

P.L. 1997, CHAPTER 372, *approved January 19, 1998*
Senate, No. 1072 (*Second Reprint*)

1 AN ACT concerning the reporting of pupil assaults upon public school
2 employees and amending P.L.1979, c.189.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 2 of P.L.1979, c.189 (C.18A:37-2.1) is amended to read
8 as follows:

9 2. a. Any pupil who commits an assault, as defined pursuant to
10 N.J.S.2C:12-1, upon a teacher, administrator, board member or other
11 employee of a board of education, acting in the performance of his
12 duties and in a situation where his authority to so act is apparent, or
13 as a result of the victim's relationship to an institution of public
14 education of this State, ²not involving the use of a weapon or
15 firearm.² shall be immediately suspended from school consistent with
16 procedural due process pending ²suspension or² expulsion proceedings
17 before the local board of education. Said proceedings shall take place
18 no later than ²[21] 30² calendar days following the day on which the
19 pupil is suspended. ²The decision of the board shall be made within
20 five days after the close of the hearing. Any appeal of the board's
21 decision shall be made to the Commissioner of Education within 90
22 days of the board's decision. The provisions herein shall be construed
23 in a manner consistent with 20 U.S.C. section 1400 et seq.²

24 b. Whenever a teacher, administrator, board member ¹[or] ¹ other
25 employee of a board of education ¹or a labor representative on behalf
26 of an employee¹ makes an allegation ¹in writing¹ that ¹[he] the board
27 member or employee¹ has been assaulted by a pupil, the principal shall
28 file a written report of the alleged assault with the district's
29 superintendent of schools. The superintendent to whom the alleged
30 assault is reported or, if there is no superintendent in the district, the
31 principal who received the allegation from the ¹board member.¹

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SED committee amendments adopted January 14, 1997.

² Assembly AJU committee amendments adopted November 17, 1997.

1 employee, ¹or labor representative¹ shall report the alleged assault to
2 the board of education of the district at its next regular meeting ²;
3 provided that the name of the pupil who allegedly committed the
4 assault, although it may be disclosed to the members of the board of
5 education, shall be kept confidential at the public board of education
6 meeting².

7 Any person who fails to file a report of an alleged assault as
8 required pursuant to this subsection ¹[shall] may¹ be liable to
9 disciplinary action by the board of education of the district ²[and the
10 board shall report to the county superintendent of schools the
11 disciplinary action it imposes ¹,if any¹]².

12 (cf: P.L.1995, c.128, s.5)

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14 2. This act shall take effect immediately.

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19 Requires the filing of a written report of any alleged pupil assault upon
20 a school employee.

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STATEMENT

This bill requires that whenever a teacher, administrator, board member or other employee of a board of education makes an allegation that he has been assaulted by a pupil, the principal shall file a written report of the alleged assault with the superintendent of schools. The superintendent is then to report the alleged assault to the board of education at its next regular meeting.

Under the bill's provisions, any person who fails to file a report of an alleged assault shall be liable to disciplinary action by the board of education of the district and the board must report to the county superintendent of schools the disciplinary action which it imposes.

Requires the filing of a written report of any alleged pupil assault upon a school employee.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1072

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 17, 1997

The Assembly Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1072 (1R).

This bill requires that whenever a teacher, administrator, board member, other employee of a board of education, or a labor representative on behalf of an employee makes an allegation in writing that the person has been assaulted by a pupil, the principal shall file a written report of the alleged assault with the superintendent of schools. The superintendent is then to report the alleged assault to the board of education at its next regular meeting. The committee adopted amendments to provide that the name of the pupil who allegedly committed the assault shall be kept confidential at this public meeting because the matter is merely an allegation at that time. Since there may be no substantiation of the alleged assault at the time of the board of education's next meeting the committee felt that protecting the identity of the pupil in the public forum was important. The name may be known to the members of the board.

Under the bill's provisions, any person who fails to file a report of an alleged assault may be liable to disciplinary action by the board of education of the district. The bill had provided that the board must report to the county superintendent of schools the disciplinary action which it imposes but the committee amendments remove this requirement.

Other amendments are technical to update the section of law to the provisions of section 5 of P.L.1995, c.128.

This bill is identical to Assembly Bill No. 798 (1R).

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1072

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 14, 1997

The Senate Education Committee reports favorably Senate Bill No. 1072 with committee amendments.

As amended, this bill requires that whenever a teacher, administrator, board member, other employee of a board of education, or a labor representative on behalf of an employee makes an allegation in writing that the person has been assaulted by a pupil, the principal shall file a written report of the alleged assault with the superintendent of schools. The superintendent is then to report the alleged assault to the board of education at its next regular meeting.

Under the bill's provisions, any person who fails to file a report of an alleged assault may be liable to disciplinary action by the board of education of the district, and the board must report to the county superintendent of schools the disciplinary action which it imposes.

The committee amended the bill to include a labor representative who makes an allegation on behalf of an employee, to require that the allegation be in writing, and to make the liability for disciplinary action an option rather than a mandate.