

POLICY

NUTLEY

BOARD OF EDUCATION

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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.

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.

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, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular educational program pending a hearing before the Board of Education to remove the pupil in accordance with N.J.S.A. 18A:37-8 and 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 any 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 in accordance with N.J.S.A. 18A:37-2.2. and Policy 5612.



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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 expulsion proceedings before the Board in accordance with N.J.S.A. 18A:37-2.1.a.

Pursuant to N.J.S.A. 18A:37-2.1.b., 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; provided 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 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 ten 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 thirty 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.

In each instance of a short-term suspension, the pupil and their parent(s) or legal guardian(s) will be provided oral or written



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notice of the charges and an informal hearing conducted by the Building 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 Core Curriculum Content Standards pursuant to N.J.A.C. 6A:8-3.1, 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 pupil with a disability shall be provided consistent with the pupil's Individualized Education Program, in accordance with N.J.A.C. 6A:14. At the completion of a short-term suspension, the general education pupil shall be returned to the general education program.

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 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:16-7.2; 6A:16-7.3; 6A:14-2.8 et seq.
20 U.S.C. 1415

Revised: 18 June 2007
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