

CHAPTER 45

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:*

C.18A:37-2a Conditions for suspension, expulsion of certain students.

1. 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.

c. 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 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, c.127 (C.18A:37-7 et seq.).

C.18A:37-2b Early detection and prevention program.

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.

3. Section 9 of P.L.1995, c.426 (C.18A:36A-9) is amended to read as follows:

C.18A:36A-9 Withdrawal, expulsion from charter school.

9. A student may withdraw from a charter school at any time. Except as otherwise provided in section 1 of P.L.2016, c.45 (C.18A:37-2a), a student may be expelled from a charter school based on criteria determined by the board of trustees, which are consistent with the provisions of N.J.S.18A:37-2, and approved by the commissioner as part of the school's charter. Any expulsion shall be made upon the recommendation of the charter school principal, in consultation with the student's teachers.

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

Approved September 6, 2016.