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THE NUTS & BOLTS OF ETHICS FOR SCHOOL OFFICIALS

Mansfield Board of Education
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The School Ethics Act



In our representative form of government, that the conduct of members of local boards of education and local school administrators hold the respect and confidence of the people. The officials must avoid conduct which is in violation of the public trust or which creates a justifiable impression among the public that such trust is being violated.

Why are we discussing Ethics?:

New Jersey Code requires that Board members, “*discuss* annually the School Ethics Act and the Code of Ethics for School Board Members, pursuant to N.J.S.A. 18A:12-21 et seq., at a regularly scheduled public meeting.”

To Whom Does the Act Apply?

- The Act applies to Board members, employees or officers of the NJSBA and school administrators (Supt., BA or Principal)
- The Code of Ethics contained in the Act applies only to Board members.



The School Ethics Act

- Section 1 – The Prohibited Acts: addresses conflicts of interest.

- Section 2 – Code of Ethics:



Code of Ethics Provisions:

I will uphold and enforce all laws, rules and regulations of the State Board of Education as well as all Court Orders pertaining to the schools. §(a)



Code of Ethics Provisions:

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, color, sex or social standing. §(b)

Code of Ethics Provisions:

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. § (c).



Code of Ethics Provisions:

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. §(d).





To prove violation:

One must show that Respondent(s) gave a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district. *NJAC 6A:28-6.4(a)(4)*

SEC found a violation of this section where a board member asked for copies of SAT reports directly from the guidance secretary, inspected lockers in the boys' locker room and instructed staff on the supervision of students. *In the Matter of Lahn, Delsea Bd. of Ed., C25-05 (December 20, 2005)*

Code of Ethics Provisions:

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. §(e).



Code of Ethics Provisions:

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

Code of Ethics Provisions:

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. §(g)



CONFIDENTIAL

Code of Ethics Provisions:

- I will support and protect school personnel in proper performance of their duties. §(i)
- Factual evidence of a violation of this Code provision shall include evidence that the respondent(s) took deliberate action which resulted in *undermining, opposing, compromising or harming* school personnel in the proper performance of their duties.

Code of Ethics Provisions:

I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief school administrator §(h)

Code of Ethics Provisions:

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 §(j)



Who Can File A Complaint?

- Any person may file a complaint alleging a violation of the Act or Code.
- A Board of Education cannot file a complaint, but individual members can do so.
- There is a 6 month statute of limitations for filing complaints.



The School Ethics Commission:



- The SEC is the only entity that can determine whether a school official's conduct violated the Act.
- Any school official may request an advisory opinion from the SEC about his/her own conduct. If the opinion relates to the conduct of another school official, that school official must be copied and may file a response.

Sanctions for Violations of the Act:

- Reprimand;
- Censure;
- Suspension; or
- Removal.



Indemnification:

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

Whenever a civil, administrative, criminal or quasi-criminal action or other legal proceeding has been or shall be brought against any person for any act or omission arising out of and in the course of the performance of his duties as a member of a board of education . . . the board of education shall defray all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, and shall save harmless and protect such person from any financial loss resulting therefrom. (emphasis added)

BOE Member Free Speech Issues:

- Board members have a First Amendment to express themselves, however, according to the Ethics Code, they may not disclose information which is inaccurate, confidential or which has the potential to compromise the Board.
- Members should not publicly criticize the staff.



Free Speech Continued:

- Members shall not represent his/her personal opinion as the position of the Board and shall include in all formal expressions in which his/her Board affiliation is likely to be recognized, such as letters to government officials or newspapers, speeches to organizations, and the like, a statement that he/she is a member of the Board, is speaking as a private citizen and the opinions expressed do not necessarily represent those of the Board. (See Policy 0146, 0169)
- Disclaimer should be utilized.

Sample Disclaimer Language:

THE FOLLOWING STATEMENTS ARE MADE IN MY CAPACITY AS A PRIVATE CITIZEN, AND NOT IN MY CAPACITY AS A BOARD MEMBER. THESE STATEMENTS ARE ALSO NOT REPRESENTATIVE OF THE BOARD OR ITS INDIVIDUAL MEMBERS, AND SOLELY REPRESENT MY OWN PERSONAL OPINIONS.



True or False?

1. A Board member violated (e) of the code when during an executive session, a “heated” discussion ensued among Board members and at some point, during the discussion, Respondent turned to Complainant Moyer and stated, “Do you want to get punched tonight?” When the Complainant asked Respondent if she was threatening her, and Respondent repeated, “Do you want to get punched tonight?”

True
or
False

Lisa-ann Moyer and Venita Prudenti, Complainants v. Harriet Gaddy, Allamuchy Township Board of Education, Warren County, Respondent; C68-22

True or False?

2. A Board member violated section (b) and (e) of the code when, at a board meeting he asked the public to be mindful of the proper decorum following a resident's use of profanity during public comment. The Board member also posted on Facebook, "[s]peaking as a private citizen, it felt like we were transported to Appalachia last night and the local dive bar closed early, so the patrons came to the [B]oard meeting. Everyone should have to wash their hair and jeans before they come up screaming and dropping the f-bomb. It was unsightly and nauseating."

True
Or
False

Kathleen Leonard, Complainant v. Kenneth Chiarella, Monroe Township Board of Education, Middlesex County, C53-22

True or False?

3. A Board member violated section (e) of the Code when he replied to the parent from his official Board email about the information the parent had sent to the Board member. Specifically, the parent expressed concerns about teacher's social media posting showing she was in Cancun, Mexico. The same teacher had previously spoken at a board meeting about how the school staff returning to in-person instruction was not safe. The Board member replied to the parent and stated he was appalled by the teacher's behavior and the parent could expect a proportionate response from the district's administration.

True
Or
False

Rebecca Adams-Paul, Complainant v. Daniel Dilks, Tabernacle Board of Education,
Burlington County, C18-21

True or False?

4. A Board member violated N.J.S.A. 18A:12-24(c) when he entered executive sessions to discuss an OPRA lawsuit against the Board involving a denied OPRA request for documents which specifically implicated the board member in question's official email information

True

Or

False

Laurie Weber, Complainant v. James Morgan, Ridgewood Board of Education,
Bergen County, Respondent, C68-20

True or False?

5. A Board member who is employed in another district (District B) as a bus driver is precluded from being involved in all aspects of contract negotiations with the Bus Driver's Association in District A where he is a board member even though the Board member is a non-dues paying member of the same Association in District B.

True
Or
False

Advisory Opinion A03-22, School Ethics Commission, 04 February 2022.

True or False?

6. A board member violated (b), (c) (d) (e) (g) (h) (i) and (j) of the Code when she “advised” the Superintendent that she should remove the renewal of a non-tenured teaching staff member from the agenda because the Superintendent’s recommendation would not be supported by a majority of the Board.

True
or
False

Rachael Stockton, Complainant v. Maryann Fiel, Highlands Borough Board of Education, Monmouth County, C66-18

True or False?

7. A Board member violated (b) and (f) of the Code when she wore a Pride mask on the school board panel clearly demonstrating her support for the LGBT community. At that particular meeting there were over 300 people in attendance predominantly representing the LGBT community.

True

or

False

Lisa Santangelo and Sandy Ostrander, Complainants v. Noelle O'Donnell,
Hunterdon Central Regional Board of Education, Hunterdon County; C46-22

True or False?

8. The Commission also held that ethics complaint about the Pride mask referenced in the previous slide was a “frivolous complaint” and it assessed a fine against the person filing that the complaint.

True

or

False

Lisa Santangelo and Sandy Ostrander, Complainants v. Noelle O’Donnell, Hunterdon Central Regional Board of Education, Hunterdon County; C46-22

True or False?

9. A Board President violated section (c) of the Code when, at a Board meeting, she accused Complainant of standing outside a board meeting while threatening people. Complainant further alleged that the President comments were untrue, humiliating, and may cause concern with his employer.

True

or

False

Michael Marinelli Complainant v. Christine Dye Cedar Grove Board of Education,
Essex County, C41-21

QUESTIONS?



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