

### 5611 REMOVAL OF STUDENTS FOR FIREARMS OFFENSES

The Board of Education is committed to providing a safe and secure school environment to all students attending the public schools. To provide this environment, the Board of Education will implement the Safe Schools Initiative – Chapters 127 and 128, policies and procedures regarding student offenses involving firearms, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. §921, pursuant to The Zero Tolerance For Guns Act. The Act provides for immediate removal of a student found to be in possession of a firearm, committing a crime with a firearm or assaulting a member of the school community with a weapon other than a firearm, N.J.S.A. 18A:37-7 through N.J.S.A. 37-12.

Policy and Regulation 5611 shall apply to a student who is convicted or adjudicated delinquent for possession of a firearm or crime on school grounds, convicted or adjudicated delinquent for committing a crime while armed within possession of a firearm on school grounds, or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function. A student, other than a student with a disability, convicted or adjudicated delinquent for these firearm offenses shall be immediately removed from the school's general education program for a period of not less than one calendar year and placed in an alternative education program pending a hearing before the Board of Education.

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

The Superintendent determines whether the student is prepared to return to the general education program or whether the student remains in the alternative education program or other educational placement. The Superintendent may modify on a case-by-case basis the removal of a general education student in accordance with school district policy and New Jersey Administrative Code in accordance with N.J.A.C. 6A:16-5.5(b)1. A student with a disability convicted or adjudicated delinquent for these firearm offenses shall be immediately removed in accordance with the provisions of N.J.A.C. 6A:14 and applicable Federal regulations and shall receive a placement in accordance with N.J.A.C. 6A:14 et seq.

Students with disabilities who exhibit dangerous or violent behavior may be removed immediately from the school setting. The Principal may suspend the student for up to ten school days without the involvement of the Child Study Team. If the school believes the student should be removed for more than ten school days, the case manager must be notified. The case manager shall take the appropriate actions as indicated in 20 U.S.C.:1415(k).

# POLICY

## MONTGOMERY TOWNSHIP BOARD OF EDUCATION

STUDENTS

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

The Principal or designee shall remove the student in accordance with the requirements outlined in N.J.A.C. 6A:16-5.5(d), which includes notifying the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

If it is found that the removed student did not commit these firearm offenses, the student shall be immediately returned to the program from which he or she was removed.

The Superintendent shall make the final determination on whether the general education student removed in accordance with the requirements of N.J.A.C. 6A:16-5.5 and this Policy is prepared to return to the general education program or will remain in an alternative education program, pursuant to N.J.A.C. 6A:16-9.1 et seq., or receive home or other out-of-school instruction, pursuant to N.J.A.C. 6A:16-10 based on the criteria outlined in N.J.A.C. 6A:16-5.5(i).

If a student, other than a student with a disability, is removed from the general education program pursuant to N.J.A.C. 6A:16-5.5 and this Policy, and a placement in an alternative education program is not available, the general education student shall be provided home or other out-of-school instruction according to N.J.A.C. 6A:16-10.2 until placement is available.

The Superintendent of Schools biannually shall submit to the Commissioner of Education a report on each incident under N.J.A.C. 6A:16-5.5 utilizing the Student Safety Data System (SSDS), pursuant to N.J.A.C. 6A:16-5.3(d)1.

This Policy and Regulation 5611, implementing the requirements of N.J.A.C. 6A:16-5.5, shall be annually disseminated to all school staff, students, and parents.

N.J.S.A. 18A:37-1 et seq.

N.J.A.C. 6A:14-2.8 et seq.; 6A:16-5.5; 6A:16-6.1 et seq.; 6A:16-7.1 et seq.;  
6A:16-8.1 et seq.; 6A:16-9.1 et seq.; 6A:16-10.2

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