

ETHICS FOR BOARD MEMBERS

Nutley Board of Education
March 18, 2019

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The School Ethics Act

In our representative form of government it is essential 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.

To Whom Does the Act Apply?

- The Act applies to Board members, employees or officers of the NJSBA and school administrators
- 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:**



Pertinent Code 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).
- 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).
- 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).
- I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. §(g)
- I will support and protect school personnel in proper performance of their duties. §(i)
- 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.





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.
- 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).

QUIZ

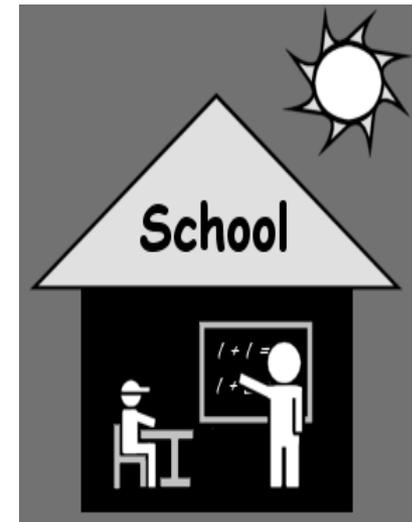
1. It is a violation of the Act for a board member to also serve as an executive officer of the PTA or any other PTA executive officer position.

True

Or

False

A15-18 (2018)



QUIZ

- 2. A Board member whose father is the varsity golf coach and whose mother is the school nurse cannot participate in the evaluations, personnel actions and/or decisions regarding individuals who are in a direct reporting relationship to the member's parents, up to and including the Superintendent

True

Or

False

QUIZ

3. A back-and-forth email discussion between four (4) members of nine member (9) board regarding their technology committee may constitute a “meeting” under the OPMA which would have to be advertised to the public.



True
Or
False

QUIZ

4. A board member who is currently a member of the NJEA in another district can vote on the final contract with the local association once there is a memorandum of agreement and salary guides have been developed.



True

Or

False

QUIZ

5. A Board member with a relative in the NJEA in another school district may fully participate in negotiations *unless* the relative is a leader in that district's union affiliate or a member of the negotiations team for that union.

True
Or
False



A16-16; A24-17

QUIZ

6. Individual Board members cannot issue Rice notices. Rather, that authority lies in the hands of the Board President (for Ricing the Supt.), the Superintendent or the majority of the full membership of the Board.

True

Or

False



Persi v. Woska (March 2017)

True or False?

7. A Board member would violate the Code of Ethics for Board members by actively participating in initial interviews for staff members.

True
or
False



A31-15

QUIZ

8. A board which has six out of eight members who are conflicted on voting on an issue must invoke the Doctrine of Necessity to allow the entire board to vote.

True
Or
False



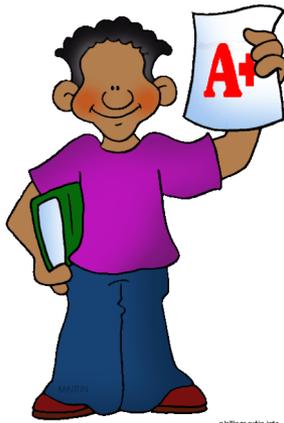
QUIZ

9. A board member who also happens to a senior student in the District may participate in personnel discussions and student matters.

True

Or

False



Advisory Opinion 36-17 (2018)

QUESTIONS?



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