



**SUSPENSION AND EXPULSION**

While the Board of Trustees believes that positive approaches to acceptable behavior are usually more effective, it is sometimes necessary to penalize pupils for violations of school regulations to ensure the good order of the school and to teach pupils the consequences of disruptive behavior.

Pupils who indulge in disruptive behavior may be suspended or expelled. Disruptive behavior includes, but is not limited to:

- A. Continued and willful disobedience;
- B. Open defiance of the authority of any teacher or person having authority over a pupil;
- C. Actions that constitute a continuing danger to the physical well being of other pupils;
- D. Physical assault upon another pupil, a teacher, or any school employee with or without a firearm or other weapon;
- E. Taking, or attempting to take, personal property or money from another pupil whether by force or fear;
- F. Willfully causing, or attempting to cause, substantial damage to school property;
- G. Taking part in any unauthorized occupancy of a school facility and refusing to leave promptly when directed to do so by a person in authority;
- H. Inciting others to take part in an unauthorized occupancy;
- I. Inciting other pupils to truancy;
- J. Truancy and class cutting; leaving school property without permission;
- K. Poor attendance and lateness;
- L. Use or possession of unsafe or illegal articles;
- M. Use of any tobacco product on school property;
- N. Use, possession or sale of a controlled dangerous substance, drug paraphernalia, anabolic steroids or alcohol;
- O. Use of profanity or abusive language;
- P. Turning in a false alarm;
- Q. Tampering with or damaging property of other pupils or staff members;
- R. Selling or buying lottery tickets or any other gambling paraphernalia on school property.
- S. Harassment, intimidation or bullying.

Any pupil who commits an assault (as defined by N.J.S.A. 2C:12-1) with or without a weapon upon a Board of Trustees member, teacher, administrator or other employee of the Board of Trustees of education shall be suspended from school immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the pupil's suspension.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The Executive Director may modify this suspension on a case-by-case basis. Each pupil so removed shall be placed in an alternative educational program or on home

instruction and shall be entitled to a hearing before the Board of Trustees. The hearing shall take place no later than 30 days following the day the pupil is removed from the regular education program and shall be closed to the public.

The principal shall be responsible for the removal of such students and shall immediately report them to the Executive Director. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The Executive Director shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with procedures established by the Commissioner of Education.

#### In-school Suspension

The Board of Trustees directs the administration to arrange facilities for in school suspension whenever possible. Pupils will be required to occupy themselves with school related work during such suspensions. No socializing shall be permitted. Pupils shall be counted as present in school but absent (excused) from individual classes.

#### Out-of-School Suspension

Pupils on home suspension shall be counted absent (excused) unless the duration of the suspension requires home instruction.

Except when special considerations warrant (at the discretion of the administration), every pupil will be given a written warning in the form of a disciplinary notice that subsequent violation of school regulations may result in his/her exclusion or suspension.

Pupils under suspension are prohibited from participating in or attending any school regulated activity during the period of their suspension. They may not enter the school buildings or grounds of this school without the permission of the Executive Director. Any pupil under suspension who enters the school buildings or grounds without the permission of the Executive Director may have the period of his/her suspension extended. The right to continue the suspension or to expel is reserved to the Board of Trustees of education, acting upon the recommendation of the administration.

Serious violations of school regulations that create a dangerous or unsafe condition for other pupils shall cause a pupil to be suspended upon the first offense.

#### Making Up Missed Work

Pupils who are under suspension will be required to make up all assignments missed during the period of their suspension and will be given adequate opportunity to make up this work.

Upon their readmission, failure to complete the makeup assignments will result in a meeting with the parents/guardians. The Executive Director will notify parents/guardians by telephone and send a letter regarding the telephone conversation immediately.

#### Procedures

The administration shall establish, and the Board of Trustees shall approve, specific procedures for dealing with suspension cases. Regulations ensuring due process to all pupils before a suspension is imposed shall

be developed with the advice of the Board of Trustees attorney and shall include at least:

- A. Informing the pupil of the charges against him/her;
- B. Giving the pupil a chance to reply to them.

These regulations shall also include safeguards for the dismissal of pupils suspended from school, procedures for calling an immediate conference with parents/guardians, limitations on the length of suspensions, and specifics for the reinstatement of pupils.

Every effort shall be made to adjust each suspension promptly so that the pupil can be returned to school with a minimum loss of school time and school work.

When the Executive Director imposes a suspension, he/she must report it to the Board of Trustees. No suspension for reasons other than assault upon a teacher, administrator, Board of Trustees member or other Board of Trustees employee may continue beyond the second regular meeting of the Board of Trustees following the suspension without Board of Trustees action. No suspension for assault upon a teacher, administrator, Board of Trustees member or other Board of Trustees employee may be continued beyond 30 days without Board of Trustees action. The Executive Director may reinstate a suspended pupil before Board of Trustees action.

Each pupil shall be afforded an informal hearing before the suspension or, if circumstances prohibit, as soon as possible after the suspension except that, when extraordinary circumstances involving the health and safety of the pupil or others in the school require immediate exclusion, the hearing may be delayed to such time as circumstances permit. Pupils suspended for a period of time longer than a short-term suspension shall be afforded a formal hearing before the Board of Trustees which shall take place not later than the second regular meeting of the Board of Trustees following the suspension. If the offense involves a weapon or assault with or without the weapon (as described above), the hearing shall take place not later than 30 days after the suspension occurs.

The Board of Trustees shall make a decision within five days of the close of the hearing. Any appeal of the Board of Trustees' decision shall be made to the Commissioner of Education within 90 days of the Board of Trustees' decision.

The Board of Trustees requires that such hearings shall be closed to the public, but should all parties thereto agree, the hearing may be publicly held. Each suspended pupil who has requested a formal hearing shall be restored to the regular educational program pending the outcome of the hearing, except when, in the opinion of the Executive Director, the presence of the pupil in school poses such a danger to himself/herself or others as to warrant continued absence.

Each such pupil suspended from the schools of this school shall receive individual instruction commencing not later than five working days after the suspension occurs, except that the Board of Trustees may, on the recommendation of the Executive Director, assign the pupil to an alternate educational program to meet his/her particular needs (see policy #6172).

### Expulsion

The Board of Trustees will consider expulsion only if:

- A. The Executive Director with his/her staff have exhausted all means of bringing about a correction of repeated misconduct; or

B. The nature of a single act presents such a clear possibility of danger to others that immediate definitive action is indicated.

The parents/guardians of the pupil shall be interviewed, if possible, and advised of the reasons why expulsion is being considered, of the rights of the pupil to a full hearing that will afford him/her procedural due process, and the right of parents/guardians to appeal to the Executive Director.

The child shall remain out of school until either:

- A. An appeal made to the Executive Director is decided in the child's favor; or
- B. The appeal (if made) has been denied and the Board of Trustees has met to hear the Executive Director's recommendation.

If the Board of Trustees determines that the charges, if true, may warrant expulsion, the Board of Trustees will set a date for the hearing. The Board of Trustees attorney will arrange for the giving of legal notice to all parties concerned for the preparation and presentation of evidence in support of the charges at the hearing.

The pupil must receive:

- A. Notification of the charges against him/her;
- B. The names of the adverse witnesses;
- C. Copies of the statements and affidavits of those adverse witnesses;
- D. The opportunity to be heard in his/her own defense;
- E. The opportunity to present witnesses and evidence in his/her own defense;
- F. The opportunity to cross examine adverse witnesses; and
- G. The opportunity to be represented by counsel.

Juvenile authorities and law enforcement agencies shall be notified or consulted if necessary. If a pupil younger than 18 years of age is expelled, the Board of Trustees shall continue to supply an educational program for him/her.

### Implementation

The Executive Director shall develop detailed written procedures to implement this policy. He/she shall ensure uniform and consistent application of the policy and shall report to the Board of Trustees as required on its effectiveness.

When an alternative educational program is provided for a pupil identified as disruptive but not disabled, the Executive Director shall inform the Board of Trustees.

**Board of Trustees Approval Date: 1/19/2010**

**Board Revision Date: 6/21/2011**