

(j) Each district board of education shall make available annually its adopted policies and procedures for implementing this section to all school staff, students, and parents or guardians.

Administrative correction.
See: 33 N.J.R. 3034(b).

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6A:16-5.7 Assaults on district board of education members or employees

(a) Each district board of education shall adopt and implement policies and procedures regarding 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, board member or other employee of a school board 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 a public education institution, according to the requirements of N.J.S.A. 18A:37-2.1.

(b) Students as set forth in (a) above shall be immediately suspended from school consistent with due process procedures, pending suspension or expulsion hearings before the district board of education.

1. 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.

2. Nothing in this section shall be construed as prohibiting the removal of a student with a disability or the expulsion of a general education student.

(c) The principal or his or her designee shall:

1. Remove any student as set forth in (a) above;
2. Isolate the student and place the student under the supervision of school staff until such time as the parent or appropriate agency takes custody of the student;
3. Immediately report the removal of the student to the district's chief school administrator; and
4. Notify the student's parent of the removal action and the student's due process rights.

(d) The district shall provide due process proceedings no later than 30 days following the day on which the student is suspended.

1. The decision of the district board of education shall be made within five days after the close of the hearing.
2. Any appeal of the district board of education's decision shall be made to the Commissioner of Education within 90 days of the board's decision. See N.J.A.C. 6A:4.

(e) Each district board of education shall annually make available its adopted policies and procedures for implementing N.J.A.C. 6A:16-5.7 to all school staff, students and parents.

6A:16-5.8 Remotely activating paging devices

(a) Each district board of education shall adopt and implement policies and procedures regarding the prohibition of remotely activating paging devices, according to the requirements of N.J.S.A. 2C:33-19.

(b) Without the express written permission of the school board, the chief school administrator, or the school principal, students are prohibited from bringing or possessing any remotely activating paging device on any property used for school purposes, at any time and regardless of whether school is in session or other persons are present.

(c) School authorities shall not grant permission for a student to bring or possess a remotely activating paging device on any property used for school purposes unless and until a student shall have established to the satisfaction of the school authorities a reasonable basis for the possession of the device.

(d) The principal or his or her designee shall immediately notify the chief school administrator and the appropriate criminal justice or juvenile justice agency of a violation of this section.

(e) Each district board of education shall annually make available its adopted policies and procedures for implementing this section to all school staff, students, and parents.

**SUBCHAPTER 6. LAW ENFORCEMENT
OPERATIONS FOR SUBSTANCES,
WEAPONS, AND SAFETY**

6A:16-6.1 Adoption of policies and procedures

(a) District boards of education shall adopt and implement policies and procedures to ensure cooperation between school staff and law enforcement authorities in all matters relating to:

1. The unlawful possession, distribution and disposition of the following:
 - i. Controlled dangerous substances, as defined in N.J.S.A. 24:212, including anabolic steroids;
 - ii. Drug paraphernalia;
 - iii. Alcoholic beverages;
 - iv. Firearms, as defined in subsection f of N.J.S.A. 2C:39-1f; and
 - v. Other deadly weapons, as defined in N.J.S.A. 2C:391r; and
2. The planning and conduct of law enforcement activities and operations occurring on school property, including arrest procedures and undercover school operations.

6A:16-6.2 Development and implementation of policies and procedures

(a) District policies and procedures developed pursuant to this subchapter shall be:

1. Developed, implemented, and revised, as necessary, in consultation with the county prosecutor and such other law enforcement officials as may be designated by the county prosecutor;

2. Reviewed and approved by the county superintendent;

3. Made available annually to all school staff, students and parents; and

4. Consistent with reporting, notification and examination procedures of students suspected of being under the influence of alcohol and other drugs according to the requirements of N.J.A.C. 6A:16-4.3.

(b) District policies and procedures shall include the following components:

1. The designation of liaisons to law enforcement agencies and the description of their roles and responsibilities by the district chief school administrator;

2. Specific procedures for and responsibilities of staff in summoning appropriate law enforcement authorities onto school property for the purpose of conducting law enforcement investigations, searches, seizures and arrests;

3. Specific procedures for and responsibilities of staff in cooperating with arrests made by law enforcement authorities on school property;

4. Specific procedures for and responsibilities of staff in initiating or conducting searches and seizures of students, their property, and personal effects.

i. All searches and seizures conducted by school staff shall comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).

ii. Any question concerning searches conducted by school officials shall be directed to the appropriate county prosecutor.

iii. School officials may request that law enforcement authorities assume responsibility for conducting any search or seizure.

iv. No school staff member shall impede any law enforcement officer engaged in a lawful search, seizure, or arrest whether pursuant to a warrant or otherwise.

v. School staff shall permit law enforcement authorities upon their arrival to assume responsibility for conducting any search or seizure.

vi. All inspections of lockers, desks or other objects or personal property on school grounds involving the use of law enforcement drug-detection canines only may be undertaken with the express permission of the county prosecutor or the Director of the Division of Criminal Justice in the New Jersey Department of Law and Public Safety.

vii. Any questions concerning the legality of any contemplated or ongoing search, seizure, or arrest conducted by a law enforcement officer on school property shall be directed to the county prosecutor or, in the case of a search, seizure or arrest undertaken by the Division of Criminal Justice in the New Jersey Department of Law and Public Safety, to the assigned Assistant Attorney General;

5. The procedures for and responsibilities of staff, with regard to interviews of students suspected of possessing or distributing a controlled dangerous substance, including anabolic steroids, drug paraphernalia or a firearm or other deadly weapon;

6. Procedures for planning, approving, and conducting undercover school operations.

i. The chief school administrator and school principal shall cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The chief school administrator shall approve such undercover operations without prior notification to the district board of education.

ii. All information concerning requests to undertake any undercover school operation, information supplied by law enforcement authorities to justify or explain the need for and of a proposed undercover school operation, and all other information concerning an ongoing undercover school operation, including the identity of any undercover officer placed in a school, shall be kept strictly confidential by the chief school administrator and school principal.

iii. The chief school administrator and principal shall not divulge information concerning any undercover school operation to any person without the prior express approval of the county prosecutor or designee.

iv. In the event that the chief school administrator, principal or any other school staff or district board member who may have been informed regarding the existence of the undercover school operation subsequently learns of any information which suggests that the true identity of the undercover officer has been revealed, or that any person has questioned the identity or status of the undercover officer as a bona fide member of the school community, or that the integrity of the undercover school operation has been in any other way compromised, such information shall be immediately communicated to the county prosecutor or designee;

7. The procedures for and responsibilities of staff concerning the safe and proper handling of any seized controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon, and the prompt delivery of such items to appropriate law enforcement authorities in accordance with this subchapter;