[See POLICY ALERT Nos. 199 and 211]

[For Districts with a Bylaw, Policy and Regulation Manual]

0000.02 INTRODUCTION

Definitions

The following terms used in these bylaws, policies, and regulations shall have the meanings set forth below unless the context requires a different meaning or a different definition is supplied:

“Board” means the Board of Education of Freehold Township.

“Bylaw” means a rule of the Board for its own operation.

“Chief School Administrator” means the Chief Executive Officer of this school district, whose title in this district is Superintendent.

“Collective Bargaining”, “Negotiated Agreement”, or “Collective Bargaining Agreement” means a contract collectively negotiated by the Board of Education and a recognized bargaining unit.

“Commissioner” means the New Jersey State Commissioner of Education.

“Core Curriculum Content Standards” means the New Jersey Student Learning Standards Superintendent” means the Executive County Superintendent of Schools designated by the Department of Education for this school district.

“Day” means a calendar day.

“Division of Youth and Family Services” or “DYFS” means the New Jersey Department of Children and Families – Division of Child Protection and Permanency or DCP&P.

“Executive County Superintendent” means the “County Superintendent designated by the Department of Education for this school district.”

“Full Board” means the authorized number of voting members of the Board of Education.
“Meeting” means a gathering that is attended by or open to all of the members of the Board of Education, held with the intent on the part of the Board members present to discuss or act as a unit on the specific public business of the Board of Education.

“New Jersey Student Learning Standards” or “NJSLS” means standards adopted by the State Board of Education on May 1, 1996, and as thereafter revised by the State Board, and the Common Core State Standards adopted by the State Board on June 16, 2010, and as thereafter revised by the State Board, that describe the knowledge and skills all New Jersey students are expected to acquire by benchmark grades in the following areas: English language arts; mathematics; science; social studies; visual and performing arts; comprehensive health and physical education; world languages; technology; and 21st century life and careers. The standards are established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-46 and as a basis for the evaluation of school districts in accordance with N.J.A.C. 6A:30.

“Parent” means the natural parent(s), adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. Where parents are separated or divorced, “parent” means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student provided such parental rights have not been terminated by a court of appropriate jurisdiction.

“Policy” means a Statement, formally adopted by the Board of Education, in which the Board recognizes the mandates and constraints of law, establishes practices and standards binding on staff members and students, and gives direction to the Superintendent.

“President” means the President of the Board of Education.

“Principal” means the administrator in charge of a school building or facility; except where prohibited by law, “Principal or designee” means the qualified person duly delegated by the Principal to discharge a particular duty in place of the Principal.

“Professional employee” means an employee who holds a position for which a certificate issued by the New Jersey State Board of Examiners is required.

“Pupil” means a student enrolled in a school in this district.
“Regulation” means a Statement developed and promulgated by the Superintendent that details the specific operations by which Board policy or a legal mandate is implemented.

“Secretary” means the Secretary of the Board of Education.

“Student” means a pupil enrolled in a school in this district.

“Superintendent” means the Chief School Administrator of this school district; except where prohibited by law, “Superintendent or designee” means the qualified person duly delegated by the Superintendent to discharge a particular duty in place of the Superintendent.

“Support staff member” means an employee who holds a position for which no certificate issued by the New Jersey State Board of Examiners is required.

“Teaching staff member” means an employee who holds a position for which a certificate issued by the New Jersey State Board of Examiners is required.

“Treasurer” means the Treasurer of School Moneys for this school district.

Construction

The following rules of construction apply to these bylaws, policies and regulations:

1. Wherever possible, language shall be given its clear and ordinary interpretation;

2. Language shall be construed to have a meaning that complies with law;

3. In the event bylaws, policies and regulations conflict with one another, the later adopted bylaw, policy or regulation shall take precedence over the earlier, and the more specific bylaw, policy or regulation shall take precedence over the more general;

4. Except as otherwise provided by the context, the auxiliary verbs “shall,” “will,” and “must” indicate a mandated action, and the
auxiliary verb “may” indicates an action that is permitted but is not mandated.

Effectuation

Except as may otherwise be expressly provided, a bylaw, policy or regulation will become effective on the date it is adopted and a revised bylaw, policy or regulation will become effective on the date it is revised.

Citations

Bylaws, policies and regulations may contain citations to the following codifications of State and Federal laws and regulations:

3. New Jersey Statutes
   
   N.J.S.A. 2C Code of Criminal Justice
   N.J.S.A. 9 Children-Juvenile and Domestic Relations
   N.J.S.A. 10 Civil Rights
   N.J.S.A. 11 Civil Service
   N.J.S.A. 17 Corporations and Institutions for Finance and Insurance
   N.J.S.A. 18A Education
   N.J.S.A. 19 Elections
   N.J.S.A. 24 Food and Drug
   N.J.S.A. 26 Health and Vital Statistics
   N.J.S.A. 27 Highways
   N.J.S.A. 30 Institutions and Agencies
   N.J.S.A. 34 Labor and Worker's Compensation
   N.J.S.A. 36 Legal Holidays
   N.J.S.A. 39 Motor Vehicles and Traffic Regulation
   N.J.S.A. 41 Oaths and Affidavits
   N.J.S.A. 45 Professions and Affidavits
   N.J.S.A. 47 Public Records
   N.J.S.A. 52 State Government, Departments, and Officers
   N.J.S.A. 53 State Police
   N.J.S.A. 54 Taxation
N.J.S.A. 59 Tort Claims

4. New Jersey Administrative Code

N.J.A.C. 1 Administrative Law
N.J.A.C. 6 & 6A Education
N.J.A.C. 8 Health
N.J.A.C. 10 Human Services
N.J.A.C. 13 Law and Public Safety
N.J.A.C. 17 Treasury-General

Severability

If any part of this manual is made invalid by judicial decision or legislative or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education or until regulations issued by the Superintendent are amended.

Enactment

The official record of the adoption, issuance, amendment, or repeal of the bylaws, policies and regulations of this district shall be the minutes of meetings of the Board of Education. Such alterations shall be duly entered in this manual; a master copy of the bylaw, policy and regulation manual shall be maintained by the Assistant Superintendent and shall be the manual to which all others may be compared for accuracy.

(Second Reading August 29, 2017)

(Revised Alert 211)
3240  PROFESSIONAL DEVELOPMENT FOR TEACHERS 
AND SCHOOL LEADERS

The Board of Education encourages all teaching staff members to pursue a program of continuing professional development by course work or matriculation in institutions of higher learning, participation in workshops and conferences, membership in professional organizations, and/or independent scholarship.

Teaching staff members may be permitted to: visit other schools and classrooms; attend local, regional, or national conferences; participate in committees, workshops, and panels, both within and outside the district. Requests for participation in such professional development activities must be submitted in writing to the Superintendent or designee for approval. In addition, the Board of Education must approve all travel expenditures in accordance with N.J.S.A. 18A:11-12 and the State of New Jersey Department of the Treasury, Office of Management and Budget Circulars 08-19-OMB and 06-14-OMB (OMB Circulars) and any superseding circulars and any additional requirements set forth in N.J.A.C. 6A:23A-7 et seq.

A teaching staff member who has been granted time off and/or approved to be reimbursed for a professional development activity shall submit to the Superintendent or designee, with a copy to the School Business Administrator/Board Secretary, within ten working days, a brief written report that includes the primary purpose of the travel, the key issues addressed at the event, and their relevance to improving instruction or the operations of the school district.

All active teachers, defined as staff whose positions require possession of the instructional or educational services certificates in accordance with N.J.A.C. 6A:9B-8 through 11 and 13 and all active school leaders serving on a permanent or interim basis whose positions require possession of the Chief School Administrator, Principal, or Supervisor endorsement in accordance with N.J.A.C. 6A:9B-12 shall comply with the professional development requirements as outlined in N.J.A.C. 6A:9C-4.1 et seq.
To meet the professional development requirement, each teacher shall be guided by an individual Professional Development Plan (PDP), which shall include at least twenty hours per year of qualifying activities as outlined in N.J.A.C. 6A:9C-4.4. The PDP shall be developed by each teacher’s supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3.3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3. The PDP shall be updated annually in accordance with N.J.A.C. 9C-4.4(c) and modified during the year as outlined in N.J.A.C. 9C-4.4(d).

District-level and school-level professional development planning and implementation shall be in accordance with the requirements of N.J.A.C. 6A:9C-4.2.

Implementation of the professional development requirement for school leaders shall be in accordance with N.J.A.C. 6A:9C-4.3.

The Board of Education shall comply with the monitoring and assistance requirements as outlined in N.J.A.C. 6A:9C-4.4.

The Board shall monitor and enforce the professional development requirements for teachers and school leaders set forth in N.J.A.C. 6A:9C-4.1 et seq. and shall actively assist and support the provision of opportunities and resources, and the efforts by teachers and school leaders to meet the professional development requirements.

N.J.A.C. 6A:9-3.3; 6A:13-2.1; 6A:9B-8 through 13; 6A:9C-3.3; 6A:9C-4.1 et seq.

(Second Reading August 29, 2017)

(Revised Alert 212)

Adopted:
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TEACHING STAFF MEMBERS
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Professional Development for Teachers and School Leaders
May 17

[See POLICY ALERT Nos. 145, 187, 202, 209 and 212]

R 3240 PROFESSIONAL DEVELOPMENT FOR TEACHERS AND SCHOOL LEADERS

A. Definitions (N.J.A.C. 6A:9C-2.1)

1. The definitions set forth in N.J.A.C. 6A:9-2.1 shall apply to the words and terms used in N.J.A.C. 6A:9C-3 et seq. and 6A:9C-4 et seq. and Policy and Regulation 3240.

B. Components of Professional Development – (N.J.A.C. 6A:9C-3.2)

1. Professional development shall align with the Professional Standards for Teachers and the Professional Standards for School Leaders in N.J.A.C. 6A:9-3, the standards for professional learning in N.J.A.C. 6A:9C-3.3, student learning and educator development needs, and school, school district, and/or State improvement goals.

2. Professional development shall encompass a broad range of professional learning that contributes to improved practice, including, but not limited to, participation in the work of established collaborative teams of teachers, school leaders, and other administrative, instructional, and educational services staff members who commit to working together to accomplish common goals and who are engaged in a continuous cycle of professional improvement focused on:

   a. Evaluating student learning needs through ongoing reviews of data on student performance; and

   b. Defining a clear set of educator learning goals based on the rigorous analysis of data on student performance.

3. Professional learning shall incorporate coherent, sustained, and evidenced-based strategies that improve educator effectiveness and student achievement, such as job-embedded coaching or other
forms of assistance to support educators' transfer of new knowledge and skills to their work.

4. Professional learning may be supported by external expert assistance or additional activities that:
   a. Address defined student and educator learning goals;
   b. Advance primarily ongoing school-based professional learning; and
   c. Include, but are not limited to, courses, workshops, institutes, networks, and conferences provided by for-profit and nonprofit entities outside the school such as universities, educational service agencies, technical assistance providers, networks of content specialists, and other education organizations and associations.

C. Standards for Professional Learning (N.J.A.C. 6A:9C-3.3)

1. Professional learning that increases educator effectiveness and improves results for all students shall be guided by the following standards:
   a. Learning communities: Occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment;
   b. Leadership: Requires skillful leaders who develop capacity, advocate, and create support systems for professional learning;
   c. Resources: Requires prioritizing, monitoring, and coordinating resources for educator learning;
   d. Data: Uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;
e. Learning designs: Integrates theories, research, and models of human learning to achieve its intended outcomes;

f. Implementation: Applies research on change and sustains support for implementation of professional learning for long-term change; and

g. Outcomes: Aligns its outcomes with educator performance and student curriculum standards.

D. Requirements for and Implementation of Teachers’ Individual Professional Development Plans (N.J.A.C. 6A:9C-4.4)

1. Each teacher shall be guided by an individualized Professional Development Plan (PDP), pursuant to N.J.S.A. 18A:6-128.a, which shall include at least twenty hours per year of qualifying experiences. The twenty-hour annual requirement shall be based on the length of full-time employment and reduced by a pro rata share reflecting part-time employment, or an absence, including the use of family or medical leave.

2. The content of each individual PDP shall be developed by each teacher’s supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3.

3. Each teacher’s individual PDP shall be updated annually no later than October 31, except:

   a. If the teacher is hired after October 1, the PDP shall be developed within twenty-five working days of his or her hire.

4. The individual PDP shall be modified during the year, as necessary, and shall specify at least:
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a. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation; and

b. One area for development of professional practice derived from individual, collaborative team, school, or school district improvement goals.

5. Progress on the individual PDP shall be discussed at the annual summary conference, pursuant to N.J.A.C. 6A:10-2.4, but may occur more frequently throughout the year.

6. Evidence of progress toward meeting the requirements of the teacher’s individual PDP may be provided by the teacher and/or his or her designated supervisor, and shall be reviewed as part of each annual summary conference.

7. A teacher's individual PDP goals may necessitate more than the recommended minimum requirements outlined in N.J.A.C. 6A:9C-4.

8. Additional hours of qualifying experiences may be required for teachers in low-performing schools, as determined by the Commissioner of Education.

9. The teacher's designated supervisor shall:

a. Use the teacher performance evaluation process and the professional development planning process to monitor each teacher’s progress in meeting the professional development requirements and shall take appropriate steps to assure such progress. If a teacher’s progress is found to be inadequate, the teacher’s designated supervisor shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and
b. Maintain accurate records of each teacher’s progress in meeting the individual professional development requirements, pursuant to N.J.A.C. 6A:9C-4.3 and N.J.A.C. 6A:9C-4.4. Such records shall include a copy of each teacher’s current PDP and timeline, as well as any documentation and evidence showing the teacher’s progress toward meeting the plan’s requirements.

10. If a teacher leaves the employ of one New Jersey school district and is hired by another, the previous employing school district shall share with the new employing school district the teacher’s individual PDP and all supporting documentation. If the current individual PDP is found to be unsuitable to the teacher’s new assignment, the new employing school district shall ensure a revised individual PDP and timeline is created in accordance with N.J.A.C. 6A:9C-4.4.

E. School-Level Plans for Professional Development Implementation (N.J.A.C. 6A:9C-4.2)

1. The Principal shall oversee the development and implementation of a plan for school-level professional development and shall ensure:

   a. The school-level professional development plan includes a description of school-level and team-based professional learning aligned with identified school goals, and includes teacher and student learning needs; and

   b. All teachers receive the necessary opportunities, support, and resources to complete individual professional development requirements pursuant to N.J.A.C. 6A:9C-4.4(a).

2. The school-level plan shall become part of the school district plan for professional development overseen and reviewed by the Superintendent of Schools.
F. Requirements for District-Level Plans for Professional Development Implementation (N.J.A.C. 6A:9C-4.2)

1. The school district plan shall provide information on school-level and district-wide professional development learning opportunities, the resources being allocated toward their support, a justification for the expenditures, and include any professional development required by statute or regulation.

2. The Superintendent of Schools or designee shall oversee the development and implementation of the school district plan to address the school district’s professional development needs and shall review on an annual basis the school district plan to assess its effectiveness and revise it, as necessary, to meet the school district’s learning goals for students, teachers, and school leaders.

3. When overseeing and reviewing the school district plan, the Superintendent or designee shall:

   a. Review school-level professional development plans;

   b. Assess the learning needs of students, teachers, and school leaders based on educator evaluation data, school-level plans, and data from school- and district-level performances;

   c. Plan, support, and implement professional learning activities that address the New Jersey Student Learning Standards, and that align with the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3 and the Professional Standards for Teachers and School Leaders in N.J.A.C. 6A:9-3;

   d. Develop and update, as necessary, the district mentoring plan for non-tenured teachers including novice professional teachers who hold a CE or CEAS, in accordance with N.J.A.C. 6A:9C-5.3;
e. Present the plan to the Board of Education to review for fiscal impact; and

f. Certify annually to the Department of Education, through a statement of assurance, that the school district is meeting the requirements for the school district plan as set forth in N.J.A.C. 6A:9C-4.2 and that it includes requirements of the district mentoring plan pursuant to N.J.A.C. 6A:9C-5.3.

4. School districts sending to the same middle and/or high school may form a regional consortium to develop one district-wide plan based on the sending schools' plans.

G. Requirements for and Implementation of School Leaders' Professional Development Plans (N.J.A.C. 6A:9C-4.3)

1. Each school leader shall create, implement, and complete an individual PDP that:


   b. Derives from the results of observations, evidence, and recommendations included in the annual performance evaluation of the school leader;

   c. Identifies professional learning goals that address specific individual, school, or school district goals;

   d. Grounds professional learning in objectives related to improving teaching, learning, and student achievement, and aligns to the school and/or school district plan for professional development; and

   e. Includes training on: school law, ethics, and governance pursuant to N.J.S.A. 18A:26-8.2 and other statutory requirements related to student safety, bullying and harassment, and well-being.
2. Each school leader's individual PDP shall be developed by October 31 except:

   a. If the school leader is hired after October 1, the PDP shall be developed within twenty-five working days of his or her hire.

3. The Superintendent of Schools shall develop an individual PDP for review by the Board of Education. In developing the individual PDP, the following process shall be followed:

   a. The Board shall review the Superintendent's individual PDP, including the individual training needs pursuant to N.J.A.C. 6A:9C-4.3(a)5, and shall ensure the individual PDP aligns to school district goals and to the school district's plan for professional development.

   b. The Superintendent shall submit annually to the Board evidence of progress toward completion of the individual PDP. The Superintendent also shall submit every three to five years, depending on the length of his or her contract with the Board, summative evidence of plan completion.

   c. The Superintendent may appeal to the Executive County Superintendent if he or she disagrees with the Board regarding PDP contents or progress toward completion. The Executive County Superintendent shall have final decision-making authority on all such matters.

4. Each leader whose position requires a Principal or supervisor endorsement, or whose position requires a Chief School Administrator endorsement but who does not serve as a Chief School Administrator or Superintendent of a school district, shall develop in collaboration with his or her designated supervisor an individual PDP and shall provide evidence to his or her designated supervisor of progress toward fulfillment of his or her plan. Each Superintendent or designee shall:

   a. Review each Principal's, supervisor's, or other school leader's individual PDP, including the individual training
needs pursuant to N.J.A.C. 6A:9C-4.3(a)5, and shall ensure it aligns to school and school district goals and the school district's plan for professional development;

b. Meet with the Principal, supervisor, or other school leader at mid-year to assess progress toward his or her PDP's completion or modification; and

c. Review the individual PDP's status as part of the Principal's, supervisor's, or other school leader's annual performance evaluation.

5. The school leader's designated supervisor, or the Board of Education in the case of the Superintendent, shall:

a. Use the performance evaluation process and professional development planning process to monitor the school leader's progress in meeting the professional development requirements. If a school leader's progress is found to be inadequate, the school leader's designated supervisor or the Board shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and

b. Maintain accurate records of each school leader's progress in meeting the individual professional development requirements, pursuant to N.J.A.C. 6A:9C-4.3. Such records shall include a copy of each school leader's current PDP and timeline, as well as any documentation and evidence showing the school leader's progress toward meeting the plan's requirements.

6. If a school leader leaves the employ of one New Jersey school district and is hired by another, the school leader's designated supervisor, or the Board of Education in the case of the Superintendent, shall ensure a revised individual PDP appropriate to the new assignment is developed in collaboration with the school leader.
H. Assistance (N.J.A.C. 6A:9C-4.1)

1. The Board of Education shall ensure all teachers and school leaders receive the necessary opportunities, support, and resources to engage in ongoing professional learning and to complete the requirements of their respective professional development plans.

(Second Reading August 29, 2017)

(Revised Alert 212)

Issued:
POLICY GUIDE

5610 SUSPENSION

The Board of Education recognizes that even the temporary exclusion of a student from the educational program of this district is a severe sanction and one that cannot be imposed without due process.

Any student who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school. Conduct which shall constitute good cause for suspension or expulsion of a student guilty of such conduct shall include, but not be limited to, the conduct as defined in N.J.S.A. 18A:37-2 and the school district’s Student Discipline/Code of Conduct Policy and Regulation in accordance with the N.J.A.C. 6A:16-7.1 et seq.

For the purposes of this Policy, "suspension" means the temporary removal of a student from the regular instructional program.

For the purposes of this Policy, "short term suspension" means a suspension for one, but not more than ten consecutive school days and “long term suspension” means a suspension for more than ten consecutive school days.

In accordance with the provisions of N.J.S.A. 18A:37-4, a student may be suspended only by the 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 student may be reinstated by the Principal or by the Superintendent prior to the second regular meeting of the Board following the suspension, unless the Board reinstates the student at the first regular meeting. No student suspended for reasons of assault upon a person in authority may be reinstated before the Board has held a hearing, within thirty calendar days of the suspension, to consider that student’s expulsion from school. At its second regular meeting after the suspension and thereafter, the Board alone may reinstate the student or continue the suspension.
In accordance with the provisions of N.J.S.A. 18A:37-2a, a student in Kindergarten through grade two shall not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual nature that endangers others. Students in preschool shall not receive an out-of-school suspension except as provided pursuant to the “Zero Tolerance for Guns Act,” N.J.S.A. 18A:37-7 et seq.

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.

In each instance of a short-term suspension, the student will be provided oral or written notice of the charges and an informal hearing conducted by the Principal or designee in accordance with the procedures outlined in N.J.A.C. 6A:16-7.2. To the extent the student’s presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student’s educational program and the informal hearing shall be held as soon as practical after the suspension.

In each instance of a long-term suspension, the district shall assure the rights of the student pursuant to N.J.A.C. 6A:16-7.3.

The district will comply with the requirements of N.J.A.C. 6A:16-7.2 and 7.3, in addition to all the procedural protections set forth in N.J.A.C. 6A:14, for each student with a disability who is subject to a short-term or long-term suspension.

In each instance of a short- or long-term suspension, the district shall provide academic instruction, either in school or out of school, that addresses the New Jersey Student Learning Standards pursuant to N.J.A.C. 6A:8-3.1 et seq., which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10. These services shall be provided within five school days of the suspension. Educational services provided to a student
with a disability shall be provided consistent with the student’s Individualized Education Program, in accordance with N.J.A.C. 6A:14.

Student records are subject to challenge by parents and adult students in accordance with N.J.A.C. 6A:32-7.7 and Policy and Regulation 8330. The name of a disciplined student will not appear in the agenda or minutes of a public meeting or in any public record of this district; any such student will be designated by code.

N.J.S.A. 18A:54-20g [vocational districts]
N.J.A.C. 6A:16-7.2; 6A:16-7.3; 6A:32-7.7; 6A:14-2.8

(Second Reading August 29, 2017)

(Revised Alert 212)

Adopted:
[See POLICY ALERT Nos. 176, 203 and 212]

R 5610 SUSPENSION PROCEDURES

A. Short-Term Suspensions

1. In each instance of a short-term suspension, the Principal or designee, shall assure the rights of a student suspended for one, but not more than ten consecutive school days by providing for the following:

   a. As soon as practicable, oral or written notice of charges to the student.

      (1) When charges are denied, an explanation of the evidence forming the basis of the charges also shall be provided.

   b. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of the events regarding his or her actions leading to the short-term suspension and is provided notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5.

      (1) The informal hearing shall be conducted by a school administrator or designee;

      (2) To the extent that a student’s presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student’s educational program and the informal hearing shall be held as soon as practical after the suspension;

      (3) The informal hearing should take place even when a school staff member has witnessed the conduct forming the basis of the charge; and
(4) The informal hearing and the notice given may take place at the same time.

c. Oral or written notification to the student’s parent of the student’s removal from the student’s educational program prior to the end of the school day on which the Principal decides to suspend the student. The notification shall include an explanation of:

(1) The specific charges;

(2) The facts on which the charges are based;

(3) The provision(s) of the code of student conduct the student is accused of violating;

(4) The student’s due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.2; and

(5) The terms and conditions of the suspension.

d. Appropriate supervision of the student while waiting for the student’s parent to remove the student from school during the school day; and

e. Academic instruction, either in school or out of school, that addresses the New Jersey Student Learning Standards.

(1) The student’s academic instruction shall be provided within five school days of the suspension.

(2) At the completion of a short-term suspension, the Board of Education shall return a general education student to the general education program for which he or she was suspended.
(3) The academic instruction provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.

2. The Principal suspending the student shall immediately report the suspension to the Superintendent, who shall report it to the Board of Education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.

3. An appeal of the Board’s decision affecting the general education student’s educational program shall be made to the Commissioner, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

4. For a student with a disability, the provisions set forth in N.J.A.C. 6A:16-7.2 shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.

B. Long-Term Suspensions

1. In each instance of a long-term suspension, the Principal or designee shall assure the rights of a student suspended for more than ten consecutive school days by providing the following:

   a. Notification to the student of the charges prior to the student’s removal from school;

   b. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of events regarding his or her actions leading to the long-term suspension and is provided notice of the school district’s actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;

   c. Immediate notification to the student’s parent of the student’s removal from school;
d. Appropriate supervision of the student while waiting for the student’s parent to remove the student from school during the school day;

e. Written notification to the parent by the Superintendent or designee within two school days of the initiation of the suspension, stating:

(1) The specific charges;

(2) The facts on which the charges are based;

(3) The student’s due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.3; and

(4) Further engagement by the student in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the student’s right to a free public education, in the event that a decision to expel the student is made by the Board, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.4.

(a) The Board shall request from the parent and student written acknowledgement of the notification provided pursuant to N.J.A.C. 6A:16-7.3(a)5.iv subsequent to the removal of the student from his or her educational program, pursuant to N.J.A.C. 6A:16-7.3.

f. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to j. below;

g. For a student with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations;
h. Information on the student’s right to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)7;

i. Either in- or out-of-school educational services that are comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with N.J.A.C. 6A:16-9 or 10.

(1) The student’s educational services shall be provided within five school days of the suspension.

(2) The Board shall make decisions regarding the appropriate educational program and support services for the suspended general education student based on the New Jersey Student Learning Standards and the following considerations:

(a) A behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team, as appropriate;

(b) The results of relevant testing, assessments, or evaluations of the student;

(c) The student’s academic, health, and behavioral records;

(d) The recommendation of the Superintendent, Principal, or other relevant school or community resource;

(e) Considerations of parental input; or

(f) Consultation with the Intervention and Referral Services Team, in accordance with N.J.A.C. 6A:16-8.
(3) Educational services provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.

j. A formal hearing before the Board that shall, at a minimum:

(1) Be conducted by the Board or delegated by the Board to a Board committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations.

(a) Before taking final action, the Board as a whole shall receive and consider either a transcript or detailed report on the hearing.

(2) Include the opportunity for the student to:

(a) Confront and cross-examine witnesses, if there is a question of fact; and

(b) Present his or her own defense, and produce oral testimony or written supporting affidavits.

(3) Take place no later than thirty calendar days following the day the student is suspended from the general education program; and

(4) Result in the Board’s decision that shall be based, at a minimum, on the preponderance of competent and credible evidence.

k. A written statement to the student’s parent regarding the Board’s decision within five school days after the close of the hearing. The statement shall include at a minimum:

(1) The charges considered;
(2) A summary of the documentary or testimonial evidence from both the student and the administration that was brought before the Board at the hearing;

(3) Factual findings relative to each charge and the Board's determination of each charge;

(4) Identification of the educational services to be provided to the student, pursuant to i. above;

(5) The terms and conditions of the suspension; and

(6) The right to appeal to the Commissioner of Education the Board’s decision regarding the student’s general education program, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

1. If at any time it is found that the student did not commit the offense, the student shall be immediately returned to the program from which he or she was removed; and

m. At the completion of a long-term suspension, the Board shall return the general education student to the general education program.

2. An appeal of the Board’s decision regarding the general education student’s program shall be made to the Commissioner of Education, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

3. Suspension of a general education student shall not be continued beyond the Board’s second regularly scheduled meeting following the suspension, unless the Board so determines, pursuant to N.J.S.A. 18A:37-5.

a. The Board shall determine whether to continue the suspension, pursuant to B.1. above, based on the following criteria:
(1) The nature and severity of the offense;

(2) The Board’s removal decision;

(3) The results of relevant testing, assessments, or evaluations of the student; and

(4) The recommendation of the Superintendent, after considering input from the Principal or Director of the alternative education program or home or other in-school or out-of-school instruction program in which the student has been placed.

b. The Board shall develop and adopt policies and procedures providing for action on the continuation of student suspensions in the event of cancellation of the first or second regular Board meeting pursuant to N.J.S.A. 18A:37-4 and 5. In this unlikely event, a special committee of the Board, which will include the Superintendent of Schools or his/her designee, will be appointed by the Board President to make a decision on the continuation of the suspension. The committee’s decision will be implemented subject to ratification of the committee’s decision at the next regularly scheduled Board meeting.

4. When the Board votes to continue a general education student’s suspension, it shall review the case, in consultation with the Superintendent, at each subsequent Board meeting for the purpose of determining:

a. The status of the student’s suspension;

b. The appropriateness of the suspended student’s current educational program; and

c. Whether the suspended student’s current placement, pursuant to i. above, should continue or whether the student should return to the general education program.
5. When the Board votes to continue a general education student’s suspension, it shall make, in consultation with the Superintendent, the final determination on:

a. When the student is prepared to return to the general education program;

b. Whether the student will remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in B.3.a.(1) through (4) above; or


6. The Board shall provide a general education student suspended under N.J.A.C. 6A:16-7.3 with an appropriate educational program or services, based on the criteria set forth under B.1.i.(2) above, until the student graduates from high school or reaches the age of twenty, whichever comes first.

a. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is 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 the provisions of N.J.S.A. 18A:38-25.

7. For a student with a disability who receives a long-term suspension, the Board shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the student’s educational placement to an interim or alternate educational setting.

a. All procedural protections set forth in N.J.A.C. 6A:14 and N.J.A.C. 6A:16-7.3 shall be afforded to a student with a disability who is subjected to a long-term suspension.
b. All decisions concerning the student's educational program or placement shall be made by the student's Individualized Education Program team.

c. The provisions of B.2. through B.6. above shall not apply to students with disabilities.

(Second Reading August 29, 2017)

(Revised Alert 212)

Adopted:
[See POLICY ALERT Nos. 101, 140, 147, 166, 170, 176, 203 and 212]

5620 EXPULSION

The Board of Education recognizes that expulsion from this district is the most severe sanction that can be imposed upon a student.

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.

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.

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.

N.J.A.C. 6A:16-7.4; 6A:14 et seq.

(Second Reading August 29, 2017)

(Revised Alert 212)

Adopted: