

5612 ASSAULT BY PUPILS ON BOARD MEMBERS OR EMPLOYEES

Any pupil who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, not involving the use of a weapon or firearm, upon a Board member or any district employee in the performance of his or her duties and in a situation where his or her authority to act is apparent, or as a result of the victim's relationship to the school district, according to the requirements of N.J.S.A. 18A:37-2.1, will be immediately suspended from school consistent with due process procedures, pending suspension or expulsion hearings before the Board.

This section shall be construed in a manner consistent with 20 U.S.C. 1400 et seq. and N.J.A.C. 6A:14-2.8. Nothing in this Policy will be construed as prohibiting the removal of a pupil with a disability or the expulsion of a general education pupil.

The Principal or designee will remove, isolate and place the pupil under the supervision of school staff until such time as the parent(s) or legal guardian(s) or appropriate agency takes custody of the pupil. The Principal will immediately report the removal of the pupil to the Superintendent and notify the pupil's parent(s) or legal guardian(s) of the removal action and the pupil's due process rights.

The Board will provide a hearing no later than thirty days following the day on which the pupil is suspended. The decision of the Board will 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 ninety days of the Board's decision.

N.J.A.C. 6A:16-5.7

Adopted: 9 February 2004

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