

**CRANFORD PUBLIC SCHOOL
CRANFORD, NEW JERSEY**

POLICY: STUDENTS RIGHTS AND RESPONSIBILITIES

In adopting this policy on student rights and responsibilities, the Board is attempting to meet two objectives. Court decisions have made it clear that the rights of students with respect to the school system are more far-reaching than had previously been believed. The first objective of this policy is to recognize and assure the student's rights and at the same time, to point out that these rights carry with them commensurate responsibilities.

The second objective of this policy is to establish that this school system will respect and implement any legislative mandate, with the understanding that adult rights necessarily are linked with adult responsibilities. In all instances in this policy where reference is made to the requirement of a parent, it is understood to apply only to a minor student.

The Board also feels it is important to point out that both the rights and responsibilities of students flow from the same source – the fact that they are citizens of a country which is based upon a government of laws and upon respect for individual freedoms.

The Board believes that a fuller understanding by students of the rights and responsibilities conferred upon them will lead to a fuller appreciation of the immeasurable value of these basic tenets.

The policy is organized into three basic areas – participation, expression, and privacy and due process.

A. Participation

1. General Rights
Every student has the right to a free and full education between ages 5 and 20 (unless he/she graduates earlier) and to equal access to all special services and activities, which are provided by the school system. Administrative guidelines will be developed to insure that students and parents are made aware of all services and activities available to students.
2. Curriculum
Students should be involved in the process of curriculum revision and innovation at both the middle schools and the high school.
3. Choice of Program
Each student will have the opportunity of obtaining his own program within such limits as may be imposed by scheduling mechanics and State and local regulations.
4. The Student Government
The Student Government is the representative of the student.
5. Co-curricular Activities
Co-curricular activities should be representative of and responsive to the interests of the students; they should emanate from the student body.
6. Interscholastic Athletics
School authorities have the right to establish and maintain standards of achievement and conduct for participation in interscholastic athletics in compliance with Board of Education and State regulations.

B. Expression

1. Freedom of Speech and Assembly
 - a. The first amendment to the Constitution guarantees freedom of speech to students. However, the right is not a license to interfere with the orderly conduct of classes. To coerce others to participate in a particular mode of expression, or to violate the Rights of those who disagree with a given point of view.
 - b. School authorities have the right to protect the audience from remarks, which are Intentionally slanderous, obscene or racist, disruptive or pose an immediate threat or danger to the safety of the student or other persons.

2. Petitions
With student government approval, students have the right to circulate petitions, subject to such restrictions on the time, place and manner of distribution as are required to maintain the orderly operation of school.
3. Symbolic Expression
Pupils may wear or display forms of symbolic expression provided this does not substantially and materially interfere with the orderly process of the school or the rights of others.
4. Flag Salute
Pupils are required to show full respect to the flag of the United States daily.
5. Religion
A student shall not be required to participate in an activity to which he/she objects on religious grounds.
6. Posters and Notices
With the permission of the principal or designee, students have the right to post posters or notices in the school, but students shall not post materials which are slanderous, obscene, racist, politically partisan or commercial.
7. School Publications
School sponsored publications should be learning tools. Within the framework of Board of Education and Administrative responsibility, they should be given as much freedom as is legally permissible.
8. Non-School Publications
Neither the Board nor its Administrators is responsible for or has the right of prior censorship over publications, which are not affiliated with or supported by the schools. The principal or designee will govern the manner in which non-school publications may be distributed on school property. Students may distribute literature off school property subject to the same rules governing other citizens' rights to distribute literature in such places.
9. Personal Appearance
"During school hours and at student activities, personal appearance is primarily the responsibility of the student and his or her parent(s) or guardian(s). In the interest of all students, dress and personal appearance should be based on health, safety, appropriateness, and must not cause distraction. Clothing should be neat, clean and modest.

No restrictions on freedom of dress and adornment will be imposed which:

- A. Reflect discrimination as to civil rights.
- B. Enforce particular codes of morality or religious tenets.
- C. Attempt to dictate or adjudicate style or taste.
- D. Do not fall within the direct or implied powers of the Board.

If the mode of dress of any student presents a clear and present danger to that student's or other students' health and safety, or causes an interference with work, or creates classroom or school disorder, that student will be asked by the administration to have his/her parent or guardian bring appropriate attire to school to replace the attire found objectionable, or that student will be sent home with an appropriate note to that student's parent or guardian advising of the corrective action sought, and the reason therefore."

C. Privacy and Due Process

1. Search and Seizure

Students shall be free from unreasonable searches and seizures of their persons, personal effects, lockers or other facilities assigned to their personal use. A judicial warrant or prior consent of the student (or where appropriate, the student's parent) shall be required for all searches and seizures, except where there is probable cause to believe that a specific item in a specific place is contraband or substantially and immediately endangers the physical health or safety property or activities of the student, other persons, or the school system.

2. Police

The free and open atmosphere of a school shall be maintained, and any decision to allow

police into a school building shall take into consideration the effect of their activities on the educational process.

3. School Records
See the existing policy on confidentiality of student records.
4. Testing
Testing, surveys and other similar activities outside of the normal educational program of the school will be permitted only with the prior approval of the principal. Participation of the student will be optional.
5. Married and/or Pregnancy
Married students have a right to continue their education. The method decided upon is to be determined in consultation among the students, parents (if appropriate) and school officials. Pregnant students have the right to continue their education. The method of this education will be determined in consultation among the school authorities, student, parents (if appropriate) and physician.
6. Criminal Prosecution
Students under criminal prosecution are entitled to continue their education. The method of this education will be determined in consultation among the school authorities, student, parent, and other appropriate personnel.
7. Drug Abuse
Students who are suspected of illegally transmitting, using, or possessing drugs, or who are under the influence of drugs during school hours or on school premises or during any school activity, will be considered a danger to the educational establishment and shall be reported to the police for possible court action. Parents of such suspected students shall be promptly notified of such action. Teachers and other staff members should observe and report any unusual physical and/or behavioral changes in any individual student to the building principal.

The Board further directs the Chief School Administrator to develop the routine and specific procedures to be followed if a student is identified as using, possessing or transmitting drugs or is under the influence of drugs. (Refer to Policy, #5131.6)

8. Due Process - Procedural Safeguards
The right to due process is not for adults alone. A student shall not be deprived of his/her right to participate fully in any school activity or any other school-related right except by due process. Administrative guidelines will be developed, consistent with the following precepts.
 - a. In any disciplinary action a student shall always be given the opportunity to contest the facts, to contest the appropriateness of the sanction or to demonstrate prejudice or unfairness on the part of the district official responsible for the disciplinary action.
 - b. No student shall be suspended or expelled from the school or from any class except by a person authorized (by Law) to impose such penalties, and then only for material and substantial interference with the maintenance of good order in the schools.
 - c. Simple discipline shall mean all forms of correction other than (suspension or) expulsion. No form of simple discipline shall be enforced in such a manner as to prevent the student from accomplishing specific academic grade or graduation requirements.
 - d. Simple discipline - Any student, parent or guardian who is aggrieved by any disciplinary action shall have the right to a hearing or conference with the administrator involved and the right to make a formal protest in writing or in person to the Chief School Administrator. Following this, if satisfaction is not obtained, the aggrieved shall have the right to make a written formal protest to the Board of Education. (Administrative guidelines covering such conferences, hearings and protests will be developed.)
 - e. Suspension shall mean denial of the right of attendance from any single class or any full schedule of classes for a stated period of time. The following limitations shall apply to all suspensions:
 - 1) No student shall be suspended from an elementary school for more than two (2) consecutive weeks.
 - 2) No student shall be suspended from a secondary school for more than fifty (50) school days, and because of suspension, no student shall lose

- 3) more than one (1) semester's credit during any school year. Opportunity will be provided for the suspended student to continue his education during the suspension.
6. Expulsion shall mean the denial of the right of school attendance, from school or from the district, for an indefinite period of time. No student shall be expelled unless other means of correction have either failed or would not be adequate in bringing about the proper conduct. In addition, the further education of an expelled student shall be referred to the appropriate authority.
7. When the Chief School Administrator recommends a sanction of suspension in excess of five (5) days or expulsion, a written notice of said intent shall be given to the student and his parent or guardian. This notice shall state the specific charges lodged against the student, his right to a fair hearing and the recommended sanctions. Such suspension or expulsion shall be ordered only after a hearing unless the student and parent or guardian have waived their right to such hearing. If a reply is not made within the five (5) day period, the student and his parent or guardian shall be deemed to have waived the right to a hearing and the sanction shall take effect. If a hearing is requested, it shall be held within twenty-one (21) days of the request. The hearing may be held by the Board of Education or by hearing examiner appointed by them.

The following procedural guidelines will govern the hearing before the Board in cases involving suspension and expulsion:

- 1) Written notice of charges against a student and recommended sanctions shall be supplied to the student and his parent or guardian.
- 2) Parent or guardian shall be given the opportunity to be present at the hearing.
- 3) The student, parent or guardian may be represented by legal counsel.
- 4) The student shall be given the opportunity to present his/her version as to the charges and to make such showing by way of affidavits, exhibits and such witnesses as desired.
- 5) The student shall be allowed to observe all evidence offered against him/her. In addition, he/she shall be allowed to question any witnesses.
- 6) The Board (or hearing examiner) shall state within seven (7) days of the hearing the findings as to whether or not the student charged is guilty of the conduct charged and the decision, if any, as to disciplinary action. The determination shall be made solely upon the evidence presented at the hearing.
- 7) The findings of the Board shall be reduced to writing and sent to the student and parent or guardian.
- 8) The student and parent or guardian shall have ten (10) school days after receipt of the decision of the Board of Education to appeal the decision to the State Commissioner of Education. If such appeal is not taken, the sanction decided upon shall take effect at the end of the ten (10) day period. If an appeal is requested and such information is communicated to the Board of Education, the imposition of the sanction shall be stayed until such appeal is decided by the State Commissioner of Education. If the appeal to the State Commissioner of Education is unsuccessful, the student or his parent or guardian may appeal within thirty (30) days after the Commissioner has made his decision to the State Board of Education. Finally, the matter may be appealed in the courts of New Jersey under applicable statutes, decisions and court rules.
- 9) If the student is found innocent, all written entries referring to the incident shall be removed from the school records.

The guiding principle of Cranford's Due Process Procedures shall be as in the courts of this land; that is, the burden of proving guilt rests upon the person making the charge and the student is entitled to a presumption of innocence of wrong doing unless the contrary is proved.

8. Observing Changing Legal Standards

The Chief School Administrator, or designee will have responsibility for noting all new court decisions, legislative acts, administrative decisions and constitutional provisions which directly affect student rights and responsibilities. Copies of all such materials shall be maintained at a central location, and shall be made available to any interested person.

The Chief School Administrator, or designee will promptly notify appropriate administrators and the Board whenever changes in this policy or the administrative guidelines which implement it become advisable.

9. Student Behavior

Reasonable rules and regulations which are not inconsistent with any provisions of this policy shall be established and published. Such rules and regulations should be developed from joint efforts of students, faculty, administration and, where appropriate, parents. Any committee established for this purpose shall include representation from each group.

10. School Attendance

Students have the responsibility to comply with the attendance procedures of the school they are attending in addition to those regulations established by the Board of Education and the State of New Jersey.

The following shall constitute lawful absences:

1. Illness of pupil.
2. Death in family.
3. Inclement weather determined as unsafe by the parent and so reported to the school.
4. Religious Holiday.
5. Emergency, such as serious illness, in the home.
6. An educational experience such as a college visitation, a medical appointment, or a driver's license test, arranged for at least one day in advance, in writing with the Principal.

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