

ASSEMBLY, No. 3790

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MAY 23, 2016

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

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)

A3790 VAINIERI HUTTLE, WIMBERLY

2

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
43 student may be expelled from a charter school based on criteria
44 determined by the board of trustees, which are consistent with the
45 provisions of N.J.S.18A:37-2, and approved by the commissioner as

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 part of the 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.