

DELANCO TOWNSHIP BOARD OF EDUCATION

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Suspension

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 may include 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 five days; and "long term suspension" means a suspension of five days or more.

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.

Any pupil convicted or found to be delinquent for possessing a firearm on school property, on a school bus, or at a school-sponsored function or committing a crime while possessing a firearm shall be immediately removed from the school's regular education program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the Board of Education to remove the pupil in accordance with 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 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 program, pending a hearing before the Board of Education.

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 the result of a 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 hearings before the Board.

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 a report, shall report the alleged assault to the Board at the next regular Board meeting; although the name of the pupil who allegedly committed the assault may be provided to the Board members, that name 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.

Suspension

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 five 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.

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 in his or her behalf 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, when extraordinary circumstances involving the health and safety of the pupil or others in the school require immediate removal of the pupil, the informal hearing may be delayed by not more than five days.

A pupil removed from school for a short-term or a 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 suspended from the schools of this district shall receive individual home instruction commencing not later than two weeks after the suspension occurs, except that the Board may, on the recommendation of the Superintendent, assign the pupil to an alternative educational program to meet his or her particular needs.

Pupils with disabilities shall be suspended when necessary in accordance with Policy and Regulation No. 2460.6

The records of a pupil disciplined by suspension will be expunged in accordance with Board policy on pupil records. 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. 6A:14-2.8

20 U.S.C.:14 I 5 (k)

Adopted: September 10, 1986

Revised: October 8, 1997; November 11, 1998; March 13, 2002