

## Policy 5565 PUPIL ASSAULTS ON EMPLOYEES

Title 18A:37-2, as amended, of the New Jersey Statutes dealing with the suspension and expulsion of pupils from public schools in the state mandates the immediate suspension and institution of expulsion proceedings against pupils who assault teachers and other employees of Boards of Education. Assault does not statutorily mandate the expulsion of a student, however, it does mandatorily require an expulsion hearing to take place for the student who allegedly assaulted the employee no later than 21 calendar days following the day on which the pupil is suspended.

According to the criminal code N.J.S.A. 2C:12-1, assault for this administrative guide is defined as follows:

a. Simple Assault:

- (1) attempt to cause or purposely, knowingly, or recklessly cause bodily injury to an employee;
- (2) negligently cause bodily injury to an employee with a deadly weapon; or
- (3) attempt by physical menace to put an employee in fear of imminent serious injury.

b. Aggravated Assault:

- (1) attempt to cause serious bodily injury to an employee, or cause such injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;
- (2) attempt to cause or purposely or knowingly cause bodily injury to an employee with a deadly weapon;
- (3) recklessly cause bodily injury to an employee with a deadly weapon; or
- (4) knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm at or in the direction of an employee, whether or not the pupil believes it to be loaded.

Adopted: 11 June 1997