ASSEMBLY, No. 2383

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Assemblyman BENJIE E. WIMBERLY
District 35 (Bergen and Passaic)
Assemblywoman VALERIE VAINIERI HUTTLE
District 37 (Bergen)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 2/13/2020)

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

the court.

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

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

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

STATEMENT

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

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

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