

SENATE, No. 1135

STATE OF NEW JERSEY

INTRODUCED MAY 9, 1996

By Senator RICE

1 AN ACT concerning compulsory education and amending various
2 sections of the New Jersey Statutes.

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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. N.J.S.18A:38-25 is amended to read as follows:

8 18A:38-25. Every parent, guardian or other person having custody
9 and control of a child between the ages of six and [16] 18 years, if the
10 child has not graduated from high school, shall cause such child
11 regularly to attend the public schools of the district or a day school in
12 which there is given instruction equivalent to that provided in the
13 public schools for children of similar grades and attainments or to
14 receive equivalent instruction elsewhere than at school.

15 (cf: N.J.S.18A:38-25)

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17 2. N.J.S.18A:38-27 is amended to read as follows:

18 18A:38-27. Any child [between the ages of six and 16 years]
19 required to attend school pursuant to N.J.S.18A:38-25 who shall
20 repeatedly be absent from school, and any child of such age found
21 away from school during school hours whose parent, guardian or other
22 person having charge and control of the child is unable to cause him
23 to attend school and any pupil who is incorrigible, actually vagrant,
24 vicious, or immoral in conduct, shall be deemed to be a juvenile
25 delinquent and shall be proceeded against as such.

26 (cf: N.J.S.18A:38-27)

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28 3. N.J.S.18A:38-28 is amended to read as follows:

29 18A:38-28. Any attendance officer who shall find any child
30 [between six and 16 years of age] required to attend school pursuant
31 to N.J.S.18A:38-25 who is a truant from school, shall take the child
32 and deliver him to the parent, guardian or other person having charge
33 and control of the child, or to the teacher of the school which such

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.

1 child is lawfully required to attend.

2 (cf: N.J.S.18A: 38-28)

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4 4. N.J.S.18A:38-31 is amended to read as follows:

5 18A:38-31. A parent, guardian or other person having charge and
6 control of a child [between the ages of six and 16 years] required to
7 attend school pursuant to N.J.S.18A:38-25, who shall fail to comply
8 with any of the provisions of this article relating to his duties, shall be
9 deemed to be a disorderly person and shall be subject to a fine of not
10 more than \$25.00 for a first offense and not more than \$100.00 for
11 each subsequent offense, in the discretion of the court.

12 In any such proceeding, the summons issuing therein, or in special
13 circumstances a warrant, shall be directed to the alleged disorderly
14 person and the child.

15 (cf: P.L.1980, c.153, s.1)

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17 5. This act shall take effect immediately, but shall not apply to any
18 student who entered the ninth grade prior to the effective date of this
19 act.

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22 STATEMENT

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24 This bill raises the age requirement for compulsory school
25 attendance from 16 to 18 years of age, except for students who
26 graduate from high school prior to their eighteenth birthday. This
27 change would first apply to children who are in the eighth grade at the
28 time of the bill's enactment.

29 The New Jersey Constitution declares that "[t]he Legislature shall
30 provide for the maintenance and support of a thorough and efficient
31 system of free public schools for the instruction of all children in the
32 State between the age of five and 18 years." (Article VIII, Section IV,
33 paragraph 1).

34 The requirement for school attendance until age 16 was established
35 in 1914, with an exception permitting children over 14 years of age
36 who were "regularly and lawfully employed in some useful occupation"
37 to leave school. This exception was removed 47 years ago (P.L.1940,
38 c.154) and the 16 year old "drop out" age has not been changed since.

39 The changes in society and the demands of the modern job market
40 require that all children receive an adequate education. A child who
41 stops attending school at age 16 is not prepared to function in our
42 society.

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3 Raises age of compulsory school attendance to 18 years.