation, supply of water, oil, gas or power, or other public service. Criminal mischief is a crime of the second degree if the substantial interruption or impairment recklessly causes death.

(8) Criminal mischief is a crime of the fourth degree if the actor purposely or knowingly breaks, digs up, obstructs or otherwise tampers with any pipes or mains for conducting gas, oil or water, or any works erected for supplying buildings with gas, oil or water, or any appurtenances or appendages therewith connected, or injures, cuts, breaks down, destroys or otherwise tampers with any electric light wires, poles or appurtenances, or any telephone, telecommunications, cable television or telegraph wires, lines, cable or appurtenances.

(c) A person convicted of an offense of criminal mischief that involves an act of graffiti may, in addition to any other penalty imposed by the court, be required to pay to the owner of the damaged property monetary restitution in the amount of the pecuniary damage caused by the act of graffiti and to perform community service, which shall include removing the graffiti from the property, if appropriate. If community service is ordered, it shall be for either not less than 20 days or not less than the number of days necessary to remove the graffiti from the property.

(d) As used in this section:

(1)"Act of graffiti" means the drawing, painting or making of any mark or inscription on public or private real or personal property without the permission of the owner.

(2)"Spray paint" means any paint or pigmented substance that is in an aerosol or similar spray container.

(e) A person convicted of an offense of criminal mischief that involves the damaging or destroying of a rental premises by a tenant in retaliation for institution of eviction proceedings, may, in addition to any other penalty imposed by the court, be required to pay to the owner of the property monetary restitution in the amount of the pecuniary damage caused by the damage or destruction.

## **5. *Terrorist Threats***

### 2C:12-3. Terroristic threats

(a) A person is guilty of a crime of the third degree if he threatens to commit any crime of violence with the purpose to terrorize another or to cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious public



inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience. A violation of this subsection is a crime of the second degree if it occurs during a declared period of national, State or county emergency. The actor shall be strictly liable upon proof that the crime occurred, in fact, during a declared period of national, State or county emergency. It shall not be a defense that the actor did not know that there was a declared period of emergency at the time the crime occurred.

(b) A person is guilty of a crime of the third degree if he threatens to kill another with the purpose to put him in imminent fear of death under circumstances reasonably causing the victim to believe the immediacy of the threat and the likelihood that it will be carried out.

## **6. *Inciting to Riot***

18A:37-2.1. Suspension, expulsion of pupil for assault, appeal; report (see offense #1)

2C:33-1. Riot; failure to disperse

(a) Riot. A person is guilty of riot if he participates with four or more others in a course of disorderly conduct as defined in section 2C:33-2a:

(1) With purpose to commit or facilitate the commission of a crime;

(2) With purpose to prevent or coerce official action; or

(3) When he or any other participant, known to him, uses or plans to use a firearm or other deadly weapon.

Riot if committed under circumstances set forth in paragraph (3) is a crime of the third degree. Otherwise riot is a crime of the fourth degree.

(b) Failure of disorderly persons to disperse upon official order. Where five or more persons are participating in a course of disorderly conduct as defined in section 2C:33-2 a. likely to cause substantial harm, a peace officer or other public servant engaged in executing or enforcing the law may order the participants and others in the immediate vicinity to disperse. A person who refuses or knowingly fails to obey such an order commits a disorderly persons offense.

## **7. *Possession or Distribution of Any Controlled Dangerous Substances***

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.

2C:36-2. Distribute, dispense or possess with intent to distribute or manufacture, crime of fourth degree.

It shall be unlawful for any person to distribute or dispense, or possess with intent to distribute or dispense, or manufacture with intent to distribute or dispense, drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance, controlled substance analog or toxic chemical in violation of the provisions of chapter 35 of this title. Any person who violates this section commits a crime of the fourth degree.

2C:35-7. Distribution on or within 1,000 feet of school property

(1) (a) Any person who violates subsection a. of N.J.S.2C:35-5 by distributing, dispensing or possessing with intent to distribute a controlled dangerous substance or controlled substance analog while on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property or a school bus, or while on any school bus, is guilty of a crime of the third degree and shall, except as provided in N.J.S.2C:35-12, be sentenced by the court to a term of imprisonment. Where the violation involves less than one ounce of marijuana, the term of imprisonment shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, or one year, whichever is greater, during which the defendant shall be ineligible for parole. In all other cases, the term of imprisonment shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, or three years, whichever is greater, during which the defendant shall be ineligible for parole. Notwithstanding the



provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$150,000 may also be imposed upon any conviction for a violation of this section.

(b) (1) Notwithstanding the provisions of N.J.S.2C:35-12 or subsection a. of this section, the court may waive or reduce the minimum term of parole ineligibility required under subsection a. of this section or place the defendant on probation pursuant to paragraph (2) of subsection b. of N.J.S.2C:43-2. In making this determination, the court shall consider:

(a) The extent of the defendant's prior criminal record and the seriousness of the offenses for which the defendant has been convicted;

(b) The specific location of the present offense in relation to the school property, including distance from the school and the reasonable likelihood of exposing children to drug-related activities at that location;

(c) Whether school was in session at the time of the offense; and

(d) Whether children were present at or in the immediate vicinity of the location when the offense took place.

(2) The court shall not waive or reduce the minimum term of parole ineligibility or sentence the defendant to probation if it finds that:

(a) The offense took place while on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or while on any school bus; or

(b) The defendant in the course of committing the offense used or threatened violence or was in possession of a firearm.

If the court at sentencing elects not to impose a minimum term of imprisonment and parole ineligibility pursuant to this subsection, imposes a term of parole ineligibility less than the minimum term prescribed in subsection a. of this section, or places the defendant on probation for a violation of subsection a. of this section, the sentence shall not become final for 10 days in order to permit the prosecution to appeal the court's finding and the sentence imposed. The Attorney General shall develop guidelines to ensure the uniform exercise of discretion in making determinations regarding whether to appeal a decision to waive or reduce the minimum term of parole ineligibility or place the defendant on probation.

Nothing in this subsection shall be construed to establish a basis for overcoming a presumption of imprisonment authorized or required by subsection d. of N.J.S.2C:44-1, or a basis for not imposing a term of imprisonment or term of parole ineligibility authorized or





required to be imposed pursuant to subsection f. of N.J.S.2C:43-6 or upon conviction for a crime other than the offense set forth in this subsection.

(c) Notwithstanding the provisions of N.J.S.2C:1-8 or any other provisions of law, a conviction arising under this section shall not merge with a conviction for a violation of subsection a. of N.J.S.2C:35-5 (manufacturing, distributing or dispensing) or N.J.S.2C:35-6 (employing a juvenile in a drug distribution scheme).

(d) It shall be no defense to a prosecution for a violation of this section that the actor was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property. Nor shall it be a defense to a prosecution under this section, or under any other provision of this title, that no juveniles were present on the school property at the time of the offense or that the school was not in session.

(e) It is an affirmative defense to prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person 17 years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve distributing, dispensing or possessing with the intent to distribute or dispense any controlled dangerous substance or controlled substance analog for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. Nothing herein shall be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

(f) In a prosecution under this section, a map produced or reproduced by any municipal or county engineer for the purpose of depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or a true copy of such a map, shall, upon proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas, provided that the governing body of the municipality or county has adopted a resolution or ordinance approving the map as official finding and record of the location and boundaries of the area or areas on or within 1,000 feet of the school property. Any map approved pursuant to this section may be changed from time to time by the governing body of the municipality or county. The original of every map approved or revised pursuant to this section, or a true copy thereof, shall be filed with the clerk of the municipality or county, and shall be maintained as an official record of the municipality or county. Nothing in this section shall be construed to preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense; nor shall this section be construed to preclude the use or



admissibility of any map or diagram other than one which has been approved by the governing body of a municipality or county, provided that the map or diagram is otherwise admissible pursuant to the Rules of Evidence.

**7a. Use of any controlled dangerous substances**

18A:40A-10. Referral program in schools (see offense #7)

2C:35-10. Possession, use or being under the Influence, or failure to make lawful disposition

(a) It is unlawful for any person, knowingly or purposely, to obtain, or to possess, actually or constructively, a controlled dangerous substance or controlled substance analog, unless the substance was obtained directly, or pursuant to a valid prescription or order form from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by P.L.1970, c.226 (C.24:21-1 et seq.). Any person who violates this section with respect to:

- (1) A controlled dangerous substance, or its analog, classified in Schedule I, II, III or IV other than those specifically covered in this section, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$35,000.00 may be imposed;
- (2) Any controlled dangerous substance, or its analog, classified in Schedule V, is guilty of a crime of the fourth degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$15,000.00 may be imposed;
- (3) Possession of more than 50 grams of marijuana, including any adulterants or dilutants, or more than five grams of hashish is guilty of a crime of the fourth degree, except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000.00 may be imposed; or
- (4) Possession of 50 grams or less of marijuana, including any adulterants or dilutants, or five grams or less of hashish is a disorderly person.

Any person who commits any offense defined in this section while on any property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of any such school property or a school bus, or while on any school bus, and who is not sentenced to a term of imprisonment, shall, in addition to any other sentence which the court may impose, be required to perform not less than 100 hours of community service.



(b) Any person who uses or who is under the influence of any controlled dangerous substance, or its analog, for a purpose other than the treatment of sickness or injury as lawfully prescribed or administered by a physician is a disorderly person.

In a prosecution under this subsection, it shall not be necessary for the State to prove that the accused did use or was under the influence of any specific drug, but it shall be sufficient for a conviction under this subsection for the State to prove that the accused did use or was under the influence of some controlled dangerous substance, counterfeit controlled dangerous substance, or controlled substance analog, by proving that the accused did manifest physical and physiological symptoms or reactions caused by the use of any controlled dangerous substance or controlled substance analog.

(c) Any person who knowingly obtains or possesses a controlled dangerous substance or controlled substance analog in violation of subsection a. of this section and who fails to voluntarily deliver the substance to the nearest law enforcement officer is guilty of a disorderly persons offense. Nothing in this subsection shall be construed to preclude a prosecution or conviction for any other offense defined in this title or any other statute.

#### **8. *Possession, custody, or use of a weapon***

18A:37-7. Short title

(1) 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

(2) 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. s.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. s.1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil.

#### 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. 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 third degree 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. Otherwise it is a crime of the second 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. or f. 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.

**9. Arson**

2C:17-1. Arson and related offenses

(a) Aggravated arson. A person is guilty of aggravated arson, a crime of the second degree, if he starts a fire or causes an explosion, whether on his own property or another's:

(1) Thereby purposely or knowingly placing another person in danger of death or bodily injury; or

(2) With the purpose of destroying a building or structure of another; or

(3) With the purpose of collecting insurance for the destruction or damage to such property under circumstances which recklessly place any other person in danger of death or bodily injury; or

(4) With the purpose of destroying or damaging a structure in order to exempt the structure, completely or partially, from the provisions of any State, county or local zoning, planning or building law, regulation, ordinance or enactment under circumstances which recklessly place any other person in danger of death or bodily injury; or

(5) With the purpose of destroying or damaging any forest.

(b) Arson. A person is guilty of arson, a crime of the third degree, if he purposely starts a fire or causes an explosion, whether on his own property or another's:

(1) Thereby recklessly placing another person in danger of death or bodily injury; or

(2) Thereby recklessly placing a building or structure of another in danger of damage or destruction; or

(3) With the purpose of collecting insurance for the destruction or damage to such property; or

(4) With the purpose of destroying or damaging a structure in order to exempt the structure, completely or partially, from the provisions of any State, county or local zoning, planning or building law, regulation, ordinance or enactment; or

(5) Thereby recklessly placing a forest in danger of damage or destruction.



(c) Failure to control or report dangerous fire. A person who knows that a fire is endangering life or a substantial amount of property of another and either fails to take reasonable measures to put out or control the fire, when he can do so without substantial risk to himself, or to give prompt fire alarm, commits a crime of the fourth degree if:

(1) He knows that he is under an official, contractual, or other legal duty to prevent or combat the fire; or

(2) The fire was started, albeit lawfully, by him or with his assent, or on property in his custody or control.

(d) Any person who, directly or indirectly, pays or accepts or offers to pay or accept any form of consideration including, but not limited to, money or any other pecuniary benefit, regardless of whether any consideration is actually exchanged for the purpose of starting a fire or causing an explosion in violation of this section commits a crime of the first degree.

(e) Notwithstanding the provisions of any section of this Title to the contrary, if a person is convicted of aggravated arson pursuant to the provisions of subsection a. of this section and the structure which was the target of the offense was a health care facility or a physician's office, the sentence imposed shall include a term of imprisonment. The court may not suspend or make any other noncustodial disposition of a person sentenced pursuant to the provisions of this subsection.

(f) Definitions. "Structure" is defined in section 2C:18-1. Property is that of another, for the purpose of this section, if anyone other than the actor has a possessory, or legal or equitable proprietary interest therein. Property is that of another for the purpose of this section, if anyone other than the actor has a legal or equitable interest in the property including, but not limited to, a mortgage, pledge, lien or security interest therein. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an occupied structure of another. As used in this section, "forest" means and includes any forest, brush land, grass land, salt marsh, wooded area and any combination thereof, including but not limited to, an open space area, public lands, wetlands, park lands, natural habitats, a State conservation area, a wildlife refuge area or any other designated undeveloped open space whether or not it is subject to specific protection under law.

As used in this section, "health care facility" means health care facility as defined in section 2 of P.L.1971, c.136 (C.26:2H-2).

(g) Notwithstanding the provisions of any section of this Title to the contrary, if a person is convicted pursuant to the provisions of subsection a., b. or d. of this section and the structure which was the target of the offense was a church, synagogue, temple or other place of public worship, that person commits a crime of the first degree and the sentence



imposed shall include a term of imprisonment. The term of imprisonment shall include a minimum term of 15 years, during which the defendant shall be ineligible for parole. The court may not suspend or make any other noncustodial disposition of a person sentenced pursuant to the provisions of this subsection.

2C:17-3. Criminal Mischief (see offense #4)

## **10. False Alarm, Bomb Scare**

2C:33-3. False Public Alarms

(a) Except as provided in subsection b. or c. of this section, a person is guilty of a crime of the third degree if he initiates or circulates a report or warning of an impending fire, explosion, bombing, crime, catastrophe or emergency knowing that the report or warning is false or baseless and that it is likely to cause evacuation of a building, place of assembly, or facility of public transport, or to cause public inconvenience or alarm. A person is guilty of a crime of the third degree if he knowingly causes such false alarm to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property.

(b) A person is guilty of a crime of the second degree if in addition to the report or warning initiated, circulated or transmitted under subsection a. of this section, he places or causes to be placed any false or facsimile bomb in a building, place of assembly, or facility of public transport or in a place likely to cause public inconvenience or alarm. A violation of this subsection is a crime of the first degree if it occurs during a declared period of national, State or county emergency.

(c) A person is guilty of a crime of the second degree if a violation of subsection a. of this section in fact results in serious bodily injury to another person or occurs during a declared period of national, State or county emergency. A person is guilty of a crime of the first degree if a violation of subsection a. of this section in fact results in death.

(d) For the purposes of this section, "in fact" means that strict liability is imposed. It shall not be a defense that the death or serious bodily injury was not a foreseeable consequence of the person's acts or that the death or serious bodily injury was caused by the actions of another person or by circumstances beyond the control of the actor. The actor shall be strictly liable upon proof that the crime occurred during a declared period of national, State or county emergency. It shall not be a defense that the actor did not know that there was a declared period of emergency at the time the crime occurred.

(e) A person is guilty of a crime of the fourth degree if the person knowingly places a call to a 9-1-1 emergency telephone system without purpose of reporting the need for 9-1-1 service.





2C33-3.1. 2C:33-3.1. Penalties for juvenile violating N.J.S.2C:33-3

(2) (a) In the case of a juvenile adjudicated delinquent for a violation of N.J.S. 2C:33-3 the court shall suspend or postpone the juvenile's right to operate a motor vehicle including a motorized bicycle for a period of six months, in addition to any other disposition ordered by the court under section 24 of P.L.1982, c.77 (C.2A:4A-43). In the case of a person who at the time of the disposition is less than 17 years of age, the period of the suspension of driving privileges authorized herein, including a suspension of the privilege of operating a motorized bicycle, shall commence on the day the disposition is imposed and shall run for a period of six months after the day the person reaches the age of 17 years.

(b) In addition to any other sentence imposed by the court under this code, the court shall suspend or postpone a person's right to operate a motor vehicle including a motorized bicycle for any person who is convicted under N.J.S.2C:33-3 and is less than 21 years of age at the time of the conviction. The period of the suspension of driving privileges authorized herein, including a suspension of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months.

(c) If the driving privilege of any person is under revocation, suspension, or postponement for a violation of any provision of this Title or Title 39 of the Revised Statutes at the time of any adjudication of delinquency for a violation of N.J.S.2C:33-3 or a conviction under N.J.S.2C:33-3, the revocation, suspension, or postponement period imposed herein shall commence as of the date of termination of the existing revocation, suspension, or postponement.

(d) The court before whom any person is convicted or adjudicated delinquent for a violation of N.J.S.2C:33-3 shall collect forthwith the New Jersey driver's license or licenses of the person and forward such license or licenses to the Director of the Division of Motor Vehicles along with a report indicating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If the court is for any reason unable to collect the license or licenses of the person, the court shall cause a report of the conviction or adjudication of delinquency to be filed with the director. That report shall include the complete name, address, date of birth, eye color, and sex of the person and shall indicate the first and last day of the suspension or postponement period imposed by the court pursuant to this section. The court shall inform the person orally and in writing that if the person is convicted of personally operating a motor vehicle during the period of license suspension or postponement imposed pursuant to this section the person shall, upon conviction, be subject to the penalties set forth in R.S.39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of violation of R.S.39:3-40. If the person is the holder of a driver's



license from another jurisdiction, the court shall not collect the license but shall notify the director who shall notify the appropriate officials in the licensing jurisdiction. The court shall, however, in accordance with the provisions of this section, revoke the person's non-resident driving privileges in this State.

2C:33-3.2. Fines for violation of N.J.S.2C:33-3.

(3) Any person who violates the provisions of N.J.S.2C:33-3 shall be liable for a civil penalty of not less than \$2,000 or actual costs incurred by or resulting from the law enforcement and emergency services response to the false alarm, whichever is higher. Any monies collected pursuant to this section shall be made payable to the municipality or other entity providing the law enforcement or emergency services response to the false alarm. "Emergency services" includes, but is not limited to, paid or volunteer fire fighters, paramedics, members of an ambulance team, rescue squad or mobile intensive care unit.

### ***11. Stealing, Theft***

2C:20-3. Theft by unlawful taking or disposition

(a) Movable property. A person is guilty of theft if he unlawfully takes, or exercises unlawful control over, movable property of another with purpose to deprive him thereof.

(b) Immovable property. A person is guilty of theft if he unlawfully transfers any interest in immovable property of another with purpose to benefit himself or another not entitled thereto.

### ***12. Inappropriate sexual behavior, including contact or harassment; possession of pornography***

2C:33-4. Harassment

Except as provided in subsection e., a person commits a petty disorderly persons offense if, with purpose to harass another, he:

(a) Makes, or causes to be made, a communication or communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm;

(b) Subjects another to striking, kicking, shoving, or other offensive touching, or threatens to do so; or

(c) Engages in any other course of alarming conduct or of repeatedly committed acts with purpose to alarm or seriously annoy such other person.



A communication under subsection (a) may be deemed to have been made either at the place where it originated or at the place where it was received.

### **12a. Sexual Assault**

18A:37-2.1. Suspension, expulsion of pupil for assault, appeal; report (see offense #1)

2C:14-2. Sexual assault

(a) An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The victim is less than 13 years old;

(2) The victim is at least 13 but less than 16 years old; and

(a) The actor is related to the victim by blood or affinity to the third degree, or

(b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or

(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape;

(4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;

(5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;

(6) The actor uses physical force or coercion and severe personal injury is sustained by the victim;

(7) The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated.

Aggravated sexual assault is a crime of the first degree.

(b) An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.



(c) An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury;

(2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status;

(3) The victim is at least 16 but less than 18 years old and:

(a) The actor is related to the victim by blood or affinity to the third degree; or

(b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or

(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.

Sexual assault is a crime of the second degree.

### ***13. Indecent Exposure***

#### *2C:14-4. Lewdness*

(a) A person commits a disorderly persons offense if he does any flagrantly lewd and offensive act which he knows or reasonably expects is likely to be observed by other nonconsenting persons who would be affronted or alarmed.

(b) A person commits a crime of the fourth degree if:

(1) He exposes his intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or of any other person under circumstances where the actor knows or reasonably expects he is likely to be observed by a child who is less than 13 years of age where the actor is at least four years older than the child.

(2) He exposes his intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or of any other person under circumstances where the actor knows or reasonably expects he is likely to be observed by a person who because of mental disease or defect is unable to understand the sexual nature of the actor's conduct.



(c) As used in this section:

"lewd acts" shall include the exposing of the genitals for the purpose of arousing or gratifying the sexual desire of the actor or of any other person.



## Parental Acknowledge Student Code of Conduct Contract Campus Copy

As the parent/guardian of the student listed below, We hereby confirm that we have been given a copy of the Trenton Public School District's Student Code of Conduct and that:

1. We accept the responsibilities expected of me as a parent/guardian of a student.
2. We acknowledge receipt of the policies, procedures, rules, regulations and practices as presented in this document.
3. We have read the procedures listed in the appeal process.
4. We understand that there will be consequences should my child fail to abide by as outlined in the Student Code of Conduct behavioral expectations of the Trenton Public School District

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Student (please print)

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Parent's/Guardian's Signature

NOTE: This Handbook is designed to be used as a guide for parents/guardians and students of the Trenton Public School District.



## **TRENTON BOARD OF EDUCATION**

### **Student Code of Conduct (SCC)**

#### **Acknowledgements**

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**We would like to thank the Core Planning Committee, 2011-2012  
Everene Downing, Director**

Compilation of recent research and educational practice, NJ law and school code district policy and regulation, and input from staff, parents, and community partners