



New Jersey School Boards Association

An Overview of Board Ethics and Roles



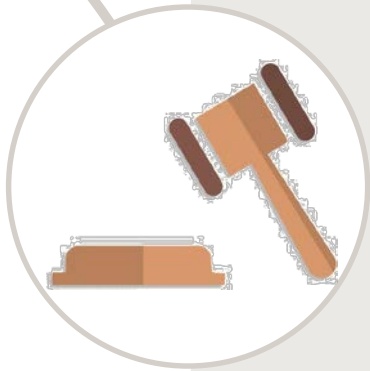
Presented by:

Charlene Peterson, NJSBA Field Service Representative



School Ethics Act

N.J.S.A. 12-23.1 (effective April 1992)



It is essential that the conduct of members of local boards of education and local administrators hold the **respect** and **confidence** of the people.

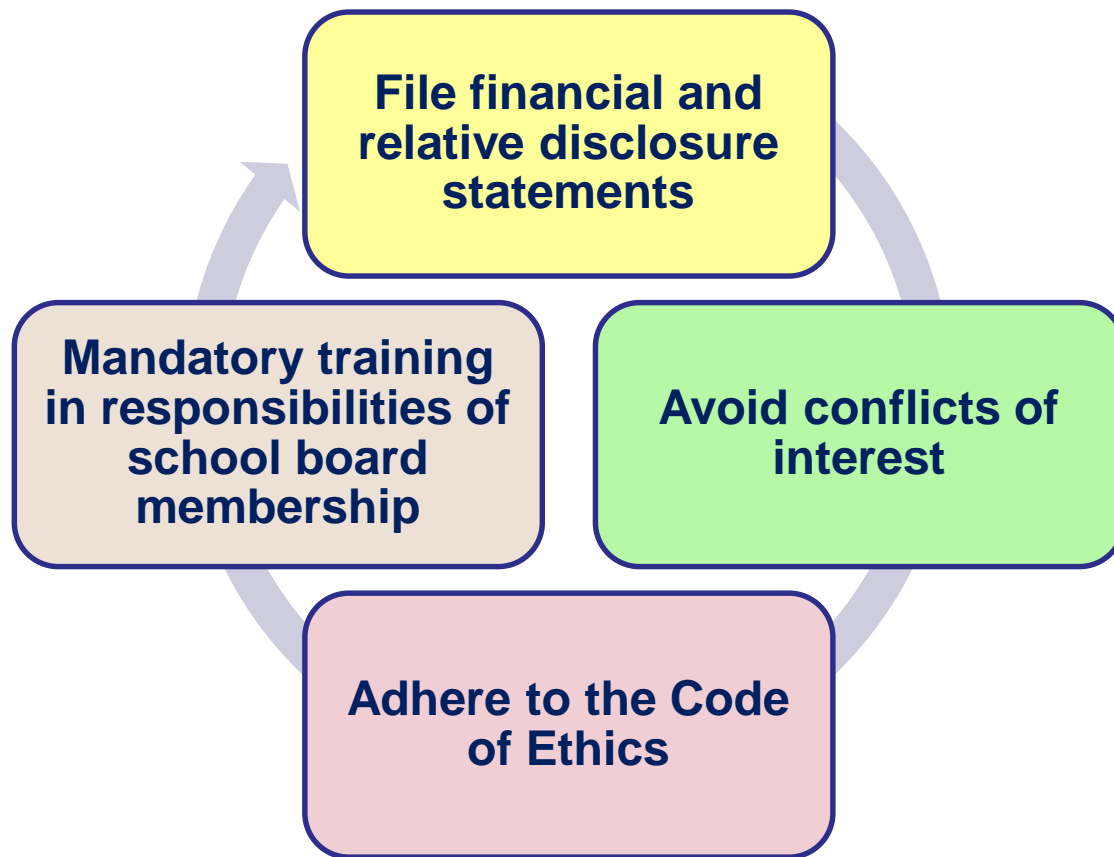


These board members and administrators must **avoid conduct** which is in **violation of their public trust** or which creates a **justifiable impression** among the public that such trust is being violated.



Components of School Ethics Act

As a public official, a board member has responsibilities to the public that must be adhered to even when acting as a parent or private citizen.





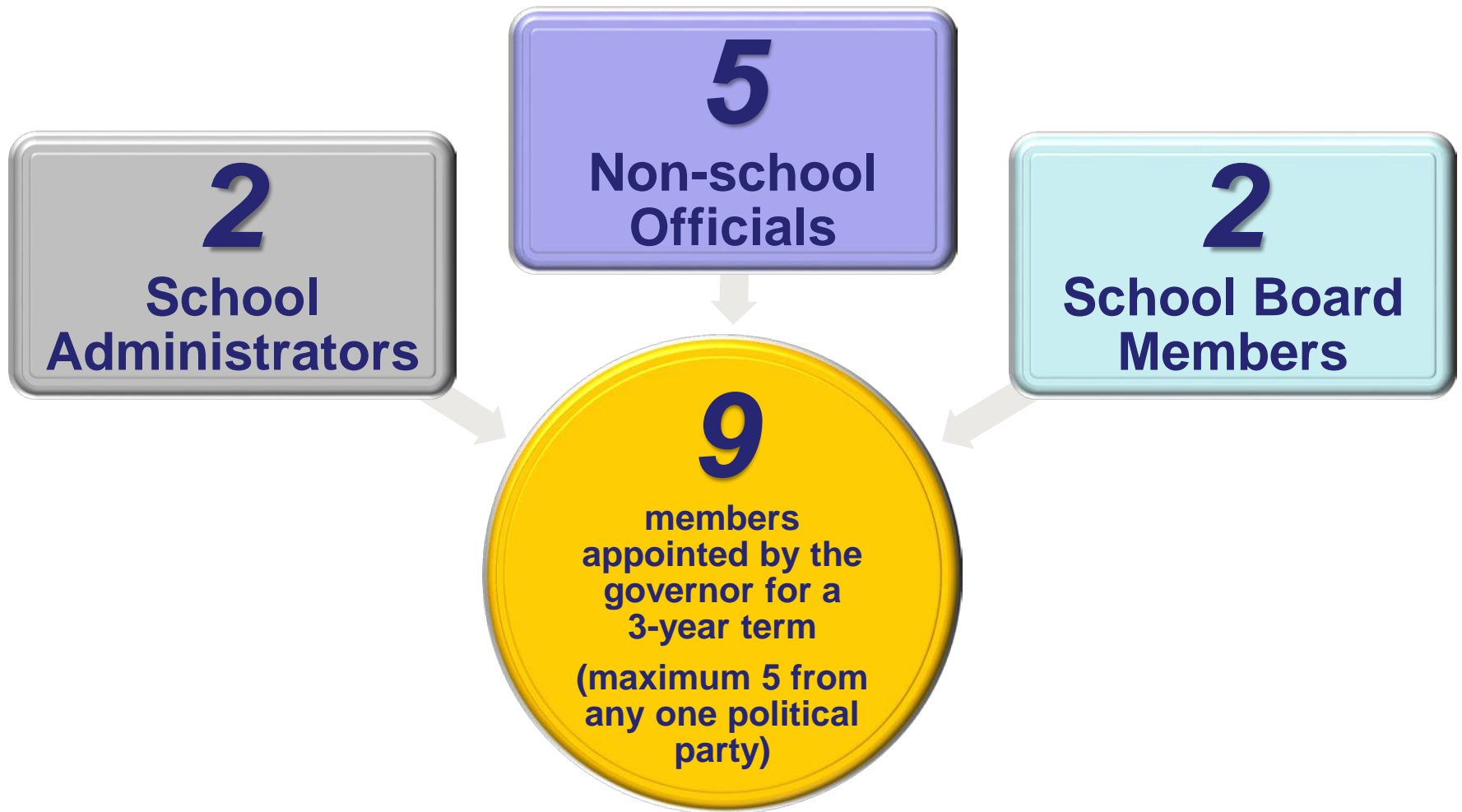
Mandatory Training Requirements

When Must Complete Training	Training Required	Topic(s)
1st year of 1st term	Governance I	New Board Member Orientation. Includes required training on HIB & CSA Evaluation
2nd year of 1st term	Governance II	Finances
3rd year of 1st term	Governance III	Student Achievement
Year following every re-election or re-appointment	Governance IV	Legal Updates

How to complete training: online, in-person (prior to COVID), two weekend options for Gov I (prior to COVID), & at NJSBA's Workshop



School Ethics Commission (SEC)





SEC Jurisdiction

Advisory Opinions

N.J.S.A. 18A:12-31

- Only a **school official** may request an **advisory opinion** to determine if **any proposed activity or conduct** by a school official in same district would constitute a violation of the Act.

Can be made public.
Needs 6 votes from SEC.

Ethics Complaints

- Acts upon complaints filed by **anyone** alleging a **violation of the School Ethics Act or Code of Ethics** took place.



Penalties Recommended by SEC

Violation of the Act

SEC may recommend to the Commissioner:

Reprimand

Censure

Suspension

Removal

**Rebuke by
Commissioner**

**Formal
disapproval by
Commissioner
publicized by
adoption of
resolution**

**Length
recommended
by SEC and
decided by
commissioner;
formal
resolution**

**Removal from
office for
remaining
length of term**

SEC makes recommendation to Commissioner for final agency decision.
Appeals are heard by the Appellate Division.



2020 Cases Considered by SEC

Advisory Opinions Drafted (21)

1 advisory
opinion that was
made public

Mandatory Training Violations (22 cases)

Removal –
8 members

Suspension –
4 members for
30 days each

Reprimand –
10 members

School Ethics Violations (28)

24 dismissed

4 cases
recommended to
Commissioner.
Discussed later in
this presentation.



Advisory Opinion A13-20

Only Public Advisory Opinion in 2020

- Superintendent's sister-in-law (brother's wife), a lunch aide in the district (hired before superintendent), was selected by the principals as the finalist for a secretarial position.
 - Superintendent asked SEC if it was fair to prohibit a qualified and vetted employee to move into another role only because her brother-in-law is the superintendent?
-
- SEC advised that if the superintendent recommended his sister-in-law for a promotion he would violate N.J.S.A. 18A: 12-24 (b) and/or (c). The public would reasonably perceive this action was securing an unwarranted privilege, advantage or employment for an "other" and would leave a justifiable impression that public trust was being violated.
 - Superintendent must also recuse himself from any discussion on sister-in-law's employment as a lunch aide.



Code of Ethics for School Board Members

N.J.S.A. 18A:12-24.1, N.J.A.C. 6A:28-6.4(a)(1)

- 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.

Standards

Factual evidence shall include a copy of a final decision from any court of law or administrative agency of this State demonstrating that the respondent(s) failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to schools or that the respondent brought about changes through illegal or unethical procedures



Code of Ethics (continued)

- 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.

Standards

A decision was willfully made contrary to the educational welfare of children, or deliberate action was taken to obstruct the programs and policies designed to meet the individual needs of all children, regardless of their ability, race, color, creed or social standing.



Code of Ethics (continued)

- 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.

Standards

Board action was taken to effectuate policies and plans without consulting those affected by such policies and plans, or action was taken that was unrelated to the respondent's duty to:

- i. Develop the general rules and principles that guide the management of the school district or charter school;
- ii. Formulate the programs and methods to effectuate the goals of the school district or charter school; or
- iii. Ascertain the value or liability of a policy.



Code of Ethics (continued)

- 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.

Standards

A direct order was given to school personnel or there was direct involvement in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district or charter school.



Code of Ethics (continued)

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.

Standards

Personal promises were made or action taken beyond the scope of his or her duties such that, by its nature, had the potential to compromise the Board.



Code of Ethics (continued)

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.

Standards

Action was taken on behalf of, or at the request of, a special interest group or persons organized and voluntarily united in opinion and who adhere to a particular political party or cause; or the schools were used in order to acquire some benefit for the respondent(s), a member of his or her immediate family or a friend.



Code of Ethics (continued)

- 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.

Standards

Took action to make public, reveal or disclose information that was not public under any laws, regulations or court orders of this State, or information that was otherwise confidential in accordance with board policies, procedures or practices. Inaccuracy of information and evidence that establishes that the inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances must be substantiated.



Code of Ethics (continued)

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

Standards

A personnel matter was acted upon without a recommendation of the chief administrative officer.



Code of Ethics (continued)

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

Standards

Deliberate action was taken which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties.



Code of Ethics (continued)

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.

Standards

Acted on or attempted to resolve a complaint, or conducted an investigation or inquiry related to a complaint: i. Prior to referral to the chief administrative officer; or ii. At a time or place other than a public meeting and prior to the failure of an administrative solution.



2020 SEC/Commissioner Decisions

- There was a nearby hostage situation considered far enough away that local law enforcement advised the superintendent to keep the schools open. A teacher, who was also a parent in the district, disagreed and complained to the school her kids attended. The teacher wrote a letter to the full Board that the superintendent then called her out of her classroom to express his offense at her questioning his authority.
- The Board met in Executive Session to discuss the letter and agreed on a response the Board president would email to the teacher/parent.
- The teacher/parent responded to the Board President's email and cc'd the other board members.
- A member of the Board, intending to converse with his fellow board members, hit "Reply All," inadvertently also including the teacher in his response which disclosed information from the Board's earlier Executive Session discussion.

Violated (g) Confidentiality and potential to violate OPMA. Penalty recommended by SEC: Reprimand. (Commissioner's decision not available yet.)



2020 SEC/Commission Decision

- During negotiations, a board member repeatedly posted negative content on his blog about a teacher. The blog overstated the teacher's salary by \$20,000, questioned her credentials, implied she received the job through patronage, and referenced her in a negative manner. The board member used the required disclaimer before posting content.

Violation N.J.S.A. 18A: 12-24.1 (c), (e), (i). Penalty: 6-month suspension.

(c) The gross misrepresentations in the post were meant to interfere with negotiations and “framed policies and plans” before the Board “consulted those will be affected by them.” (e) A board member smearing and verbally attacking a staff member in a publicly accessible forum diminishes the Board’s integrity and may intimidate the public to address the Board.

(i) Harmed the staff member’s ability to properly teach and perform obligations.



2020 SEC/Commissioner Decisions

- A board member shared with the Curriculum Committee that he had a connection with a potential vendor that offered coding programs to schools.
- The potential vendor made a presentation to the committee and offered an all-expenses-paid conference in Arizona to the group to learn more about the program.
- The superintendent made it clear that the staff were not attending but the Board member went.

Violation N.J.S.A. 18A: 12-24.1 (c), (e), (f). Penalty: 6-month suspension. (SEC recommended removal as deterrent)
(c) Took action unrelated to duties. No reason for a board member to take an all-expenses-paid trip to a conference to learn about a product/program. (e) Actions could have compromised the Board's ability to contract with this vendor and the public's opinion of the Board's integrity. (f) Used position to gain benefit for self - a free out-of-state trip.



Conflicts of Interest- N.J.S.A.18A: 12-24

Recuse yourself if there is a benefit to **you** as a **school official** or your **immediate family**, due to a:

Business interest

Use of position to secure unwarranted privileges, advantages, or employment.
(Extends to “others” which can include Nepotism policy definition of relative.)

Financial involvement

Gift, favor, etc. offered with the intent to influence

Personal involvement that creates a benefit

Service or employment that may prejudice independent judgment

SEC definition of Immediate Family (18A:12-23): spouse or dependent child residing in same household.





Who Qualifies as a Relative?

N.J.A.C. 6A:23A-1.2

Accountability Regulation Definition*

**Spouse/civil union
or domestic
partner**

Parent/stepparent

**Child/stepchild
and son/daughter-
in-law**

**Grandparent,
grandchild**

**Siblings,
stepbrother/sister,
half brother/sister**

**Aunt/uncle,
niece/nephew**

* **Whether related to school official or spouse/partner** by blood, marriage or adoption.



Hiring/Personnel

May not hire a relative of a board member or chief school administrator.

(May be exceptions)

If the relative already works in the district:

An administrator may not exercise direct or indirect authority over a relative of the administrator.

A board member may not take part in employment matters concerning the CSA or supervisors in the chain of command between the relative and the CSA.

A board member may not take part in the search, selection, or vote to hire a new CSA, and post-hire evaluations and contract discussions.





Collective Bargaining

A24-17

Relationship to Board Member	Current Member of a Statewide Public Teachers' Union	Participate in Negotiations Yes or No	Vote to Ratify the Contract Yes or no
Spouse Dependent Child Child (not dependent) Relative	Works in the District	No	No
Self Spouse Dependent Child	Works Out-of-District	No	Yes* **
Child (not dependent) Relative	Works Out-of-District	Yes*	Yes*

* Absent another conflict

** After Memorandum of Agreement, salary guides, total compensation package attained.



Social Media Guidance from SEC

A02-06 and A03-07



Identify title as Board member.



Indicate that content not authorized by nor on behalf of Board.



No confidential information.

Must be accurate.

Ensure private action does not compromise Board.



Before You Volunteer In School...

Become familiar with NJ School Ethics Advisory Opinions on volunteerism, e.g., A15-18; A17-15; A24-15; A32-14.

<https://www.nj.gov/education/legal/ethics/index.shtml>

And ask yourself these questions:

1. Will I be giving directions or orders to staff or students? **No**
2. Will I need to take orders from staff? **No**
3. Will I be in the school often? **No**
4. Will it seem to visitors that I work in the school? (i.e., “enmeshed in the building”) **No**
5. Will I be handling the school district’s money at all? **No**
6. Will I be the lead or regular volunteer for a school district club, or a coach for a school district activity or sport? **No**
7. Does the organization for which I am performing the school-based volunteer work (e.g., Girl Scouts, PTO, Rec Commission) have its own bylaws and bank accounts? **Yes**

If your answers are different from any of the answers above, your planned volunteerism is likely at odds with the role of school board member. Talk to your superintendent and request input from the school district’s attorney.



Roles & Responsibilities

KNOW YOUR
ROLE



- **Board**
- **Individual Member**
- **Board/CSA**



Overview of Roles

Governance

comes from Greek word meaning
“to steer a ship.”



Governance is steering



Management is rowing



Overview of Roles

Board

High-level view as seen through telescope



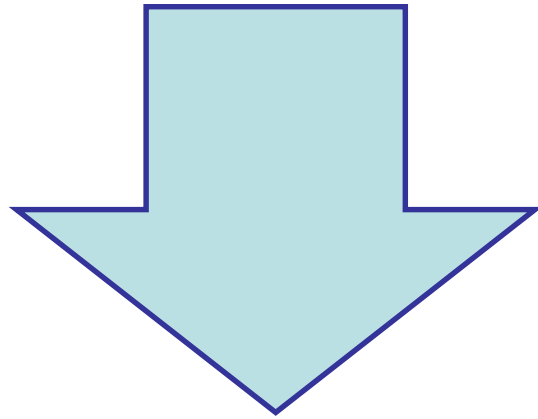
Administration

Up-close detailed view as seen through microscope





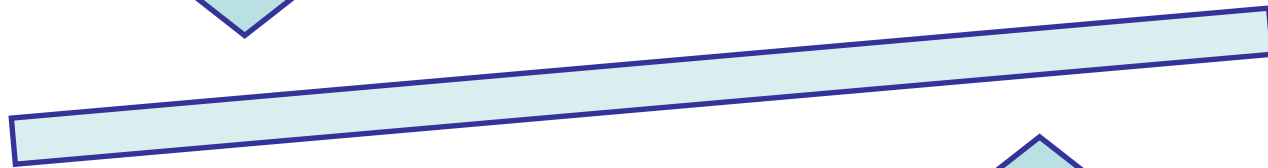
Overview of Roles – Board/Chief School Administrator



BOARD

Oversees that schools are well run.

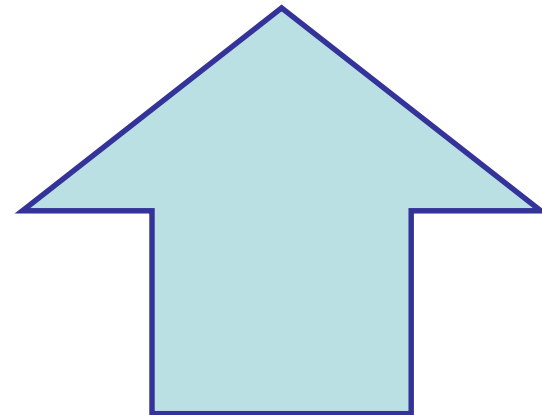
WHAT



CSA

Runs the schools.

HOW





Overview of Roles

**LET THERE BE
LIGHT!**

How many board
members does it
take to screw in
a light bulb?





... None

- It is up to the Board to say “let there be light.”
- It is up to the CSA to decide if it will be incandescent, florescent, candle, solar, etc.
- Then it is up to the Board to approve the purchase of the light bulbs and evaluate the quality of light.



Role of the Board

What you will hear over and over during your time as a board member:



The role of a Board of Education is not to run the schools, but to see that they are well run.



Functions of the Board of Education

4 Functions of a Board of Education

Guidance through Policy development

Planning

Set clear expectations for success that includes a guiding mission and vision, and long and short-term goals.

Oversight and Appraisal

Evaluate the CSA and hold them accountable, monitor the effectiveness of policies, and assess student achievement results

Provide for 2-way communication between the community and the district.



Individual Board Members

A board member's power lies with the group.

Individual board members have no legal status other than that of any citizen, except when sitting with fellow board members in a legally constituted meeting.

As individuals, a single board member cannot:

- Make decisions for the Board
- Take actions for the Board or
- Speak for the Board – both verbally and written, unless the Board has authorized them to do so.



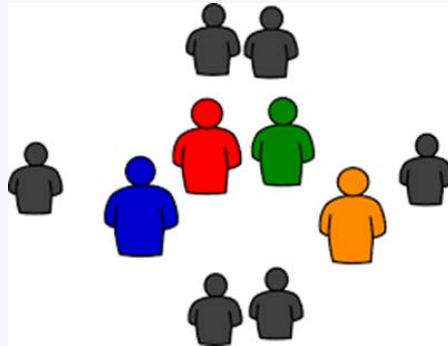
Board's govern – not individual trustees.



Governance Choice – a Fork in a Board's Road

You are selected as an individual, but you must govern as a member of a team. You didn't get to pick the team; you may not even like everyone on the team, but it's your team now and it wins or loses for children as a team. If the board succeeds, you succeed; if the board fails, you fail.

A fundamental choice for any Board is how as they group they choose to govern within that team.



As a collection of individuals each with own agenda



OR



As a cohesive unified team working toward a common vision?



Board Roles Summary

- 4 Functions: Policy, Planning, Oversight & Appraisal, and Two-Way Communication
- Respect the “What” and the “How”
- Board of Education – a Team Sport!
- Communicate, communicate, communicate



Superintendent's Role

Implementer-in-chief of the school district.

Chief Advisor to Board

- Consultant – background info, alternatives, recommendations.
- Staff's liaison to the Board.
- Provides briefings on things that require board action or attention.
- Keeps board briefed on district operations.
- Evaluates and assesses policy implementation.

Executive Officer

- Administers policies.
- Runs the school district.
- Provides progress updates including emergent issues.
- Accountable to the Board for how well the district is run.
- Directs staff members through personal action, delegation, and supervisory activities.

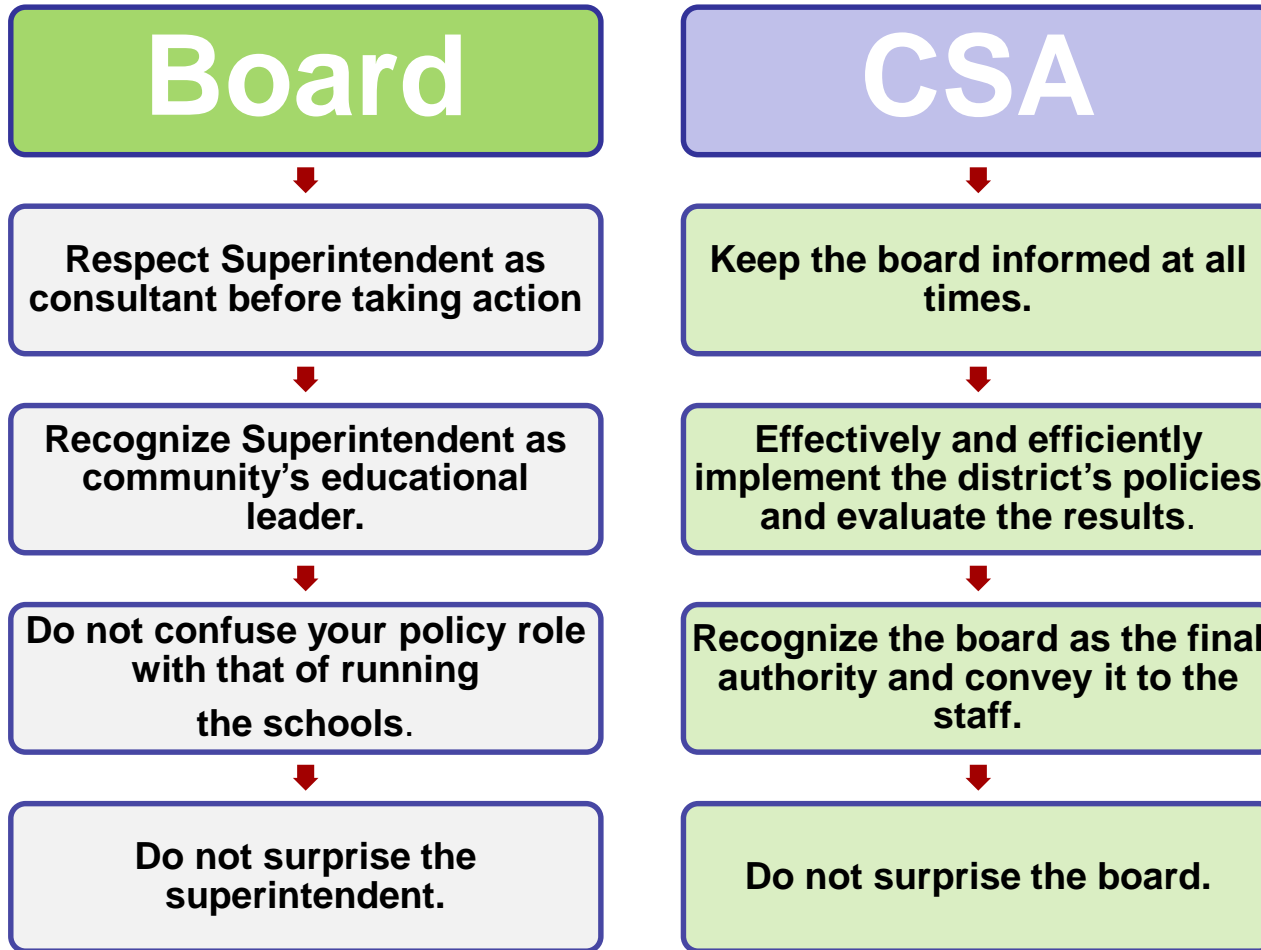
Educational Leader

- Remains active in professional organizations.
- Familiar with current ideas in education.
- Brings worthwhile ideas to the attention of the board and community.



Superintendent's Role

The Board-Superintendent Collaborative Relationship





Group Questions re: Roles

What is the difference between ...

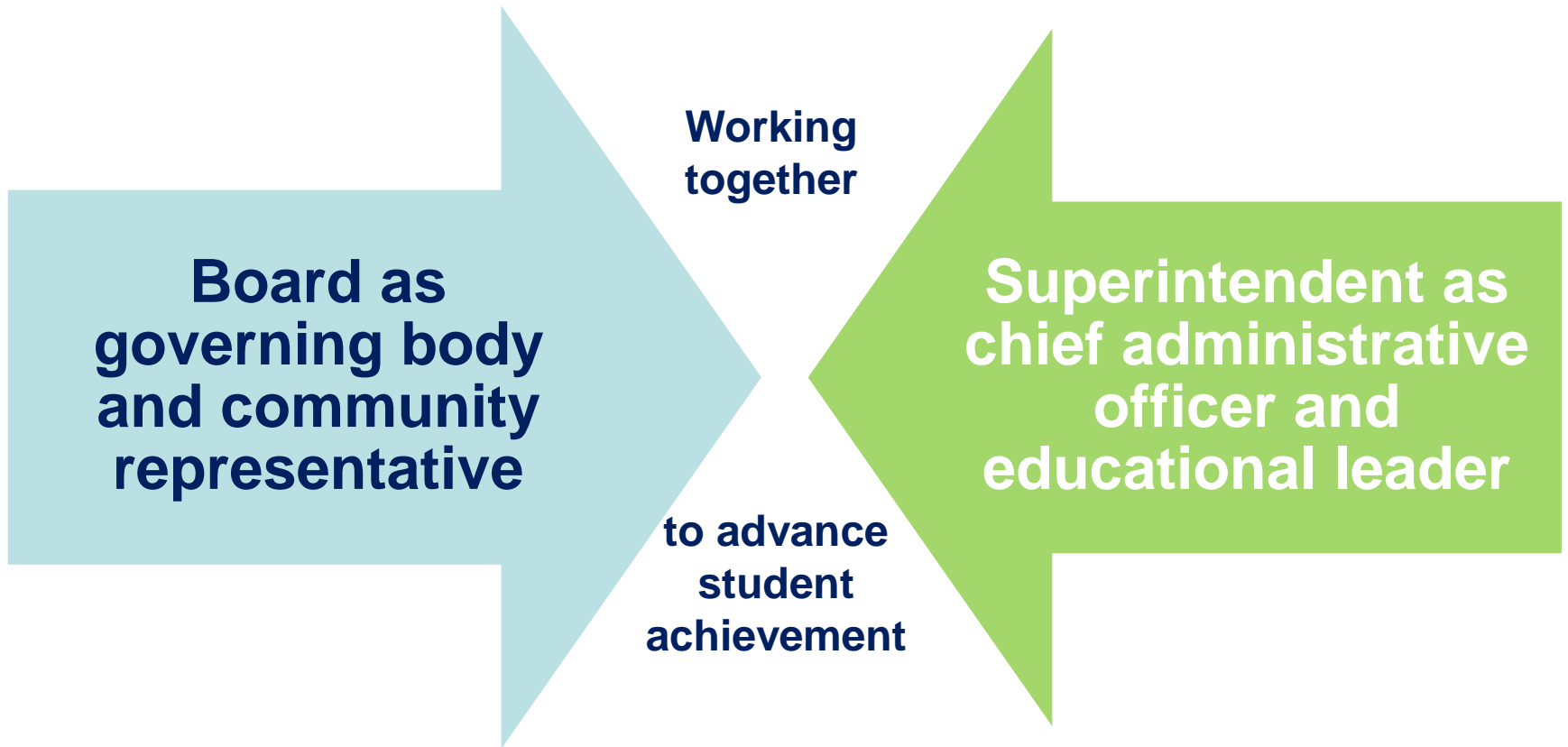
Oversight and micromanagement?

Seeing that the school are well run and administering the schools?

Supporting the superintendent and being a rubber stamp?



In Summary - Roles





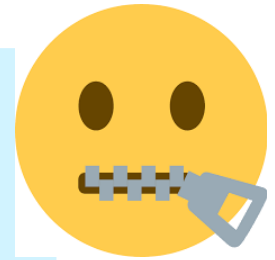
Tips for Board Member Effectiveness

As a public official:



Careless and negative remarks now carry a greater weight.

Sharing confidential information causes real harm.



You are not the educational expert. Respect the expertise of the superintendent.

Model behavior for your students to emulate.

LEAD BY EXAMPLE



Board Member Effectiveness

Spend your time and energy doing the Board's work rather than doing the job of those you hired.

DO NOT:

Get involved in the day-to-day operation of the school district or frequent the board office or schools (except as parent or board business).

Contact staff directly. Board has 1 employee – the superintendent.

Take on a task that is the job of a staff member.

Engage in practices outside the chain of command.

Make individual requests to the superintendent outside the work of the Board.



Oversight or Overstepping?

- Believing the district needs to be fiscally conservative, a member who is a CPA identifies several line items in the budget that could yield savings for the district. He compiles a report and shares it at the next board meeting for consideration.
- The high school principal updates the Board at a meeting on the school's remote learning plan. A member asks the principal how the plan is addressing the school's widening racial and socioeconomic academic gap.



Oversight or Overstepping?

- A board member believes the district has not been proactive in responding to a recent decline in enrollment. The member contacted the superintendent and requested a detailed staffing and analysis report to be created and shared with the Board.
- The XYZ School District is planning a capital project that includes a synthetic multipurpose field. One member is opposed, believing the field poses serious health and environmental risks. The member uses social media to share information on the issue and links an article with the comment, 'Don't be fooled or misled, toxic turf is hazardous to your child's health!'



10 Tips for Trustees

You are in this for the long haul; it is a marathon, not a sprint.

Never forget: the bottom line is the children, not adults.

Governance is a system and strategic job and requires deep learning and minding your manner.

Never forget governance is a team sport. It wins or loses for children as a team.

Work hard to develop a shared moral imperative that will define your work.



10 Tips for Trustees

Everyone on the same page with the same understanding of the work and the strategic goals of the district is the golden key to success for children.

Your superintendent is the most important partner of the Board. Develop and nourish a professional and respectful relationship.

Be the model of civic leadership for your district's children. Don't disappoint them.

Don't expect credit. Stay in the background, proud of your achievements but wanting the staff to get the credit.

If going to your board meeting is your most unpleasant experience, you are not doing it right.



Governance Reflection

As you think about your Governance team,

What are you proud of? What does your team do well?

What hinders us in accomplishing our work? What do we need to focus on to enhance our governance work?



Information Sources

