

# New Jersey School Boards Association

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BOARD ETHICS TRAINING



# Board Ethics Training

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- This training is to be used as an aid in satisfying the board's annual ethics training requirements under *N.J.A.C. 6:3-1.3* and *N.J.A.C. 6A:30*.



# DISCLAIMER

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- THIS PRESENTATION **DOES NOT** REPLACE THE INDIVIDUAL ETHICS TRAINING REQUIRED FOR ALL NEW DISTRICT AND CHARTER SCHOOL BOARD MEMBERS/TRUSTEES.
- THIS PRESENTATION IS INTENDED FOR USE AS AN AID FOR THE BOARD AS A WHOLE TO MEET ITS ANNUAL TRAINING REQUIREMENT ONLY AND IS NOT TO BE CONSTRUED AS LEGAL ADVICE.
- FOR SPECIFIC ADVICE, CONSULT YOUR BOARD ATTORNEY.



# Each school board shall:

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- Discuss the School Ethics Act and the Code of Ethics for School Board Members, at a regularly scheduled public meeting annually;
- Adopt policies and procedures regarding the training of district board members/ charter school trustees members in understanding the Code of Ethics; and
- Provide documentation that each member of the district board of education or board of trustees has received and reviewed the Code of Ethics.



# Code of Ethics

## N.J.S.A. 18A:12-24.1

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- 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.
  
- 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.



# Code of Ethics(continued)

## N.J.S.A. 18A:12-24.1

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- 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.
  
- 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.



# Code of Ethics(continued)

## N.J.S.A. 18A:12-24.1

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- 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.
  
- 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.



# Code of Ethics(continued)

## N.J.S.A. 18A:12-24.1

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



# Code of Ethics(continued)

## N.J.S.A. 18A:12-24.1

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

# School Ethics Act N.J.S.A.

## 18A:12-24

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- a. No school official or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;
- b. No school official shall use or attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others.

# School Ethics Act (continued)

## N.J.S.A. 18A:12-24

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- c. No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family;

# School Ethics Act (continued)

## N.J.S.A. 18A:12-24

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- d. No school official shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;

# School Ethics Act (continued)

## N.J.S.A. 18A:12-24

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- e. No school official, or member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the school official has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the school official in the discharge of his official duties;

# School Ethics Act (continued)

## N.J.S.A. 18A:12-24

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- f. No school official shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated;

# School Ethics Act (continued)

## N.J.S.A. 18A:12-24

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- g. No school official or business organization in which he has an interest shall represent any person or party other than the school board or school district in connection with any cause, proceeding, application or other matter pending before the school district in which he serves or in any proceeding involving the school district in which he serves.... This provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities;

# School Ethics Act (continued)

## N.J.S.A. 18A:12-24

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- h. No school official shall be deemed in conflict with these provisions if, by reason of his participation in any matter required to be voted upon, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of that business, profession, occupation or group;

# School Ethics Act (continued)

## N.J.S.A. 18A:12-24

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- i. No elected member shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the member or a member of his immediate family, whether directly or indirectly, in return therefor;

# School Ethics Act (continued)

## N.J.S.A. 18A:12-24

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- j. Nothing shall prohibit any school official, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests.



# Ethics—Common Areas of Concern

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- Financial Involvement—Recuse (excuse) yourself when your immediate family's financial involvement might reasonably be expected to impair your objectivity. Do not discuss or vote on that involvement.
  - Immediate family is defined as spouse or dependent child residing in same household as the board member.



# Ethics—Common Areas of Concern

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- Personal Involvement—Recuse yourself when you or members of your immediate family have a personal involvement that creates some benefit to you or to an immediate family member.



# Ethics—Common Areas of Concern

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- Personnel Appointments
  - Relatives- NO participation, recuse yourself.
  - Related to School Official by Marriage(I.e. in-laws)—get advisory opinion.
  - Professional Services (lawyer, accountant, etc.)—NO participation, if currently receiving services from that professional; otherwise seek advisory opinion.



# Ethics—Common Areas of Concern

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- Personnel Appointments (continued)
  - Political Involvement—If job candidate provided services (example: campaign manager or treasurer) to your campaign, must recuse yourself. If job candidate was merely contributor (and contribution was not given in exchange for appointment), you may participate in appointment.



# Collective Negotiations-In District

## No Participation

- Immediate Family
- Emancipated Child
- Siblings
- Parents

## Seek Advisory Opinion

- Son/daughter-in-law
- Sister/brother-in-law
- Mother/father-in-law



# Collective Negotiations-Out of District

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- Immediate Family Member- Same Statewide Union affiliation
  - Once tentative agreement has been signed, then you may participate and vote on the contract.



# Collective Negotiations-- Endorsements

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- Board members who have been endorsed by the bargaining unit in the year in which negotiations are beginning or ongoing, may not participate in negotiations or vote on the contract.
- Board members endorsed in years prior to start of collective bargaining, may be able to participate in negotiations.



# Ethics—Advisory Opinions

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- Issued by the School Ethics Commission, on request.
- Used for **future or proposed** conduct.
- Based on the specific facts of your situation.
- Issued to the individual; Some opinions are made public when it concerns an issue of importance to all. If made public, individual names are redacted.
- Does not penalize individual because concerns **proposed** conduct, not action already taken.



# Doctrine of Necessity

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- Where so many board members have ethical conflicts that the board cannot function, then a board may use the Doctrine of Necessity which will allow the board to function as if no member had a conflict.
  - Board must pass a resolution invoking doctrine, reasons for it, and the nature of the conflicts.
  - Doctrine allows voting and, in limited circumstances, participation in negotiations.
  - Board must consult with attorney before using Doctrine of Necessity.



# Indemnification

## N.J.S.A. 18A:12-20

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- Boards must cover costs related to defending a board member for an act or omission arising out of his/her official duties as a member of the board.
  - Covers civil and administrative proceedings, win or lose. (example: ethics complaints)
  - Covers criminal or quasi-criminal actions where the result is favorable to the board member.



# Ethics Summary

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- How do ethics affect board members?
  - Questions to think about:
    - Do you have any conflicts that would prevent you from voting or participating in a matter?
    - Have you sought an advisory opinion from the School Ethics Commission?
    - Have you consulted with the board attorney?
    - Are there any matters where the board will have to use the Doctrine of Necessity?
    - **PLAN AHEAD!**



# Where to Get Ethics Help

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- **Your Board Attorney**
- **N.J. School Ethics Commission**  
Lisa James-Beavers, Executive Director, 609-984-6941 or [www.nj.gov/njded/ethics/commission.htm](http://www.nj.gov/njded/ethics/commission.htm)  
(for information on advisory opinions or complaints)



# Where to Get Ethics Help (Continued)

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- **N.J. School Boards Association**
  - Legal Department--(for information on past rulings and advisory opinions) **1-888-886-5722 x. 5254**
  - Policy Department--(for information on ethics policies)  
**1-888-886-5722 x. 5222**
  - Field Services Department--(for direct assistance)  
**1-888-886-5722 x. 5255**