

18A:17-46 to 18A:17-48

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:17-46 to 18A:17-48 (Violence in the schools - extend monitoring by Commissioner of Education - prohibit retaliation against employees filing report)

LAWS OF: 1982 **CHAPTER:** 163

Bill No: A654

Sponsor(s): Lesniak and Deverin

Date Introduced: February 8, 1982

Committee: **Assembly:** Education

Senate: Education

Amended during passage: No **Assembly Committee Substitute enacted.**

Date of Passage: **Assembly:** March 11, 1982

Senate: September 23, 1982

Date of Approval: October 28, 1982

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

(over)

See legislative history on earlier act, L.1978, c.1983.

974.90 New Jersey. Juvenile Justice Task Force. Advisory Committee on "School
J97 Violence, Vandalism, Alternative Schools".
1981h Final report. January, 1981. Trenton, 1981.
(see recommendation 8 & 9, p.4)

974.90 New Jersey Legislature. General Assembly. Legislative Oversight
E24 Committee.
1984c Report on the implementation of the school violence
reporting law...April, 1984. Trenton, 1984.

103 10-28-82

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 654

STATE OF NEW JERSEY

ADOPTED MARCH 1, 1982

AN ACT concerning education, requiring the commissioner to monitor the incidence of violence in the public schools, supplementing Title 18A of the New Jersey Statutes and repealing P. L. 1978, c. 183 (C. 18A:4-29.1 et seq.).

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

1 1. Any school employee observing or having direct knowledge
2 from a participant or victim of an act of violence shall, in accor-
3 dance with standards established by the commissioner, file a report
4 describing the incident to the school principal in a manner pre-
5 scribed by the commissioner, and copy of same shall be forwarded
6 to the district superintendent.

7 The principal shall notify the district superintendent of schools
8 of the action taken regarding the incident. Annually, at a public
9 meeting, the superintendent of schools shall report to the board of
10 education all acts of violence and vandalism.

1 2. It shall be unlawful for any board of education to discharge
2 or in any manner discriminate against a school employee as to his
3 employment because the employee had filed a report pursuant to
4 section 1. of this act. Any employee discriminated against shall be
5 restored to his employment and shall be compensated by the board
6 of education for any loss of wages arising out of the discrimination;
7 provided, however, if the employee shall cease to be qualified to
8 perform the duties of his employment he shall not be entitled to
9 restoration and compensation.

1 3. The Commissioner of Education shall each year submit a
2 report to the Education Committees of the Senate and General

3 Assembly detailing the extent of violence and vandalism in the
4 public schools and making recommendations to alleviate the
5 problem.

1 4. P. L. 1978, c. 183 (C. 18A:4-29.1 et seq.) is repealed.

1 5. This act shall take effect immediately.

ASSEMBLY, No. 654

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1982

By Assemblymen LESNIAK and DEVERIN

Referred to Committee on Education

AN Act to amend and supplement "An act concerning education requiring the commissioner to monitor the incidence of violence in the public schools and supplementing Title 18A of the New Jersey Statutes," approved January 3, 1979 (P. L. 1978, c. 183).

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

1 1. Section 2 of P. L. 1978, c. 183 (C. 18A:4-29.2) is amended to
2 read as follows:

3 2. Any school employee observing or having direct knowledge
4 from a participant or victim of an act of violence shall, in accord-
5 ance with standards established by the commissioner, file a report
6 describing the incident to the school principal in a manner pre-
7 scribed by the commissioner, and copy of same shall be forwarded
8 to the **[county office of education]** district superintendent.

9 The principal shall notify the **[county office of education]** dis-
10 trict superintendent of schools of the action taken regarding the
11 incident. Annually, at a public meeting, the superintendent of
12 schools shall report to the board of education all acts of violence
13 and vandalism.

1 2. Section 3 of P. L. 1978, c. 183 is amended to read as follows:

2 3. This act shall take effect immediately **[and shall remain in**
3 effect until June 30, 1981, at which time the commissioner shall
4 submit a report to the Education Committees of the Senate and
5 General Assembly detailing the extent of violence and vandalism
6 in the public schools and making recommendations to alleviate
7 the problem**].**

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

1 3. (New section) It shall be unlawful for any board of education
2 to discharge or in any other manner discriminate against a school
3 employee as to his employment because the employee has filed a
4 report pursuant to P. L. 1978, c. 183. Any employee discriminated
5 against shall be restored to his employment and shall be compen-
6 sated by the board of education for any loss of wages arising out
7 of the discrimination; provided, however, if the employee shall
8 cease to be qualified to perform the duties of his employment he
9 shall not be entitled to restoration and compensation.

1 4. (New section) The Commissioner of Education shall each year
2 submit a report to the Education Committees of the Senate and
3 General Assembly detailing the extent of violence and vandalism
4 in the public schools and making recommendations to alleviate
5 the problem.

1 5. This act shall take effect immediately.

STATEMENT

This bill makes permanent the provisions for a local and State-wide reporting system to monitor acts of violence against persons and property in the public schools.

The bill adds new provisions to the present system by requiring that a copy of the report be filed with the superintendent of the local district instead of the county office of education and requires the superintendent to annually report to the local board of education, at a public meeting, all acts of violence and vandalism. The commissioner's report to the Legislature is also made an annual requirement.

Lastly, the bill prohibits local boards of education from discriminating against local employees who report acts of violence.

ASSEMBLY EDUCATION COMMITTEE
STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 654

STATE OF NEW JERSEY

DATED: MARCH 1, 1982

PROVISIONS:

Assembly Committee Substitute for Assembly Bill No. 654 makes it a permanent requirement for school employees to file reports concerning acts of violence observed in the schools and requires the Commissioner to submit an annual report to the Legislature detailing the extent of violence and vandalism in the public schools. In addition, Assembly Committee Substitute for Assembly Bill No. 654 prohibits school management from discriminating against employees who file such reports and requires the superintendent to report to local board of education all acts of violence and vandalism at a public meeting on an annual basis.

BACKGROUND:

In 1978, legislation was enacted requiring school employees to report any act of violence of which the employee had knowledge or had actually observed. This requirement was enacted as a temporary prescription and expired June 30, 1981. Assembly Committee Substitute for Assembly Bill No. 654 proposes to make this requirement permanent and have the Commissioner make an annual report to the Legislature.

In addition, this bill adds new provisions to the previously established reporting system by requiring that a copy of the report be filed with the superintendent of the local district instead of the county office of education and by requiring the superintendent to make an annual report to the board of education at a public meeting.

Experience has indicated that some school employees who have submitted such reports feel that they have been singled out and treated unfairly by school management after having submitted reports. To ensure that the public has full access to all information concerning any act of violence and vandalism in their schools, a provision has been included that offers protection to school employees who submit reports of violence and vandalism. This provision in Assembly Committee Substitute for Assembly Bill No. 654 prohibits school management from discriminating against employees who file reports pertaining to violence and vandalism unless the employee ceases to be qualified to perform the

duties required by their specific job. To ensure that school employees are protected from any intimidation that might be exhibited against them by school management and, to ensure that the public is fully aware of any acts of violence and vandalism that occur within their schools, the Assembly Education Committee feels that the Department of Education should adopt rules and regulations that achieve the objectives of protecting school employees and encouraging full reporting. In addition, the committee is concerned that any form the commissioner might use to collect data for his annual report to the legislature be a form that is designed with the goal of encouraging school employees to report incidents of violence rather than be a form requiring information so extensive that it discourages such reporting.

SENATE EDUCATION COMMITTEE
STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 654

STATE OF NEW JERSEY

DATED: JUNE 21, 1982

The Senate Education Committee favorably reports this Assembly Committee Substitute for Assembly Bill No. 654 and endorses the Statement of the Assembly Education Committee which reads as follows:

PROVISIONS:

Assembly Committee Substitute for Assembly Bill No. 654 makes it a permanent requirement for school employees to file reports concerning acts of violence observed in the schools and requires the Commissioner to submit an annual report to the Legislature detailing the extent of violence and vandalism in the public schools. In addition, Assembly Committee Substitute for Assembly Bill No. 654 prohibits school management from discriminating against employees who file such reports and requires the superintendent to report to local board of education all acts of violence and vandalism at a public meeting on an annual basis.

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In 1978, legislation was enacted requiring school employees to report any act of violence of which the employee had knowledge or had actually observed. This requirement was enacted as a temporary prescription and expired June 30, 1981. Assembly Committee Substitute for Assembly Bill No. 654 proposes to make this requirement permanent and have the Commissioner make an annual report to the Legislature.

In addition, this bill adds new provisions to the previously established reporting system by requiring that a copy of the report be filed with the superintendent of the local district instead of the county office of education and by requiring the superintendent to make an annual report to the board of education at a public meeting.

Experience has indicated that some school employees who have submitted such reports feel that they have been singled out and treated unfairly by school management after having submitted reports. To ensure that the public has full access to all information concerning any act of violence and vandalism in their schools, a provision has been included that offers protection to school employees who submit reports

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