

§§1,3
C.18A:3B-6.3 and
18A:3B-6.4
§4
Note

P.L. 2021, CHAPTER 250, *approved October 18, 2021*
Senate, No. 970 (*Second Reprint*)

- 1 **AN ACT** concerning the members of governing boards of public
2 institutions of higher education, amending P.L.2009, c.308, and
3 supplementing chapter 3B of Title 18A of the New Jersey
4 Statutes.
- 5
- 6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*
- 8
- 9 1. (New section) a. As a condition of serving as a member of
10 the governing board of a public institution of higher education, a
11 person shall be required to complete a training program developed
12 **¹[or approved]**¹ by **¹that institution in consultation with**¹ the
13 Secretary of Higher Education that is designed to clarify the roles
14 and duties of a governing board member.
- 15 b. The training shall be completed no later than **¹[six months]**
16 **one year**¹ after the date that the person is appointed as a member of
17 the governing board of a public institution of higher education;
18 except that a person who serves as a member of a governing board
19 prior to the effective date of this act shall **¹[complete the training**
20 **no later than six months after the effective date]** **not be required to**
21 **complete the training**¹.
- 22 c. The **¹institution, in consultation with the**¹ secretary^{1,1} shall:
23 (1) prescribe the subject matter of the training which shall
24 include, but need not be limited to, governance responsibilities,
25 ethical standards, due diligence, the requirements of the “Senator
26 Byron M. Baer Open Public Meetings Act,” P.L.1975, c.231
27 (C.10:4-6 et seq.), and P.L.1963, c.73 (C.47:1A-1 et seq.), issues
28 associated with laws on privacy, board member fiduciary
29 responsibilities, and a review of the types of financial,
30 organizational, legal, and regulatory issues that a member of a
31 governing board may be required to consider in the course of
32 discharging the member’s governance responsibilities;
- 33 (2) provide the training directly or arrange for, or specify, the
34 entity or entities to provide the training **¹[**. In the case of a county
35 college, the secretary shall designate the New Jersey Council 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:

¹Assembly AHI committee amendments adopted June 2, 2021.

²Assembly floor amendments adopted June 3, 2021.

1 County Colleges to provide the training^{1 2}. In the case of a county
2 college, the secretary shall designate the New Jersey Council of
3 County Colleges to provide the training²;

4 (3) conduct a periodic review of the prescribed subject matter of
5 the training to insure that the training includes information on
6 relevant changes to State or federal law and other information
7 deemed necessary to enable governing board members to serve
8 effectively;

9 (4) certify completion of the training for each governing board
10 member upon receipt of documentation thereof, as provided on a
11 form and in a manner prescribed by the secretary, or otherwise
12 arrange for certification by the training entity; and

13 (5) take other such actions as the secretary determines
14 appropriate to effectuate the purposes of this act.
15

16 2. Section 17 of P.L.2009, c.308 (C.18A:3B-62) is amended to
17 read as follows:

18 17. A public research university and State college shall provide
19 information, orientation, and training to each of its governing board
20 members on the legal and ethical responsibilities of a member of the
21 governing board. The training provided to governing board
22 members shall be in accordance with the provisions of section 1 of
23 P.L. , c. (C.) (pending before the Legislature as this bill).
24 (cf: P.L.2009, c.308, s.17)
25

26 3. The Secretary of Higher Education shall adopt rules and
27 regulations pursuant to the "Administrative Procedure Act,"
28 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of
29 this act.
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31 4. This act shall take effect on the 180th day after the date of
32 enactment, but the Secretary of Higher Education may take such
33 anticipatory administrative action in advance thereof as shall be
34 necessary for the implementation of this act.
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39 Requires members of governing boards of public institutions of
40 higher education to complete training program developed by
41 institution in consultation with Secretary of Higher Education.