

## CHAPTER 223

AN ACT establishing a Community Service Phase Two Pilot Enhancement Program in the Department of Education.

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

1. The Legislature finds and declares that:
  - a. P.L.2005, c.220, approved in September of 2005, established a community service pilot program for high school juniors;
  - b. Under the pilot program, the Commissioner of Education selected 30 pilot schools, and high school juniors within those schools completed a minimum of 15 hours of community service during the evenings, on weekends, or during the summer;
  - c. The purpose of the program was to evaluate whether the establishment of a service requirement for high school students would provide young people with an opportunity to help them mature into responsible citizens with strong social and moral values, and to determine the advisability of the pilot program's continuation and expansion to all high schools within the State;
  - d. Students in the pilot districts participated in a wide array of community service activities such as mentoring programs, senior citizen support programs, and environmental awareness programs, and offered their services in diverse settings such as food banks, soup kitchens, nursing homes, and animal welfare shelters;
  - e. The schools that participated in the pilot program acknowledged the positive outcomes of including a service requirement for high school students and identified certain barriers that may have prevented certain pilot schools from implementing the program more successfully;
  - f. On January 14, 2009, the commissioner, in accordance with the requirements of P.L.2005, c.220, issued a report to the Legislature that included recommendations concerning the continuation of a high school service program and possible changes to such a program based on the lessons learned from the initial pilot program; and
  - g. The commissioner's report recommended that prior to expanding a service requirement to all high schools in the State a Community Service Phase Two Pilot Enhancement Program be established specifically geared to reflect suggested modifications based on the experience gained and the data collected from the initial pilot program.
  
2. a. The Commissioner of Education, in consultation with the Secretary of State, shall establish a four-year Community Service Phase Two Pilot Enhancement Program. Under the pilot program, a student who enters grade nine in the 2010-2011 school year in a selected pilot school shall complete a minimum of 20 hours of community service over the four years of high school. The student:
  - (1) may complete the community service requirement during the evenings, on weekends, during the summer, or during school hours. The service activities may take place on or off campus;
  - (2) may complete the community service requirement with a non-profit agency or organization, a public agency or institution, a non-profit or for-profit health care facility, or any other community organization which the commissioner deems appropriate; and
  - (3) shall not receive compensation for community service or substitute employment for the service requirement.
  
- b. The commissioner shall select 15 schools to participate in the pilot program based upon the commissioner's evaluation of the school's ability to successfully implement the

program. In selecting the schools to participate, the commissioner shall include urban and suburban schools, and shall select five schools in each of the northern, central, and southern regions of the State. The board of education of the school district of a selected school may choose not to participate in the pilot program.

The commissioner shall ensure that the program includes a data collection component in order to determine strategies that would be most effective for implementing a Statewide program.

c. The commissioner shall authorize the board of education of a school district in which a selected school is located to exempt a student from all or part of the community service requirement if, in the judgment of the board, the requirement would result in undue hardship for the student. In addition, the commissioner may authorize the board of education to exempt a student who is classified pursuant to chapter 46 of Title 18A of the New Jersey Statutes from all or part of the service required pursuant to the pilot program if, in the judgment of the board, the performance of that service would be inconsistent with the Individual Education Plan of that student.

3. No school district or employee shall be held liable for any good faith act or omission consistent with the provisions of this act. Good faith shall not include willful misconduct, gross negligence, or recklessness.

4. The commissioner shall periodically review the progress of the Community Service Phase Two Pilot Enhancement Program to ensure that the program is achieving the intended goals, and shall report to the Governor and Legislature by December, 2014 on the effectiveness of the pilot program. The report shall include a recommendation on the advisability of the pilot program's continuation and expansion to all high schools within the State.

5. Nothing in this act shall be construed to exempt the agencies, organizations, and institutions which permit high school students to perform community service from complying with child labor laws pursuant to P.L.1940, c.153 (C.34:2-21.1 et seq.).

The commissioner shall consult with the Division of Wage and Hour Compliance in the Department of Labor and Workforce Development to ensure that the pilot program is in compliance with all relevant federal and State child labor laws and regulations.

6. The State Board of Education shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this act.

7. This act shall take effect immediately.

Approved January 16, 2010.