

have at least two members and the county superintendent of the schools of said county on the board of trustees.

L.1967, c. 271, § 18A:64A-8, eff. Jan. 11, 1968. Amended by L.1979, c. 252, § 1, eff. Dec. 20, 1979; L.1981, c. 329, § 2, eff. Dec. 14, 1981; L.1994, c. 48, § 125, eff. July 1, 1994; L.2007, c. 147, § 1, eff. Aug. 21, 2007.

Historical and Statutory Notes

Section 3 of L.2007, c. 147, approved Aug. 21, 2007, provides:

"[Section] 3. This act shall take effect immediately and shall apply to graduating class representatives elected following its enactment."

Executive Orders:

Directs that members of the governing boards of the State Colleges and Universities shall be required to file Conflict of

Interest forms with the State Ethics Commission, as had been required pursuant to Executive Order No. 26, and not the Financial Disclosure Statements. Christie Executive Order No. 64, May 9, 2011, 43 N.J. Reg. 1290(a).

Prior Laws:

N.J.S.A. § 18:21A-41 (L.1966, c. 302, § 41); N.J.S.A. § 18:22-107 (L.1962, c. 41, § 8).

Library References

Education ⇌ 1013.
Westlaw Topic No. 141E.

Notes of Decisions

Appointments 2
Search committees 1

212 N.J.Super. 24, 513 A.2d 365 (A.D. 1986). Education ⇌ 1014

2. Appointments

1. Search committees

Action of County Board of Freeholders, in appointing four members to county community college board of trustees, and having one individual select nominating personnel, did not substantially comply with this section requiring establishment of trustee search committee. Taylor v. Salem County Bd. of Chosen Freeholders,

Member of the County Board of Freeholders who was also county college employee, was disqualified by conflict of interest from voting for the appointment of any trustee to county community college board of trustees. Taylor v. Salem County Bd. of Chosen Freeholders, 212 N.J.Super. 24, 513 A.2d 365 (A.D.1986). Education ⇌ 1014

18A:64A-9. Qualifications of appointed members of boards, terms of office, etc.; filling vacancies; no compensation of members

Appointed members of the board of trustees shall have been residents of the county for a period of four years prior to said appointment, and no elected public official or employee of the county college shall serve as a voting member of the board. The term of office of appointed members, except for the first appointments, shall be for four years. Each member shall serve until his successor shall have been appointed and qualified.

Vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Any appoint-

ed member may be removed by the board of chosen freeholders of the appointing county for cause upon notice and opportunity to be heard. Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

A voting member of a board of trustees shall not be eligible to accept employment as an employee of the college at which he has served as a member of the board for a period of two years following resignation or expiration of his term as a member.

In the case of a county college established by one county, the terms of office of members initially appointed to the board of trustees by the appointing authority of the county shall be as follows: two persons shall receive terms of one year; two, terms of two years; two, terms of three years; and two, terms of four years.

In the case of a county college established by more than one county, the terms of the members initially appointed to the board of trustees shall be fixed so that as nearly as possible, one-quarter of the appointed members will receive terms of four years, one-quarter terms of three years, one-quarter terms of two years and the remainder terms of one year. Such terms shall be allocated by the commission among the participating counties, in accordance with the number of members on the board of trustees apportioned to each county, starting with the terms of four years, by allocating one of such terms to each of the participating counties in alphabetical order of the names of such counties, and continuing, still in such order, with the terms of three years, the terms of two years and the terms of one year.

Members initially appointed to the board may serve from the time of their respective appointments, but the term of such office shall be deemed to commence as of November 1 of the year in which the appointment was made.

L.1967, c. 271, § 18A:64A-9, eff. Jan. 11, 1968. Amended by L.1969, c. 249, § 1, eff. Jan. 7, 1970; L.1981, c. 329, § 3, eff. Dec. 14, 1981; L.1994, c. 48, § 126, eff. July 1, 1994.

Historical and Statutory Notes

Prior Laws:

N.J.S.A. § 18:21A-41 (L.1966, c. 302, § 41); N.J.S.A. § 18:22-108 (L.1962, c. 41, § 9).

Library References

Education ⇌ 1014.
Westlaw Topic No. 141E.

Notes of Decisions

Conflict of interest 1

1. Conflict of interest

Office of trustee of county community college and office of county chosen freeholder are incompatible and, hence, freeholder's appointment to board of trustees was unlawful. *Hollander v. Watson*, 173 N.J.Super. 300, 414 A.2d 275 (A.D.1980). Officers And Public Employees ⇐ 30.1

The offices of trustee of county community college and county chosen freeholder were incompatible, in view of explicit subordination of the college to the freeholders, and therefore, freeholder's appointment to board of trustees was unlawful. *Hollander v. Watson*, 167 N.J.Super. 588, 401 A.2d 560 (Ch.1979), affirmed 173 N.J.Super. 300, 414 A.2d 275. Officers And Public Employees ⇐ 30.1

18A:64A-10. Organization of boards

The board of trustees of a county college shall organize annually in November by the election of a chairman, vice chairman and such other officers as the board shall determine.

L.1967, c. 271, § 18A:64A-10, eff. Jan. 11, 1968. Amended by L.1985, c. 173, § 1, eff. May 31, 1985.

SENATE EDUCATION COMMITTEE STATEMENT

Senate, No. 2199—L.1985, c. 173

* * * * *

The county college trustee boards are statutorily required to reorganize in November of each year. This presents a situation in which an officer of the council elected in June may be displaced in November if he is not reelected or reappointed as chairman of the local board of trustees. Changing the reorganization date to December ensures that the terms of council members will be concurrent with their terms on the trustee boards.

Historical and Statutory Notes

Prior Laws:

N.J.S.A. § 18:22-109 (L.1962, c. 41, § 10).

Library References

Education ⇐ 1015.
Westlaw Topic No. 141E.

18A:64A-11. Boards of trustees; bodies corporate; designation, custody and responsibility for property and management and control of college; annual report

The board of trustees shall be a body corporate and shall be known as the "board of trustees of . . ." (here insert the name of the county college).

The board of trustees shall have custody of and be responsible for the property of the college and shall be responsible for the manage-

ment and control of said college. The board shall make an annual report to the Commission on Higher Education and to the board of chosen freeholders of each participating county.

L.1967, c. 271, § 18A:64A-11, eff. Jan. 11, 1968. Amended by L.1994, c. 48, § 127, eff. July 1, 1994.

Historical and Statutory Notes

Reorganization Plans:

Abolition of the Commission on Higher Education and transfer of the powers, functions and duties to the Secretary of Higher Education and references to the Commission of Higher Education or the Chair shall mean the Secretary of Higher Education, see Reorganization Plan No.

005-2011, set out under N.J.S.A. § 18A:3B-13.

Prior Laws:

N.J.S.A. § 18:21A-4 (L.1966, c. 302, § 4); N.J.S.A. § 18:21A-41 (L.1966, c. 302, § 41); N.J.S.A. § 18:22-110 (L.1962, c. 41, § 11).

Law Review and Journal Commentaries

Scope of negotiations after Dunellen. (1978) 9 Rut.-Cam.L.Rev. 761.

Library References

Education ⇐ 1015.
Westlaw Topic No. 141E.

18A:64A-12. General powers of boards

For the effectuation of the purposes of this chapter, the board of trustees of a county college in addition to such other powers expressly granted to it by law, is hereby granted the following powers:

- a. To adopt or change the name of the county college;
- b. To adopt and use a corporate seal;
- c. To sue and be sued;
- d. To determine the educational curriculum and program of the college consistent with the programmatic mission of the institution or approved by the Commission on Higher Education;
- e. To appoint and fix the compensation and term of office of a president of the college who shall be the executive officer of the college and an ex officio member of the board of trustees;
- f. To appoint, upon nomination of the president, members of the administrative and teaching staffs and fix their compensation and terms of employment subject to the provisions of N.J.S.18A:64A-13;
- g. To appoint or employ, upon nomination of the president, such other officers, agents and employees as may be required to carry out the provisions of this chapter and to fix and determine their qualifications, duties, compensation, terms of office and all other conditions and terms of employment and retention;

h. To fix and determine tuition rates and other fees to be paid by students;

i. To grant diplomas, certificates or degrees;

j. To enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the State or the United States or with any individual, firm or corporation which are deemed necessary or advisable by the board for carrying out the provisions of this chapter;

k. To accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property which the board may use for or in aid of any of its purposes;

l. To acquire (by gift, purchase, condemnation or otherwise), own, lease, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for college purposes;

m. To determine that any property owned by the county college is no longer necessary for college purposes and to sell the same at such price and in such manner and upon such terms and conditions as shall be established by the board;

n. To exercise the right of eminent domain, pursuant to the provisions of Title 20, Eminent Domain, of the Revised Statutes, to acquire any property or interest therein;

o. To make and promulgate such rules and regulations, not inconsistent with the provisions of this chapter or with the rules and regulations promulgated hereunder that are necessary and proper for the administration and operation of a county college and to implement the provisions of this chapter;

p. To exercise all other powers, not inconsistent with the provisions of this chapter or with the rules and regulations promulgated hereunder which may be reasonably necessary or incidental to the establishment, maintenance and operation of a county college; and

q. To establish and maintain a dedicated reserve fund for minor capital needs which in any given year shall not exceed 3% of the replacement value of the college's physical plant.

L.1967, c. 271, § 18A:64A-12, eff. Jan. 11, 1968. Amended by L.1981, c. 329, § 4, eff. Dec. 14, 1981; L.1994, c. 48, § 128, eff. July 1, 1994; L.1999, c. 46, § 41, eff. March 12, 1999.

Historical and Statutory Notes

L.1999, c. 46, § 73, approved Mar. 12, 1999, provides:

"[Section] 73. This act shall take effect immediately, except that sections 1, 18,

19, 27, 29, 31, 32, 46, 47, 52 through 62, and 71 shall take effect on the 45th day after enactment."

Reorganization Plans:

Abolition of the Commission on Higher Education and transfer of the powers, functions and duties to the Secretary of Higher Education and references to the Commission of Higher Education or the

Chair shall mean the Secretary of Higher Education, see Reorganization Plan No. 005-2011, set out under N.J.S.A. § 18A:3B-13.

Prior Laws:

N.J.S.A. § 18:21A-4 (L.1966, c. 302, § 4); N.J.S.A. § 18:22-111 (L.1962, c. 41, § 12).

Cross References

Claims against public entities, see N.J.S.A. § 59:1-1 et seq.
Direct deposit of county college employee's pay into designated bank account, Internet access to accompanying information, W-2 information, see N.J.S.A. § 52:14-15i.

Library References

Education ⇨ 1015.
Westlaw Topic No. 141E.

Research References

Treatises and Practice Aids

41 N.J. Prac. Series § 4.26, Contracting With Counties and Their Agencies, Boards and Authorities--County Colleges.

Notes of Decisions

Actions 4

Discontinuance of employment, officers and employees 2

Immunity from liability, officers and employees 3

Officers and employees 1-3

In general 1

Discontinuance of employment 2

Immunity from liability 3

1. Officers and employees—In general

It is not the function of court to question judgment of board of college trustees as to whether to retain nontenured teacher or to become a super administrator in absence of showing of prima facie neglect on board's part. *Katz v. Board of Trustees of Gloucester County College*, 118 N.J.Super. 398, 288 A.2d 43 (Ch.1972), reversed on other grounds 125 N.J.Super. 248, 310 A.2d 490. Colleges And Universities ⇨ 8.1(6.1)

2. — Discontinuance of employment, officers and employees

It was the prerogative of board of college trustees to discontinue employment of nontenured college instructor at the

end of his teaching contract without statement of reasons or a hearing. *Katz v. Board of Trustees of Gloucester County College*, 118 N.J.Super. 398, 288 A.2d 43 (Ch.1972), reversed 125 N.J.Super. 248, 310 A.2d 490. Education ⇨ 1148(2); Education ⇨ 1148(3)

Individual members of board of college trustees need not make in-depth investigation or possess first-hand knowledge of college teacher's record in determining whether to renew contract. *Katz v. Board of Trustees of Gloucester County College*, 118 N.J.Super. 398, 288 A.2d 43 (Ch.1972), reversed on other grounds 125 N.J.Super. 248, 310 A.2d 490. Colleges And Universities ⇨ 8.1(4.1)

3. — Immunity from liability, officers and employees

In determining whether community college officials were entitled to assert immunity with respect to civil rights action predicated on their dismissal of faculty member, court should have considered whether the officials acted sincerely and with a belief that what they were doing was right and not with malicious intention to cause a deprivation of consti-

tutional rights and should also have considered whether the officials knew or reasonably should have known that the actions would violate clearly established constitutional rights. *Endress v. Brookdale Community College*, 144 N.J.Super. 109, 364 A.2d 1080 (A.D.1976). Civil Rights ⇨ 1376(10)

Members of board of trustees of community college should have known that dismissal of faculty advisor to student newspaper because of editorial written by her would violate faculty member's First Amendment rights so that they were not immune from civil rights action brought by the faculty member. *Endress v. Brookdale Community College*, 144 N.J.Super. 109, 364 A.2d 1080 (A.D. 1976). Civil Rights ⇨ 1376(10)

Law with respect to right of faculty member to hearing before dismissal was such, in 1974, that neither president nor board of trustees of community college should reasonably have known that their action in terminating the teacher, after fully apprising her of the reasons for her termination, but without providing right to a hearing, would violate constitutional right to procedural due process so that president and members of board of trustees were entitled to assert qualified immunity with respect to the teacher's civil rights action. *Endress v. Brookdale Community College*, 144 N.J.Super. 109, 364 A.2d 1080 (A.D.1976). Civil Rights ⇨ 1376(10)

4. Actions

College teacher who successfully brought, in state court, action under fed-

18A:64A-12.1. Repealed by L.1982, c. 189, § 33, eff. Jan. 1, 1983

Historical and Statutory Notes

The repealed section, added by L.1968, c. 402, § 1, related to purchase of certain books, material and supplies without advertisement for bids.

See, N.J.S.A. § 18A:64A-25.3.

18A:64A-13. Teaching staff, employees and administrative officers other than president; rights and privileges

The teaching staff employees and administrative officers other than the president of the county college are hereby held to possess all the rights and privileges of teachers employed by local boards of edu-

eral civil rights statute against community college officials who had discharged her because of her exercise of First Amendment rights was not entitled to recover attorney's fees. *Endress v. Brookdale Community College*, 144 N.J.Super. 109, 364 A.2d 1080 (A.D.1976). Civil Rights ⇨ 1479

Award of \$10,000 to community college teacher who was discharged in violation of First Amendment rights and who presented no specific evidence on mental or emotional distress or humiliation, although some such effect on her could be reasonably inferred, was excessive to the extent that it exceeded \$2,500. *Endress v. Brookdale Community College*, 144 N.J.Super. 109, 364 A.2d 1080 (A.D. 1976). Civil Rights ⇨ 1473

Pretrial settlement, for \$900, of libel and slander counts of complaint brought by former college teacher against college officials, for which the teacher executed a release, was not required to be credited against damages awarded to the teacher, following trial, for violation of federal civil rights statute. *Endress v. Brookdale Community College*, 144 N.J.Super. 109, 364 A.2d 1080 (A.D.1976). Damages ⇨ 63

Award of \$10,000 in exemplary damages to community college teacher whose contract had been terminated because of her exercise of First Amendment rights was excessive to the extent that it exceeded \$2,500. *Endress v. Brookdale Community College*, 144 N.J.Super. 109, 364 A.2d 1080 (A.D.1976). Civil Rights ⇨ 1474(1)

cation. The president and teaching staff members shall be eligible for membership in the teachers' pension and annuity fund.

For the benefit of its other officers and employees, the county college, as a public agency, may elect to participate in the public employees' retirement system.

L.1967, c. 271, § 18A:64A-13, eff. Jan. 11, 1968.

Historical and Statutory Notes

Prior Laws:

N.J.S.A. § 18:22-112 (L.1962, c. 41, § 13).

Cross References

Direct deposit of county college employee's pay into designated bank account, Internet access to accompanying information, W-2 information, see N.J.S.A. § 52:14-15i. Public employees retirement system, see N.J.S.A. § 43:15A-1 et seq. Teachers' Pension and Annuity Fund Law, see N.J.S.A. § 18A:66-1 et seq.

Library References

Education ⇨ 1117, 1136.
Westlaw Topic No. 141E.

18A:64A-13.1. Waiver

Notwithstanding the provisions of any other law to the contrary, a county college that enters into a contract providing group health care benefits to its employees may allow any employee who is eligible for other health care coverage to waive coverage under the county college's plan to which the employee is entitled by virtue of employment with the county college. The waiver shall be in such form as the county college shall prescribe and shall be filed with the county college. In consideration of filing such a waiver, a county college may pay to the employee annually an amount, to be established in the sole discretion of the county college, which shall not exceed 50% of the amount saved by the county college because of the employee's waiver of coverage, and, for a waiver filed on or after the effective date of P.L.2010, c. 2, which shall not exceed 25%, or \$5,000, whichever is less, of the amount saved by the county college because of the employee's waiver of coverage. An employee who waives coverage shall be permitted to resume coverage under the same terms and conditions as apply to initial coverage if the employee ceases to be covered through the other health care coverage for any reason, including, but not limited to, the retirement or death of the employee's spouse or divorce. An employee who resumes coverage shall repay, on a pro rata basis, any amount received which represents an advance payment for a period of time during which cover-