

# 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.

**CURRENT VERSION OF TEXT**

As introduced.



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

S2081 RUIZ, TURNER

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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  
16 grades kindergarten through two in a school district or charter  
17 school shall not receive an out-of-school suspension, except when  
18 the suspension is based on conduct that is of a violent or sexual  
19 nature that endangers others.

20 c. Notwithstanding the provisions of N.J.S.18A:37-2 or any  
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  
28 implement an early detection and prevention program to: identify  
29 students in preschool through grade two who are experiencing  
30 behavioral or disciplinary problems; and provide behavioral  
31 supports for these students, which may include, but need not be  
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 thus is new matter.**

1 school's charter. Any expulsion shall be made upon the  
2 recommendation of the charter school principal, in consultation  
3 with the student's teachers.  
4 (cf: P.L.1995, c.426, s.9)

5  
6 4. This act shall take effect in the first full school year  
7 following the date of enactment.

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10 STATEMENT

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12 Current law at N.J.S.18A:37-2 outlines the types of conduct that  
13 may constitute good cause for the suspension or expulsion of a  
14 student from school. This bill would place limits on expulsions and  
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  
28 students in preschool through grade two who are experiencing  
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.