

New Jersey State Commission of Investigation



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SCI FINDS ‘PASS THE TRASH’ LAW INSUFFICIENT, EASILY MANIPULATED

TRENTON – A law intended to stop New Jersey school districts from passing along teachers with documented histories of sexual or child abuse to new schools lacks adequate oversight, uniform application and the accountability needed to make it more effective, the State Commission of Investigation (SCI) found in a report issued today.

When the “Pass the Trash” law was enacted in 2018, it was supposed to end the use of separation agreements and other arrangements between school employees and districts that had enabled some educators to move on to jobs in new districts while keeping their past misdeeds quiet. In addition to banning such confidential agreements, the law also expanded the background checks for new school employees, including

requiring prospective hires to disclose whether they had been the subject of any investigation for sexual misconduct or child abuse at prior school jobs.

The SCI's investigation uncovered manipulation of the law by school employees who had failed to disclose their histories of inappropriate or abusive conduct with students as well as school districts that either disregarded or improperly followed the law's provisions. In some instances, the circumventions of the law enabled school employees to obtain positions in new districts while keeping their questionable histories private.

Further reducing its potential effectiveness, there is no state agency charged with oversight responsibility for the law's obligations, nor is there a statewide, standardized process for collecting, reporting and verifying information concerning school employees with substantiated investigations of sexual misconduct or child abuse. Instead, each of New Jersey's 593 school districts is left to develop its own method for collecting, reporting and verifying the information. An SCI analysis of a sampling of districts' recordkeeping practices found spotty compliance with the law, including missing forms, incomplete information and/or other failures in meeting the basic requirements of the statute.

The SCI recommended closing loopholes in the "Pass the Trash" law, including creating a statewide database to collect information on school employees who have histories of abuse or sexual misconduct with students, as well as developing a mechanism for the State Department of Education to oversee, audit and enforce the law's provisions.

“The common sense reforms proposed by the SCI will go a long way in meeting the law’s overarching goal of keeping New Jersey students safe from sexual predators and abuse by school employees,” said SCI Chair Tiffany Williams Brewer.



The State Commission of Investigation is an independent New Jersey watchdog agency established in 1968 to investigate organized crime and corruption, waste of tax money and other abuses of the public trust. Copies of public reports are available at the Commission’s offices or via its Web site at www.state.nj.us/sci.