



STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: January 11, 2023
To: Local Educational Agency Leads, Administrators of Approved Private Schools for Students with Disabilities
Route to: Directors of Special Services
From: Kathy Ehling, Assistant Commissioner
Division of Educational Services

U.S. Department of Education Guidance Regarding Discipline of Students with Disabilities

The purpose of this memorandum is to highlight key information in recent United States Department of Education (USED) guidance regarding discipline of students with disabilities and to share (USED) resource documents. Districts should consider this guidance when engaging with families and developing policies and procedures regarding the discipline of students with disabilities.

Background

On July 19, 2022, USED released new guidance from the Office for Civil Rights and Office of Special Education and Rehabilitative Services (OSERS). This guidance consists of a [Dear Colleague Letter](#) and two documents which outline the requirements regarding individuals with disabilities as set forth in the Individuals with Disabilities Education Act (IDEA), with a particular focus on disparities in the use of discipline for children with disabilities.

[Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions](#), provides a comprehensive explanation of applicable procedures required under the IDEA. An important component of this guidance is the inclusion of a definition of *informal removals*, which is action taken by school personnel to remove a student for part or all of the school day without invoking IDEA's disciplinary procedures. The guidance makes clear that informal removals, such as having a parent pick up a child from school early without calling it a suspension, is a removal subject to the discipline procedures in the IDEA.

[Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders](#), is intended to assist educators in adopting proactive strategies and evidence-based practices that may reduce disciplinary action and improve outcomes for students with disabilities. The document provides information and resources on topics such as tiered systems of supports, building educator and school capacity, professional development, and culturally and linguistically responsive practices that benefit all students.

In addition, USED has introduced a blog series to promote discussion around the discipline of and behavioral supports for students with disabilities. The first entry, [Discipline Discussions: The Impact and Harm of Exclusionary Discipline](#), was released on December 8, 2022.

Contact Information

Questions should be directed to oseinfo@doe.nj.gov.

c: Members, State Board of Education
NJDOE Staff
Statewide Parent Advocacy Network
NJ LEE Group
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