


New Jersey State - An Act Concerning Expulsions and Suspensions for Young Students in New Jersey

 A state law that limits expulsions and out-of-school suspensions for students in pre-kindergarten through second grade

Policy Background

In September 2016, former New Jersey Governor Chris Christie signed into law [**a bill that limits expulsions and out-of-school suspensions for pre-kindergarten through second-grade students**](#) in New Jersey's public schools and charter schools. The bill also requires New Jersey schools to implement early detection and prevention programs to identify and address behavioral issues in pre-school through second grade.

The signing of this bill into law followed a hard-fought campaign, Solutions not Suspensions, which started in 2013 in Paterson, New Jersey, and was led by the [**Paterson Education Fund**](#) and the [**Parent Education Organizing Council**](#) in partnership with the [**Dignity in Schools Campaign**](#). Solutions Not Suspensions called for a one-year moratorium on out-of-school suspension for minor infractions in Paterson, which would allow the local school district a year to revise their code of conduct to include policies that would reduce and clarify the infractions for which students could be suspended. In addition to approving the moratorium in October 2013, the Paterson school board also committed to using positive disciplinary approaches that aim to keep students in school rather than send them home.

"In addition to the students not being suspended for minor infractions, the district is moving toward implementing restorative practices in all schools," says **Linda Reid, Program Manager at Paterson Education Fund**. "It is because of our Solutions not Suspensions campaign that the district admits that kids can't learn if they are not in school. This has been and continues to be a major win for our public school children. Still, we continue to fight because it is easy for a district to revert to its old ways."

The campaign led by the Paterson Education Fund can also be credited for the 2015 passing of a new discipline policy by Paterson School District modeled after the [**Model Code on Education and**](#)

[Dignity](#) developed by Dignity in Schools.

Policy Language

[EXCERPT]

AN ACT concerning expulsions and suspensions for young students, supplementing chapter 37 of Title 18A of the New Jersey Statutes, and amending P.L.1995, c.426.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

a. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter school shall not be expelled from school, except as provided pursuant to the “Zero Tolerance for Guns Act,” P.L.1995, c.127 (C.18A:37-7 et seq.).

b. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter school 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. Notwithstanding the provisions of N.J.S.A:37-2 or any other provision of law to the contrary, a student who is enrolled in preschool in a school district or charter school shall not be suspended, and shall not be expelled from school, except as provided pursuant to the “Zero Tolerance for Guns Act,” P.L.1995, 25 c.127 (C.18A:37-7 et seq.). 26 27 2.

A school district or charter school 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 need not be limited to, remediation of problem behaviors, positive reinforcements, supportive interventions, and referral services. An early detection and prevention program may be incorporated into the intervention and referral services required to be established in each school pursuant to State Board of Education regulations. 37 38 3.

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