

POLICY

Board of Education

Bernards Township

File Code: 5610

SUSPENSION

A pupil removed from the instructional program for suspension of more than 10 days 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. A pupil who requests a formal hearing shall be readmitted to the regular instructional program pending the outcome of the hearing, except when the Superintendent determines that the presence of the pupil in school poses a danger to him or herself or to others as to warrant continued removal. The formal hearing shall include written notice to the pupil of the date, place, and time of the hearing; written notice to the pupil of the specific charges against the pupil; an opportunity for the pupil to be heard in his or her own behalf and to cross-examine adverse witnesses; representation by the pupil's counsel; a record of the hearing and a copy of the recording or transcript of the proceedings; and a means by which the pupil may appeal the outcome of the hearing to the next highest administrative authority.

Hearings will be held in private, except that a pupil may request and the Board may, in its discretion, grant a public hearing. A pupil removed from school for a short-term or long-term suspension during examinations or near the end of the school year, or at any other time critical to his or her education may request and be granted an immediate hearing.

A pupil who receives three suspensions of any length during a school year shall have his/her disciplinary record reviewed by a committee chaired by the building principal. The principal shall invite teachers, coaches, guidance counselors, (where appropriate) child study team members, and the parents or guardians to attend. Parents will be encouraged to attend.

Pupils with educational disabilities are subject to the same discipline, policies, and procedures as non-disabled pupils, unless the pupil's individualized educational program includes exemptions to those policies or procedures. Pupils with educational disabilities may be suspended for up to 10 consecutive or non-consecutive school days without initiating action by the child study team. In the event the discipline involves suspension that would account for more than 10 consecutive or non-consecutive school days, the suspension constitutes a significant change in placement and the child study team will conduct a re-evaluation in accordance with N.J.A.C. 6:28-3.7.

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 10 days in the school year. 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 re-evaluation shall be conducted prior to the suspension and initiate a re-evaluation.

POLICY - Continued

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If, upon completion of the re-evaluation, the child study team determines the pupil's behavior was primarily caused by his/her educational disability, the District may not suspend the pupil. However, the child study team may propose a change in the pupil's placement. However, at no time shall the Board cease educational services to that pupil.

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.

The records of a pupil disciplined by suspension will be expunged in accordance with Policy No. 8330. All records 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.S.A. 18A:54-20g (Vocational districts)

N.J.S.A. 6:28-1.8 et seq.

ADOPTED: March 9, 1998

REVIEWED: August 3, 2009