

## Examples of Limitations on Exclusionary Discipline – Pre-K through Grade 2

**New Jersey** – State regulations prohibit pre-K students from being suspended or expelled. A new bill (SB 2081), just passed by the legislature in June 2016 (but apparently not yet signed by Governor Christie), would prohibit expulsions for grades K-2 except in the case of a firearms offense, and out-of-school suspensions for grades K-2 except in the case of conduct “of a violent or sexual nature that endangers others.” The bill also requires that schools “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.”<sup>1</sup>

**Connecticut** – In 2015, a new law (SB 1053) was passed that eliminates expulsions for students in pre-K through second grade, and only allows out-of-school suspensions in those grades if “the student’s conduct on school grounds is of a violent or sexual nature that endangers persons.”<sup>2</sup>

**New York City** – Pre-K suspensions and expulsions are prohibited in NYC schools, and in July 2016 the city announced that it would be extending the ban to grades K-2.<sup>3</sup>

**St. Louis** – In April 2016, St. Louis Public Schools announced a ban on the use of suspensions for students in pre-K through second grade. The district also said that it would be dedicating more resources toward social workers and counselors throughout the system, and that teachers would receive training throughout the year in student trauma to more proactively address certain behaviors.<sup>4</sup>

**Houston** – In January 2016, the Houston Independent School District banned suspensions for students in pre-K through second grade, except when required by state law.<sup>5</sup>

**District of Columbia** – The “Pre-K Student Discipline Amendment Act,” passed in 2015, (1) prohibits the expulsion of pre-K students; (2) prohibits the out-of-school suspension of pre-K students unless “the student has willfully caused or attempted to cause bodily injury, or threatened serious bodily injury to another person”; and (3) limits out-of-school suspensions to three days.<sup>6</sup>

**Chicago** – Suspensions of students in pre-K through second grade within Chicago Public Schools are only permitted if the student’s behavior poses an imminent danger. In those cases, the suspensions must be limited to one day and require Network Chief approval. During the suspension, the principal must develop a plan addressing the safety of students/staff and include strategies for preventing future behavior incidents, restoring relationships, and addressing the student’s ongoing social, emotional, and academic needs.<sup>7</sup>

**Philadelphia** – In August 2016, the School District of Philadelphia changed its policies to prohibit the suspension of kindergarten students “unless their actions result in serious bodily injury,” and limited such suspensions to three days unless otherwise approved by an assistant superintendent. The district says that it is shifting its focus towards being proactive by equipping teachers with the skills to de-escalate and resolve conflicts while also recognizing trauma.<sup>8</sup>

---

<sup>1</sup> State of New Jersey Department of Education, *Preschool Student Suspension/Expulsion Guidance*, at <http://www.nj.gov/education/ece/psguide/suspension.htm>; State of New Jersey, 217th Legislature, *Senate Bill 2081*, at [http://www.njleg.state.nj.us/2016/Bills/S2500/2081\\_11.PDF](http://www.njleg.state.nj.us/2016/Bills/S2500/2081_11.PDF).

<sup>2</sup> Connecticut General Assembly, Session Year 2015, *Senate Bill 1050*, at [https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill\\_num=SB-1053](https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=SB-1053).

<sup>3</sup> Alex Zimmerman, “City Will No Longer Suspend Students in Grades K-2, and Releases a Slew of New School Crime Data” (7/21/16), CHALKBEAT.

<sup>4</sup> Elisa Crouch, “St. Louis Public Schools to Ban Suspensions for Youngest Students” (4/19/16), ST. LOUIS POST-DISPATCH.

<sup>5</sup> Ericka Mellon, “HISD Board Approves Wide-Ranging Changes, Including Suspension Ban for Young Students” (1/14/16), HOUSTON CHRONICLE.

<sup>6</sup> D.C. Council, *Act 21-50*, at <http://lims.dccouncil.us/Download/33194/B21-0001-SignedAct.pdf>.

<sup>7</sup> Chicago Public Schools, *Student Code of Conduct*, at [http://cps.edu/SiteCollectionDocuments/SCC\\_StudentCodeConduct\\_English.pdf](http://cps.edu/SiteCollectionDocuments/SCC_StudentCodeConduct_English.pdf).

<sup>8</sup> Brian Thomas, “Philly Kindergarteners Will No Longer Be Suspended” (8/19/16), PHILADELPHIA; Mensah M. Dean, “SRC Curtails Suspensions for Kindergartners and Dress Code Violators” (8/19/16), PHILADELPHIA INQUIRER.