

[First Reprint]
ASSEMBLY, No. 798

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman FARRAGHER and Assemblyman ARNONE

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, not involving the use of a weapon or firearm.¹
15 shall be immediately suspended from school consistent with procedural
16 due process pending suspension or¹ expulsion proceedings before the
17 local board of education. Said proceedings shall take place no later
18 than [21] 30¹ calendar days following the day on which the pupil is
19 suspended. The decision of the board shall be made within five days
20 after the close of the hearing. Any appeal of the board's decision shall
21 be made to the Commissioner of Education within 90 days of the
22 board's decision. The provisions herein shall be construed in a manner
23 consistent with 20 U.S.C. section 1400 et seq.¹

24 b. Whenever a teacher, administrator, board member ¹[or] ¹ other
25 employee of a board of education ¹ or a labor representative on behalf
26 of an employee¹ makes an allegation ¹ in 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

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 Assembly AJU committee amendments adopted November 17, 1997.

1 principal who received the allegation from the ¹board member, ¹
2 employee, ¹or labor representative¹ shall report the alleged assault to
3 the board of education of the district at its next regular meeting ¹;
4 provided that the name of the pupil who allegedly committed the
5 assault, although it may be disclosed to the members of the board of
6 education, shall be kept confidential at the public board of education
7 meeting¹.

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

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

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15 2. This act shall take effect immediately.

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