

18A:38-5

LEGISLATIVE HISTORY CHECKLIST

NJSA 18A:38-5 [formerly 18:14-3.1]

Laws of 1967 Chapter 249

Bill No. S48

Sponsor(s) Forsythe

Date Introduced January 10, 1967

Committee: Assembly Education

Senate Education

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

Date of passage: Assembly March 8

Senate March 6

Date of approval December 18

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~~

Checked under:

- NJ - Educational law and legislation
- NJ - School attendance
- NJ - Students, Transfer of
- NJ - School age

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CHAPTER 249 LAWS OF NEW JERSEY 67  
APPROVED 12-18-67  
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SENATE No. 48

STATE OF NEW JERSEY

INTRODUCED JANUARY 10, 1967

By Senators FORSYTHE and FELDMAN

Referred to Committee on Education

AN ACT concerning education, and supplementing chapter 14 of Title 18 of the Revised Statutes.

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

1 1. No board of education shall be required to accept by transfer from  
2 public or private school any child who was not eligible *\*by reason of age\**  
3 for admission **\*[by]\*** *\*on\** October 1 **\*[following the opening of school]\***  
4 *\*of that school year\**, but the board may in its discretion admit such child if  
5 he or she meets such entrance requirements as may be established by rules  
6 or regulations of the board.

1 2. This act shall take effect **\*[July 1, 1967]\*** *\*immediately\**.

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

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5 established by rules or regulations of the board.

1 2. This act shall take effect July 1, 1967.

STATEMENT

The existing law has been construed to require that boards accept on transfer pupils from other schools when they reach the age of 5 years, even though such pupils were not 5 years old at the opening of school and did not otherwise meet the board's entrance qualifications.

This bill would enable boards to determine whether or not a younger child could profit by the instruction of the school. Many failures result among children too young for their grade.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

November 20, 1967

SENATE BILL NO. 48

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 48, with my objections, for reconsideration.

Senate Bill No. 48 is designed to close a loophole which may exist in Section 18:14-3 of the Revised Statutes. That statute and this bill are intended to enable district boards of education to apply minimum age requirements for admission to kindergarten. The existing law has been construed to require that boards accept on transfer pupils from other schools when they reach the age of 5 years, even though such pupils were not old enough at the opening of school to qualify for admission. Thus, it has been possible for some parents to circumvent standards established by boards for admission to school of children who are under 5 years of age on October 1, by placing such a child in a private school and then transferring the child to the public school later in the school year when he reaches his fifth birthday.

Section 18:14-3 of the Revised Statutes, as amended by chapter 233 of the Laws of 1965, provides:

"Children who have never attended any public or private school may be admitted to a public school on or before October 1 following the opening of the school for the fall term, and at no other time except by a majority vote of all the members of the board of education of the school district in which the school is situated." (Emphasis added)

In Wilcox v. Board of Education of Oceanport, 1953-54 S.L.D. 75, the Commissioner of Education ruled that the underlined wording above makes the Section inapplicable to children who have attended any school before seeking admission to the public school. At the time of the Wilcox case, the Section contained the wording "during the 10 days immediately following the opening of the school for the fall term." The amendment by chapter 233 of the Laws of 1965 changed this to "on or before October 1 following the

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opening of the school for the fall term." The 1965 amendment, however, does not affect the interpretation placed on the Section in the Wilcox case.

I am in agreement with the purpose of Senate Bill No. 48 in closing this loophole which results in special treatment to those otherwise inadmissible children whose parents can afford to place them temporarily in a private school. It is generally agreed among educators that a child benefits by entering school together with others of his own age group and that educational and emotional harm may result if a child is enrolled when too young or immature. Boards of education should be able to apply a uniform minimum age standard within their districts with such exceptions as they may establish by rules or regulations for children who, though slightly under the minimum age, evidence such emotional maturity and intellectual ability as to justify their enrollment.

I am returning Senate Bill No. 48 only because of the possibility that one word in its language may be misconstrued so as to cause unnecessary confusion. In section 1, line 2, "eligible" might, conceivably, be regarded as broad enough to cover not only age but the domiciliary requirements of Section 18:14-1 of the Revised Statutes. The Statement of purpose indicates that the bill is intended to relate only to age requirements. In order that this intent be clearly expressed in the language of the bill, I recommend that the words "by reason of age", be inserted after "eligible". The other modifications I suggest are intended merely to increase slightly the clarity of the bill's language and to adjust its effective date.

Accordingly, I am returning Senate Bill No. 48 for reconsideration, with the recommendation that it be amended as follows:

On page 1, section 1, line 2, after "eligible" insert "by reason of age".

On page 1, section 1, line 2, delete "by" and insert in lieu thereof "on".

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On page 1, section 1, line 3, delete "following the opening of school" and insert in lieu thereof "of that school year".

On page 1, section 2, line 1, delete "July 1, 1967" and insert in lieu thereof "immediately".

Respectfully,

/S/ RICHARD J. HUGHES

GOVERNOR

[Seal]

Attest:

/S/ LAWRENCE BILDER

Secretary to the Governor