



**TESTIMONY OF EDUCATION LAW CENTER ON
SENATE BILL 2081 BEFORE THE SENATE EDUCATION COMMITTEE**

MAY 23, 2016

Thank you, Chairwoman Ruiz and members of the Senate Education Committee, for the opportunity to speak about Senate Bill S2081 on behalf of Education Law Center. My name is Shira Baron, and I am an attorney at ELC. I am an Equal Justice Works Fellow and my fellowship is focused on dismantling the school-to-prison pipeline as it impacts Newark, New Jersey's children. I am particularly focused on improving discipline policies within both the public and charter schools in the area.

ELC supports the passage of S2081 as this legislation will reduce the number of children who are pushed out of school and deprived of a classroom education through the imposition of suspensions and expulsions.

ELC, however, proposes that the bill extend the limits on suspensions to children in third through fifth grade.

Currently, NJ only bans suspensions and expulsions for preschool students. The significant and harmful effects of suspensions and expulsions on children are well known and well documented, particularly for children in elementary school.

Suspending children at young ages can have lasting impacts on their academic trajectory and is often ineffective in assisting children in understanding and managing their behavioral issues.



Sara Rimm-Kaufman, associate professor of education at University of Virginia, has found that in elementary school, problematic behaviors can be evidence of academic deficiencies. Other research suggests that behavior problems may be signs of undiagnosed disabilities. Using suspensions as a way to address an elementary student's behavior not only deprives a child of important classroom learning time, but is also likely to exacerbate that child's academic and behavioral struggles, while failing to effectively address the underlying causes of the behavior.

Experts have reported that a troublesome cycle begins when a child is suspended in the early grades. Suspensions and expulsions often trigger a perpetuated cycle of misbehavior and academic failure. As Rebecca Brown, a researcher at the Urban Strategies Council explains, suspensions and expulsions punish students by removing them from the educational environment for hours, days, or even weeks at a time and when the students re-enter the classroom they are significantly behind on their course-work and quickly become confused and bored. Proper academic supports that help smooth the transition back into the classroom are often not in place, which results in students feeling isolated and marginalized. This, combined with instructional gaps, can lead to students acting out through misbehavior, which results in educators' use of exclusionary discipline, starting the cycle all over again. This cycle can continue for the entirety of a child's academic experience and often leads to a child's academic disengagement.

When a student disengages from the academic environment, the student often cannot see any benefits in attending school and drops out. Dropping out of school greatly increases one's likelihood of entering the criminal justice system. Indeed, statistics show that students who fail to complete high school are three and a half times more likely to be incarcerated.

Importantly, research suggests that the benefits of limiting suspensions go beyond individual students. An inverse relationship between suspensions and achievement has been found. A study conducted in California found that lower district suspension rates are correlated with higher district achievement.

ELC is concerned, however, with the bill's proposal to permit preschoolers through second grade children to be suspended or expelled pursuant to the "Zero Tolerance for Guns Act." Particularly worrisome is that this proposal directly contradicts the current regulation that states "[t]he district board of education shall ensure that preschool students are not suspended, long-term or short-term, and are not expelled from school." *See* N.J.A.C. 6A:13A-4.4(g). It does not make sense to suspend preschoolers or children in kindergarten through second grade under the "Zero Tolerance for Guns Act" as children that young cannot fully comprehend the danger of guns and the severity of an act involving guns. Moreover, research has shown that using suspensions to punish children who are younger than seven or eight is ineffective, particularly because at such a young age children cannot understand the significance of a suspension or its use as a consequence for their behavior.

The proposal in S2081 to implement an early detection and prevention program addresses a critical need among children who exhibit behavioral issues at a young age. The children whom the program is geared towards are in desperate need of support and resources. We recommend the proposal extend to children in third through fifth grade and include trauma informed education as well as restorative justice practices among its suggested supports.



The proposals in S2081 to limit expulsions and suspensions for students in preschool through second grade and to implement early detection and prevention programs are critical steps in ensuring young children are kept in the classroom with requisite supports and place New Jersey at the forefront of positive change.

ELC thanks Senator Ruiz for sponsoring this important bill to benefit the educational and social-emotional well-being of young children and stands ready to assist in its passage and implementation.