

ASSEMBLY, No. 3181

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:
Assemblyman JON M. BRAMNICK
District 21 (Morris, Somerset and Union)

SYNOPSIS

Clarifies circumstances in which school board member may participate in volunteer activities.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning volunteer activities of school board members
2 and supplementing P.L.1991, c.393.

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

6
7 1. a. A school board member shall not be prohibited from
8 participating in a volunteer activity within the school district where
9 he serves as a board member, provided that the board member's
10 participation does not violate the provisions of the "School Ethics
11 Act," P.L.1991, c.393 (C.18A:12-21 et seq.), and is consistent with
12 the provisions of this section.

13 b. A school board member shall not participate within the
14 school district in a volunteer activity in which:

15 (1) the board member gives direct orders to school personnel or
16 becomes directly involved in activities or functions that are the
17 responsibility of school personnel or the day-to-day administration
18 of the school district;

19 (2) the board member directs students, school personnel,
20 resources, or funds on a regular, frequent basis; or

21 (3) the board member is directed by school personnel or
22 administration on a regular, frequent basis.

23 c. A school board member who volunteers in an activity within
24 the school district shall:

25 (1) prior to engaging in the activity, obtain consent from the
26 superintendent and other staff who will be overseeing the activity;
27 and

28 (2) inform relevant staff and others participating in the activity
29 that the board member's involvement is in his individual capacity
30 and not in his official capacity as a board member.

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32 2. This act shall take effect immediately.

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STATEMENT

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37 This bill clarifies the circumstances in which a member of a
38 board of education may participate in volunteer activities. The bill
39 provides that there is no general prohibition on a school board
40 member volunteering in an activity within the school district he
41 oversees, provided that the board member's participation in the
42 activity does not violate the provisions of the "School Ethics Act,"
43 P.L.1991, c.393 (C.18A:12-21 et seq.), and is consistent with the
44 provisions of the bill. The bill specifically prohibits a school board
45 member from participating within the school district in a volunteer
46 activity in which: (1) the board member gives direct orders to
47 school personnel or becomes directly involved in activities or
48 functions that are the responsibility of school personnel or the day-

1 to-day administration of the school district; (2) the board member
2 directs students, school personnel, resources, or funds on a regular,
3 frequent basis; or (3) the board member is directed by school
4 personnel or administration on a regular, frequent basis. Pursuant
5 to Advisory Opinion A10-15, issued on July 28, 2015, the School
6 Ethics Commission determined that these types of volunteer
7 activities are inconsistent with a school board member's role and
8 would violate the provisions of the "School Ethics Act," P.L.1991,
9 c.393 (C.18A:12-21 et seq.).

10 In addition, the bill requires a school board member who
11 volunteers in an activity within the school district to obtain prior
12 consent from the superintendent and other staff who will be
13 overseeing the activity. The board member must also inform
14 relevant staff and others participating in the activity that his
15 involvement is in his individual capacity and not in his official
16 capacity as a board member. These requirements were also outlined
17 by the School Ethics Commission in Advisory Opinion A10-15.