

WEAPONS, DANGEROUS INSTRUMENTS AND ELECTRONIC DEVICES

The Long Hill Township Board of Education prohibits the possession and/or use of firearms, other weapons, or instruments which can be used as weapons from school property, on a school bus, at any school function, or while enroute to or from school or any school function. This is done in accordance with the Uniform State Memorandum of Agreement between Education and Law Enforcement Officials (2007 Revisions) (MOA).

Also the Board of Education (BOE) recognizes that cellular phones and other electronic devices are commonly used and relied upon by students. However, in order to maintain discipline and an orderly and non-disruptive instructional environment, the Board must regulate the use of cellular phones and other electronic devices by students. Use must be regulated in school buildings, in school vehicles, and on school grounds, while school is in session and while enroute to or from school or any school function, except in designated areas.

Weapons and Dangerous Instruments

For the purpose of this policy “weapons” includes but is not limited to those items enumerated in N.J.S.A. 2C:39-1r. The principal shall make the final determination that a particular object is a dangerous instrument in any case where there is a question of its possession or use posing a threat to students, staff or property.

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 based function shall be immediately removed from the school’s regular education program pending a hearing before the Board to remove the pupil from the regular education program for a period of not less than one calendar year.

The principal/designee shall be responsible for the removal of such a pupil and shall immediately report the removal to the Chief School Administrator (CSA). The CSA may modify a pupil’s removal on a case-by-case basis. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice as per the MOA.

A pupil found or observed on school property or at a school event in possession of a weapon or dangerous instrument other than a firearm shall be reported to the principal/designee and appropriate law enforcement officials with all known information

concerning the matter, including the identity of the pupil involved. The CSA shall determine at the end of the year whether the pupil is prepared to return to the regular education program in accordance with procedures established by the Commissioner of Education.

Disciplinary action shall be taken against students who possess, handle, transmit or use firearms, other weapons or dangerous instruments. Classified students shall be disciplined in accordance with their IEP and in compliance with law and administrative code. As in all disciplinary cases, due process will be provided (see Policy 5114 Suspension and Expulsion and Policy #5131 Conduct/Discipline/Threatening Behavior.)

A violence and vandalism report shall be filed whenever a pupil is found to be in possession of a firearm, other weapon or dangerous instrument.

Electronic Devices

For the purpose of this policy, the following definitions apply:

“Electronic Devices” shall include but are not limited to cell phones, beepers, pagers, walkie talkies, iPods, MP3 players, Walkmans, BlackBerries, Personal Digital Assistants (PDAs) and other similar devices.

“Use” shall pertain to any non-instructor directed and non-instructional use and mean making phone calls, taking or receiving photographs, text-messaging, playing games, listening to music and using any other function or feature of the cellular phone or other electronic devices.

“Turned off” shall mean that the cellular phone or other electronic device is turned off so that it cannot function, and shall not mean that the cellular phone or other electronic device is in silent or vibrate mode.

Students are not permitted to use cellular phones or other electronic devices in school buildings, in school vehicles, and on school grounds, while school is in session and while enroute to or from school or any school function, except in designated areas. Cellular phones and other electronic devices must be turned off while students are in school buildings and at school functions and may be turned on only after the school session has concluded for the day or the school function, including those off school grounds, has ended and the students are outside school buildings and only if the building principal has designated areas on the property where these devices can be used.

Weapons, Dangerous Instruments, and Electronic Devices

5131.7

A **minimum** of the following consequences are to be designated by the building principal for violations of this policy. The discipline should be structured as follows:

- First offense - Confiscation of the cell phone or electronic device for the school day.
- Second offense - Confiscation of the cell phone or electronic device for the school day and it will only be returned to the student's parent or guardian.
- Third offense - Confiscation of the cell phone or electronic device for the school day and it will only be returned to the student's parent or guardian. The student will serve detention for a period of time designated by the building principal.
- Subsequent offenses- Confiscation of the cell phone or electronic device for the school day and it will only be returned to the student's parent or guardian. The student will serve detention or be suspended from school for a period of time designated by the building principal.

Students shall be personally and solely responsible for the security of their cellular phone and other electronic devices. The BOE shall not assume responsibility for theft, loss or damage of a cellular phone or electronic device, or for unauthorized calls made on or other unauthorized use of a cellular phone or electronic device.

First reading: May 5, 2008

Second reading: May 19, 2008

Legal References:

N.J.S.A. 2A:4A-60 et al	Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2C:12-1	Definition of assault
N.J.S.A. 2C:33-19	Paging devices, possession by students
N.J.S.A. 2C:39-1	Definitions
N.J.S.A. 2C:39-5	Unlawful possession of weapons
N.J.S.A. 2C:39-6	Exemptions
N.J.S.A. 18A:6-1	Corporal punishment of pupils
N.J.S.A. 18A:36-19.2	Student locker or other storage facility; inspections; notice to students
N.J.S.A. 18A:37-1	Submission of pupils to authority
N.J.S.A. 18A:37-2	Causes for suspension or expulsion of pupils

N.J.S.A. 18A:37-2.1
through -2.5 Assaults by pupil upon teacher, administrator,
board member or employee of board of
education; suspension; expulsion proceedings
Zero Tolerance for Guns Act

N.J.S.A. 18A:37-7
through -12

N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsion

N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
see particularly:

N.J.A.C. 6A:16-1.3, -1.4,
-5.2, -5.4, -5.5, -5.6, -6.1
-6.2, -6.3(b), -6.

P.L. 103-382, Improving America’s Schools Act of 1994

Section 1702, Prohibits possession or discharge of a firearm in a school zone, Pub. L. 101-647

Attorney General’s Executive Directive No. 1988-1, Memorandum of Agreement (revised, amended)

State in Interest of T.L.O., 94 N.J. 331, 346 (1983), rev’d 515 U.S. 646(1985)

See also Commissioners’ Decisions indexed under “Pupils – Punishment of” in Index to N.J. School Law Decisions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A.6301 et seq.

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (2007 Revisions)

Possible Cross References:

- *5114 Suspension and expulsion
- *5131 Conduct/discipline
- *5131.5 Vandalism/violence
- *5131.6 Drugs, alcohol, tobacco (substance abuse)
- *5145.11 Questioning and apprehension
- *5145.12 Search and seizure
- *6172 Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

