VANDALISM/VIOLENCE

QSAC Monitored:

DPR: Governance – 1
SOA: Governance – 1

Mandated:

N.J.A.C. 6A:16-5.5(a) requires policies and procedures on student offenses involving firearms.

N.J.A.C. 6A:16-5.6(a) requires policies and procedures regarding student assaults with a weapon.

N.J.A.C. 6A:16-5.7(a) requires policies and procedures regarding student assaults without the use of a weapon.

N.J.A.C. 6A:16-6.1 requires policies and procedures to ensure cooperation between school staff and law enforcement authorities in all matters involving firearms and other weapons.

Other Reasons:

N.J.S.A. 18A:17-46 requires that two times each school year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the chief school administrator reports to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

N.J.S.A. 18A:17-46 requires the board to provide ongoing staff training, in cooperation with the Department of Education on violence, vandalism and harassment, intimidation or bullying reporting.

N.J.S.A. 18A:36-5.1 and N.J.A.C. 6A:16-5.2 require school districts to observe “School Violence Awareness Week” on the week beginning with the third Monday in October of each year.

N.J.A.C. 6A:16-5.1 requires plans, procedures and mechanisms for responding to emergencies and crises.

The Every Student Succeeds Act of 2015 requires the state to establish statewide policy requiring that a student who is attending a “persistently dangerous” elementary or secondary school or who becomes a “victim of violent criminal offense” be allowed to attend a “safe” school within the district, including a charter school. The NJDOE is coordinating efforts to establish such a policy that would include definitions of pertinent terms.

QSAC monitoring, in the “Operations” section, includes several procedural requirements to ensure accurate reporting of violence and vandalism information, consistent with N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5. Procedures for board of education review of allegations of falsification of data are set forth in N.J.A.C. 16A:16-5.3(f). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee’s prior employment record.
Recommendation:

A policy directing compliance with legal requirements to report vandalism, violence and drug/alcohol related incidents to the commissioner and reaffirming parent/guardian responsibilities for restitution for damages. Information on exclusion of pupils who have been caught with weapons must be included in this report. The policy should also address "violent" disruptions, and refer to other policies dealing with disruptive behavior.

If the board wants to include specific language addressing threats of violence, it should be included here.

**Legal References:**

- **N.J.S.A. 2A:4A-60 et al.** Disclosure of juvenile information; penalties for disclosure
- **N.J.S.A. 2A:53A-15** Liability of parent or guardian for willful destruction of property by infant under 18
- **N.J.S.A. 2C:39-5** Unlawful possession of weapons
- **N.J.S.A. 18A:25-2** Authority over pupils
- **N.J.S.A. 18A:36-5.1** School violence awareness week
- **N.J.S.A. 18A:37-1 et seq.** Discipline of Pupils
  - **N.J.S.A. 18A:37-13 et seq.** Anti-Bullying Bill of Rights Act
  - **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:16-5.1, -5.2, -5.3, -5.5, -5.6, -5.7, -6.1**


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


A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Unsafe School Choice Option Policy, New Jersey Department of Education, June 30, 2003

**Possible Cross References:**

- *1120* Board of education meetings
- *3250* Income from fees, fines, charges
- 3517 Security
- 4131 Staff Development, Inservice Education, Visitations, Conferences
VANDALISM/VIOLENCE (continued)

4148 Employee protection
4248 Employee protection
*5114 Suspension and expulsion
*5119 Transfers
*5124 Reporting to parents/guardians
*5131 Conduct/discipline
5131.4 Campus disturbances
*5131.6 Drugs, alcohol, tobacco (substance abuse)
*5131.7 Weapons and dangerous instruments
*6114 Emergencies and disaster preparedness
*6172 Alternative educational programs