

ASSEMBLY, No. 4693

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 21, 2020

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

SYNOPSIS

Amends School Ethics Act to prohibit school official from using or attempting to use official position to promote or advance political activities within 90 days of election.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning political activity by school officials and
2 amending P.L.1991, c.393.

3

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

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7 1. Section 4 of P.L.1991, c.393 (C.18A:12-24) is amended to
8 read as follows:

9 4. a. No school official or member of his immediate family
10 shall have an interest in a business organization or engage in any
11 business, transaction, or professional activity, which is in
12 substantial conflict with the proper discharge of his duties in the
13 public interest;

14 b. No school official shall use or attempt to use his official
15 position to secure unwarranted privileges, advantages or
16 employment for himself, members of his immediate family or
17 others;

18 c. No school official shall act in his official capacity in any
19 matter where he, a member of his immediate family, or a business
20 organization in which he has an interest, has a direct or indirect
21 financial involvement that might reasonably be expected to impair
22 his objectivity or independence of judgment. No school official
23 shall act in his official capacity in any matter where he or a member
24 of his immediate family has a personal involvement that is or
25 creates some benefit to the school official or member of his
26 immediate family;

27 d. No school official shall undertake any employment or
28 service, whether compensated or not, which might reasonably be
29 expected to prejudice his independence of judgment in the exercise
30 of his official duties;

31 e. No school official, or member of his immediate family, or
32 business organization in which he has an interest, shall solicit or
33 accept any gift, favor, loan, political contribution, service, promise
34 of future employment, or other thing of value based upon an
35 understanding that the gift, favor, loan, contribution, service,
36 promise, or other thing of value was given or offered for the
37 purpose of influencing him, directly or indirectly, in the discharge
38 of his official duties. This provision shall not apply to the
39 solicitation or acceptance of contributions to the campaign of an
40 announced candidate for elective public office, if the school official
41 has no knowledge or reason to believe that the campaign
42 contribution, if accepted, was given with the intent to influence the
43 school official in the discharge of his official duties;

44 f. No school official shall use, or allow to be used, his public
45 office or employment, or any information, not generally available to
46 the members of the public, which he receives or acquires in the

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 course of and by reason of his office or employment, for the
2 purpose of securing financial gain for himself, any member of his
3 immediate family, or any business organization with which he is
4 associated;

5 g. No school official or business organization in which he has
6 an interest shall represent any person or party other than the school
7 board or school district in connection with any cause, proceeding,
8 application or other matter pending before the school district in
9 which he serves or in any proceeding involving the school district
10 in which he serves or, for officers or employees of the New Jersey
11 School Boards Association, any school district. This provision shall
12 not be deemed to prohibit representation within the context of
13 official labor union or similar representational responsibilities;

14 h. No school official shall be deemed in conflict with these
15 provisions if, by reason of his participation in any matter required
16 to be voted upon, no material or monetary gain accrues to him as a
17 member of any business, profession, occupation or group, to any
18 greater extent than any gain could reasonably be expected to accrue
19 to any other member of that business, profession, occupation or
20 group;

21 i. No elected member shall be prohibited from making an
22 inquiry for information on behalf of a constituent, if no fee, reward
23 or other thing of value is promised to, given to or accepted by the
24 member or a member of his immediate family, whether directly or
25 indirectly, in return therefor;

26 j. Nothing shall prohibit any school official, or members of his
27 immediate family, from representing himself, or themselves, in
28 negotiations or proceedings concerning his, or their, own interests;

29 **【and】**

30 k. Employees of the New Jersey School Boards Association
31 shall not be precluded from providing assistance, in the normal
32 course of their duties, to boards of education in the negotiation of a
33 collective bargaining agreement regardless of whether a member of
34 their immediate family is a member of, or covered by, a collective
35 bargaining agreement negotiated by a Statewide union with which a
36 board of education is negotiating; and

37 l. No school official shall use or attempt to use his official
38 position to promote or advance political activities within 90 days of
39 an election.

40 (cf: P.L.1999, c.256, s.1)

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42 2. This act shall take effect immediately.

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45 STATEMENT

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47 This bill amends the “School Ethics Act,” P.L.1991, c.393
48 (C.18A:12-21 et seq.), to prohibit a school official from using or

- 1 attempting to use his official position to promote or advance
- 2 political activities within 90 days of an election.
- 3 Under the “School Ethics Act,” a “school official” includes a
- 4 board of education member, a school administrator, and members of
- 5 the professional staff of the New Jersey School Boards Association.