

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

PUPILS  
5620/page 1 of 2  
Expulsion

5620 EXPULSION

The Board of Education recognizes that expulsion from this district is the most severe sanction that can be imposed upon a pupil student. Although it is the intent of the Board to avoid expelling pupils from this district before other reasonable and appropriate means of discipline have been exhausted, significant violations of Board policies governing student conduct may result in expulsion even when the pupil's prior record is without offense. A pupil may be expelled from this district only on formal action of the Board duly taken. Any pupil who is expelled from school shall be provided an alternate educational program to the extent required by law.

**Expulsion hearings—notice, informal hearing and formal hearing**

Pupils for whom expulsion is contemplated must be afforded a formal hearing before the Board. A pupil recommended for expulsion shall be provided with the initial notice and informal hearing described for short term suspensions in Board policy 5610. When extraordinary circumstances involving the health and safety of the pupil or others in the school require immediate exclusion, the informal hearing may be delayed to such time as circumstances permit.

In cases involving expulsion, the building principal or designee must provide the pupil with notice of the intention to seek further penalty beyond the short term suspension period. In addition, the parents, guardians or adult pupil must be provided with written notice of: the specific charges against the pupil; the possible penalty; the scheduled date, time and place of the hearing; and an enumeration of rights accorded the pupil, which include an opportunity for the pupil to be represented by counsel, to be heard in his or her own behalf and to cross-examine adverse witnesses. The pupil may request a written record of the hearing and an audiotape copy of the proceedings. Hearings will be held in private, except that a pupil may request and the Board may, in its discretion, grant a public hearing. The pupil shall be informed of the right to appeal the decision of the Board to the Commissioner of Education.

The Board hearing shall normally take place no later than twenty one (21) calendar days after the suspension occurs, except as otherwise may be provided by statute for weapons and certain assault offenses. The Superintendent may continue a suspension until the second regular meeting of the Board after the first day of the suspension. Suspensions extending beyond the time of the second regular meeting of the Board after the first day of the suspension shall be continued only by a resolution of the Board, which retains the power to reinstate a student, to continue any suspension reported to it or to expel a pupil.

Generally, a formal Board hearing may be postponed beyond the time requirements set forth above upon the written request of the parent or guardian of the pupil suspended from school. Upon receipt of such a request, the parent or guardian shall be notified that the suspension will be continued pending the Board hearing if the request for postponement is granted. The Board shall exercise reasonable discretion in deciding whether to grant such requests, and shall acknowledge the request and its decision by resolution. Any resolution granting a request for an adjournment shall state that the suspension is continued pending the Board hearing. The parent

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~~or guardian shall be notified in writing of the decision regarding the request for postponement.~~

~~The Board shall make a decision within five (5) days of the close of the formal hearing. A vote of the majority of a quorum of the Board is sufficient to expel a student. Any appeal of the Board's decision must be made to the Commissioner of Education within ninety (90) days of the Board's decision.~~

~~The Superintendent shall establish and the Board shall approve regulations to implement this policy.~~

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The Board may expel a general education student from school, pursuant to N.J.S.A. 18A:37-2, only after the Board has provided the following:

1. The procedural due process rights set forth in N.J.A.C. 6A:16-7.1(c) 3 and 7.3, and as outlined in Policy and Regulation 5610, subsequent to a long-term suspension pursuant to N.J.A.C. 6A:16-7.3; and
2. An appropriate educational program or service, based on the criteria set forth under N.J.A.C. 6A:16-7.3(f) and as outlined in Regulation 5610.
  - a. The educational program or service shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 - Program Criteria; N.J.A.C. 6A:16-10.2 - Home or Out-of-School Instruction for General Education Students; N.J.A.C. 6A:14-2.1 et seq. - Special Education, Procedural Safeguards; and N.J.A.C. 6A:14-4.3 et seq. - Special Education, Program Options, whichever are applicable; or
  - b. The educational services provided, either in school or out-of-school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25.

An appeal of the Board's decision regarding the cessation of the student's general education program shall be made to the Commissioner of Education in accordance with N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3-1.3 through 1.17. The Board shall continue to provide an appropriate educational program or service in accordance with N.J.A.C. 6A:16-7.4(a)2 until a final determination has been made on the appeal of the Board's action to expel a student.

In accordance with the provisions of N.J.S.A. 18A:37-2a, a student in Kindergarten through grade two shall not be expelled from school, except as provided pursuant to the "Zero Tolerance for Guns Act," N.J.S.A. 18A:37-7 et seq. Students in preschool shall

not be expelled, except as provided pursuant to the “Zero Tolerance for Guns Act,” N.J.S.A. 18A:37-7 et seq.

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The district shall implement an early detection and prevention program to: identify students in preschool through grade two who are experiencing behavioral or disciplinary problems; and provide behavioral supports for these students which may include, but not be limited to, remediation of problem behaviors, positive reinforcements, supportive interventions, and referral services. An early detection program may be incorporated into the intervention and referral services required to be established in each school pursuant to State Board of Education regulations.

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A student with a disability shall only be expelled from his or her current program in accordance with N.J.A.C. 6A:14 et seq. An expulsion of a student with a disability from a receiving school shall be handled in accordance with N.J.A.C. 6A:14 et seq.

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N.J.S.A. 18A:36A-9; 18A:37-2; 18A:37-2a; 18A:37-2b  
N.J.A.C. 6A:16-7.4; 6A:14 et seq.

~~N.J.S.A. 18A:37-1 et seq.~~  
~~N.J.A.C. 6A:14-2.8~~

Cross References: 2460, 5500, 5512, 5600, 5610, 5611, 5612, 8330, 8467

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