

**WESTFIELD PUBLIC SCHOOLS**  
Westfield, New Jersey 07090

**PUPILS**  
**5600**  
**Pupil Discipline**

***Regulations Follow***

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## **5600 PUPIL DISCIPLINE**

The Board of Education believes that the best discipline is self-imposed, and pupils must learn to assume and accept responsibility for their own behavior, and for the consequences of their misbehavior. Staff members who interact with pupils shall place emphasis on the pupils' ability to grow in self-discipline.

The pupils of this district are entitled to an education free from undue disruption. Pupils are required to conform to reasonable standards of behavior, to respect the rights, person and property of others, and obey those in authority. Pupils who disrupt the educational program shall be subject to the disciplinary procedures of this district.

Every pupil enrolled in this district shall observe the rules and regulations approved by the Board, and submit to the discipline imposed for infraction of those rules.

Information regarding disciplinary actions may be entered on a pupil's record to assist the work of the pupil's teachers and counselors. . Pupil 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.

### **Disruptive Pupils**

A pupil who displays chronic behavioral and academic problems may be referred to the child study team by the building principal for possible identification as a disruptive or disaffected pupil. Such referrals shall be made in strict accordance with due process regulations prescribed by the administrative code.

A pupil whose behavior poses a continuing danger to persons or property or an ongoing disruption to the academic process may be suspended or expelled following due process.

### **Pupil Assaults**

Any pupil who commits an assault upon a teacher, administrator or other employee of the Board of Education shall be suspended from school immediately by the Principal according to procedural due process in accordance with Policy 5612 ( Assault on District Board of Education Members or Employees). Suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the pupil's suspension.

### Classified Pupils

Classified pupils are subject to the same disciplinary procedures as non-classified pupils and may be disciplined in accordance with their IEP. Before disciplining a classified pupil, it must be determined that: the pupil's behavior is not primarily caused by his/her educational disability. If upon completion of the re-evaluation the Child study team determines the pupil's behavior was not primarily caused by his/her educational disability, the district may suspend or expel the pupil.

If the child study team determines that the pupil's behavior was primarily caused by his/her educational disability, the district may not suspend or expel the pupil. The child study team may propose a change in the pupil's placement.

### Disorder and Demonstration

The Board will not permit any willful activity by a pupil or group of pupils that interferes with the orderly operation of the schools or the rights of others. The Board specifically prohibits any assembly or expression that materially disrupts instruction; is obscene, slanderous, or grossly prejudicial; advocates the use of dangerous or harmful materials; advocates the use of force or the violation of the law or school rules.

The Board directs all staff members to attempt to resolve conflict through dialogue and mediation. Pupils who express dissent should be made aware of the appropriate procedures available to them for the resolution of their grievances.

### Implementation

The Superintendent shall insure that the regulations for this policy are applied consistently and uniformly, and that all disciplinary actions are carried out with necessary due process.

Approved: March 19, 2002  
First Reading: February 6, 2018  
Second Reading: March 19, 2018

## **R 5600 PUPIL DISCIPLINE**

### I. Purpose

#### A. The purpose of these regulations is to provide:

1. Pupils, parents, and staff members with a clear description of behavior that is unacceptable because it interferes with the maintenance of a school environment conducive to learning and protective of members of the school community;
2. Pupils with an opportunity to modify unacceptable behavior;
3. Consistency and predictability in the administration of pupil discipline; and
4. A program of sequential discipline.

### II. Rules of Conduct

#### A. All pupils are bound by law, policies of the Board of Education, and the administrative regulations of this school district.

#### B. Pupils shall not:

1. Use, threaten, or incite the use of physical force against other pupils, staff members, or visitors to the school;
2. Steal, damage, deface or otherwise vandalize the property of other pupils, staff members, or the district;
3. Engage in the sexual harassment of pupils or staff members;
4. Violate codes of conduct adopted for organizations of pupils;
5. Possess or use weapons or any implement intended to harm others;
6. Act so recklessly as to endanger the safety of others;
7. Extort the property of others by threat or intimidation;
8. Possess, use, or distribute a substance in violation of Policy No. 5530;
9. Set fire to or cause a fire in any way on school premises;

10. Engage in illegal gambling;
11. Possess or explode a firecracker or other explosive device on school premises;
12. Sound or cause to be sounded a false alarm for fire, bomb, or other condition or circumstance hazardous to others;
13. Create disorder or disruptions on school premises;
14. Join a secret society prohibited by law;
15. Use foul, abusive, derogatory, or demeaning language, including racial and ethnic remarks;
16. Be insubordinate to teachers or other school staff members or disregard their instructions or demonstrate lack of respect for their authority;
17. To knowingly convey false information about other pupils or staff members
18. Possess laser pointers;
19. Enter school premises or any specific portion of the premises without permission and without authority;
20. Falsify an excuse or any school document;
21. Cheat or otherwise engage in academic dishonesty;
22. Be truant from school or class;
23. Persistently refuse to complete homework and other assignments;
24. Use skateboards and/or rollerblades inside the school or courtyard or on school grounds; or
25. Create litter on school property.

**C. Pupils assigned to a school bus must obey all school rules, and**

1. Show respect for the driver at all times;
2. Enter and leave the bus in an orderly manner;
3. Ride only the bus to which they have been assigned;
4. Be and remain seated while the bus is in motion;

5. Avoid reckless and boisterous activity at all times, including during waits at pickup points;
6. Talk in a reasonable tone of voice and avoid loud noises;
7. Extend no portion of the body or other object out a bus window;
8. Keep aisles clear at all times;
9. Refrain from bringing animals or bulky, unmanageable projects onto the school bus;
10. Refrain from smoking, eating, and drinking on the bus; and
11. Shall not possess, use, or distribute any substance in violation of Policy No. 5530.

D. Pupils shall be disciplined for misconduct away from school premises at school-sponsored events when that conduct interferes with the administration of the instructional program or jeopardizes the maintenance of order in the school.

E. Cheating

In addition to other disciplinary action, as appropriate, a pupil who has cheated on a test or assignment, plagiarized material, falsified sources, or otherwise been involved in academic dishonesty or negligence (B. 21) may suffer a reduced grade by virtue of the disqualified work. In no other instance may a pupil's grade be lowered as a direct penalty for misconduct.

### III. Disciplinary Measures

The following disciplinary measures may be applied as appropriate to the pupil's violation of school rules. The measures may be sequential and are organized in order of severity. Disciplinary measures shall be undertaken concurrent with remedial measures as outlined in Section IV. Teachers and administrators in charge of pupil discipline shall make every effort to administer these rules consistently and fairly.

A. Admonishment

A school staff member in authority will admonish the pupil for his or her unacceptable conduct and warn the pupil that additional misconduct may warrant a more severe penalty.

**B. Temporary Removal from Classroom**

1. The classroom teacher will direct the pupil to report to the office of the administrator in charge of pupil discipline.
2. The teacher will complete a form that indicates the pupil's name, homeroom, and the conduct that has caused the pupil's removal from the room.
3. The administrator in charge of discipline will interview the pupil and determine which, if any, additional disciplinary steps are indicated.

**C. Deprivation of Privileges**

The pupil will be deprived of the privilege of:

1. Moving freely about the school building,
2. Participation in co-curricular or inter/intrascholastic activities,
3. Attendance at a school-related social or sports activity,
4. Participation in a graduation ceremony,
5. Transportation by school bus, or
6. Open Lunch

**D. Central Detention/Saturday Detention**

1. The pupil will be required to report before or after the school day or on a Saturday morning to a detention room for a period of supervised study.
2. Transportation will be the responsibility of the pupil's parent or legal guardian.
3. The pupil may be excused from detention only for an unavoidable commitment previously made; any such excused detention must be made up on another day.

**E. In-school Suspension**

1. The pupil will be removed from his or her regular classes and required to report to an in-school suspension program for supervised study.

2. In-school suspension is a deprivation of the pupil's right to a thorough and efficient education and will not be imposed without the due process set forth in Policy No. 5610 (Suspension).

**F. Suspension from School**

1. The pupil will be denied the right to attend school for a period of time pursuant to Policy No. 5610 (Suspension).
2. Suspension from school is a deprivation of the pupil's right to a thorough and efficient education and will not be imposed without the due process set forth in Policy No. 5610 (Suspension).

**G. Expulsion**

1. The pupil will be required to withdraw permanently from school pursuant to Policy No. 5610 (Suspension).
2. Expulsion is an extremely serious disciplinary measure; it deprives the pupil of his or her right to a thorough and efficient education and will not be imposed without the due process set forth in Policy No. 5610 (Suspension).

**IV. Remedial Measures**

The following remedial measures may be taken to aid in correcting pupil conduct and to insure that the pupil is properly placed in an appropriate educational environment and is not in need of special education and/or related services.

**A. Counseling**

1. The pupil will be required to consult with school guidance counselors to determine the causes of his or her misconduct and to assess the need for a change in behavior.
2. The counselor will explain:
  - a. Why the pupil's conduct is unacceptable to the school and damaging to the pupil,
  - b. What the consequences of continued misconduct are likely to be, and
  - c. Appropriate alternate behaviors.

3. The counselor may refer the pupil, as appropriate, for additional counseling, evaluation, intervention, treatment, or therapy. Referrals may be made to:
  - a. The Child Study Team,
  - b. A public or private social agency, or
  - c. A legal agency.

**B. Parent Notification**

1. Where the discipline is greater than an admonishment, the pupil's parent or legal guardian will be notified of the offense and of the discipline imposed and will be offered an opportunity to confer with the principal.
2. Where the offense is serious and the discipline greater than detention, every effort will be made to notify the parent prior to the informal hearing conducted with the principal.

**C. Parent Conferences**

The pupil will be required to attend a meeting with his or her parent and appropriate staff members to discuss the causes of the pupil's behavior, possible remediation, potential disciplinary measures, and alternative conduct.

**D. Restitution and Restoration**

1. The pupil will be required to:
  - a. Make restitution, in kind or cost or labor, for any loss he or she has caused; or
  - b. Restore to its former condition, by his or her own labor, any property the pupil has damaged or defaced.
2. A pupil who refuses to make restitution or restoration as directed may be disciplined by one or more of the measures included in III.

**E. Alternative Educational Program**

The pupil will be assigned to an alternative educational program as recommended by the pupil's guidance counselor, classroom teacher, Child Study Team, and/or principal.



V. Educationally Disabled Pupils

- A. The discipline of an educationally disabled pupil must consider his or her educational disability and educational needs. Pupils with educational disabilities are subject to the same discipline policies and procedures as nondisabled pupils, unless the pupil's individualized educational program includes exemptions to those policies or procedures.
- B. Pupils with educational disabilities may be suspended for up to ten consecutive or nonconsecutive school days without initiating action by the Child Study Team.
- C. In the event the discipline involves suspension or expulsion that would account for more than ten consecutive or nonconsecutive school days, the suspension or expulsion constitutes a significant change in placement and the Child Study Team will conduct a reevaluation in accordance with N.J.A.C. 6:28-3.7.
  1. When a pupil with an educational disability is suspended, the Principal will forward, at the time of suspension, written notification and a description of the reasons for such action to the parent/legal guardian and the case manager. Such notification shall occur prior to the suspension if the action would result in the pupil being suspended for more than ten days in the school year.
  2. The case manager will determine if the suspension results in a significant change in placement and document the review and the determination made. If the suspension would result in a significant change in placement, the Child Study Team case manager will advise the Principal that a reevaluation shall be conducted prior to the suspension and initiate a reevaluation.
  3. If upon completion of the reevaluation, the Child Study Team determines the pupil's behavior was primarily caused by his/her educational disability, the district may not suspend or expel the pupil. However, the Child Study Team may propose a change in the pupil's placement.
  4. If upon completion of the reevaluation, the Child Study Team determines the pupil's behavior was not primarily caused by his/her educational disability, the district may suspend or expel the pupil. However, at no time shall the district Board of Education cease educational services to that pupil.
  5. If there is ongoing peril or physical harm to self or others or of substantial disruption to the educational process, and the suspension would result in a significant change in placement, the pupil may be temporarily suspended while the district immediately seeks emergency relief.

6. The suspension of an educationally disabled pupil will be processed in accordance with Regulation No. 5610, paragraph E.

**VI. Records**

Instances of pupil discipline will be recorded in the pupil's file in strict compliance with N.J.A.C. 6:3-2 and Policy No. 8330.

In Effect: March 19, 2002

Revised:

*Regulations follow*

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## **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.

Any pupil 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 pupil 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 Pupil 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 pupil from the regular instructional program.

For the purposes of this Policy, "short term suspension" means a suspension for a term of ten consecutive school days or less 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 or designee 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 or continue the suspension.

In accordance with the provisions of N.J.S.A. 18A:37-2a, a student in Kindergarten through grade two shall not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual nature that endangers others. Students in preschool shall not receive an out-of-school suspension except as provided pursuant to the "Zero Tolerance for Guns Act," N.J.S.A. 18A:37-7 et seq.

The district shall implement an early detection and prevention program to identify students in preschool through grade two who are experiencing behavioral or disciplinary problems and provide behavioral supports for these students which may include, but not be limited to, remediation of problem behaviors, positive reinforcements, supportive interventions, and referral services. An early detection program may be incorporated into the intervention and referral services required to be established in each school pursuant to State Board of Education regulations.

In each instance of a short-term suspension, the pupil and their parent(s) or legal guardian(s) 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 pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the pupil may be immediately removed from the pupil'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 pupil pursuant to N.J.A.C. 16A: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 pupil 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 Standards adopted by the State of New Jersey pursuant to N.J.A.C. 6A:8-3.1, which may include a public education program provided in accordance with the provisions pursuant to Home Instruction Policy (2421) (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 pupil with a disability shall be provided consistent with the pupil's Individualized Education Program, in accordance with N.J.A.C. 6A:14.

Pupil 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 pupil 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., 18A:37-2 et seq.; 18A:37-4: 18A:37-5  
N.J.A.C. 6A:16-7.2; 6A:16-7.3; 6A:14-2.8 et seq.  
20 U.S.C. 1415

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Second Reading: March 19, 2018

## **R 5610 -- SUSPENSION PROCEDURES**

### A. Short-Term Suspensions

1. In each instance of a short-term suspension, the Principal or designee, shall assure the rights of a pupil suspended for ten or fewer consecutive school days by providing for the following:
  - a. As soon as practicable, oral or written notice of charges to the pupil.
    - (1) When charges are denied, an explanation of the evidence forming the basis of the charges shall also be provided.
  - b. An informal hearing prior to the suspension in which the pupil is given the opportunity to present the pupil's side of the story regarding the actions leading to the short-term suspension and the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2. and 5.
    - (1) The informal hearing shall be conducted by the Principal or designee;
    - (2) To the extent that a pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the pupil may be immediately removed from the pupil's educational program and the informal hearing shall be held as soon as practical after the suspension;
    - (3) The informal hearing should take place even when a school staff member has witnessed the conduct forming the basis of the charge; and
    - (4) The informal hearing and the notice given may take place at the same time.
  - c. Oral or written notification to the pupil's parent(s) or legal guardian(s) of the removal from the pupil's educational program prior to the end of the school day on which the Principal or designee makes the decision to suspend the pupil, which shall include an explanation of:
    - (1) The specific charges;
    - (2) The facts on which the charges are based;

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- (3) The provision(s) of the pupil code of conduct the pupil is accused of violating;
      - (4) The pupil's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.2; and
      - (5) The terms and conditions of the suspension.
    - d. Appropriate supervision of the pupil while waiting for the pupil's parent(s) or legal guardian(s) to remove the pupil from school during the school day; and
    - e. Academic instruction, either in-school or out-of-school, that addresses the Standards adopted by the State of New Jersey.
      - (1) Academic instruction shall be provided within five school days of the suspension.
      - (2) Educational services provided to a pupil with a disability shall be provided consistent with the pupil's Individualized Education Program in accordance with N.J.A.C. 6A:14.
      - (3) At the completion of a short-term suspension, the district Board of Education shall return the general education pupil to the general education program.
  2. The Principal or designee shall immediately report the suspension to the Superintendent, who is required to report it to Board of Education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.
  3. A Board may deny the pupil participation in extracurricular activities, school functions, sports, or graduation exercises as disciplinary sanctions, where such measures are designed to maintain the order and integrity of the school environment.
  4. For a pupil with a disability, the provisions set forth in N.J.A.C. 6A:16-7.2 shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.
  5. An appeal of the Board's decision affecting the general education student's educational program shall be made to the Commissioner, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

**B. Long-Term Suspensions**

1. In each instance of a long-term suspension, the Principal or designee shall assure the rights of a pupil suspended for more than ten consecutive school days by providing the following:
  - a. Immediate notification to the pupil of the charges, prior to the pupil's removal from school;
  - b. An informal hearing prior to the suspension in which the pupil is given the opportunity to present the pupil's side of the story regarding the pupil's actions leading to the long-term suspension and the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;
  - c. Immediate notification to the pupil's parent(s) or legal guardian(s) of the pupil's removal from school;
  - d. Appropriate supervision of the pupil while waiting for the pupil's parent(s) or legal guardian(s) to remove the pupil from school during the school day;
  - e. Written notification to the parent(s) or legal guardian(s) by the Superintendent or designee within two school days of the initiation of the suspension, stating:
    - (1) The specific charges;
    - (2) The facts on which the charges are based;
    - (3) The pupil's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.3; and
    - (4) That further engagement by the pupil in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the pupil's right to a free public education, in the event that a decision to expel the pupil is made by the Board, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.4.
      - (a) The Board shall request written acknowledgement of the notification of the provisions of B.1.e.(4) above from the parent(s) or legal guardian(s) and the pupil subsequent to the removal from the pupil's educational program, pursuant to N.J.A.C. 6A:16-7.3.
  - f. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to B.1.j. below;

- g. For a pupil with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations;
- h. Information on the right of the pupil to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)7;
- i. Educational services, either in school or out of school, that are comparable to those provided in the public schools for pupils of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.
  - (1) The services shall be provided within five school days of the suspension.
  - (2) The Board shall make decisions regarding the appropriate educational program and support services for the suspended general education pupil, at a minimum, based on the Standards adopted by the State of New Jersey and the following considerations:
    - (a) A behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team, as appropriate;
    - (b) The results of any relevant testing, assessments or evaluations of the pupil;
    - (c) The pupil's academic, health, and behavioral records;
    - (d) The recommendation of the Superintendent, Principal or designee, or other relevant resource;
    - (e) Considerations of parental input; or
    - (f) Consultation with the Intervention and Referral Services Team, in accordance with N.J.A.C. 6A:16-8, as appropriate.
  - (3) Educational services provided to a pupil with a disability shall be provided consistent with the pupil's Individualized Education Program, in accordance with N.J.A.C. 6A:14.
- j. A formal hearing before the Board, which, at a minimum, shall:



- (1) Be conducted by the Board or delegated by the Board to a Board committee, a school administrator or an impartial hearing officer for the purpose of determining facts or making recommendations.
    - (a) The Board as a whole shall receive and consider either a transcript or detailed report on such hearing before taking final action.
  - (2) Include the opportunity for the pupil to:
    - (a) Confront and cross-examine witnesses, when there is a question of fact; and
    - (b) Present his or her own defense and produce oral testimony or written supporting affidavits.
  - (3) Take place no later than thirty calendar days following the day the pupil is suspended from the general education program; and
  - (4) Result in a decision by the Board, which at a minimum, shall be based on the preponderance of competent and credible evidence.
- k. A written statement to the pupil's parent(s) or legal guardian(s) of the Board's decision within five school days after the close of the hearing that includes, at a minimum:
- (1) The charges considered;
  - (2) A summary of the documentary or testimonial evidence from both the pupil and the administration that was brought before the district Board of Education at the hearing;
  - (3) Factual findings relative to each charge and the Board's determination of each charge;
  - (4) Identification of the educational services to be provided to the pupil pursuant to B.1.i. above;
  - (5) The terms and conditions of the suspension; and

- (6) The right to appeal the Board's decision regarding the pupil's general education program to the Commissioner of Education in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
- l. Immediate return to the general education program if at any time it is found that the general education pupil did not commit the offense; and
  - m. At the completion of a long-term suspension, the Board shall return the general education pupil to the general education program.
2. Any appeal of the Board's decision regarding the general education pupil's program shall be made to the Commissioner of Education, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
  3. Suspension of general education pupils shall not be continued beyond the Board's second regular meeting following the suspension, unless the Board so determines, pursuant to N.J.S.A. 18A:37-5.
    - a. The Board shall determine whether to continue the suspension, pursuant to B.1above, based on the following criteria:
      - (1) The nature and severity of the offense;
      - (2) The Board's removal decision;
      - (3) The results of any relevant testing, assessments or evaluations of the pupil; and
      - (4) The recommendation of the Superintendent, after considering input from the Principal or Director of the alternative education program or home or other in-school or out-of-school instruction program in which the pupil has been placed.
    - b. The Board shall develop and adopt policies and procedures providing for action on the continuation of pupil suspensions in the event of cancellation of the first or second regular Board meeting pursuant to N.J.S.A. 18A:37-4 and 5. In this unlikely event, a special committee of the Board, which will include the Superintendent of Schools or his/her designee, will be appointed by the Board President to make a decision on the continuation of the suspension. The committee's decision will be implemented subject to ratification of the committee's decision at the next regular Board meeting.

4. When the Board votes to continue the suspension of a general education pupil, the Board, in consultation with the Superintendent, shall review the case at each subsequent Board meeting for the purpose of determining:
  - a. The status of the pupil's suspension;
  - b. The appropriateness of the current educational program for the suspended pupil; and
  - c. Whether the suspended pupil's current placement, pursuant to B.1.i. above, should continue or whether the pupil should return to the general education program.
  
5. When the Board votes to continue the suspension of a general education pupil, the Board, in consultation with the Superintendent, shall make the final determination on:
  - a. When the pupil is prepared to return to the general education program;
  - b. Whether the pupil shall remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in B.3.a.(1) through (4) above; or
  - c. Whether to initiate expulsion proceedings in accordance with N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.4 and Policy 5620 (Expulsion)
  
6. The Board shall provide a general education pupil suspended under N.J.A.C. 6A:16-7.3 with an appropriate educational program or appropriate educational services, based on the criteria set forth under B.1.i.(2) above, until the pupil graduates from high school or reaches the age of twenty, whichever comes first.
  - a. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is applicable; or
  - b. The educational services provided, either in-school or out-of-school, shall be comparable to those provided in the public schools for pupils of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.

7. For a pupil with a disability who receives a long-term suspension, the Board shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the pupil's educational placement to an interim or alternate educational setting.
  - a. All procedural protections set forth in N.J.A.C. 6A:14 and N.J.A.C. 6A:16-7.3 shall be afforded to each pupil with a disability who is subjected to a long-term suspension.
  - b. All decisions concerning the pupil's educational program or placement shall be made by the pupil's Individualized Education Program team.
  - c. The provisions of B.2. through B.6. above shall not apply to pupils with disabilities.

In Effect: December 11, 2007

Revised:

## **5620 - EXPULSION**

The Board of Education recognizes that expulsion from this district is the most severe sanction that can be imposed upon a pupil.

The Board may expel a general education pupil from school, pursuant to N.J.S.A. 18A:37-2, only after the Board has provided the procedural due process rights set forth in N.J.A.C. 6A:16-7.1(c) 3 and 7.3, and as outlined in Policy and Regulation 5610 (Suspension), subsequent to a long-term suspension pursuant to N.J.A.C. 6A:16-7.3; and only after the Board has provided an appropriate educational program or service, based on the criteria set forth under N.J.A.C. 6A:16-7.3(f) and as outlined in Regulation 5610. The educational program or service shall be consistent with the provisions of N.J.A.C. 6A:16-9.1 et seq., Alternative Educational Programs, and N.J.A.C. 6A:16-10.2, Home or Out-of-School Instruction for General Education Students, and N.J.A.C. 6A:14-2 et seq., Special Education, Procedural Safeguards and N.J.A.C. 6A:14-4.1 et seq., Special Education, Programs and Instruction, whichever are applicable. The educational services provided, either in school or out of school, shall be comparable to those provided in the public schools for pupils of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25.

An appeal of the Board's decision regarding the cessation of the pupil's general education program shall be made to the Commissioner of Education in accordance with N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3-1.3 through 1.17. The Board shall continue to provide an appropriate educational program or service in accordance with N.J.A.C. 6A:16-7.4(a)2 until a final determination has been made on the appeal of the Board's action to expel a pupil.

A student with a disability shall only be expelled from his or her current program in accordance with N.J.A.C. 6A:14 et seq. An expulsion of a pupil with a disability from a receiving school shall be handled in accordance with N.J.A.C. 6A:14 et seq.

N.J.S.A. 18A:37-2

N.J.A.C. 6A:16-7.4; 6A:14 et seq.

Approved: December 11, 2007  
First Reading: February 6, 2018  
Second Reading: March 19, 2018