

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, <sup>2</sup>not involving the use of a weapon or  
15 firearm,<sup>2</sup> shall be immediately suspended from school consistent with  
16 procedural due process pending <sup>2</sup>suspension or<sup>2</sup> expulsion proceedings  
17 before the local board of education. Said proceedings shall take place  
18 no later than <sup>2</sup>[21] 30<sup>2</sup> calendar days following the day on which the  
19 pupil is suspended. <sup>2</sup>The 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.<sup>2</sup>

24 b. Whenever a teacher, administrator, board member <sup>1</sup>[or] <sup>1</sup> other  
25 employee of a board of education <sup>1</sup>or a labor representative on behalf  
26 of an employee<sup>1</sup> makes an allegation <sup>1</sup>in writing<sup>1</sup> that <sup>1</sup>[he] the board  
27 member or employee<sup>1</sup> 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 <sup>1</sup>board member,<sup>1</sup>

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:

<sup>1</sup> Senate SED committee amendments adopted January 14, 1997.

<sup>2</sup> Assembly AJU committee amendments adopted November 17, 1997.

1 employee, <sup>1</sup>or labor representative<sup>1</sup> shall report the alleged assault to  
2 the board of education of the district at its next regular meeting <sup>2</sup>;  
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 meeting<sup>2</sup> .

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

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.