

THE NUTS & BOLTS OF ETHICS FOR SCHOOL OFFICIALS

Sparta Board of Education

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Presented By

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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 (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).



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)



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 support and protect school personnel in proper performance of their duties. §(i)
- To prove a violation one would have to show that a board member 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 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.
- 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.



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)
- 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 sections (d) & (e) of the Code when she emailed the chorus teacher from her private email and texted her asking her why the choir and band were not participating in UNICO's (Italian American Service Organization) Columbus day event. The Board member was a member of UNICO. The teacher responded that the school Principal said they would not be able to participate. The member then proceeded to interrogate the teacher about the Principal's directive.

True

-or-

False?

Giannakis et al. v. Boyle, S. Plainfield Bd. of Ed., Dkt. C86-21
(9/26/23)

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True or False?

2. A Board member violated N.J.S.A. 18A:12-24(b) & (c) of the Ethics Act when she attended an executive session of the Board while her husband's candidacy for an open Board seat was discussed?

True

-or-

False?

I/M/O Mastrofilipo, Lodi Bd. of Ed., Dkt. NO. C87-21 (Nov. 28, 2023)

True or False?

3. A board member violated sections (e) & (g) of the Code when he forwarded the Superintendent's email to the Board to the Town Council/Mayor. In those emails the Superintendent informed the Board that the NFL was seeking approval to film an event at the school's football stadium. The matter was not public and the matter was still under deliberation by the Board.

True

-or-

False?

Tarver v. Wingfield, Orange Bd. of Ed, Dkt. C98-21 (9/26/23)

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True or False?

4. A board member who is a teacher in another school district and a member of the NJEA can participate in negotiations with the teachers in the district where he is a board member once there is a memorandum of agreement with salary guides.

True

-or-

False?

Public Advisory A34-07 (2007)

True or False?

5. A board member violated sections (c) & (e) of the Act when she emailed vendors falsely claiming she was reaching out on behalf of the Board and then requested price quotes for Chromebook devices. She also contacted the BA's from neighboring districts stating she was a member of the Board and asking to know about their experiences with Chromebook devices.

True
-or -
False?

Argenziano v. Fable, Northern Valley Reg. Bd. of Ed., Dkt. No. C20-20 (July 25, 2023).

True or False?

6.A Board member whose spouse is a member of the Borough Council would violate the (c) Act if she were to vote on the shared services agreement between the Board and the Township to employ a School Resource Officer to serve the District.

True

-or -

False?

Public Advisory A02-23 (2023)

True or False?

7. A board member violated sections (a)(d) and/or (f) of the Code when the Board member, along with three other unnamed Board members, voted “no” on a motion to approve the health and physical education curriculum resulting in a tie and the motion failed to carry, thereby leaving the district out-of-compliance with the New Jersey Student Learning Standards (NJSLS).

True

-or -

False?

Doss v. Croson, Jr., Warren Township Bd. of Ed., Dkt. No. C87-22 (January 31, 2023).

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True or False?

8. BOE member violated the Code of Ethics when he commented on his Facebook page, “Now if we could do something about our local terrorist that destroys dreams and burns futures!” The Superintendent’s picture was linked to the posting.

True
or
False?

Bey v. Brown, Camden BOE, C25-11



QUESTIONS?



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