

# REGULATION GUIDE

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## R5612 ASSAULTS ON DISTRICT BOARD OF EDUCATION MEMBERS OR EMPLOYEES

- A. Removal of Students for Assault on Board Members and Employees
1. Pursuant to the provisions of N.J.A.C. 6A:16-5.7, any student 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 teacher, administrator, other school Board employee, or Board of Education member acting 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, pursuant to N.J.S.A. 18A:37-2.1 shall be immediately removed from school.
  2. A student, other than a student with a disability, who commits an assault pursuant to A.1. above, shall be immediately removed from school consistent with due process procedures, pending a hearing, pursuant to N.J.A.C. 6A:16-7.2 through 7.5.
    - a. Nothing in N.J.A.C. 6A:16-5.7 shall be construed as prohibiting the expulsion of a general education student.
  3. A student with a disability who commits an assault pursuant to A.1. above shall be removed in accordance with N.J.A.C. 6A:14.
- B. Procedures – Removal of Students for Assault on Board Members and Employees
1. The Principal or designee shall:
    - a. Remove a student as set forth in A. above;
    - b. Isolate the student and place him or her under the supervision of school staff until the student's parent or an appropriate agency takes custody of the student;
    - c. Immediately report to the Superintendent the removal of the student;
    - d. Notify the student's parent of the removal action and the student's due process rights; and

- e. Notify the appropriate law enforcement official of a possible violation of the New Jersey Code of Criminal Justice.
2. The Board of Education shall provide due process proceedings for all students in accordance with N.J.A.C. 6A:16-7.2, 7.3, 7.4, and 7.5 and for a student with a disability in accordance with N.J.A.C. 6A:14-2.7 and 2.8.

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