

[First Reprint]

SENATE, No. 2637

STATE OF NEW JERSEY
218th LEGISLATURE

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Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

SYNOPSIS

Requires the adoption of nepotism policies by school districts and charter schools.

CURRENT VERSION OF TEXT

As reported by the Senate Education Committee on December 6, 2018, with amendments.



1 AN ACT concerning nepotism policies of school districts and charter
2 schools and supplementing chapter 12 and chapter 36A of Title
3 18A of the New Jersey Statutes.

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

7
8 1. a. As used in this act;

9 “Relative” means an individual's spouse, partner in a civil union
10 as defined pursuant to section 2 of P.L.2006, c.103 (C.37:1-33),
11 domestic partner as defined in section 3 of P.L.2003, c.246
12 (C.26:8A-3), or the parent, child, brother, sister, aunt, uncle, niece,
13 nephew, grandparent, grandchild, son-in-law, daughter-in-law,
14 stepparent, stepchild, stepbrother, stepsister, half-brother or half-
15 sister of the individual or of the individual's spouse, civil union
16 partner, or domestic partner, whether the relative is related to the
17 individual or the individual's spouse, civil union partner, or
18 domestic partner by blood, marriage, or adoption;

19 “School board attorney” means an attorney employed in-house
20 by a school district on a full-time basis.

21 b. As a condition of receiving State aid, the board of education
22 of a school district or county vocational school district shall adopt
23 and implement a nepotism policy. The nepotism policy shall
24 include, but need not be limited to:

25 (1) a provision prohibiting any relative of a school board
26 member, chief school administrator, school business administrator,
27 school board attorney, or director of personnel from being
28 employed in an office or position in the district; except that a
29 person employed by the district on the effective date of the policy
30 or the date a relative becomes a school board member, chief school
31 administrator, school business administrator, school board attorney,
32 or director of personnel shall not be prohibited from continuing to
33 be employed or to be promoted in the district or, in the case of a
34 reduction in force, in any position to which the person has a legal
35 entitlement.

36 A district may employ a relative of a school board member, chief
37 school administrator, school business administrator, school board
38 attorney, or director of personnel provided that the district has
39 obtained the approval of the executive county superintendent of
40 schools. The approval shall be granted only upon demonstration by
41 the school district that it conducted a thorough search for candidates
42 and that the proposed candidate is the only qualified and available
43 person for the position;

44 (2) a provision prohibiting the chief school administrator from
45 recommending to the school board pursuant to section 1 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SED committee amendments adopted December 6, 2018.

1 P.L.1995, c.125 (C.18A:27-4.1) any relative of a school board
2 member, chief school administrator, school business administrator,
3 school board attorney, or director of personnel unless the person is
4 subject to the exception pursuant to paragraph (1) of this
5 subsection;

6 (3) a provision prohibiting a district administrator including a
7 director of personnel, or a school board attorney from exercising
8 direct or indirect authority, supervision, or control over his relative.
9 Where it is not feasible to eliminate a direct or indirect supervisory
10 relationship, appropriate screens or alternative supervision and
11 reporting mechanisms shall be put in place;

12 (4) a provision prohibiting a district administrator including a
13 director of personnel, or a school board attorney, or a board
14 member, who has a relative who is a member of the bargaining unit
15 from discussing or voting on the proposed collective bargaining
16 agreement with that unit or from participating in any way in
17 negotiations including, but not limited to, being a member of the
18 negotiating team; nor shall the district administrator including the
19 director of personnel, or school board attorney be present with the
20 school board in closed session when negotiation strategies are being
21 discussed; provided, however, that the administrator including the
22 director of personnel, or a school board attorney may serve as a
23 technical resource to the negotiating team and may provide
24 technical information necessary to the collective bargaining process
25 when no one else in the district can provide such information; and

26 (5) a provision ¹prohibiting a district administrator including a
27 director of personnel, or a school board attorney, or a board
28 member, who has a relative who is a member of the same Statewide
29 union in another district from participating in any way in
30 negotiations including, but not limited to, being a member of the
31 negotiating team or being present with the school board in closed
32 sessions when negotiation strategies are being discussed, prior to
33 the school board attaining a tentative memorandum of agreement
34 with the bargaining unit that includes a salary guide and total
35 compensation package. Once the tentative memorandum of
36 agreement is established, a district administrator including a
37 director of personnel, or school board attorney with a relative who
38 is a member of the same Statewide union in another district may
39 fully participate in the process, absent other conflicts.
40 Notwithstanding the provisions of this paragraph to the contrary, a
41 district administrator including a director of personnel, or a school
42 board attorney who has a relative who is a member of the same
43 Statewide union in another district may serve as a technical
44 resource to the negotiating team and may provide technical
45 information necessary to the collective bargaining process when no
46 one else in the district can provide such information providing that
47 if a school board member, chief school administrator, school

1 business administrator, school board attorney, or director of
2 personnel resigns or ceases to be employed by the school district,
3 and his relative becomes employed in an office or position in the
4 school district within the three months following the resignation or
5 cessation of employment, then the school board member, chief
6 school administrator, school business administrator, school board
7 attorney, or director of personnel shall not be employed by the
8 district for a period of 12 months from his last date of service or
9 employment¹.

10 c. A school district or county vocational school district may
11 exclude per diem substitutes and student employees from its board
12 nepotism policy.

13
14 2. The board of trustees of a charter school shall adopt and
15 implement a nepotism policy. The policy shall comply with the
16 provisions of section 1 of P.L. , c. (C.) (pending before
17 the Legislature as this bill) and apply to members of the board of
18 trustees and administrators of the charter school.

19
20 3. This act shall take effect on the 60th day after the date of
21 enactment.