

# **REGULATION**

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## **FRANKLIN TOWNSHIP BOARD OF EDUCATION**

**File Code: 5114**

### SUSPENSION AND EXPULSION/PUPIL DUE PROCESS

#### Rationale/Background

The board of education recognizes the need for every pupil to have a safe and orderly environment in which to learn. Additionally, the board deems the suspension or expulsion of a pupil to be a very serious penalty that should be imposed only when the pupil has materially and substantially interfered with the maintenance of good order in the school, or when it is necessary to protect the pupil's emotional safety and well-being.

The Franklin Township Board of Education also recognizes that pupils have the right to request redress of grievance. Accordingly, a procedure for dealing with individual and group grievances will be provided.

#### Causes for Suspension/Expulsion

"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/her, 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" (N.J.S.A. 18A:37-2). The following items are examples of continued and willful disobedience which may result in suspension or expulsion:

- A. Continued and willful disobedience;
- B. Open defiance of the authority of any teacher or person having authority over a pupil;
- C. Conduct of such character as to constitute a continuing danger to the physical well-being of other pupils;
- D. Physical assault upon another pupil or upon any teacher or other school employee;
- E. Taking, or attempting to take, personal property or money from another pupil, or from his/her presence, by means of force or fear;
- F. Participation in an unauthorized occupancy by any group of pupils or others of any part of any school or other buildings owned by any school district, and failure to leave such school or other facility promptly after having been directed to do so by the principal or other person then in charge of such building or facility;
- G. Inciting others to take part in an unauthorized occupancy;
- H. Incitement which is intended to and does result in truancy by other pupils, or inciting other pupils to truancy;
- I. Off school grounds without permission;

- J. Poor attendance and/or chronic lateness;
- K. Use or possession of unsafe or illegal articles;
- L. Use of any tobacco product on school property;
- M. Truancy;
- N. Use, possession or sale of a controlled dangerous substance;
- O. Turning in a false fire alarm or bomb threat;
- P. Tampering with or damaging property of other pupils or staff members;
- Q. Selling or buying lottery tickets or any other gambling paraphernalia on school property
- R. Use of profanity or abusive language;

#### Procedure for Suspension/Expulsion from School

Pupils may be suspended by the chief school administrator or designee for any of the reasons listed under "Causes of Suspension/Expulsion."

In cases of suspension, the pupil will have an informal hearing with the chief school administrator or designee. This informal hearing shall include:

- A. Informing the pupil of the charges against him/her;
- B. Giving the pupil an opportunity to reply to the charges against him/her.

In most cases, suspension time begins at the end of the school day on the day that the suspension is issued. However, the administration has the right to suspend a pupil from school immediately when it is determined that waiting until the end of the school day will jeopardize the safety and well being of other pupils.

Parents/guardians will be notified of the suspension by telephone (if available in the home) and in writing. In cases that result in suspension from school, a parent/guardian conference with the appropriate building administrator is necessary before the pupil may be permitted to return to regular classes.

The chief school administrator must report all suspensions to the board of education at the next regular meeting.

#### Effects of Suspension Expulsion

- A. Short-term suspension (10 days or less)

The effects of a short-term suspension are listed below:

1. Days absent from school which are the result of a suspension will be recorded as excused absences.
2. The pupil will be able to make-up any class work, test, quizzes, projects, homework, etc., missed during the days of suspension without

any penalty to his/her grade. It is the responsibility of the pupil to approach the teacher to receive the missed assignments. The pupil will be allowed a number of days to complete these assignments that is equal to the number of days missed due to the suspension.

3. Pupils will be ineligible to participate in every activity, meeting and school event during the suspension. A pupil who is ineligible to participate in extracurricular activities because of a suspension may remain ineligible for the balance of the season/activity unless:
  - a. The pupil and parent/guardian file a written request for a hearing before an administrative committee to show cause why his/her ineligibility should not remain permanent. Such a committee will be composed of at least two administrators, the advisor or coach and the pupil's guidance counselor. The parent/guardian must be present at the hearing.
  - b. Following the hearing the administration may grant the request of the pupil and reinstate participation privileges. The administration may also grant the appeal, conditionally, provided that certain conditions relative to pupil behavior, attendance and academic performances are met: The administration may also deny the request.
  - c. Any pupil who is suspended twice during a season/activity will remain ineligible for the remainder of the season/activity.
4. At the discretion of the chief school administrator, serious misconduct or continued behavior that results in short-term suspension may result in referral to the child study team and/or the pupil's guidance counselor.
5. When a pupil with an educational disability is suspended, the chief school administrator shall forward, at the time of suspension, a written notification and description of the reason(s) for such action to the parents/guardians with a copy to the child study team.
6. When the suspension of an educationally disabled pupil exceeds a total of 10 school days accumulated in a school year, the child study team shall review the status of that pupil in order to:
  - a. Determine if the behavior which resulted in the suspension was primarily caused by the pupil's educational disability;
  - b. Determine if the pupil's individualized education program is appropriate;
  - c. Prepare and forward to the principal and parents/guardians a written report with recommendations.
7. Where drugs, alcohol, or any other controlled dangerous substance are involved, certification that the pupil is not currently using drugs from a doctor shall be required prior the pupil's return to school.

B. Long-term suspension (more than 10 days)

Long-term suspension results from a pupil receiving more than one short-term suspension. A long-term suspension may also be given to a pupil who is involved in an extremely serious offense (e.g., assault, possession or distribution of controlled or dangerous substance, etc.).

In addition to the effects of short-term suspension, long-term suspension

shall include:

1. Mandatory referral to the district child study team for evaluations (or re-evaluation for a pupil classified as having an educational disability). The purpose of the evaluation is for a determination to be made as to whether the pupil's behavior is primarily caused by his/her educational disability;
2. Depending on the number of days of suspension, tutoring or home instruction may be provided to the pupil;
3. Placement on administrative probation.

When a pupil is placed on administrative probation, the chief school administrator will notify the parent/guardian in writing of this action. Should the pupil demonstrate any further behavioral problems that result in suspension, the chief school administrator will meet with the pupil and parents/guardians to determine the length of the suspension. The principal will then notify the parents/guardians in writing that any further disciplinary problems that result in suspension will require a hearing/review by the chief school administrator.

Should the pupil receive any further suspension, the principal will notify the chief school administrator and forward a "Hearing Summary Report" (attached) to his/her office.

The chief school administrator will then:

- A. Conduct a pupil/parent/guardian conference
- B. Determine the length of the suspension and determine if the case should be referred to the board of education for an expulsion hearing and/or the child study team for evaluation.

#### Expulsion

A suspension is a temporary removal from school, while an expulsion is a permanent exclusion from school. The chief school administrator will follow the procedure explained in B "Long-term Suspension" of this policy while preparing for an expulsion hearing. In addition the pupil and his/her parents/guardians will be provided with:

- A. A written notice containing the date and time of the hearing and a statement of the specific charges that justify expulsion. The pupil will also be informed of his/her right to be represented by an attorney.
- B. A list of witnesses against the pupil and a written report on the facts to which the witnesses will testify.
- C. An opportunity for the pupil to present his/her own defense and to produce either by oral testimony or written affidavits of witnesses in his/her behalf.
- D. An opportunity to confront and cross-examine witnesses.

#### Appeals to the Chief School Administrator and Board of Education

In order to provide for an orderly process regarding the appeal of pupil disciplinary decisions made by school supervisor, all appeals to the chief school administrator and the board of education shall be in writing.

Written appeals of pupil disciplinary decisions shall state:

- A. The section of the state law, board of education policy, or school discipline code that was violated.
- B. The decision of the school supervisor, and when appropriate, of the chief school administrator.
- C. The facts and circumstances involved in the disciplinary action.
- D. The reason or reasons why the school supervisor and/or chief school administrator's decision should be changed or reversed.
- E. The remedy or solution sought.

Written appeals shall be submitted to the chief school administrator. The chief school administrator will review the appeal and pupil disciplinary record. The chief school administrator may:

- A. Grant or deny the appeal. The decision will be based on evidence that a state law, board of education policy or schools discipline code was violated.
- B. Make recommendation for board of education to hear or not hear the appeal.

The chief school administrator will inform the parents/guardians in writing of his/her decision.

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