

Regulation

VIOLENCE AND VANDALISM

Definitions

"Vandalism" means the willful and malicious acts of any person that result in the destruction, defacement, or damage of any property, real or personal, belonging to or entrusted to the Board. Vandalism includes arson and acts of graffiti.

"Arson" means the willful and malicious burning or setting on fire of any building or part of any building owned or operated by the Board, by any person.

"Act of Graffiti" means the drawing, painting, or making of any mark or inscription on school district real or personal property without permission of the school district.

Reporting Vandalism

The following guidelines shall apply to staff reporting vandalism:

- A. Any school district employee who has reason to believe that an act of vandalism has occurred shall immediately report the belief or suspicion to the principal of the affected building or, if the vandalism occurs at a facility other than a school, the person in charge of the facility;
- B. The principal shall investigate the report promptly by taking the following steps as appropriate to the extent and seriousness of the vandalism. The principal shall:
 1. Request the reporting employee to file a report of the evidence giving rise to his or her belief or suspicion that vandalism has occurred;
 2. Visiting the site of the vandalism and examining its extent causing photographs to be taken as necessary;
 3. Determine and record the names of witnesses, if any;
 4. Interview witnesses, if any, and obtaining their written reports of the events;
 5. Assess the cost of repair and replacement of any parts of the building, furnishings, and/or equipment, and:
 6. Questioning the person or persons, if any, identified as having caused the vandalism.
- C. The principal will complete and file with the chief school administrator a detailed property and damage report;
- D. The principal will notify the chief school administrator and the police if the vandalism involves significant damage, arson, theft or burglary, graffiti or the use of any symbol that exposes persons to violence, contempt, or hatred on the basis of race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability.

Liability, Penalties and Restitution

The following guidelines shall apply to students determined to have damaged school property:

- A. A pupil who vandalizes school property is subject to discipline, which may include suspension or expulsion, in accordance with law and policy;
- B. A pupil who vandalizes school property will be held liable for any damages caused by the act of vandalism.

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- C. The parents/guardians of any minor who injures/vandalizes school property whether or not the minor is enrolled in this district, shall be liable for damages to the amount of the injury, together with costs of suit if the Board must resort to legal process to obtain payment of damages (N.J.S.A. 18A:37-3);
- D. The school business administrator shall obtain a professional estimate of the cost of repairs and/or replacements necessitated by the vandalism;
- E. The school business administrator shall present the pupil's parents or legal guardians with an itemized bill based on the estimated cost;
- F. If, within thirty days, the pupil's parents or legal guardians have not paid the bill or made arrangements with the school business administrator for the payment of the bill in periodic installments, the chief school administrator shall inform the board and recommend that the board attorney commence civil action for the amount due together with costs;
- G. The principal will recommend to the chief school administrator and the chief school administrator shall recommend to the board, a pupil whose vandalism of school property is so serious or chronic as to warrant reporting the pupil to police;
- H. Any person who purposely defaces or damages school property with any symbol that exposes persons to violence, contempt, or hatred on the basis of race, color, creed, or religion is guilty of a crime and shall be reported to the appropriate law enforcement agency;
- I. Any person who purposely or knowingly damages district property, recklessly or negligently in the employment of fire, explosives, or another dangerous means listed in accordance with law (N.J.S.A. 2C:17-2) or purposely or recklessly tampers with the tangible property of the district so as to endanger school district property will be reported to the appropriate law enforcement agency;
- J. A person convicted of an offence that involves an act of graffiti will be required to reimburse the district the cost of damages and may be required to perform community service, which may include removing the graffiti from the property, in accordance with the law. In addition, the courts may suspend or postpone driving privileges of any person at least thirteen and under eighteen years of age, if convicted of an act of graffiti.

Threats of Violence

The following guidelines shall apply to threats of violence:

- A. Students shall be made aware that they should report all threats of violence to a teacher, or staff member;
- B. Staff shall inform the principal of all threats;
- C. Local law enforcement agencies shall be made aware of any such threats in accordance with the memorandum of understanding.

Violence

The following guidelines shall apply to reported acts of violence:

- A. Physical violence is prohibited and will result in disciplinary action as discussed in policies 5114 Suspension and Expulsion and 5131 Conduct/Discipline;
- B. Crimes involving the student possession of a firearm while under school jurisdiction shall be removed from the regular education program for at least one year. This may be modified by the chief school administrator. See policy 5131.7 Weapons and Dangerous Instruments;

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- C. All school employees must report acts of violence to the building principal on the standard report form;
- D. The principal shall prepare an official report for the chief school administrator who shall annually report to the board on all acts of violence and vandalism in the district.

Annual Reporting EVVRS Requirements

The chief school administrator annually shall submit a report to the Commissioner of Education of each incident of violence, including harassment, intimidation and bullying, vandalism and alcohol and other drug abuse in the school district utilizing the EVVRS.

- A. The reports shall be submitted twice each school year, once for all incidents occurring between September 1 and January 1 and once for all incidents occurring between January 1 and June 30 and at a minimum contain:
 1. The number of reports of harassment, intimidation, or bullying, the status of all investigations,
 2. The nature of the bullying based on one of the protected categories
 3. The names of the investigators,
 4. The type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying, and
 5. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying;
- B. The chief school administrator shall verify the accuracy of the reported information prior to submission of the report;
- C. Post the district and each school grade regarding harassment, intimidation and bullying on the home page of the school and district websites;
- D. Provide for the annual training of staff to prepare them to fulfill the reporting requirements.

Annual Hearing Requirements

Twice each school year, once between September 1 and January 1 and once between January 1 and June 30, the chief school administrator shall report to the district board of education at a public hearing all acts of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses that occurred during the previous reporting period.

Knowingly Falsifying the Annual Violence and Vandalism Report

- A. Whenever it is alleged that a school employee has knowingly falsified the annual report, the board shall make a determination regarding whether the employee committed the act;
- B. Any employee alleged to have knowingly falsified the annual report shall be notified in writing of the allegation. The employee may file a grievance according to law, grievance procedures under their respective bargaining agreements, or other district grievance procedures as appropriate:
- C. If it is determined that an employee has knowingly falsified the annual report, one or more of the following actions may be taken:
 1. Impose minor discipline on a tenured or non-tenured employee notwithstanding any other law to the contrary and if negotiated with the majority representative of the employees in the appropriate collective bargaining unit;
 2. Withhold a tenured or nontenured employee's increment;
 3. File tenure charges with the secretary of the board in writing and with a written statement of evidence under oath to support such charges; and/or
 4. Terminate employment.

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- D. Any disciplinary action resulting from the falsification of the EVVRS reporting requirements shall be based on its consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record;
- E. Any employee having been found responsible for the falsification of the annual report by the board shall have the right to:
 - 1. File a grievance under their respective bargaining agreements;
 - 2. Appeal the board's determination to the Commissioner of Education and subsequently to the State Board of Education; or
 - 3. Appeal the decision to the Superior Court of New Jersey.
- F. The availability of appeal options shall be based upon the action taken by the board.

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