

3230 – Outside Activities (Revised)

4230 – Outside Activities (Revised)

Sections 1 and 4 of the current Guides read as follows:

1. [Teaching (3230) or Support (4230)] staff members are advised to refrain from conduct, associations, and offensive speech that, if given publicity, would tend to have an adverse or harmful effect upon pupils or the school community;

4. [Teaching (3230) or Support (4230)] staff members shall not campaign on school grounds during their work day, send campaign literature home with pupils, or request, direct, or have pupils distribute campaign literature on behalf of any candidate for local, State, or national office or for any bond issue, proposal, or any public question submitted at any general, municipal, or school election;

Section 1 aligns with some recent legal cases regarding staff members posting inappropriate comments regarding their school and students. In *In The Matter of the Tenure Hearing of Jennifer O'Brien, State-Operated School District of the City of Paterson, Passaic County, DKT. NO. 108-5/11, Commissioner of Education, 12 December 2011*, it was determined the teacher's negative postings about her students and the school were not constitutionally protected and the ALJ/Commissioner terminated the tenured teacher for these inappropriate postings. Section 4 aligns with N.J.S.A. 18A:42-4 – Distribution of literature as to candidacy, bond issues, or other public questions to be submitted at election; prohibited.

Recently, a school district's local education association challenged sections 1 and 4 of the school district's Policy 3230. These sections of the district's Policy are consistent with Strauss Esmay's Policy Guide 3230. In light of this challenge, even though the Policy Guide language is consistent with case law and statutes, it is recommended section 1 of the Strauss Esmay Policy Guides be removed and section 4 be revised. These revisions will not impact any Board management rights as these sections were only included in these Policy Guides to provide direction and guidance to protect staff and not to infringe on any staff member's rights. Therefore, Policy Guides 3230 and 4230 have been revised accordingly. A Board wanting to keep these provisions in these Guides may want to review the issue with their Board Attorney. These Policy Guides are not mandated.

3230/4230 – Outside Activities (Revised)

Policy and Regulation Guides 3230 and 4230 – Outside Activities have been updated to address some recent concerns expressed by several school districts. These Guides disclaim the school district's responsibility for any trip not approved by the Board which is sponsored by school district staff members on their own time. Both Guides revise language to prohibit a school staff member devoting time during their workday for any private enterprise, business, or business organization without specific approval of the Superintendent and prohibits campaigning on school grounds during the workday. A school district may revise these Guides as the only provision in the law is the campaign prohibition outlined in N.J.S.A. 18A:42-4.

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4230 OUTSIDE ACTIVITIES

The Board of Education recognizes that support staff members enjoy a private life outside their job responsibilities in the school district. The Board believes that school employees exert a continuing influence away from the school district. Accordingly, the Board reserves the right to determine if activities outside the support staff member's job responsibilities interfere with their performance and the discharge of the support staff member's responsibilities to this district.

All support staff members are advised to be governed in their activities outside the school by the following guidelines:

1. Support staff members shall not devote time during their work day to an outside private enterprise, business, or business organization. They shall not solicit or accept customers for a private enterprise, business, and/or business organization on school grounds during their work day without the express permission of the Superintendent;
2. The Board does not endorse, support, or assume liability in any way for any support staff member of this district who conducts a private activity in which students or employees of this district participate;
3. Support staff members shall not send campaign literature home with students or request, direct or have students distribute campaign literature on behalf of any candidate for local, State, or national office or for any bond issue, proposal, or any public question submitted at any general, municipal, or school election. No student shall be requested or directed by any support staff member to engage in any activity which tends to promote, favor, or oppose any such candidacy, bond issue, proposal, or public question; and



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- 4.. Copyrights and patents to materials or equipment developed, written, prepared, processed, or tested by support staff members in the performance of their school district duties reside with and may be claimed by the Board.

N.J.S.A. 18A:42-4

N.J.S.A. 19:1.1 et seq.

Adopted:

