SENATE, No. 2081 **STATE OF NEW JERSEY** 217th LEGISLATURE

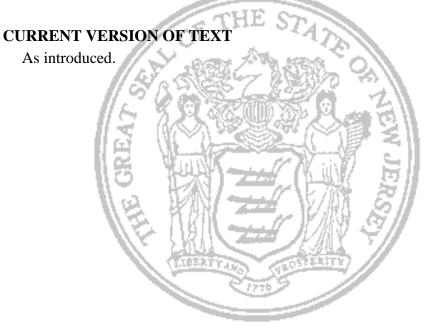
INTRODUCED APRIL 25, 2016

Sponsored by: Senator M. TERESA RUIZ District 29 (Essex) Senator SHIRLEY K. TURNER District 15 (Hunterdon and Mercer) Assemblywoman VALERIE VAINIERI HUTTLE District 37 (Bergen) Assemblyman BENJIE E. WIMBERLY District 35 (Bergen and Passaic)

Co-Sponsored by: Senator Allen, Assemblywomen McKnight, Jasey, Assemblymen Coughlin and McKeon

SYNOPSIS

Limits expulsions and suspensions for students in preschool through grade 2 with certain exceptions; requires early detection and prevention programs for behavioral issues in preschool through grade 2.



(Sponsorship Updated As Of: 6/28/2016)

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1 AN ACT concerning expulsions and suspensions for young students, 2 supplementing chapter 37 of Title 18A of the New Jersey 3 Statutes, and amending P.L.1995, c.426. 4 5 **BE IT ENACTED** by the Senate and General Assembly of the State 6 of New Jersey: 7 8 1. (New section) a. Notwithstanding the provisions of 9 N.J.S.18A:37-2 or any other provision of law to the contrary, a 10 student who is enrolled in grades kindergarten through two in a 11 school district or charter school shall not be expelled from school, 12 except as provided pursuant to the "Zero Tolerance for Guns Act," 13 P.L.1995, c.127 (C.18A:37-7 et seq.). 14 b. Notwithstanding the provisions of N.J.S.18A:37-2 or any 15 other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter 16 17 school shall not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual 18 19 nature that endangers others. 20 Notwithstanding the provisions of N.J.S.18A:37-2 or any c. 21 other provision of law to the contrary, a student who is enrolled in 22 preschool in a school district or charter school shall not be 23 suspended, and shall not be expelled from school, except as 24 provided pursuant to the "Zero Tolerance for Guns Act," P.L.1995, 25 c.127 (C.18A:37-7 et seq.). 26 27 2. (New section) A school district or charter school shall implement an early detection and prevention program to: identify 28 29 students in preschool through grade two who are experiencing 30 behavioral or disciplinary problems; and provide behavioral supports for these students, which may include, but need not be 31 32 limited to, remediation of problem behaviors, positive 33 reinforcements, supportive interventions, and referral services. An 34 early detection and prevention program may be incorporated into 35 the intervention and referral services required to be established in 36 each school pursuant to State Board of Education regulations. 37 38 3. Section 9 of P.L.1995, c.426 (C.18A:36A-9) is amended to 39 read as follows: 40 9. A student may withdraw from a charter school at any time. 41 [A] Except as otherwise provided in section 1 of P.L. 42 c. (C.) (pending before the Legislature as this bill), a student 43 may be expelled from a charter school based on criteria determined 44 by the board of trustees, which are consistent with the provisions of 45 N.J.S.18A:37-2, and approved by the commissioner as part of the

EXPLANATION – Matter enclosed in **bold-faced** brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined <u>thus</u> is new matter.

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school's charter. Any expulsion shall be made upon the
recommendation of the charter school principal, in consultation
with the student's teachers.

4 (cf: P.L.1995, c.426, s.9)

6 4. This act shall take effect in the first full school year7 following the date of enactment.

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STATEMENT

12 Current law at N.J.S.18A:37-2 outlines the types of conduct that may constitute good cause for the suspension or expulsion of a 13 student from school. This bill would place limits on expulsions and 14 15 suspensions for students enrolled in preschool through second grade 16 in a school district or charter school. Under the bill, students in 17 kindergarten through second grade may not be expelled from 18 school, except as provided pursuant to the "Zero Tolerance for 19 Guns Act," P.L.1995, c.127 (C.18A:37-7 et seq.). The bill also 20 prohibits out-of-school suspensions for students in kindergarten 21 through second grade, except when the suspension is based on 22 conduct that is of a violent or sexual nature that endangers others. 23 In addition, the bill prohibits all suspensions for preschool students 24 and provides that preschool students may not be expelled, except as 25 provided pursuant to the "Zero Tolerance for Guns Act."

26 The bill also requires school districts and charter schools to 27 implement an early detection and prevention program to identify students in preschool through grade two who are experiencing 28 29 behavioral or disciplinary problems, and provide behavioral 30 supports for these students, which may include, but need not be 31 limited to, remediation of problem behaviors, positive 32 reinforcements, supportive interventions, and referral services. An 33 early detection and prevention program may be incorporated into 34 the system of intervention and referral services that is required to be 35 established in each school under current State Board of Education 36 regulations at N.J.A.C.6A:16-8.1 to 8.2.