

10:4-12

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2008 **CHAPTER:** 14

NJSA: 10:4-12 (Requires boards of education to permit public participation at board meetings)

BILL NO: A690 (Substituted for S1300)

SPONSOR(S) Spencer and others

DATE INTRODUCED: January 8, 2008

COMMITTEE: **ASSEMBLY:** Education

SENATE: Education

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** February 7, 2008

SENATE: March 17, 2008

DATE OF APPROVAL: April 21, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Original version of bill)

A690

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S1300

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW

P.L. 2008, CHAPTER 14, *approved April 21, 2008*

Assembly, No. 690

1 AN ACT concerning public participation at board of education
2 meetings and amending P.L.1975, c.231.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 7 of P.L.1975, c.231 (C.10:4-12) is amended to read
8 as follows:

9 7. a. Except as provided by subsection b. of this section all
10 meetings of public bodies shall be open to the public at all times.
11 Nothing in this act shall be construed to limit the discretion of a
12 public body to permit, prohibit or regulate the active participation
13 of the public at any meeting, except that a municipal governing
14 body and a board of education shall be required to set aside a
15 portion of every meeting of the municipal governing body or board
16 of education, the length of the portion to be determined by the
17 municipal governing body or board of education, for public
18 comment on any governmental or school district issue that a
19 member of the public feels may be of concern to the residents of the
20 municipality or school district.

21 b. A public body may exclude the public only from that portion
22 of a meeting at which the public body discusses:

23 (1) Any matter which, by express provision of Federal law or
24 State statute or rule of court shall be rendered confidential or
25 excluded from the provisions of subsection a. of this section.

26 (2) Any matter in which the release of information would impair
27 a right to receive funds from the Government of the United States.

28 (3) Any material the disclosure of which constitutes an
29 unwarranted invasion of individual privacy such as any records,
30 data, reports, recommendations, or other personal material of any
31 educational, training, social service, medical, health, custodial,
32 child protection, rehabilitation, legal defense, welfare, housing,
33 relocation, insurance and similar program or institution operated by
34 a public body pertaining to any specific individual admitted to or
35 served by such institution or program, including but not limited to
36 information relative to the individual's personal and family
37 circumstances, and any material pertaining to admission, discharge,
38 treatment, progress or condition of any individual, unless the
39 individual concerned (or, in the case of a minor or incompetent, his
40 guardian) shall request in writing that the same be disclosed
41 publicly.

42 (4) Any collective bargaining agreement, or the terms and

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 conditions which are proposed for inclusion in any collective
2 bargaining agreement, including the negotiation of the terms and
3 conditions thereof with employees or representatives of employees
4 of the public body.

5 (5) Any matter involving the purchase, lease or acquisition of
6 real property with public funds, the setting of banking rates or
7 investment of public funds, where it could adversely affect the
8 public interest if discussion of such matters were disclosed.

9 (6) Any tactics and techniques utilized in protecting the safety
10 and property of the public, provided that their disclosure could
11 impair such protection. Any investigations of violations or possible
12 violations of the law.

13 (7) Any pending or anticipated litigation or contract negotiation
14 other than in subsection b. (4) herein in which the public body is,
15 or may become a party.

16 Any matters falling within the attorney-client privilege, to the
17 extent that confidentiality is required in order for the attorney to
18 exercise his ethical duties as a lawyer.

19 (8) Any matter involving the employment, appointment,
20 termination of employment, terms and conditions of employment,
21 evaluation of the performance of, promotion or disciplining of any
22 specific prospective public officer or employee or current public
23 officer or employee employed or appointed by the public body,
24 unless all the individual employees or appointees whose rights
25 could be adversely affected request in writing that such matter or
26 matters be discussed at a public meeting.

27 (9) Any deliberations of a public body occurring after a public
28 hearing that may result in the imposition of a specific civil penalty
29 upon the responding party or the suspension or loss of a license or
30 permit belonging to the responding party as a result of an act or
31 omission for which the responding party bears responsibility.
32 (cf: P.L.2002, c.80, s.1)

33

34 2. This act shall take effect immediately.

35

36

37

38

39 _____
40 Requires boards of education to permit public participation at
board meetings.

ASSEMBLY, No. 690

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman L. GRACE SPENCER

District 29 (Essex and Union)

SYNOPSIS

Requires boards of education to permit public participation at board meetings.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



A690 SPENCER

2

1 AN ACT concerning public participation at board of education
2 meetings and amending P.L.1975, c.231.

3

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

6

7 1. Section 7 of P.L.1975, c.231 (C.10:4-12) is amended to read
8 as follows:

9 7. a. Except as provided by subsection b. of this section all
10 meetings of public bodies shall be open to the public at all times.
11 Nothing in this act shall be construed to limit the discretion of a
12 public body to permit, prohibit or regulate the active participation
13 of the public at any meeting, except that a municipal governing
14 body and a board of education shall be required to set aside a
15 portion of every meeting of the municipal governing body or board
16 of education, the length of the portion to be determined by the
17 municipal governing body or board of education, for public
18 comment on any governmental or school district issue that a
19 member of the public feels may be of concern to the residents of the
20 municipality or school district.

21 b. A public body may exclude the public only from that portion
22 of a meeting at which the public body discusses:

23 (1) Any matter which, by express provision of Federal law or
24 State statute or rule of court shall be rendered confidential or
25 excluded from the provisions of subsection a. of this section.

26 (2) Any matter in which the release of information would impair
27 a right to receive funds from the Government of the United States.

28 (3) Any material the disclosure of which constitutes an
29 unwarranted invasion of individual privacy such as any records,
30 data, reports, recommendations, or other personal material of any
31 educational, training, social service, medical, health, custodial,
32 child protection, rehabilitation, legal defense, welfare, housing,
33 relocation, insurance and similar program or institution operated by
34 a public body pertaining to any specific individual admitted to or
35 served by such institution or program, including but not limited to
36 information relative to the individual's personal and family
37 circumstances, and any material pertaining to admission, discharge,
38 treatment, progress or condition of any individual, unless the
39 individual concerned (or, in the case of a minor or incompetent, his
40 guardian) shall request in writing that the same be disclosed
41 publicly.

42 (4) Any collective bargaining agreement, or the terms and
43 conditions which are proposed for inclusion in any collective
44 bargaining agreement, including the negotiation of the terms and

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 conditions thereof with employees or representatives of employees
2 of the public body.

3 (5) Any matter involving the purchase, lease or acquisition of
4 real property with public funds, the setting of banking rates or
5 investment of public funds, where it could adversely affect the
6 public interest if discussion of such matters were disclosed.

7 (6) Any tactics and techniques utilized in protecting the safety
8 and property of the public, provided that their disclosure could
9 impair such protection. Any investigations of violations or possible
10 violations of the law.

11 (7) Any pending or anticipated litigation or contract negotiation
12 other than in subsection b. (4) herein in which the public body is,
13 or may become a party.

14 Any matters falling within the attorney-client privilege, to the
15 extent that confidentiality is required in order for the attorney to
16 exercise his ethical duties as a lawyer.

17 (8) Any matter involving the employment, appointment,
18 termination of employment, terms and conditions of employment,
19 evaluation of the performance of, promotion or disciplining of any
20 specific prospective public officer or employee or current public
21 officer or employee employed or appointed by the public body,
22 unless all the individual employees or appointees whose rights
23 could be adversely affected request in writing that such matter or
24 matters be discussed at a public meeting.

25 (9) Any deliberations of a public body occurring after a public
26 hearing that may result in the imposition of a specific civil penalty
27 upon the responding party or the suspension or loss of a license or
28 permit belonging to the responding party as a result of an act or
29 omission for which the responding party bears responsibility.

30 (cf: P.L.2002, c.80, s.1)

31

32 2. This act shall take effect immediately.

33

34

35

STATEMENT

36

37 This bill amends the "Open Public Meetings Act," P.L.1975,
38 c.231 (C.10:4-6 et seq.), to require a board of education to set aside
39 a portion of every board meeting for public comment. The board of
40 education maintains the discretion to set the length of time for the
41 public comment portion of the meeting. Public comment would be
42 permitted on any school district issue of concern to the residents of
43 the district.

44 This bill mirrors the provision of P.L.2002, c.80 which required
45 municipal governing bodies to provide for a period of public
46 comment.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 690

STATE OF NEW JERSEY

DATED: JANUARY 28, 2008

The Assembly Education Committee reports favorably Assembly Bill No. 690.

This bill amends the "Open Public Meetings Act," P.L.1975, c.231, to require a board of education to set aside a portion of every board meeting for public comment. The board of education maintains the discretion to set the length of time for the public comment portion of the meeting. Public comment would be permitted on any school district issue of concern to the residents of the district.

This bill mirrors the provision of P.L.2002, c.80, approved on September 5, 2002, which required municipal governing bodies to provide for a period of public comment.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 690

STATE OF NEW JERSEY

DATED: MARCH 6, 2008

The Senate Education Committee favorably reports Assembly Bill No. 690.

This bill amends the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), to require a board of education to set aside a portion of every board meeting for public comment. The board of education maintains the discretion to set the length of time for the public comment portion of the meeting. Public comment would be permitted on any school district issue of concern to the residents of the district.

This bill mirrors the provision of P.L.2002, c.80, approved on September 5, 2002, which required municipal governing bodies to provide for a period of public comment.

This bill is identical to Senate Bill No. 1300, which also was reported by the committee on this same date.

SENATE, No. 1300

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 21, 2008

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator M. TERESA RUIZ

District 29 (Essex and Union)

Co-Sponsored by:

Senator Gordon

SYNOPSIS

Requires boards of education to permit public participation at board meetings.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/18/2008)

1 AN ACT concerning public participation at board of education
2 meetings and amending P.L.1975, c.231.

3

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

6

7 1. Section 7 of P.L.1975, c.231 (C.10:4-12) is amended to read
8 as follows:

9 7. a. Except as provided by subsection b. of this section all
10 meetings of public bodies shall be open to the public at all times.
11 Nothing in this act shall be construed to limit the discretion of a
12 public body to permit, prohibit or regulate the active participation
13 of the public at any meeting, except that a municipal governing
14 body and a board of education shall be required to set aside a
15 portion of every meeting of the municipal governing body or board
16 of education, the length of the portion to be determined by the
17 municipal governing body or board of education, for public
18 comment on any governmental or school district issue that a
19 member of the public feels may be of concern to the residents of the
20 municipality or school district.

21 b. A public body may exclude the public only from that portion
22 of a meeting at which the public body discusses:

23 (1) Any matter which, by express provision of Federal law or
24 State statute or rule of court shall be rendered confidential or
25 excluded from the provisions of subsection a. of this section.

26 (2) Any matter in which the release of information would impair
27 a right to receive funds from the Government of the United States.

28 (3) Any material the disclosure of which constitutes an
29 unwarranted invasion of individual privacy such as any records,
30 data, reports, recommendations, or other personal material of any
31 educational, training, social service, medical, health, custodial,
32 child protection, rehabilitation, legal defense, welfare, housing,
33 relocation, insurance and similar program or institution operated by
34 a public body pertaining to any specific individual admitted to or
35 served by such institution or program, including but not limited to
36 information relative to the individual's personal and family
37 circumstances, and any material pertaining to admission, discharge,
38 treatment, progress or condition of any individual, unless the
39 individual concerned (or, in the case of a minor or incompetent, his
40 guardian) shall request in writing that the same be disclosed
41 publicly.

42 (4) Any collective bargaining agreement, or the terms and
43 conditions which are proposed for inclusion in any collective
44 bargaining agreement, including the negotiation of the terms and

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 conditions thereof with employees or representatives of employees
2 of the public body.

3 (5) Any matter involving the purchase, lease or acquisition of
4 real property with public funds, the setting of banking rates or
5 investment of public funds, where it could adversely affect the
6 public interest if discussion of such matters were disclosed.

7 (6) Any tactics and techniques utilized in protecting the safety
8 and property of the public, provided that their disclosure could
9 impair such protection. Any investigations of violations or possible
10 violations of the law.

11 (7) Any pending or anticipated litigation or contract negotiation
12 other than in subsection b. (4) herein in which the public body is,
13 or may become a party.

14 Any matters falling within the attorney-client privilege, to the
15 extent that confidentiality is required in order for the attorney to
16 exercise his ethical duties as a lawyer.

17 (8) Any matter involving the employment, appointment,
18 termination of employment, terms and conditions of employment,
19 evaluation of the performance of, promotion or disciplining of any
20 specific prospective public officer or employee or current public
21 officer or employee employed or appointed by the public body,
22 unless all the individual employees or appointees whose rights
23 could be adversely affected request in writing that such matter or
24 matters be discussed at a public meeting.

25 (9) Any deliberations of a public body occurring after a public
26 hearing that may result in the imposition of a specific civil penalty
27 upon the responding party or the suspension or loss of a license or
28 permit belonging to the responding party as a result of an act or
29 omission for which the responding party bears responsibility.

30 (cf: P.L.2002, c.80, s.1)

31

32 2. This act shall take effect immediately.

33

34

35 STATEMENT

36

37 This bill amends the "Open Public Meetings Act," P.L.1975,
38 c.231 (C.10:4-6 et seq.), to require a board of education to set aside
39 a portion of every board meeting for public comment. The board of
40 education maintains the discretion to set the length of time for the
41 public comment portion of the meeting. Public comment would be
42 permitted on any school district issue of concern to the residents of
43 the district.

44 This bill mirrors the provision of P.L.2002, c.80 which required
45 municipal governing bodies to provide for a period of public
46 comment.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1300

STATE OF NEW JERSEY

DATED: MARCH 6, 2008

The Senate Education Committee favorably reports Senate Bill No. 1300.

This bill amends the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), to require a board of education to set aside a portion of every board meeting for public comment. The board of education maintains the discretion to set the length of time for the public comment portion of the meeting. Public comment would be permitted on any school district issue of concern to the residents of the district.

This bill mirrors the provision of P.L.2002, c.80, approved on September 5, 2002, which required municipal governing bodies to provide for a period of public comment.

This bill is identical to Assembly Bill No. 690, which also was reported by the committee on this same date.