

SENATE, No. 3639

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 19, 2021

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Raises age requirement of compulsory school attendance from 16 to 18 years old.

CURRENT VERSION OF TEXT

As introduced.



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:*

6
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
9 custody and control of a child between the ages of six and **[16]** 18
10 years, if the child has not graduated from high school, shall cause
11 such child regularly to attend the public schools of the district or a
12 day school in which there is given instruction equivalent to that
13 provided in the public schools for children of similar grades and
14 attainments or to receive equivalent instruction elsewhere than at
15 school.

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

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

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

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

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

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

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

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

39 18A:38-31. A parent, guardian or other person having charge
40 and control of a child **[between the ages of six and 16 years]**
41 required to attend school pursuant to N.J.S.18A:38-25, who shall
42 fail to comply with any of the provisions of this article relating to
43 his duties, shall be deemed to be a disorderly person and shall be
44 subject to a fine of not more than \$25.00 for a first offense and not
45 more than \$100.00 for each subsequent offense, in the discretion of
46 the court.

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

Matter underlined thus is new matter.

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

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

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

9
10
11 STATEMENT
12

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

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

23 The requirement for school attendance until age 16 was
24 established in 1914, with an exception permitting children over 14
25 years of age who were "regularly and lawfully employed in some
26 useful occupation" to leave school. This exception was removed by
27 P.L.1940, c.154 and the 16 year old "drop out" age has not been
28 changed since.