

## School Ethics Act (effective April 1992) N.J.S.A. 12-23.1



It is essential that the conduct of members of local boards of education and local administrators hold the respect and confidence of the people.

These board members and administrators must avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated.



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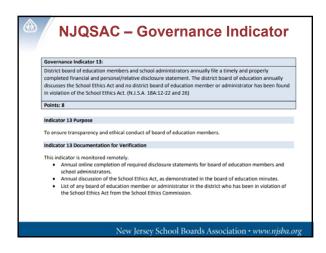
# School Ethics Act (effective April 1992) N.J.S.A. 18A:12-23.1



To ensure and preserve public confidence, school board members and local school administrators should have the benefit of specific standards to guide their conduct and of some disciplinary mechanism to ensure the uniform maintenance of those standards among them.

Provisions of this act also apply to charter school trustees and administrators.

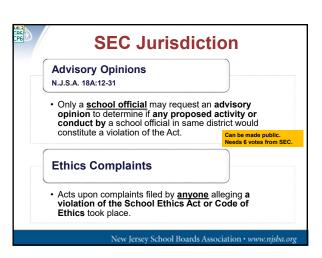
CP9 Charlene Peterson, 12/17/2019











Advisory Opinion A06-19 Only Advisory Opinion issued in 2019
Newly elected board member drives a bus that transports the district's students but is employed by an outside company.  Member has no ownership in the company with no financial benefit other than pay.
Not supervised by district staff but administration can request that a driver be removed from district routes. Driver may have to write a report for student behavior issues and give direction to the district's aides who ride on the bus.
SEC concluded that the member is a private employee of a private company doing their job that includes casual, temporary contact with students and aides over whom there is limited authority.
<ul> <li>Member must refrain from any discussion/vote of transportation services, issues involving the bus company, and issues involving specific students/aides on the route.</li> </ul>

### Slide 8

ML3 I talk about needing 6 votes when I talk about the composition of the SEC on prior page. Move or leave it?

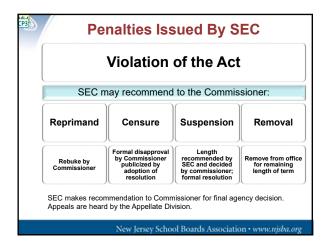
Matthew Lee, 12/11/2019

**CP5** To me makes more sense here since it ONLY applies to Advisory Opinions.

Charlene Peterson, 12/12/2019

Added word "Only" to Advisory Opinion to emphasis that requests are limited to School Officials about the conduct of themselves or other school officials.

Charlene Peterson, 12/14/2019





### Code of Ethics for School Board Members N.J.S.A. 18A:12-24.1, N.J.A.C. 6A:28-6.4(a)(1)

a. I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.

Factual evidence shall include a copy of a final decision from any court of law or administrative agency of this State demonstrating that the respondent(s) failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to schools or that the respondent brought about changes through illegal or unethical procedures

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### Code of Ethics (continued)

b. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.

A decision was willfully made contrary to the educational welfare of children, or deliberate action was taken to obstruct the programs and policies designed to meet the individual needs of all children, regardless of their ability, race, color, creed or social standing.

### Slide 10

ML4 descriptors or comments underneath the other two?

Matthew Lee, 12/11/2019

Definitions taken from administrative code. There is a definition for removal that has been added but CP3

there is not one for suspension

Charlene Peterson, 12/12/2019

### Slide 11

new descriptors are great Matthew Lee, 12/11/2019 ML5



### Code of Ethics (continued)

c. I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

Board action was taken to effectuate policies and plans without consulting those affected by such policies and plans, or action was taken that was unrelated to the respondent's duty to: i. Develop the general rules and principles that guide the management of the school district or charter school; ii. Formulate the programs and methods to effectuate the goals of the school district or charter school; or iii. Ascertain the value or liability of a policy.

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### Code of Ethics (continued)

d. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.

A direct order was given to school personnel or there was direct involvement in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district or charter school.

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### Code of Ethics (continued)

e. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.

Personal promises were made or action taken beyond the scope of his or her duties such that, by its nature, had the potential to compromise the Board.



### Code of Ethics (continued)

f. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends

Action was taken on behalf of, or at the request of, a special interest group or persons organized and voluntarily united in opinion and who adhere to a particular political party or cause; or the schools were used in order to acquire some benefit for the respondent(s), a member of his or her immediate family or a friend.

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### Code of Ethics (continued)

g. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.

Took action to make public, reveal or disclose information that was not public under any laws, regulations or court orders of this State, or information that was otherwise confidential in accordance with board policies, procedures or practices. Inaccuracy of information and evidence that establishes that the inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances must be substantiated.

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### Code of Ethics (continued)

h. I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.

A personnel matter was acted upon without a recommendation of the chief administrative officer.



### Code of Ethics (continued)

i. I will support and protect school personnel in proper performance of their duties.

Deliberate action was taken which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties.

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### Code of Ethics (continued)

j. I will refer all complaints to the chief administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.

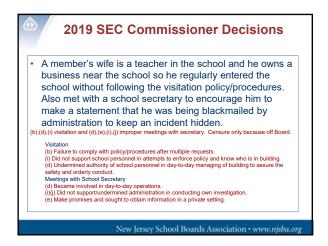
Acted on or attempted to resolve a complaint, or conducted an investigation or inquiry related to a complaint. i. Prior to referral to the chief administrative officer; or ii. At a time or place other than a public meeting and prior to the failure of an administrative solution.

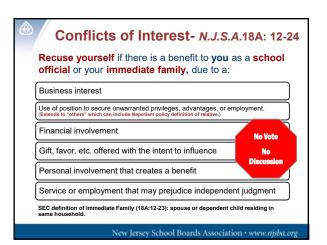
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### **2019 SEC Commissioner Decisions**

- A member shared information about a student discipline incident with his immediate family which was then shared with countless others.
- A member approached a subordinate employee of the CSA to inquire if she would be interested in assuming the position of CSA even though it was not vacant.
- A member attended a local teachers union meeting without board approval and told the teachers that they had the Board's support and the Board was exploring all options to remove the superintendent.
- During a traffic stop, a member presents herself as a board member, indicates her relationship to a local official, and used inappropriate language.









Collective Bargaining A24-17				
Relationship to Board Member	Current Member of a Statewide Public Teachers' Union	Participate in Negotiations Yes or No	Vote to Ratify the Contract Yes or no	
Spouse Dependent Child Child (not dependent) Relative	Works in the District	No	No	
Self Spouse Dependent Child	Works Out-of- District	No	Yes*	
Child (not dependent) Relative	Works Out-of- District	Yes*	Yes*	
ofter Memorandum of Agree	ement, salary quides,		another conflict	

### **Collective Bargaining Other Possible Conflicts** Supervised by employees in the unit

- Not in the unit, but terms of employment linked to unit.
- · Immediate family member/relative has heightened union involvement.

A10-18: Endorsement of a candidate by a local or statewide union does not create a per se future conflict unless a financial contribution is given and is intended to influence the member.



### **Doctrine of Necessity**

The Doctrine of Necessity is only to be invoked when the Board is required to vote on a matter requiring the majority vote of the full membership. Formation of a committee, even if only 1 member is eligible, does not warrant the Doctrine of Necessity because selection of committee members is not a matter required to be voted upon.

Two non-conflicted members may obtain the assistance of CSA, B/A or consultant to help with negotiations



### **Conflicts Knowledge Check**

A relative is an immediate family member.

form a Negotiations Committee.

T or F

The Board may not employ a relative of a board member or chief school administrator.

When a majority of the board members are conflicted, the doctrine of necessity may be invoked so that the Board can

A board member whose wife's aunt is a paraprofessional in the district may not participate in the evaluation of the chief school administrator.

A board member is a teacher in a neighboring district. The member can participate in the negotiations process for the teachers' contract but cannot vote on the final contract.

The assistant superintendent may not evaluate the principal T or F in the building where the asst. supt.'s son is a teacher.

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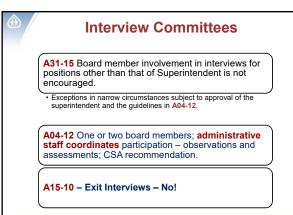


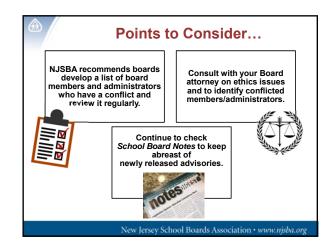
### Volunteerism

School board members are not "banned" from volunteering in the schools in their district, but there are important considerations to make.

- Generally, board members may volunteer for activities that support their children, including holding an executive position with the PTA  $\!\!/$ PTO / HSA.
- HOWEVER, BOE members should refrain from certain activities, based on the degree of involvement with students and/or staff, and the degree to which the school board member has authority to give or receive directions to/from students and/or staff.
- Board members who volunteer in the schools should advise the superintendent of their planned in-school volunteer activity in advance.

# Become familiar with NJ School Ethics Advisory Opinions on volunteerism, e.g., A15-18; A17-15; A24-15; 10-15; A32-14. https://www.nj.gov/education/legal/ethics/index.shtml And ask yourself these questions: 1. Will I be giving directions or orders to staff or students? No 2. Will I need to take orders from staff? No 3. Will I be in the school often? No 4. Will I to ead to take orders from staff? No 5. Will I be handling the school district's money at all? No 6. Will I be the lead or regular volunteer for a school district club, or a coach for a school district activity or sport? No 7. Does the organization for which I am performing the school-based volunteer work (e.g., Girl Scouts, PTO, Rec Commission) have its own bylaws and bank accounts? Yes If your answers are different from any of the answers above, your planned volunteerism is likely at odds with the role of school board member. Talk to your superintendent and request input from the school district's attorney. New Jersey School Boards Association \* www.njsba.org







### In Closing...

"School officials must always be cognizant of their responsibility to protect the public trust, to honor their obligation to serve the interest of the public and Board, and to periodically re-evaluate the existence of potential conflicts."

(A10-18)

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### Links to Commissioner Decisions for Examples Used

### School Ethics Commission website:

https://www.nj.gov/education/legal/commissioner/2016/sep/322-16SEC.pdf

### 2019 Commissioner Decisions:

https://www.ni.gov/education/legal/commissioner/2019/may/152-19SEC.pdf https://www.ni.gov/education/legal/commissioner/2019/sep/228-19SEC.pdf https://www.ni.gov/education/legal/commissioner/2019/oct/273-19ASEC.pdf https://www.ni.gov/education/legal/commissioner/2019/oct/288-19SEC.pdf https://www.ni.gov/education/legal/commissioner/2019/may/153-19SEC.pdf

### **Advisory Opinions**

Link to all Advisory Opinions: https://www.ni.gov/education/legal/ethics/advisory/
Opinions related to Volunteerism: A32-14, A10-15, A17-15, A24-15, A15-18
Opinions related to Interviews: A15-10, A04-12, A31-15

2019 Example in presentation: A06-19

Doctrine of Necessity: A19-17 Union Endorsement: A10-18