

# School Ethics Training

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# Introduction

- ▶ The professional conduct of New Jersey School Board members is governed by the New Jersey School Ethics Act “Act,” N.J.S.A. 18A:12-24, et seq.
- ▶ The Act is interpreted by The School Ethics Commission
  - ▶ In Advisory Opinions and Decisions

# The New Jersey School Ethics Act

- ▶ Mandates that members of boards of education avoid conduct which violates their public trust or which creates a justifiable impression that the public trust is being violated.
- ▶ Identifies prohibited activities that would be conflicts of interest
- ▶ Includes a code of ethics for school board members

# Guiding Principles & Themes:

- ▶ Role of a Board Member, Administrator, Teacher.
  - ▶ Who does what?
  - ▶ District Goals/Board Goals (looking ahead)
  - ▶ Order and Business of Public Meetings
- ▶ How does the law impact how a Board Member governs?
  - ▶ How much authority do Board Members have on how schools are run?
  - ▶ Open Public Meetings Act ("OPMA")/Open Public Records Act ("OPRA")
  - ▶ Family Educational Rights and Privacy Act ("FERPA") & NJ Pupil Records Act
- ▶ What is the chain of command within a public school system?

# Part 1: Prohibited Acts

As set forth in N.J.S.A. 18A:12-24 (a) - (k)

# Part 1: PROHIBITED ACTS

- 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.
- 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 family.
- 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.

# PROHIBITED ACTS (cont.)

e) **No** school official, or member of his immediate family, or business organization in which he had an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or 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.

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.

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 or, for officers or employees of the New Jersey School Boards Association, any school district. This provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities.

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.

# PROHIBITED ACTS (cont.)

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 therefore.*

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.*

k) *Employees of the New Jersey School Boards Association shall not be precluded from providing assistance, in the normal course of their duties, to boards of education in the negotiation of a collective bargaining agreement regardless of whether a member of their immediate family is a member of, or covered by, a collective bargaining agreement negotiated by a Statewide union with which a board of education is negotiating.*

# Part 2: Code of Ethics for School Board Members

As set forth in N.J.S.A. 18A:12-24.1 (a) - (j)

## Part 2: Code of Ethics for School Board Members

- 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.
- 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.
- 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.

## Code of Ethics for School Board Members (Cont.)

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.

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.

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

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

# Questions?