

Policy

SUSPENSION AND EXPULSION

While the Township of Union Board of Education believes that positive approaches to acceptable behavior are usually more effective, it is sometimes necessary to penalize students for violations of school regulations to ensure the good order of the school and to teach students the consequences of disruptive behavior.

Students who indulge in disruptive behavior may be suspended or expelled. Disruptive behavior includes, but is not limited to:

- A. Continued and willful disobedience;
- B. Open defiance of the authority of any teacher or person having authority over a student;
- C. Actions that constitute a continuing danger to the physical well-being of other students;
- D. Physical assault upon another student, a teacher, or any school employee with or without a firearm or other weapon;
- E. Taking, or attempting to take, personal property or money from another student whether by force or fear;
- F. Willfully causing, or attempting to cause, substantial damage to school property;
- G. Taking part in any unauthorized occupancy of a district facility and refusing to leave promptly when directed to do so by a person in authority;
- H. Inciting others to take part in an unauthorized occupancy;
- I. Inciting other students to truancy;
- J. Truancy and class cutting; leaving school property without permission;
- K. Poor attendance and lateness;
- L. Use or possession of unsafe or illegal articles;
- M. Use of any tobacco product on school property;
- N. Use, possession or sale of a controlled dangerous substance, drug paraphernalia, anabolic steroids or alcohol;
- O. Use of profanity or abusive language;
- P. Turning in a false alarm;
- Q. Tampering with or damaging property of other students or staff members;
- R. Selling or buying lottery tickets or any other gambling paraphernalia on school property;

SUSPENSION AND EXPULSION (continued)

S. Harassment, intimidation and bullying.

Any student who commits an assault (as defined by N.J.S.A. 2C:12-1) with or without a weapon upon a board member, teacher, administrator or other employee of the board of education shall be suspended from school immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

Any student 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 or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The superintendent may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the board. The hearing shall take place no later than 30 days following the day the student is removed from the regular education program and shall be closed to the public.

The principal shall be responsible for the removal of such students and shall immediately report them to the superintendent. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The superintendent shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with procedures established by the Commissioner of Education.

In-school Suspension

The board directs the administration to arrange facilities for in-school suspension whenever possible. Students will be required to occupy themselves with school-related work during such suspensions. No socializing shall be permitted. Students shall be counted as present in school but absent (excused) from individual classes.

General

Students on home suspension shall be counted absent (excused) unless the duration of the suspension requires home instruction.

Except when special considerations warrant (at the discretion of the administration), every student will be given a written warning in the form of a disciplinary notice that subsequent violation of school regulations may result in his/her exclusion or suspension.

Students under suspension are prohibited from participating in or attending any school-regulated activity during the period of their suspension. They may not enter the school buildings or grounds of this district without the permission of the superintendent. Any student under suspension who enters the school buildings or grounds without the permission of the superintendent may have the period of his/her suspension extended. The right to continue the suspension or to expel is reserved to the board of education, acting upon the recommendation of the administration.

Serious violations of school regulations which create a dangerous or unsafe condition for other students shall cause a student to be suspended upon the first offense.

Making up Missed Work

Students who are under suspension will be required to make up all assignments missed during the period of their suspension and will be given adequate opportunity to make up this work.

SUSPENSION AND EXPULSION (continued)

Upon their readmission, failure to complete the makeup assignments will result in a meeting with the parents/guardians. The superintendent will notify parents/guardians by telephone and send a letter regarding the telephone conversation immediately.

Procedures

The superintendent, in consultation with the board attorney, shall develop regulations to assure due process to all students before a suspension is imposed. This due process shall include:

- A. Informing the student of the charges against him/her;
- B. Giving the student a chance to reply to them.

These regulations shall also include safeguards for the dismissal of students suspended from school, procedures for calling an immediate conference with parents/guardians, limitations on the length of suspensions, and specifics for the reinstatement of students.

Every effort shall be made to adjust each suspension promptly so that the student can be returned to school with a minimum loss of school time and school work.

When a principal imposes a suspension, he/she must report it immediately to the superintendent, who will in turn report it to the board. No suspension for reasons other than assault upon a teacher, administrator, board member or other board employee may continue beyond the second regular meeting of the board following the suspension without board action. No suspension for assault upon a teacher, administrator, board member or other board employee may be continued beyond 30 days without board action. A suspended student may be reinstated by the superintendent before board action.

Each student shall be afforded an informal hearing before the suspension or, if circumstances prohibit, as soon as possible after the suspension except that, when extraordinary circumstances involving the health and safety of the student or others in the school require immediate exclusion, the hearing may be delayed to such time as circumstances permit. Students suspended for a period of time longer than a short-term suspension shall be afforded a formal hearing before the board which shall take place not later than the second regular meeting of the board following the suspension. If the offense involves a weapon or assault with or without the weapon (as described above), the hearing shall take place not later than 30 days after the suspension occurs.

The board shall make a decision within five days of the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision.

The board requires that such hearings shall be closed to the public, but should all parties thereto agree, the hearing may be publicly held. Each suspended student who has requested a formal hearing shall be restored to the regular educational program pending the outcome of the hearing, except when, in the opinion of the superintendent, the presence of the student in school poses such a danger to himself/herself or others as to warrant continued absence.

Each such student suspended from the schools of this district shall receive individual instruction commencing not later than five working days after the suspension occurs, except that the board may, on the recommendation of the superintendent, assign the student to an alternate educational program to meet his/her particular needs (see policy 6172 Alternative Education).

SUSPENSION AND EXPULSION (continued)

Expulsion

The board will consider expulsion only if:

- A. The superintendent with his/her staff have exhausted all means of bringing about a correction of repeated misconduct; or
- B. The nature of a single act presents such a clear possibility of danger to others that immediate definitive action is indicated.

The parents/guardians of the student shall be interviewed, if possible, and advised of the reasons why expulsion is being considered, of the rights of the student to a full hearing which will afford him/her procedural due process, and the right of parents/guardians to appeal to the superintendent.

The child shall remain out of school until either:

- A. An appeal made to the superintendent is decided in the child's favor; or
- B. The appeal (if made) has been denied and the board has met to hear the superintendent's recommendation.

If the board determines that the charges, if true, may warrant expulsion, the board will set a date for the hearing. The board attorney will arrange for the giving of legal notice to all parties concerned for the preparation and presentation of evidence in support of the charges at the hearing.

The student must receive:

- A. Notification of the charges against him/her;
- B. The names of the adverse witnesses;
- C. Copies of the statements and affidavits of those adverse witnesses;
- D. The opportunity to be heard in his/her own defense;
- E. The opportunity to present witnesses and evidence in his/her own defense;
- F. The opportunity to cross-examine adverse witnesses; and
- G. The opportunity to be represented by counsel.

Juvenile authorities and law enforcement agencies shall be notified or consulted if necessary.

If a student younger than 18 years of age is expelled, the board shall continue to supply an educational program for him/her.

Implementation

The superintendent shall develop detailed written procedures to implement this policy. He/she shall ensure uniform and consistent application of the policy and shall report to the board as required on its effectiveness.

When an alternative educational program is provided for a student identified as disruptive but not disabled, the superintendent shall inform the board.

SUSPENSION AND EXPULSION (continued)

Adopted: June 1999
 NJSBA Review/Update: April 2012
 Readopted: December 2013

Key Words

Suspension, Expulsion, Student Suspension/Expulsion,

Legal References: N.J.S.A. 2C:12-1 Definition of assault
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:37-1 et seq. Discipline of students
See particularly:
N.J.S.A. 18A:37-2.1
 through -2.5, 18A:37-7
 through -12
N.J.S.A. 18A:40A-1 et seq. Substance abuse
See particularly:
N.J.S.A. 18A:40A-9, -10,
 -11, -12
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16-1.3, -4.3,
 -5.1, -5.5, -5.6, -5.7
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-2.1 Definitions
N.J.A.C. 6A:32-12.2 School-level planning

20 U.S.C.A. 1400 et seq. - Section 504 of the Rehabilitation Act of 1973

P.L. 103-382, Improving America's Schools Act of 1994

Goss v. Lopez, 419 U.S. 565, 581 (1975)

Tibbs v. Franklin Township Board of Education, 114 N.J. Super. 287 (App. Div.) aff'd 59 NJ 506 (1971)

R.R. v. Shore Reg. Board of Education, 109 N.J. Super. 337 (Ch. Div. 1970)

H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 336

82: July 28, C.F. v. Board of Education of the Upper Freehold Regional School District

Honig v. Doe, 484 U.S. 305 (1988)

Somerset County Educational Services Commission v. North Plainfield Board of Education 1999 S.L.D. September 7

State in re G.S. 330 N.J. Super. 383 (Ch. Div. 2000)

P.L. 2010, c.122 amended N.J.S.A. 18A:37-2 to include harassment, intimidation or

SUSPENSION AND EXPULSION (continued)

bullying as a good cause for suspension or expulsion.

See also Commissioners' Decisions indexed under "Students—Punishment of" in Index to N.J. School Law Decisions

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Possible

<u>Cross References:</u>	*5113	Absences and excuses
	*5124	Reporting to parents/guardians
	*5131	Conduct/discipline
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	*6154	Homework/makeup work
	*6164.2	Guidance services
	*6164.4	Child study team
	*6171.4	Special education
	*6172	Alternative educational programs
	*6173	Home instruction

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

SCHOOL ATTENDANCE AREAS

School Census

For purposes of research and planning, the Township of Union Board of Education directs the superintendent to conduct a census of pre-school children within the confines of the school district as required by state and federal laws and regulations.

Students shall attend school located in the school zone in which they reside as designated on the school attendance zone map previously adopted.

In order to achieve racial balance, the following integrating plan has been adopted and shall be implemented as follows:

Jefferson School

All students in grades K-5 residing in the present Jefferson School District and who would attend Jefferson School, will be assigned to the other six elementary schools.

Other Six Elementary Schools

Students presently enrolled under the existing Optional Transfer Plan, and residing in the Jefferson School District, will remain in their chosen school until they complete grade five.

All ~~sixth~~ **fifth** grade students will be assigned to the ~~Central Six School~~ **Jefferson School**.

All other six elementary schools after excluding Jefferson School, in the school district, will be K-5 grades only.

The following Guidelines are employed in the administration of the above Plan:

- A. Brothers and sisters should be assigned to the same school.
- B. Students will be assigned to the K-5 elementary schools, giving due regard to the available space, and other pertinent administrative factors.
- C. All students who attended Washington and Livingston Schools in the ~~fifth~~ **fourth** grade and all those who reside in the Kawameeh attendance district will attend Kawameeh Junior-High **Middle** School in ~~seventh~~ **sixth** grade through ninth ~~ninth~~ **eighth** grade. All other students will attend Burnet Junior-High **Middle** School ~~seventh~~ **sixth** grade through ninth ~~ninth~~ **eighth** grade.
- D. **The Superintendent may assign students to schools outside their geographic location on a case-by-case basis.**

Adopted: June 1999
NJSBA Review/Update: April 2012
Readopted: December 2013

SCHOOL ATTENDANCE AREAS (continued)

Key Words

Student Attendance, Attendance, School Assignments; Public School Choice

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-19a Newly enrolled students; records and identification

Possible

Cross References: *5020 Role of parents/guardians
 *5111 Admission
 *5113 Attendance, absences and excuses

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

NONRESIDENTS

The Township of Union Board of Education shall operate the schools of this district for the benefit of all children resident in the district and such others as may be admitted, pursuant to statute and policy of the board. The board reserves the right to verify the residency of any student and the validity of any affidavit of guardianship. Documentation required to prove eligibility to attend the schools of this district shall be in accord with policy 5111 Admission and the administrative code.

The board of education shall not admit any students who are not full time residents of the school district, except under the following circumstances:

- A. Students who are sponsored and authorized by a sending district that enters into a contract with the board to receive such students who are either:
 1. Disabled as defined by law; or
 2. Entering the Vocational Educational Program at Union High School
- B. The board may make an exception after the recommendation of the superintendent only if an individual student has substantiated good cause for admittance on a tuition basis.
- C. Exceptions noted in B shall be made only if there is adequate space available for students who are full-time residents of the district. No full-time resident student shall be excluded from a class or program in favor of a tuition student.
- D. Students who have been residents and were enrolled in the district during the preceding three (3) school-years and who moved from the district after completing the end of their junior year shall be permitted to continue as though they were resident students, without tuition charges, **upon recommendation of the Superintendent of Schools.**
- E. Students who have been residents of Union Township for a minimum of two consecutive years and who move from the district after March 30th of any given school year shall be permitted to continue as though they were resident students for the remainder of that school year without tuition charges. Written prior approval by the superintendent is required. Students moving prior to March 30th must transfer to the new resident district or request to complete the year as a tuition student.
- F. Persons over five (5) and under 20 years of age who are non-residents but who are placed in the home of another person who is a resident of Union Township by order of a Court of competent jurisdiction of this state or a child welfare agency (as defined by statute) shall be allowed to attend school free of charge, in accordance with the provisions of N.J.S.A. 18A:38-2.
- G. Students desirous of attending Union Schools whose parents or legal guardians can produce a valid contract to purchase a home or lease agreement in Union, said home to be used as the primary residence and domicile of said student and parent or guardian, shall be eligible to attend school under the following terms and conditions:
 1. Parent or guardian must provide a valid check or bank draft for the month or months through the end of the month in which the title closing or lease activation is expected (not to exceed 60 days.)
 2. If the title closing or lease agreement is extended beyond the last day in the month it is expected, the check or draft for that month shall be cashed and deposited by the board.

NONRESIDENTS (continued)

3. The board shall require a new check or draft for each additional month and through the end of the month (not to exceed 60 days) in which the postponed closing or lease enactment is expected to take place.
4. On the 60th day, if the parent or guardian cannot produce a copy of an executed deed or lease which conveys the property, said parent or guardian must remove the child from the Union School District and enroll the student in another school.
5. **On a case-by-case basis, the Superintendent may admit children of full time employees with or without tuition and may also revoke said permission in the discretion of the Superintendent.**

(NOTE: Exceptions to G may be made on a case-by-case basis upon the recommendation of the Superintendent or designee.)

Foreign Exchange Students

The board may admit foreign exchange students into district schools in order to promote cultural awareness and understanding among students.

The board may accept exchange students on a J-1 visa who reside within the district as participants in group-sponsored exchange programs approved by the board. Tuition may be waived for students on a J-1 visa.

The board may accept privately sponsored exchange students on an F-1 visa for attendance only in secondary schools upon payment of tuition at the established district rate. Tuition cannot be waived for students on an F-1 visa, and attendance in district schools shall not exceed 12 months. Students attending the schools of this district on an F-1 visa may not participate in any adult-education programs sponsored by the board under any circumstances.

All potential organizations or individuals applying for admission shall forward the request to the superintendent by July 1 proceeding the school year of attendance. Foreign exchange students shall comply with all immunization requirements for students of this district. The superintendent shall be responsible for determining the visa status and eligibility of foreign exchange students applying for admission.

Homeless Students

The district will determine the educational placement of homeless students in each child's best interest and respond to appeals concerning them made by parents/guardians or other parties in accordance with New Jersey statutes and administrative code, as well as pertinent federal law. The district will designate a "homeless student liaison" to help the homeless student enroll in school, make sure that the homeless student is enrolled and attending school, and see that the district meets federal and state requirements for educating homeless students.

Other Nonresident Students

Other nonresident students may be admitted to this district on payment of tuition and availability of space.

The superintendent shall develop procedures for the enrollment of nonresident children that allow admission of such children only on the proper application of parent/guardian; verify claims of residency and submission of affidavits of guardianship; deny admission where the educational program maintained for the children of this district is inadequate to meet the needs of the applicant; do not exclude any child, otherwise eligible, on the basis of such child's race, color, creed, national origin, affectional or sexual orientation, atypical hereditary cellular or blood trait of any individual or ancestry; and make continued enrollment of any nonresident student contingent upon maintaining good standards of citizenship and discipline.

NONRESIDENTS (continued)

When a child must either relocate to or from this district because his/her parent/guardian is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States and has been ordered into active service, the child shall be eligible to attend the schools of this district without paying tuition. The district shall not be responsible for transporting the child.

The superintendent or his/her designee shall recommend to the board for its approval the admission of qualified applicants.

The board shall not be responsible for the transportation to or from school of any nonresident students, except as may be required by state or federal law.

The board shall annually determine tuition rates for nonresident students.

Adopted: June 1999
 NJSBA Review/Update: April 2012
 Readopted: December 2013

Key Words

Nonresidents, Tuition Student, Affidavit Student, Homeless Student

Legal References: N.J.S.A. 18A:7F-45 Definitions
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36B-14 et seq. Interdistrict Public School Choice Program Act of 1999
N.J.S.A. 18A:38-1 et seq. Attendance at school free of charge
 See particularly:
N.J.S.A. 18A:38-2, 38-3, 38-8, 38-9
N.J.S.A. 18A:46-20 Receiving students from outside district; establishment of facilities
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:12-1.3 et seq. Interdistrict Public School Choice
N.J.A.C. 6A:17-1.1 et seq. Students at Risk of Not Receiving a Public Education
N.J.A.C. 6A:22 Student residency
 See particularly:
N.J.A.C. 6A:22-3 Eligibility to attend school
N.J.A.C. 6A:22-3.1 Students domiciled within the school district
N.J.A.C. 6A:23A-19.2 Method of determining the district of residence
N.J.A.C. 6A:23A-19.3 Address submission for determining the district of residence
 8 U.S.C. 1101 - Illegal Immigrant and Immigration Responsibility Act of 1997
Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood, 132 NJ 327; cert. denied, 510 U.S. 991 (1993); subsequent listing 333 N.J. Super. (App. Div. 2000)
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
J.A. v. Board of Education of South Orange/Maplewood, 318 N.J. Super. 512 (App. Div. 1999)

NONRESIDENTS (continued)

Possible

<u>Cross References:</u>	3240	Tuition income
	*5111	Admission
	*5114	Suspension and expulsion
	6142.5	Travel and exchange programs
	*6151	Class size

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

TRANSFERS

General

All transfers into the Township of Union School District shall be in accord with file code 5111 Admission. Students transferring into the district are expected to present copies of records from the previously attended school (or district) to aid in placement. Also required are proof of immunizations and proof of identity.

Parents/guardians of students or adult students transferring from the district shall notify the principal in a timely manner of their intention to leave the district.

Student records shall be transferred between superintendents within the time frame prescribed by law.

Intradistrict Transfers in Compliance with No Child Left Behind

When a school in the district fails to achieve adequate yearly progress as defined by the state for two consecutive years, parents/guardians shall be informed of options for students in that school, including the option of transferring to another school in the district. Notices to parents/guardians shall list the possible accepting schools and describe information on their performance. Only schools that have achieved adequate yearly progress shall be included on the list.

The lowest-achieving students from the lowest-income families, as identified through federal free or reduced-price lunch statistics, shall be given priority in transferring.

Transportation shall be provided at no cost to transferring students until the school that they are leaving demonstrates adequate improvement. Funding of transportation shall not exceed the limits described in NCLB. Students may remain in the school into which they have transferred until they have completed the highest grade in that school.

Unsafe School Choice Option

If a school in the district is identified as "persistently dangerous" by the State Department of Education, all students in that school shall be offered on a space available basis the option of transferring into another school in the district that has not been so designated. Parents/guardians shall be notified within 15 calendar days after the district is notified of the school's status, and all transfers shall be completed by the beginning of the school year following. To the extent possible, transfers shall be into schools in the district that are making adequate yearly progress. Students may remain in the school into which they have transferred until the school of origin is no longer identified as "persistently dangerous."

In addition, any student who becomes a victim of a violent criminal offense while in school or on school grounds shall be offered the option of transferring into a safe school within the district. The student shall be given the option within 10 days of the incident, and the transfer shall occur within 30 days of determination that the student was a victim. Applicable definitions and criminal offenses shall be as listed in the statewide policy.

Transportation may be provided to students transferring out of "persistently dangerous" schools and student victims of violent criminal offenses.

If the board cannot offer a safe school alternative within the district to students choosing to transfer out of a "persistently dangerous" school or to a student who has been a victim of a violent criminal offense, the superintendent shall attempt to establish an agreement with a neighboring district. The board shall review and approve any agreement prior to its application.

TRANSFERS (continued)

The superintendent shall ensure that the district complies with all requirements of federal law and the state department of education. He/she shall prepare regulations to implement this policy.

NJSBA Review/Update: April 2012
 Adopted: December 2013

Key Words

Transfers, Persistently Dangerous Schools, Victims of Violent Crimes

<u>Legal References:</u>	<u>N.J.S.A. 18A:7B-12</u>	District of residence; determination
	<u>N.J.S.A. 18A:36-19a</u>	Newly enrolled students; records and identification
	<u>N.J.S.A. 18A:36-25.1</u>	Proof of child's identity required for enrollment; transfer of record between districts
	<u>N.J.S.A. 18A:36B-1 et seq.</u>	<u>Interdistrict Public School Choice Program Act of 1999</u>
	<u>N.J.S.A. 18A:38-8</u>	Duty to receive students from other districts
	<u>N.J.A.C. 6A:12-3.2</u>	Criteria to guide the Commissioner's approval of choice program applications
	<u>N.J.A.C. 6A:23A-19.2</u>	Method of determining the district of residence
	<u>N.J.A.C. 6A:32-8.2</u>	School enrollment

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Unsafe School Choice Option Policy, New Jersey Department of Education, June 30, 2003

Possible

<u>Cross References:</u>	*5111	Admission
	*5125	Student records
	*5131	Conduct/discipline
	*5131.5	Vandalism/violence
	*5141.3	Health examinations and immunizations

*Indicates policy is included in the Critical Policy Reference Manual.