



STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: September 20, 2023

To: Local Educational Agency Leads

Route To: Directors of Special Services, Directors of Student Services, School Principals, Vice/Assistant Principals, School Psychologists, School Counselors, School Social Workers, Members of Intervention and Referral Services Teams

From: Kathy Ehling, Assistant Commissioner
Division of Educational Services

Improving Discipline Practices

The [National Center for Education Statistics](#) reported that over eighty percent of schools felt the COVID-19 pandemic adversely impacted students' socio-emotional and behavioral development. Students who experience trauma may manifest their reaction through misbehavior or misconduct. Additionally, some students experienced acute traumatic events and continuous grief throughout the pandemic. Historical [data](#) from the United States Department of Education Office of Civil Rights also demonstrates that Black students, boys, and students with disabilities experience disproportionate levels of harsher discipline.

This memorandum is designed to offer suggestions for local educational agencies (LEAs) to consider adjusting discipline practices, as necessary, for the 2023-2024 school year. Each of the approaches below highlights the importance of a positive school culture and climate, which includes building stronger relationships between educators and students.

[New Jersey School Climate Improvement Survey](#)

Positive school climates foster the physical, psychological, and social and emotional well-being of students and staff and create the conditions for effective teaching and learning. School climate surveys help schools to understand school climate needs and strengths from the perspectives of students, families, and staff. The New Jersey Department of Education (NJDOE) is supporting LEAs from across the State to utilize a comprehensive school climate tool, the New Jersey School Climate Improvement (NJ SCI) survey and online application. This tool will provide invaluable insights to its users and will suggest specific strategies LEAs can implement in response to the unique data collected within LEAs. LEAs can consider using available Federal funding, including American Rescue Plan (ARP) Elementary and Secondary School Emergency Relief (ESSER) funding to pay costs for implementing these strategies.

[Restorative Justice in Education Pilot](#)

Restorative justice in education, which includes restorative practices, does not stop at addressing misconduct in the school community. When implementing restorative justice, school discipline aims to repair harm inflicted on the school community as well as elicit empathy from those who caused the harm. When implemented with fidelity, restorative practices can transform educational experiences for staff and students, and research has found that adopting restorative practices can be an effective way to address the discipline disparities negatively affecting Black and Hispanic students. As authorized through [P.L.2019, c. 412](#), the NJDOE is currently administering the Restorative Justice in Education Pilot Program, which supports a cohort of schools in implementing trauma-sensitive restorative justice practices in schools. LEAs selected for this project began participation in Fall 2021 and can serve as potential models for other LEAs interested in implementing restorative practices. The linked website includes a host of resources LEAs can use to begin their journey to incorporate restorative practices into their school discipline policies.

[New Jersey Positive Behavior Supports in Schools](#)

Through a collaboration between the NJDOE and The Boggs Center, Rutgers Robert Wood Johnson Medical School, New Jersey Positive Behavioral Supports in Schools (NJ PBSIS) provides comprehensive professional development to support the implementation of tiered interventions that provide equitable access to a range of school intervention needs including conduct, behavior, and social and emotional wellness. Beyond providing training and resources, NJ PBSIS seeks to reframe the discipline process by: empowering schools to establish a structure for encouraging and teaching appropriate schoolwide behavioral expectations, providing opportunities for students to develop habits and routines in line with schoolwide expectations, and responding to unwanted behavior in a manner that preserves student dignity and neutralizes implicit bias so that students have access to interventions, not just discipline. Communication structures, school climate, staff wellness, alignment with other interventions, parent-school partnerships are all examples of critical system-level considerations for supporting this work long-term. School districts can access [resources](#) developed through NJ PBSIS to support their efforts to improve discipline practices.

Coordinated Early Intervention Services Funds/Significant Disproportionality

LEAs may opt to set aside 15% of the Individuals with Disability Education Act (IDEA) Part B Basic and Preschool award for Coordinated Early Intervention Services (CEIS). CEIS are services provided to students in kindergarten through grade twelve who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education environment. LEAs may use CEIS funds in a variety of ways, including but not limited to, the provision of behavioral interventions and supports, professional development and creating or enhancing a Multi-Tiered System of Supports such as the New Jersey Tiered System of Supports to support the academic and behavioral needs of students in general education.

Codes of Student Conduct

LEAs are encouraged to review current codes of student conduct policies to consider revisions that discourage the overuse of exclusionary discipline like suspension or expulsion when addressing student misconduct. One of the regulatory requirements is that the code of student conduct include “a description of school responses to violations of behavioral expectations established by the district board of education that, at a minimum, are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behaviors that shall include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions” ([N.J.A.C. 6A:16-7.1\(c\)5i](#)).

LEAs are encouraged to implement innovative strategies for increasing family engagement to strengthen the school and family partnership, which can lead to improved student behaviors and improved student performance.

Student Suspensions

Suspensions should be utilized judiciously as suspensions reduce students’ participation in academic and social-emotional learning experiences critical to positive development. However, if a LEA determines that a suspension is the appropriate response to a violation of the code of student conduct, LEAs should be mindful of the requirements to assist students whose social, emotional, or behavioral needs may manifest as misconduct.

Pursuant to [P.L.2019, c.479](#), principals are required to convene a meeting between a student that has experienced multiple suspensions and a school psychologist, school counselor, school social worker, student assistance coordinator, or member of the school’s intervention and referral services team to identify any behavior or health difficulties experienced by the student. As appropriate, LEAs should provide supportive interventions or referrals to school or community resources that may assist the student in addressing identified difficulties. When school leaders and other school personnel involved in school discipline and behavior management are considering intensive interventions for students, explore [NJMentalHealthCares Directory of Services](#) and/or the New Jersey Department of Human Services’ [Directory of Mental Health Services](#). In addition, the [New Jersey Comprehensive](#)

[School-Based Mental Health Resource Guide](#) includes guidance to support universal interventions along with more intensive services available to address the mental health needs for students.

[Guidance on Discrimination in School Discipline](#)

The New Jersey Law Against Discrimination (LAD) prohibits discrimination and bias-based harassment based on actual or perceived race, religion, national origin, gender, sexual orientation, disability, gender identity or expression, and other protected characteristics in all schools that are not operated by a religious or sectarian institution. The LAD holds those in charge of administering student discipline accountable not only for disciplinary decisions that are made with an explicitly discriminatory intent, but also if their disciplinary decisions have a discriminatory impact. Schools have a responsibility to monitor for and address bias-based disparities in student discipline, and schools that fail to do so can be held accountable under the LAD.

[Student Safety Discipline System](#)

To increase LEAs' capacity to analyze and react to discipline data in a timely manner, NJDOE encourages LEAs to review the data it submits to the Student Safety Data System (SSDS) on an ongoing basis. Recognizing trends in disciplinary activity may improve a LEA's ability to proactively address student behavior.

For questions or to be made aware of additional supports available from the NJDOE regarding school climate and culture or student discipline, please email SafeSupportiveSchools@doe.nj.gov.

c: Members, State Board of Education
Statewide Parent Advocacy Network
Garden State Coalition of Schools
NJ LEE Group