



New Jersey School Boards Association

Ethics for School Officials

Presented by:

NJSBA Field Services Representatives

Includes updates from Advisory Opinions through September 2017



School Ethics Act (effective April 1992)

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.

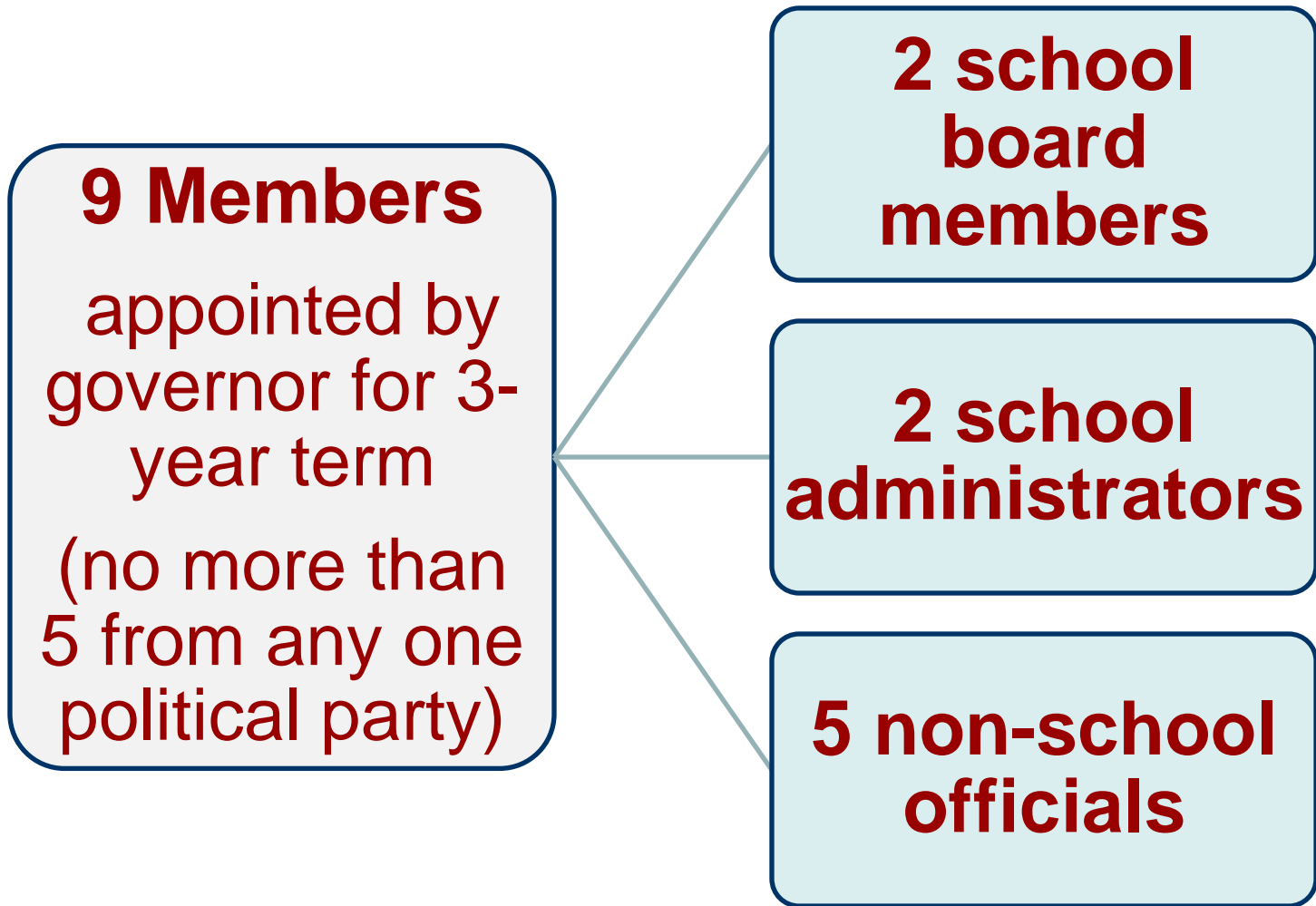


The Act established:

- School Ethics Commission
- Code of Ethics (2001- 9 years later)
- Conflicts of Interest
- Disclosure Statements – employment and financial interests
- Training Requirements for board members



School Ethics Commission (SEC)





SEC Jurisdiction

Advisory Opinions

A school official may request an advisory **opinion** to determine if any **proposed activity or conduct by a school official** would constitute a violation of the Act.

Ethics Complaints

Acts upon complaints filed by anyone alleging a violation of the School Ethics Act or Code of Ethics took place.



Code of Ethics *N.J.S.A. 18A:12-24.1*

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.

Uphold and enforce all laws, state board rules and regulations, court orders and local board policy when making decisions.

DON'T bend the rules, ask others to bend the rules, or think that you can accomplish anything as an individual that compromises the legal guidelines established by the board.



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.

Make decisions in terms of the educational welfare of all children regardless of their ability, race, creed, sex, or social standing.

DON'T base your decisions on special interest agendas or on what is best for your own child.



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.

DON'T become involved in the administration, organization or implementation of the policy and the goals. That's the role of the professional educators.



Hypothetically....

- A board member wants the board to adopt an “opt-out” policy for state assessments including PARCC.
- The Board directing the CSA to develop a process that engages staff, community and parents in a strategic planning initiative?
- A board personnel committee of 3, without consulting and consent of CSA, decides to interview all new teacher candidates.



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.

Your responsibility is to work as a board to see that the schools are well run.

DON'T think that your role is to be involved in the day-to-day running of the schools – that is the administrators' job.



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.

Only the full board has the right to make decisions.

DON'T make personal promises nor take any private action which may compromise the board.



Consider....

- The personnel committee, in response to complaints from parents, sends the elementary school principal a negative evaluation of a 3rd grade teacher, along with a note that they have grave concerns about her.
- A board member visiting schools to check on the technology upgrades?
- A board member creates a Facebook page and invites parents and staff to join and air their concerns and questions about the district. She says this will promote two-way communication with stakeholders.



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.

Make decisions based on district goals and policies.

DON'T be swayed by special interest or partisan political groups.



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.

Insist that the board keep the community informed on the progress and needs of the district. DON'T discuss confidential matters with anyone but the board.



Hypothetically...

- A board member asks to serve as an “advocate” for his brother and sister-in-law when they meet with the child study team to discuss their daughter’s IEP...
- Can a board member represent his/her child’s interest?
- A candidate running for his first term on the board promises in his campaign that he will do everything in his power to have the district start an ice hockey team next year.
- The Board president asking the guidance counselor why her neighbor’s child didn’t get into National Honor Society.



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.

Consider the recommendation of the CSA on all matters pertaining to education.

DON'T undermine a decision of the board. (18A:27-4.1)



Code of Ethics (continued)

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

Support and protect school personnel in proper performance of their duties.

DON'T violate the chain of command or publicly criticize staff members.



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.

***Refer all complaints to the superintendent.
DON'T make any promises to "help" or act on citizen complaints until they reach the board level after failure of an administrative solution.***



Can we do this...?

- A board member's unfriendly neighbor is recommended for a 3rd grade teaching position. This board member votes "no."
- A board member who criticizes the Athletic Director – on the soccer field, to neighbors, at social gatherings or on member's Facebook page...
- The Board's personnel committee sets up a process for teaching staff members to bring issues directly to them to clear the air and improve morale.

**“Just because you can do something...
doesn't mean you should!”**



Conflicts of Interest- *N.J.S.A.18A: 12-24*

Recuse yourself if there is a benefit to you as a school official or a member of your **immediate family** (or others) due to a:

- Business interest
- Use of the position to secure unwarranted privileges
- Financial involvement
- Gift, favor, etc. that was offered with the intent to influence
- Personal involvement that creates a benefit
- Service or employment that may prejudice independent judgment





Nepotism Policy - N.J.A.C. 6A:23A- 6.2

Nepotism regulation definition of Immediate Family Member:

- spouse, child, parent, sibling
- residing in same household
- (no dependency requirement)

In recent advisory opinions the SEC has adopted the Nepotism definition of immediate family members which is more expansive than the SEC definition – spouse or dependent child residing in the same household.



Nepotism Policy

Definition of **relative** is more expansive:

- Spouse/civil union or domestic partner
- Parent/stepparent
- Child/stepchild and son/daughter-in-law
- Siblings, stepbrother/sister, half brother/sister
- Aunt/uncle, niece/nephew
- Grandparent, grandchild

Whether related to individual or spouse/partner by blood, marriage or adoption.

Recent opinions **expanded this definition** to include **“other”** such as **first cousin, co-habiting partner, ex-spouse, etc.**



Nepotism Policy – *N.J.A.C. 6A:23A- 6.2*

- Districts may **not** hire a relative of a board member or chief school administrator (2008 - prior employees grandfathered). Board member must recuse from discussion and abstain from voting.
- CSA may **not** recommend to the board a relative of the board or CSA.
- A district administrator may **not** exercise direct or indirect authority over a relative of the administrator.

Note: There are **Exceptions** that apply



Personnel Issues – CSA/ Supervisor/Principal



Employment matters concerning the CSA or supervisors in the chain of command between the employee and CSA.

School official with **RELATIVE** or “**others**” working in district –

Search, selection or vote for a new superintendent/ administrator/ supervisor.

Vote on motion to advertise for CSA, hiring of selection agency, criteria, job description, search committee, evaluation and contract discussions post hire. No closed session attendance or minutes. A05-15



Personnel Issues CSA/Supervisor/Principal

Relationship to Board Member	Position	Duration of Conflict
Son	Summer student help	Time employed in the district
Spouse	Substitute Teacher	Time employed as substitute

Regarding the Superintendent's employment:

- The Board Member **may not participate** in any:
 - discussion pre- or post-hire
 - aspect of the vetting process, evaluation, contract discussion or vote
 - selection of a committee or firm which will conduct the search for the Superintendent.

A30-14



Collective Bargaining: In-District Relationships

Where Employed	Who is Employed	Participation
<u>In</u> the District	BOE/Admin or their <u>Relative</u> (Nepotism definition + “others”)	<u>Cannot participate on the negotiations team or planning.</u> <u>Cannot vote on the contract.</u>

Connection:

- in the bargaining unit of the contract under negotiations
- supervised by employees in the unit
- not in the unit, but terms of employment linked to unit, *or*
- board member’s endorsement by the union in election immediately preceding negotiations



Collective Bargaining Out-of-District Relationships

Where Employed	Who is Employed	Union	Lives	Participation
Out of District	BOE/Admin or Immediate Family Member (Nepotism definition + "others")	In same or similar statewide union	In Same Household	May not participate in negotiations until MOA attained; After MOA attained, may participate including voting.
Out of District	BOE/Admin or Relative (Nepotism definition + "others")	In same or similar statewide union	Out of Household	May participate in all aspects of negotiations including voting.

Note: **Advisory Opinion A24-17 supersedes all previous Advisory Opinions.**



Relationship	Local Union (in District)	Statewide Union	Negotiate	Ratify MOA	CSA Personnel
Self		Yes*	No	Yes*	Yes*
Spouse	X		No	No	No
Spouse		X	No	Yes*	Yes*
Dependent Child	X		No	No	No
Dependent Child		X	No	Yes*	Yes*
Emancipated Child	X		No	No	No
Emancipated Child		X	Yes*	Yes*	Yes*
Relative	X		No	No	No
Relative		X	Yes*	Yes*	Yes*
<u>*Absent other Conflicts</u>	Note: Table referenced from Advisory Opinion A24-17.				



Volunteerism

Recent Advisory Opinions do not ban in-district volunteering but do place restrictions on contact with students, staff, and parents that is inconsistent with the role of a Board member.

Acceptable: 

- One-time, infrequent, non-executive in-district volunteer activities such as reading to a class on Dr. Seuss Day or chaperoning a class trip.
- Volunteer activities in outside organizations that are self-governing, wholly independent of board member's role and board of education oversight -e.g. education foundations, PTAs, student activity booster clubs, local recreation organizations (**Do have to recuse on voting**)



Volunteerism

Advisory Opinions A32-14, A10-15, A17-15 find the following Board member volunteer actions to be an Ethics **violation**:

- Supervision, management and direction of school personnel and funds
- Regular contact with students, parents and staff
- Active day-to-day presence
- Enmeshed in the building
- E.g. volunteer coaches, volunteer club advisors, volunteer playground aides





Interview Committees

- **A31-15 (1/26/2016)**-The Commission does not encourage Board members involvement in interviews for positions other than that of Superintendent, except the narrow circumstances in which this activity is permissible, all subject to approval of the Superintendent.
- See **A04-12** for further expansion on participation guidelines.



Interview Committees

While participation in interview committees is not encouraged, should the **Board decide** to have an interview committee with Board members, A04-12 provides guidelines:

- **A04-12** (4/17/12) - Board member's participation on interview committee for high level administrative and supervisory positions would not violate the School Ethics Act. One or two board members; administrative staff coordinates participation – observations and assessments; CSA recommendation.

A15-10 – Exit Interviews – No!

N.J.S.A. 18A:12-24.1 (c) (d) “not to administer...”

Retracted A01-15 from public advisory status



Points to Consider...

1. In light of the recent SEC Advisory Opinions, NJSBA recommends boards consider developing **inventory lists of board members and administrators** with their respective relative who are in statewide unions
2. Keep list updated and note areas of conflict i.e. Collective Bargaining; Personnel...
3. Continue to check ***School Board Notes*** to keep abreast of newly released advisories





FINAL SUMMARY- Take away

School Ethics Act outlines the minimum expected (required) behavior of school officials that will promote effective governance and public confidence.