

POLICY

EAST WINDSOR BOARD OF EDUCATION

PUPILS

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SUSPENSION

5610 SUSPENSION

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

For the purposes of this policy, "suspension" means the temporary removal of a pupil from the regular instructional program and includes removal of a pupil from a place of instruction to another location within the school; "short term suspension" means a suspension of not more than ten days; and "long term suspension" means a suspension of more than ten days.

No pupil otherwise eligible for attendance shall be removed from the instructional program to which he/she has been assigned unless that pupil has materially and substantially interfered with the maintenance of good order or removal is necessary to protect the pupil's physical safety or emotional well-being.

Any pupil convicted or found to be delinquent for possessing a firearm on school property, on a school bus, or at a school-sponsored function or committing a crime while possessing a firearm shall be immediately removed from the school's regular educational program permanently and placed in an alternative education school or program pending a hearing before the Board of Education to remove the pupil in accordance with Policy No. 5611.

Any pupil who commits an assault, as defined pursuant to N. J.S.A. 2C:12-1, upon a pupil, teacher, administrator, Board member, or other school district employee, with a weapon other than a firearm on school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's regular education program and placed in an alternative education school or program, pending a hearing before the Board of Education.

Any pupil who commits an assault, as defined pursuant to N. J.S.A. 2C:12-1, upon a teacher, administrator, Board member, or other school district employee, acting in the performance of his duties in a situation where his authority to so act is apparent, or as a result of the victim's relationship to an institution of public education in New Jersey, not involving the use of a weapon or firearm, shall be immediately suspended from school consistent with procedural due process pending suspension or



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expulsion hearings before the Board.

Whenever a teacher, administrator, Board member, school district employee or a labor representative on behalf of an employee makes an allegation in writing that the Board member or employee has been assaulted by a pupil, the Principal shall file a written report with the Superintendent. The Superintendent, upon receiving such report shall report the alleged assault to the Board at the next regular Board meeting; provide the name of the pupil who allegedly committed the assault; although it may be disclosed to the Board members, shall be kept confidential to the public at the Board meeting. A person failing to file a report of an alleged assault may be liable to disciplinary action.

A pupil may be suspended only by the Building Principal, who shall report any suspension to the Superintendent. The Superintendent shall report the suspension to the Board at its next regular meeting.

The suspended pupil may be reinstated by the Principal or by the Superintendent at any time before the second meeting of the Board following the suspension, or by the Board of Education at the first meeting following the suspension, except that no pupil suspended for reasons of assault upon a person in authority may be reinstated before the Board has held a hearing, within twenty-one calendar days of the suspension, to consider that pupil's expulsion from school. At its second regular meeting after the suspension and thereafter, the Board alone may reinstate the pupil or continue the suspension.

The Board's failure to take any such action at its second regular meeting after the suspension or at any regular meeting thereafter will terminate the suspension, and the pupil shall be readmitted to school.

No pupil shall be suspended from the public schools of this district without notice of the charges made against him/her and an opportunity to be heard before the person or body with the authority to reinstate. Every pupil for whom a suspension of any length is contemplated will be afforded an informal hearing before a suspension is ordered, except that the informal hearing may be delayed by not more than one day when extraordinary circumstances involving the health and safety of the pupil or others in the school require the pupil's immediate removal.

A pupil removed from the instructional program for a long-



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term suspension shall be offered the opportunity for a formal hearing, which shall take place not later than twenty-one calendar days after the suspension occurs. The first formal hearing will be before the Superintendent; a pupil who so requests will then be granted a hearing before the Board.

A pupil who requests a formal hearing shall be readmitted to the regular instructional program pending the outcome of the hearing, except when the Superintendent determines that the presence of the pupil in school poses such a danger to him/herself or to others as to warrant continued removal.

The formal hearing shall include written notice to the pupil of the date, place, and time of the hearing; written notice to the pupil of the specific charges against the pupil; an opportunity for the pupil to be heard in his/her own behalf and to cross-examine adverse witnesses; representation by the pupil's counsel; a written record of the hearing and a copy of the transcript of the proceedings; and a means by which the pupil may appeal the outcome of the hearing to the next highest administrative authority. Hearings will be held in private, except that a pupil may request and the Board may, in its discretion, grant a public hearing.

Administrative Review

At the discretion of the Principal, a pupil may be referred to the Superintendent for a formal Administrative Review. The Superintendent, upon reviewing the matter, may convene a committee to meet with the pupil and the pupil's parents to discuss the seriousness of the behavior and to review the possible consequences. Failure to cooperate with the Superintendent may result in a recommendation for long-term suspension or referral to the Board for expulsion. The pupil may be represented by counsel at the Administrative Review.

The committee will be composed of the Principal of the school, or Assistant Principal, other Principals, central office administrators, or others designated by the Superintendent. Members of the Board of Education will not be represented at this level of review. The recommendations of the committee are binding. A repeat of the offense, or other offenses that result in suspension may warrant a referral to the board of Education for their review.

A pupil suspended from the schools of this district shall receive individual home instruction commencing not later than



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ten days after the suspension occurs, or be assigned, on the recommendation of the Superintendent, to an alternative educational program.

Pupils with disabilities shall be suspended when necessary in accordance with Policy No. 2460 and Regulation No. 2460.6.

The records of a pupil disciplined by suspension will be expunged in accordance with Policy and Regulation No. 8330. All record of a suspension will be immediately expunged if the pupil is found innocent of the charges levied. The name of a disciplined pupil under the age of eighteen years will not appear in the agenda or minutes of a public meeting or in any public record of this district; any such pupil will be designated by code.

N.J.S.A. 18A:37-1 et seq.
N.J.A.C. 6A:14-2.8 et seq.
20 U.S.C. 1415

Adopted: 22 November 2004

