

**SENATE, No. 2149**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Senator JOSEPH P. CRYAN**

**District 20 (Union)**

**SYNOPSIS**

Revises training requirements for governing board members of public institutions of higher education.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the members of governing boards of public  
2 institutions of higher education, amending P.L.2021, c.250,  
3 repealing section 17 of P.L.2009, c.308, and supplementing Title  
4 18A of the New Jersey Statutes.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

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9 1. Section 1 of P.L.2021, c.250 (C.18A:3B-6.3) is amended to  
10 read as follows:

11 1. a. As a condition of serving as a member of the governing  
12 board of a public institution of higher education, a person shall be  
13 required to complete a training program developed by **[that**  
14 **institution in consultation with]** the Secretary of Higher Education  
15 that is designed to clarify the roles and duties of a governing board  
16 member.

17 b. The training shall be completed no later than **[one year]** six  
18 months after the date that the person is appointed as a member of  
19 the governing board of a public institution of higher education  
20 **[except that a]** and at least once every two years thereafter. A  
21 person who serves as a member of a governing board prior to the  
22 effective date of [this act] P.L.2021, c.250 shall [not] be required  
23 to complete the training within six months from the effective date  
24 of P.L. , c. (C. ) (pending before the Legislature as this bill).

25 c. The **[institution, in consultation with the]** secretary**[,]** shall:

26 (1) prescribe the subject matter of the training which shall  
27 include, but need not be limited to, governance responsibilities,  
28 ethical standards, due diligence, the requirements of the "Senator  
29 Byron M. Baer Open Public Meetings Act," P.L.1975, c.231  
30 (C.10:4-6 et seq.), and P.L.1963, c.73 (C.47:1A-1 et seq.), issues  
31 associated with laws on privacy, board member fiduciary  
32 responsibilities and the role of the governing board in the financial  
33 management of an institution of higher education, and a review of  
34 the types of financial, organizational, legal, and regulatory issues  
35 that a member of a governing board may be required to consider in  
36 the course of discharging the member's governance responsibilities;

37 (2) **[provide the training directly or]** arrange for **[, or specify,]**  
38 **[the]** an entity or entities to provide the training. In the case of a  
39 county college, the secretary shall designate the New Jersey  
40 Council of County Colleges to provide the training **[;]** in  
41 consultation with the secretary; and;

42 (3) **[conduct a periodic review of the prescribed subject matter**  
43 **of the training to insure that the training includes information on**  
44 **relevant changes to State or federal law and other information**  
45 **deemed necessary to enable governing board members to serve**

**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 effectively; ~~】 (Deleted by amendment, P.L. , c. ) (pending before~~  
2 ~~the Legislature as this bill)~~

3 (4) ~~【certify completion of the training for each governing board~~  
4 ~~member upon receipt of documentation thereof, as provided on a~~  
5 ~~form and in a manner prescribed by the secretary, or otherwise~~  
6 ~~arrange for certification by the training entity; and】 (Deleted by~~  
7 ~~amendment, P.L. , c. ) (pending before the Legislature as this~~  
8 ~~bill)~~

9 (5) take other such actions as the secretary determines  
10 appropriate to effectuate the purposes of this act.

11 d. The institution shall certify completion of the training  
12 required under this section for each governing board member upon  
13 receipt of documentation thereof, as provided on a form and in a  
14 manner prescribed by the secretary.

15 e. The secretary shall provide notification to a governing board  
16 member who has failed to comply with the requirements of this  
17 section and provide the member with a 30-day grace period to fulfill  
18 the outstanding training requirement. Notwithstanding any other  
19 provision of law to the contrary, failure to fulfill the outstanding  
20 training requirement within the 30-day grace period shall constitute  
21 a resignation from the governing board and a vacancy shall be  
22 deemed to exist. The board member shall be disqualified from  
23 being reappointed to the board, or appointed to any other governing  
24 board of a public institution of higher education, for the succeeding  
25 two-year period.

26 (cf: P.L.2021, c.250, s.1)

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28 2. Section 17 of P.L.2009, c.308 (C.18A:3B-62) is repealed.

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30 3. (New section) There is annually appropriated from the  
31 General Fund to the Office of the Secretary of Higher Education the  
32 sum of \$350,000 to effectuate the purposes of P.L. , c. (C. )  
33 (pending before the Legislature as this bill.

34

35 4. This act shall take effect on the 1st day of the seventh month  
36 next following the date of enactment, but the Secretary of Higher  
37 Education may take such anticipatory administrative action in  
38 advance thereof as shall be necessary for the implementation of the  
39 act.

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STATEMENT

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44 This bill makes various changes to the training requirements of  
45 governing board members of public institutions of higher education  
46 and provides for an annual appropriation of \$350,000 from the  
47 General Fund to the Office of the Secretary of Higher Education for  
48 the bill's purposes.

1 Under current law, a newly appointed member of a governing  
2 board of a public institution of higher education is required to  
3 complete training within one year of the member's appointment.  
4 This bill requires that the training be completed within six months  
5 of the member's appointment and further that previously appointed  
6 members who were exempted from the current training requirement  
7 complete the training within six months of this bill's effective date.  
8 All members will be required to complete training every two years  
9 thereafter while serving as a governing board member.

10 Current law generally provides that the subject matter of the  
11 board member training is prescribed by the institutions of higher  
12 education, in consultation with the Secretary of Higher Education.  
13 This bill provides that the secretary is to determine the subject  
14 matter of the training and that the training include the role of the  
15 governing board in the financial management of an institution of  
16 higher education. The bill provides that, in the case of four-year  
17 public institutions of higher education, the secretary will arrange for  
18 the training; current law, by contrast, requires the institution to  
19 arrange for the training. Public institutions of higher education also  
20 would no longer be required to conduct a periodic review of the  
21 training.

22 The bill directs the secretary to provide notification to a  
23 governing board member who has failed to comply with the training  
24 requirement and provide the member with a 30-day grace period to  
25 fulfill the outstanding training requirement. The bill provides that  
26 failure to fulfill the outstanding training requirement within the 30-  
27 day grace period constitutes a resignation from the governing board  
28 and a vacancy will be deemed to exist. Under the bill, the board  
29 member will be disqualified from being reappointed to the board, or  
30 appointed to any other governing board of a public institution of  
31 higher education, for the succeeding two-year period.

32 The bill further repeals a section of law that requires four-year  
33 public institutions of higher education to provide certain  
34 information, orientation, and training to each of its governing board  
35 members. Under the bill, all required training for governing board  
36 members at public institutions of higher education will be arranged  
37 for by the secretary.

38 Finally, the bill provides that \$350,000 will be annually  
39 appropriated from the General Fund to the Office of the Secretary  
40 of Higher Education to effectuate the bill's purposes.