# ASSEMBLY, No. 877

# STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

**By Assemblyman BLEE**

**AN ACT** concerning education and supplementing chapter 37 of Title 18A of the New Jersey Statutes.

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

1. This act shall be known as the "Zero Tolerance for Juvenile Crime Act."

2. Any pupil who is convicted or adjudicated delinquent for a crime or offense on the basis of any of the offenses enumerated in paragraph (2) of subsection a. of section 7 of P.L.1982, c.77 (C.2A:4A-26) shall be immediately removed from the school's regular education program pending a hearing before the local board of education for a period of not less than one calendar year.

Any pupil that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available. Nothing herein shall be construed as prohibiting the expulsion of a pupil.

3. The principal or his or her designee shall be responsible for the removal of any pupil pursuant to section 1 of P.L. , c. (C. ) (now pending before the Legislature as this bill). The principal or his or her designee shall report the removal of any pupil to a law enforcement agency and to the district's chief school administrator.

4. a. Any pupil removed pursuant to section 1 of P.L. , c. (C. ) (now pending before the Legislature as this bill) shall be entitled to a hearing before the local board of education to determine if the pupil was convicted or adjudicated delinquent on the basis of any of the offenses enumerated in paragraph (2) of subsection a. of section 7 of P.L.1982, c.77 (C.2A:4A-26). If it is found that the pupil is not guilty of these offenses the pupil shall be immediately returned to the regular

education program.

b. The hearing shall take place no later than 30 days following the day the pupil is removed from the regular education program. The hearing is not subject to the provisions of the "Open Public Meetings Act," P.L.1975, c.231 (C. 10:4-6 et seq.).

c. The decision of the board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 30 days of the board's decision.

5. Any pupil removed pursuant to section 1 of P.L. , c. (C. ) (now pending before the Legislature as this bill) shall undergo a child study team evaluation prior to returning to the regular education program. The principal of the school from which the pupil was removed shall determine whether the pupil is prepared to return to the regular education program or whether the pupil shall remain in an alternative education program, home instruction or other suitable facilities and program, taking into consideration the child study team's recommendations.

6. This act shall take effect immediately and shall first apply to the 1996-97 school year.

STATEMENT

This bill provides that any pupil convicted or adjudicated delinquent of certain serious crimes such as criminal homicide, robbery, sexual assault and kidnapping, among other offenses, would be immediately removed from the school's regular education program for a period of not less than one calendar year. Any pupil removed would be placed in an alternative education program or provided with home instruction or other suitable facilities and programs until placement in an alternative program is possible. The bill would not prohibit expulsion of the pupil.

The bill further provides that one year after removal the pupil would be eligible to return to the regular education program. Before returning to the regular education program the pupil would be required to undergo a child study team evaluation. The principal of the school from which the pupil was removed would determine whether the pupil is prepared to return to the school's regular education program or is better served by remaining in an alternative education program, or provided with home instruction or other suitable facilities and programs. The principal is to take the recommendations of the child study team into consideration when making that determination.

"Zero Tolerance for Juvenile Crime Act."