

Suspension and Expulsion

N.J.A.C. 6A:16-7.2, -7.3, -7.4
5114 Suspension and Expulsion

Administrative Responsibilities	Board Responsibilities
<p>Due process shall be given to all pupils before a suspension is imposed. Procedures for due process shall be developed with the advice of the board attorney.</p> <p>Short-term suspension (10 days or less) –</p> <p>The principal/designee shall:</p> <ol style="list-style-type: none"> 1. Inform the student of the charges; 2. Give the student a chance to explain or respond to the allegations of misconduct; 3. Explain the supporting evidence; 4. Explain conduct that may lead to suspension or expulsion; 5. Explain district responses to misconduct; 6. Provide the mandatory notice to parents (adequate supervision provided while awaiting removal by the parent/guardian). <p>Long-term suspension (more than 10 days) –</p> <p>All the procedures listed for short term suspension apply to long-term suspension. Student has the opportunity to have a board hearing.</p> <p>Written notification to parents/guardians within 2 days of the suspension stating:</p> <ol style="list-style-type: none"> 1. Specific charges; 2. Facts on which charges are based; 3. Due process rights; 4. Notification that expulsion will be considered if behavior continues (forfeiture of the right to a T&E education). <p>Other information that shall be provided:</p> <ol style="list-style-type: none"> 1. List of witnesses and their statements 5 days prior to the formal hearing; 2. Manifestation determination, if applicable; 3. Right to have an attorney present; 4. Right to impartial officials – no official involved in the incident can hear the case; 5. Right to a translator; 6. Comparable educational services provided within 5 days. 	<p>Short-term suspension (10 days or less) –</p> <p>The Board has discretion to accept or deny an appeal of a short-term suspension.</p> <p>Long-term suspension (more than 10 days) –</p> <p>Board will approve the appropriate educational program based on the following:</p> <ol style="list-style-type: none"> 1. A behavioral evaluation, including referral to the CST; 2. Results of relevant testing and assessment; 3. Academic, health and behavioral records; 4. CSA/other relevant staff recommendations; 5. Parental input; 6. Consultation with I&RS (intervention and referral services). <p>Board shall hold a formal hearing within 21 days of the first day of the suspension and provide the opportunity for the student to:</p> <ol style="list-style-type: none"> 1. Present a defense/explain their side of the story; 2. Present witnesses; 3. Present signed statements by witnesses; 4. Face and question school witnesses. <p>After the conclusion of the hearing the board shall notify the parent in writing of the decision within 5 days. Notification includes:</p> <ol style="list-style-type: none"> 1. The charges considered; 2. Summary of all the evidence; 3. Factual findings for each charge; 4. Identification of educational services to be provided; 5. Terms and conditions of suspension; 6. Right to appeal to the commissioner within 90 days. <p>Suspension shall not be continued beyond the second regular meeting of the board, unless the suspension is extended by board decision based on:</p> <ol style="list-style-type: none"> 1. Nature and severity of the offense; 2. The removal decision; 3. Test results; 4. Recommendation of the CSA/other relevant staff <p>If the board extends the suspension, it shall review the case at each board meeting including:</p> <ol style="list-style-type: none"> 1. The status of the suspension; 2. The educational services provided; 3. Whether services shall be continued, adjusted or the student returned to general education; 4. If expulsion should be considered. <p>Expulsion –</p> <p>Expulsion may only be considered:</p> <ol style="list-style-type: none"> 1. After a long-term suspension, including all due process rights; 2. After the provision of educational services; 3. If all means of bringing about a correction in misconduct are exhausted; 4. If a single act presents such a clear possibility of danger to others; <p>A formal hearing shall be provided by the board according to the procedures detailed under long-term suspension.</p>