

5610 – SUSPENSION

The Board of Education recognizes that even the temporary exclusion of a student from the educational program of this district is a severe sanction and one that cannot be imposed without due process.

Any student who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school. Conduct which shall constitute good cause for suspension or expulsion of a student guilty of such conduct shall include, but not be limited to, the conduct as defined in N.J.S.A. 18A:37-2 and the school district's Student Discipline/Code of Conduct Policy and Regulation in accordance with the N.J.A.C. 6A:16-7.1. et seq.

For the purposes of this policy, "suspension" means the temporary removal of a student from the regular instructional program.

For the purposes of this Policy, "short term suspension" means a suspension for one, but not more than ten consecutive school days and "long term suspension" means a suspension for more than ten consecutive school days.

In accordance with the provisions of N.J.S.A. 18A:37-4, a student may be suspended only by the Principal, who shall report any suspension to the Superintendent as soon as possible. The Superintendent shall report the suspension to the Board at its next regular meeting. The suspended student may be reinstated by the Principal or by the Superintendent prior to the second regular meeting of the Board following the suspension, unless the Board reinstates the student at the first regular meeting. No student suspended for reasons of assault upon a person in authority may be reinstated before the Board has held a hearing, within thirty calendar days of the suspension, to consider that student's expulsion from school. At its second regular meeting after the suspension and thereafter, the Board alone may reinstate the student pupil or continue the suspension.

In each instance of a short-term suspension, the student will be provided oral or written notice of the charges and an informal hearing conducted by the Principal or designee in accordance with the procedures outlined in N.J.A.C. 6A:16-7.2. To the extent the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student's educational program and the informal hearing shall be held as soon as practical after the suspension.

In each instance of a long-term suspension, the district shall assure the rights of the student pursuant to N.J.A.C. 6A:16-7.3.

The district will comply with the requirements of N.J.A.C. 6A:16-7.2 and 7.3, in addition to all the procedural protections set forth in N.J.A.C. 6A:14, for each student with a disability who is subject to a short-term or long-term suspension.

In each instance of a short- or long-term suspension, the district shall provide academic instruction, either in school or out of school, that addresses the Core Curriculum Content Standards pursuant to N.J.A.C. 6A:8-3.1 et seq., which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10. These services shall be provided within five school days of the suspension. Educational services provided to a student with a disability shall be provided consistent with the student's Individualized Education Program, in accordance with N.J.A.C. 6A:14.

Student records are subject to challenge by parents and adult students in accordance with N.J.A.C. 6A:32-7.7 and Policy and Regulation 8330. The name of a disciplined student will not appear in the agenda or minutes of a public meeting or in any public record of this district; any such student will be designated by code.

N.J.S.A. 18A:37-1; 18A:37-2 et seq.; 18A:37-4; 18A:37-5  
N.J.A.C. 6A:16-7.2; 6A:16-7.3; 6A:32-7.7; 6A:14-2.8

~~While the Board of Education believes that positive approaches are usually more effective in encouraging acceptable behavior, it is sometimes necessary to penalize pupils to teach pupils the consequences of disruptive behavior and to ensure the good order of the school. Pupils who indulge in behavior that is disruptive or otherwise violates the applicable code of conduct may be suspended or, in certain circumstances, expelled (see Board policy 5620):~~

#### **Pupil conduct constituting cause for suspension or expulsion**

~~As noted in N.J.S.A. 18A:37-2, conduct which shall constitute cause for suspension or expulsion (Policy 5620) includes, but is not be limited to, the following behaviors:~~

- ~~a.—Continued and willful disobedience;~~
- ~~b.—Open defiance of the authority of any teacher or person having authority over the pupil;~~
- ~~c.—Habitual profanity or obscene language;~~
- ~~d.—Conduct constituting a continuing danger to other pupils;~~
- ~~e.—Physical assault upon another pupil;~~
- ~~f.—Taking or attempting to take personal property or money from another pupil by force or fear;~~
- ~~g.—Willfully causing, or attempting to cause, substantial damage to school property;~~
- ~~h.—Unauthorized occupancy by a group of pupils or others in a school building;~~
- ~~i.—Incitement which results in unauthorized occupation of a school facility;~~
- ~~j.—Incitement resulting in truancy;~~
- ~~k.—Knowing possession or consumption of, or being under the influence of, alcoholic beverages or controlled dangerous substances on school premises.~~

~~Significant or repeated failures to meet expectations for pupil conduct shall be deemed a disruption to the education program. As described in Board policy 5560, such disruptions are grounds for progressive discipline, which may include suspension from the regular education program.~~

**Short-term suspensions—notice and informal hearing**

~~The building principal or designee shall have the authority to assign discipline to pupils, including cases in which a student is suspended for up to ten (10) school days. A pupil disciplined by an employee of this Board shall be informed verbally or in writing of the infraction with which the pupil is charged. Before discipline is imposed, the pupil shall be provided with an opportunity to respond to the charges (the "informal hearing").~~

**Long-term suspensions—notice, informal hearing and formal hearing**

~~Pupils suspended for more than ten (10) days must be afforded a formal hearing before the Board. A pupil recommended for long-term suspension shall be provided the same notice and informal hearing described for short-term suspensions. When extraordinary circumstances involving the health and safety of the pupil or others in the school require immediate exclusion, the informal hearing may be delayed to such time as circumstances permit.~~

~~In cases involving long-term suspension, the building principal or designee must provide the pupil with notice of the intention to seek further penalty beyond the short-term suspension period. In addition, the parents, guardians or adult pupil must be provided with written notice of: the specific charges against the pupil; the possible penalty; the scheduled date, time and place of the hearing; and an enumeration of rights accorded the pupil, which include an opportunity for the pupil to be represented by counsel, to be heard in his or her own behalf and to cross-examine adverse witnesses. The pupil may request a written record of the hearing and an audiotape copy of the proceedings. Hearings will be held in private, except that a pupil may request and the Board may, in its discretion, grant a public hearing. The pupil shall be informed of the right to appeal the decision of the Board to the Commissioner of Education.~~

~~Parents, guardians or adult pupils notified of a formal disciplinary hearing may meet with the superintendent or assistant superintendent to discuss a suspension determination. The administration's legal counsel must assure parents, guardians or adult pupils that they have the right to a formal board hearing regarding the charges.~~

~~At the meeting with the superintendent or assistant superintendent, the parents, guardians or adult pupils may waive their right to a formal board hearing and, in so doing, agree to accept the administration's recommended actions. The District's legal counsel will provide the waiver form the parents, guardians or adult pupils must sign to waive their right to a formal board hearing. During the meeting, parents, guardians or adult pupils must not be pressured or appear to be pressured to accept the administration's long-term suspension decision. If the right to a formal board hearing is waived, the administration will provide the Board information from the formal meeting, including written statements and evidence in the case and a copy of the written waiver signed by the parent, guardian or adult pupil, and the Board will impose the conditions for long-term suspensions in a resolution adopted at a duly-noticed public meeting in accordance with the law.~~

~~Each pupil suspended from the schools of this district shall receive home instruction regularly, to commence as soon as practicable and in no case later than fourteen (14) calendar days after the initial suspension occurs. The Board may, on the recommendation of the Superintendent, assign a pupil to an alternative education program to meet the pupil's particular needs.~~

~~The Board hearing shall normally take place no later than twenty-one (21) calendar days after the suspension occurs, except as otherwise may be provided by statute for weapons and certain assault offenses. The Superintendent may continue a suspension until the second regular meeting of the Board after the first day of~~

~~the suspension. Suspensions extending beyond the time of the second regular meeting of the Board after the first day of the suspension shall be continued only by a resolution of the Board, which retains the power to reinstate a student, to continue any suspension reported to it or to expel a pupil.~~

~~Generally, a formal Board hearing may be postponed beyond the time requirements set forth above upon the written request of the parent or guardian of the pupil suspended from school. Upon receipt of such a request, the parent or guardian shall be notified that the suspension will be continued pending the Board hearing if the request for postponement is granted. The Board shall exercise reasonable discretion in deciding whether to grant such requests, and shall acknowledge the request and its decision by resolution. Any resolution granting a request for an adjournment shall state that the suspension is continued pending the Board hearing. The parent or guardian shall be notified in writing of the decision regarding the request for postponement.~~

~~The Board shall make a decision within five (5) days of the close of the formal hearing. A vote of the majority of a quorum of the Board is sufficient to reinstate, suspend or expel a student. Any appeal of the Board's decision must be made to the Commissioner of Education within ninety (90) days of the Board's decision.~~

~~The Board directs the Superintendent to develop regulations to implement this policy.~~

~~N.J.S.A. 18A:37-1 et seq., 18A:37-2  
N.J.A.C. 6:28-2.8 et seq.  
20 U.S.C. 1415(k)~~

Cross References: 2460, 5500, 5560, 5600, 5611, 5612, 5620, 8330, 8467

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