

BOARD OF EDUCATION

Cherry Hill, New Jersey

POLICY 5114

SUSPENSION AND EXPULSION

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

Pupils who indulge in disruptive behavior are subject to disciplinary action, including but not limited to suspension or expulsion. 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 pupil;
- C. Actions that constitute a continuing danger to the physical well-being of other pupils;
- D. Physical assault upon another pupil, a teacher, any school employee, or volunteer with or without a firearm or other weapon;
- E. Taking, or attempting to take, personal property or money from another pupil, teacher, school employee or volunteer 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 pupils to truancy;
- J. Truancy and class cutting; leaving school property without permission;
- K. Poor attendance and lateness;
- L. Use or possession of unsafe or potentially dangerous articles that have no lawful purpose in a school setting or weapons as defined in N.J.S.A. 2C:39-1r.
- M. Use of any tobacco product on school property;

(over)

- N. Use, possession or sale of a controlled dangerous substance, drug paraphernalia, anabolic steroids or alcohol;
- O. Use of profanity or abusive language;
- P. Creating a false public alarm as defined in N.J.S.A. 2C:33-3;
- Q. Tampering with or damaging property of other pupils staff members, or volunteers;
- R. Selling or buying lottery tickets or any other gambling paraphernalia or participating in any type of gambling activity on school property;
- S. Being 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, on a school bus or at a school-sponsored function.
- T. Sexual harassment defined as any unwelcome, unsolicited and nonreciprocal behavior of a sexual nature including profane language or telling off-color jokes.

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

In the case of expulsion 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.

Implementation

The Superintendent or designee shall develop 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 pupil identified as disruptive but not educationally handicapped, the Superintendent of Schools shall inform the board.

Legal References:

<i>N.J.S.A. 2C:12-1</i>	<i>Definition of assault</i>
<i>N.J.S.A. 2C:33-3</i>	<i>Definition of creating a false public alarm</i>
<i>N.J.S.A. 2C:34-1n</i>	<i>Definition of weapons</i>
<i>N.J.S.A. 18A:11-1</i>	<i>General mandatory powers and duties</i>
<i>N.J.S.A. 18A:37-1 et seq.</i>	<i>Discipline of pupils</i>
<i>See particularly:</i>	
<i>N.J.S.A. 18A:37-2.1 through -2.5, 18A:37-7 through -12</i>	

Legal References(continued)

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. 6:8-1.1 Words and terms

N.J.A.C. 6:8-4.10 State and Federally mandated programs and services

N.J.A.C. 6:28-2.8 Disciplinary action

N.J.A.C. 6:29-6.1 et seq. Substance abuse

See particularly:

N.J.A.C. 6:29-6.3(c)2, -6.4(b)

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

New Jersey State Board of Education Resolution, September 3, 1980, encourages development of local written policy on pupil conduct.

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)

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

Manual for the Evaluation of Local School Districts (June 1993)

CROSS REFERENCE: POLICY 5131.7: FIREARMS, WEAPONS AND DANGEROUS INSTRUMENTS

Related Procedures S:16 Guidelines for Suspension and Expulsion

Adopted 12/19/00