

18A:37-2

LEGISLATIVE HISTORY CHECKLIST

(Pupils--suspension or expulsion--possession, consumption or use of alcoholic beverages or controlled dangerous substance)

NJSA 18A:37-2

LAWS 1981

CHAPTER 59

Bill No. A689

Sponsor(s) Kern, Edwards and Cardinale

Date Introduced Jan. 17, 1980

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Education

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly June 12, 1980

Senate Jan. 22, 1981

Date of approval March 3, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings ~~Yes~~ No

For background see:

974.90 New Jersey. Legislature. Assembly. Judiciary,
L767 Law, Public Safety and Defense Committee.
1979 Public hearings... held 1-23-79, 2-5-79
& 2-6-79. Trenton, 1979.

(over)

6/22/81

MAR 1982

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Recommendation for legislation made in:

974.90 New Jersey. Juvenile Justice Task Force.
J97 Advisory Committee on "School Violence,
1981h Vandalism, Alternate Schools".
Final report... January, 1981.
Trenton, 1981.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 689

STATE OF NEW JERSEY

INTRODUCED JANUARY 17, 1980

By Assemblymen KERN, EDWARDS and CARDINALE

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT concerning causes for suspension and expulsion from school and ***[supplementing chapter 37 of Title 18A of the New Jersey Statutes]*** *amending N. J. S. 18A:37-2*.*

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 ***[1. Any pupil under the legal age to purchase alcoholic beverages who knowingly possesses or who knowingly consumes without**
2 **legal authority any alcoholic beverage in any school shall be expelled**
3 **from school.]***

1 ***[2. Any pupil under the legal age to purchase alcoholic beverages who is under the influence of intoxicating liquor while on the**
2 **premises of the school shall be suspended from school for a first**
3 **offense and expelled for a second offense.]***

1 *1. N. J. S. 18A:37-2 is amended to read as follows:

2 18A:37-2. Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or
3 person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise
4 injure any school property, shall be liable to punishment and to
5 suspension or expulsion from school.

8 Conduct which shall constitute good cause for suspension or
9 expulsion of a pupil guilty of such conduct shall include, but not
10 be limited to, any of the following:

- 11 a. Continued and willful disobedience;
- 12 b. Open defiance of the authority of any teacher or person, having
13 authority over him;
- 14 c. Conduct of such character as to constitute a continuing danger
15 to the physical well-being of other pupils;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

- 16 d. Physical assault upon another pupil;
- 17 e. Taking, or attempting to take, personal property or money
18 from another pupil, or from his presence, by means of force or fear;
- 19 f. Willfully causing, or attempting to cause, substantial damage
20 to school property;
- 21 g. Participation in an unauthorized occupancy by any group of
22 pupils or others of any part of any school or other building owned
23 by any school district, and failure to leave such school or other
24 facility promptly after having been directed to do so by the prin-
25 cipal or other person then in charge of such building or facility;
- 26 h. Incitement which is intended to and does result in unautho-
27 rized occupation by any group of pupils or others of any part of a
28 school or other facility owned by any school district; and
- 29 i. Incitement which is intended to and does result in truancy by
30 other pupils; *and*
- 31 *j. Knowing possession or knowing consumption without legal*
32 *authority of alcoholic beverages **or controlled dangerous sub-*
33 *stances** on school premises, or being under the influence of in-*
34 *toxicating liquor **or controlled dangerous substances** while on*
35 *school premises.**

1 ***[3.]*** *2.* This act shall take effect immediately.

ASSEMBLY, No. 689

STATE OF NEW JERSEY

INTRODUCED JANUARY 17, 1980

By Assemblymen KERN, EDWARDS and CARDINALE

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT concerning causes for suspension and expulsion from school and supplementing chapter 37 of Title 18A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Any pupil under the legal age to purchase alcoholic beverages
2 who knowingly possesses or who knowingly consumes without legal
3 authority any alcoholic beverage in any school shall be expelled
4 from school.

1 2. Any pupil under the legal age to purchase alcoholic beverages
2 who is under the influence of intoxicating liquor while on the
3 premises of the school shall be suspended from school for a first
4 offense and expelled for a second offense.

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to prevent the problem of alcohol abuse from afflicting those under the legal age to purchase alcoholic beverages. The bill would require the automatic expulsion of any student under the legal age who has alcohol in his possession or consumes alcohol while on school property. The bill further mandates immediate suspension for a student who is intoxicated while on school property and expulsion for being intoxicated more than once. It is the sponsor's intent that the student who is intoxicated be treated as an intoxicated driver is treated under the motor vehicle statutes. Therefore, a student intoxicated on school property would be given a breathalyzer test by the municipal police and if found to be intoxicated would be subject to prosecution.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 689

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 15, 1980

The purpose of this bill, as amended with the sponsor's approval by the Assembly Judiciary, Law, Public Safety and Defense Committee, is to help control the problem of youth/alcohol abuse, especially in the schools. This bill would make possession, consumption or being under the influence of alcohol in school one of the specifically listed causes for suspension or expulsion. This bill would reaffirm the social policy of the State, and the concerted effort that is being made to eliminate youth/alcohol problems.

The effort is reflected in the series of youth/alcohol bills enacted last session, including laws which raised the drinking age to 19, mandated more comprehensive alcohol education for students and teachers, and prohibited as an offense the public possession or consumption of alcohol by under-age persons. It is further reflected by Assembly Bill No. 67, which recently passed the Assembly by a unanimous vote, a bill to prohibit as an offense the unauthorized bringing by adults of alcoholic beverages onto school premises.

As amended, the bill is acceptable to the New Jersey School Boards Association and the Division of Alcoholism. The PTA/PTO Presidents Council opposes the bill, as being a State intrusion into a local matter and as being a punitive measure without any programs which might rehabilitate young alcohol abusers.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 689

[OFFICIAL COPY REPRINT]

with Senate Committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 9, 1980

The Senate Education Committee favorably reports this bill and endorses the Assembly Judiciary, Law, Public Safety and Defense Committee Statement as follows:

The purpose of this bill, as amended with the sponsor's approval by the Assembly Judiciary, Law, Public Safety and Defense Committee, is to help control the problem of youth/alcohol abuse, especially in the schools. This bill would make possession, consumption or being under the influence of alcohol in school one of the specifically listed causes for suspension or expulsion. This bill would reaffirm the social policy of the State, and the concerted effort that is being made to eliminate youth/alcohol problems.

The effort is reflected in the series of youth/alcohol bills enacted last session, including laws which raised the drinking age to 19, mandated more comprehensive alcohol education for students and teachers, and prohibited as an offense the public possession or consumption of alcohol by under-age persons. It is further reflected by Assembly Bill No. 67, which recently passed the Assembly by a unanimous vote, a bill to prohibit as an offense the unauthorized bringing by adults of alcoholic beverages onto school premises.

As amended, the bill is acceptable to the New Jersey School Boards Association and the Division of Alcoholism. The PTA/PTO Presidents Council opposes the bill, as being a State intrusion into a local matter and as being a punitive measure without any programs which might rehabilitate young alcohol abusers.

COMMITTEE AMENDMENT:

The committee has amended this bill to include use of controlled dangerous substances among the reasons for suspension or expulsion.

3-4-81

FROM THE OFFICE OF THE GOVERNOR

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The bill would also increase the aid which goes directly to parents and guardians whose private school children do not qualify for transportation. About 26,000 children fall into this category.

The currently aid level for these two categories is not to exceed \$250 per child. This bill would increase the maximum aid for the 1981-82 school year and thereafter to \$325 per child.

A-1, sponsored by Assemblyman William Bate (D-Passaic), which provides that ballot positions for candidates for municipal council in the municipal manager form of government will be selected by lot.

Current law provides that ballot position is determined by the order of filing.

A-689, sponsored by Assemblyman Walter M.D. Kern (R-Bergen) which adds the possession of, consumption of or being under the influence of alcoholic beverages or controlled dangerous substances while on school premises to the statutory list on conduct constitution' as good cause for expulsion or suspension from school

The bill makes the suspension or expulsion discretionary.

A-3034, sponsored by Assembly Speaker Christopher J. Jackman (D-Hudson), which validates the past treatment of urban aid in municipal cap calculations and permits municipalities to treat urban aid in their future cap calculations in the same way that urban aid was treated in 1980.

S-734, sponsored by Senator Frank Graves, Jr. (D-Passaic), which exempts the following expenditures from the municipal and county cap laws.

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