

R 5611 REMOVAL OF PUPILS FROM THE GENERAL EDUCATION  
PROGRAM FOR WEAPONS/FIREARMS OFFENSES

- A. Definitions for the Purposes of This Regulation are:
1. Removal - The exclusion of a pupil from the regular education program in the school in which the pupil was assigned and the assignment of the pupil to an alternative education school or program for at least one calendar year, following a proper hearing conducted by the Board of Education.
  2. Suspension - A temporary exclusion from school, following due process procedures.
  3. Expulsion - A permanent exclusion from school which denies a pupil the free, thorough and efficient public education provided by the public school district in which the pupil resides, based on specific conditions and following due process procedures, including a hearing conducted by the Board of Education.
- B. Procedures - Removal of Pupils From General Education For Firearm Offenses and Assaults with Weapons Offenses
1. Any pupil convicted or found to be delinquent for the following offenses shall be immediately removed from the school's general educational program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the Board of Education to remove the pupil:
    - a. Convicted or adjudicated delinquent for possession of a firearm on any school property, on a school bus, or at any school-sponsored function; and
    - b. Convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school property, on a school bus, or at any school-sponsored function; and
    - c. Knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function.



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2. Any pupil who commits an assault as defined in N.J.S.A. 2C:12-1(a)1, upon a pupil, teacher, administrator, Board member, or other school district employee, with a weapon, which includes, but is not limited to those items enumerated in N.J.S.A. 2C:39-1(r), except a firearm, as defined by N.J.S.A. 2C:39-1(f) and 18 USC §921, on any school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's general education program for a period not exceeding one calendar year.
3. The Principal or designee will remove the pupil and immediately report the removal to the Superintendent of Schools and the local law enforcement agency. The Principal or designee will isolate the pupil and place the pupil under the supervision of school staff until such time as the parent(s) or legal guardian(s) or law enforcement officials take custody of the pupil.
4. The Principal will notify the pupil's parent(s) or legal guardian(s) of the removal action; the law enforcement notification; the change in custody, if it occurs; and the pupil's due process rights.
5. Any pupil that is removed under this Regulation will be placed in an alternative education program, according to the requirements of N.J.A.C. 6A:16-8 et seq. If placement in an approved alternative education program is not available, the pupil must be provided home instruction or other out-of-school instruction, according to N.J.A.C. 6A:16-9 et seq. and Policy 2481 until placement is available.
6. The school district may consider other alternative education programs, such as an Individualized Program Plan (IPP) developed in accordance with the graduation requirement standards set forth in N.J.A.C. 6:8-7.1(d)ii.
7. Any pupil removed for a weapons offense is entitled to a hearing before the Board of Education to determine if the pupil is guilty of the offense.
  - a. The hearing shall take place no longer than thirty calendar days following the day the pupil is removed from the general education program. The hearing is not subject to the provisions of the Open Public Meetings Act, P.L. 1975, c.231 (C. 10:4-6 et seq.).
  - b. The decision of the Board of Education must be made within five calendar days after the close of the hearing. Any appeal to the Commissioner of Education must be made within ninety calendar days of the Board's decision.



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- c. If the Board finds the pupil is not guilty of the offense(s), the pupil must be immediately returned to the general education program.
- d. The Superintendent of Schools may modify the removal of the pupil on a case- by-case basis. for firearm offenses as defined in B.1. above.

C. Violations - Return of Pupils to General Education Program

1. The Superintendent will determine whether the pupil is prepared to return to the regular education program or whether the pupil will remain in the alternative education program or receive home or other out-of-school instruction. This decision will be based on the nature and severity of the offense; the Board's removal decision; the results of any relevant testing, assessments or evaluation of the pupil; and the recommendation of the Principal or director of the alternate education program in which the pupil has been placed.
2. The Superintendent's decision must be made in accordance with school district policy and New Jersey Administrative Code.
3. If the pupil is disabled, the pupil's placement is determined by the Child Study Team and the pupil's parent(s) or legal guardian(s) in accordance with N.J.A.C. 6A:14-1.1 et seq., Special Education.

D. Expulsion

In accordance with N.J.A.C. 6A:16-5.5(b)1. and 6A:16-5.6(b)1. The Board of Education is not prohibited from removing a pupil with a disability or the expulsion of a general education pupil.

E. Superintendent's Authorization for Firearm/Weapon

The Superintendent may grant written authorization to written requests from pupils to lawfully possess a firearm or other weapon while participating in a school-sponsored function. The Superintendent will not grant such permission to any pupil who has been convicted or is an adjudicated delinquent for possession of a firearm or weapon or for a crime involving the use of a firearm.



F. Alternative Education Settings

If a pupil is removed from the regular education program and a placement in an approved alternative education program is not available, or if the Superintendent determines that it is not in the best interest of the pupil and the school to modify the conditions for the removal and placement of the pupil, the educational program will be provided in accordance with Policy 2481.

G. Special Education

Pupils with disabilities shall be disciplined in accordance with Policy No. 2460 and Regulation No. 2460.6.

Adopted: May 26, 2009

