

## Policy 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 or 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.

A pupil may be suspended only by the building 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 pupil may be reinstated by the principal within two days of the suspension, 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 or 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 ten days 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-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.

If, in the principal's opinion, the alleged infraction warrants more than a ten day suspension, or in the case of an assault under N.J.S.A. 18A:37 and N.J.S.A. 2C-12, or where the disciplinary code or other Board policy requires a disciplinary hearing before the Board, the principal shall suspend the pupil for ten days and immediately notify the Superintendent so that a preliminary hearing before the Superintendent may be scheduled.

1. Notice of Hearing Before the Superintendent

Within three days of the date of suspension, a notice shall be sent by the Superintendent by certified mail, addressee only, return receipt requested to the pupil's parents/guardians. The notice shall contain the following:

- a. The rule(s) alleged to have been violated;
- b. The charges against the pupil;
- c. A summary of the evidence against the pupil;
- d. The names of the accusers;
- e. A full description of the proposed alternative educational program pending the hearing (applicable if the pupil cannot be readmitted to school pending the hearing);
- f. The time and place for the hearing (must be within twenty one days of the original suspension if assault is involved);
- g. A statement of the pupil's parents/guardians' entitlement to the following prehearing rights:
  - (1) Right to review written statements about the alleged misconduct;
  - (2) Right to review the pupil's records;
- h. A statement of the pupil's entitlement to the following hearing rights:
  - (1) Right to counsel;
  - (2) Right to translator;
  - (3) Right to appear in own behalf and for parents/guardians to appear;
  - (4) Right to produce witnesses and present evidence on his/her behalf;

2. Hearing by the Superintendent

Each pupil shall be afforded a hearing before the Superintendent 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. The hearing before the Superintendent shall take place not later than ten days after the date of suspension.

When the Superintendent continues a suspension, he/she must report it to the Board. No suspensions may continue beyond the second regular meeting of the Board following the suspension without Board action. No suspensions for assault may be continued beyond twenty one days without Board action. A suspended pupil may be reinstated by the Superintendent before Board action.

The hearing before the Superintendent shall afford the pupil with due process rights including a reading of the charges against the pupil, disclosure of written statements of witnesses, the right to counsel, the right to produce witnesses and present evidence, and the opportunity to be heard on the charges presented.

### 3. Waiver

It is the pupil's prerogative to waive his/her right to a formal hearing. This waiver is to be in writing and signed by both pupil and parents/guardians. The signatures should be witnessed. Additionally, the pupil can constructively waive the hearing by simply not availing himself/herself of the opportunity for it.

The records of a pupil disciplined by suspension will be expunged in accordance with Policy 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. 6:28-2.8

Adopted: 11 June 1997