



**State of New Jersey**

DEPARTMENT OF EDUCATION

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October 18, 2016

**TO:** Chief School Administrators  
Charter School and Renaissance School Project Leads

**FROM:** Susan Martz, Chief Learning Supports and Specialized Services Officer/  
Assistant Commissioner  
Division of Learning Supports and Specialized Services

**SUBJECT:** Out-of-School Suspensions and Expulsions

The purpose of this memorandum is to alert public school officials to recent legislation affecting out-of-school suspensions and expulsions of students in preschool to grade two.

In order for young children to fully and consistently participate in early learning experiences, we need to ensure that they are in school and able to positively engage in educational opportunities. Removing young children from school through out-of-school suspensions and expulsions reduces their participation in academic, behavioral and social learning experiences critical to their positive development and may lead to chronic absenteeism.

P.L. 2016, Chapter 45, signed into law by Governor Christie on September 6, 2016, places limits on out-of-school suspensions and expulsions beginning in the 2016-17 school year in school districts and charter schools as follows:

1. Students in grades kindergarten through grade two:
  - Shall not be expelled from school, except as provided pursuant to the "Zero Tolerance for Guns Act," P.L. 1995, c. 127,
  - Shall not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual nature and endangers others, and
2. Students in preschool:
  - Shall not be suspended and shall not be expelled, except as provided pursuant to the "Zero Tolerance for Guns Act," P.L. 1995, c. 127.

To proactively address the needs of students in preschool through grade two, the law requires schools to implement an early detection and prevention program to identify students who are experiencing behavioral and disciplinary problems and provide behavioral supports. The behavioral supports may include, but are not limited to: remediation of problem behaviors,

positive reinforcement, supportive interventions and referral services. Positive approaches such as these address the underlying cause or purpose of the behavior, reinforce positive behavior, and have been associated with increases in academic engagement, academic achievement, and reductions in suspensions and school dropouts.

Early detection and prevention may be incorporated into intervention and referral services required under *N.J.A.C.* 6A:16-8. Early detection and prevention programs may also be developed in a manner that is consistent with the procedural protections afforded to students with disabilities set forth in *N.J.A.C.* 6A:14-3.1, et. seq.

The following resources may be used by districts and schools to review current disciplinary practices and ensure that a system of early detection and prevention is in place:

- [US Department of Education Discipline Resources](#) – A set of resources for schools, districts and families on approaching behavior in ways that enhance achievement and engagement.
- [Rethink School Discipline: Resource Guide for Superintendent Action](#) – A guide developed by the U.S. Department of Education that includes set of seven potential action items to help school leaders implement safe, supportive school climate and discipline.
- [New Jersey Positive Behavioral Supports in Schools](#) – The New Jersey Department of Education’s initiative, in collaboration with the Boggs Center at Rutgers University, on positive behavioral supports.

We appreciate your efforts to provide a supportive school environment in which every child can engage in positive learning experiences.

SM/kad/r/

c: Members, State Board of Education  
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