



**State of New Jersey**  
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July 31, 2013

**FOR PUBLIC RELEASE**

SUBJECT: Advisory Opinion—A06-13<sup>1</sup>

At its meeting on June 25, 2013, the School Ethics Commission (Commission) was once again confronted with a question similar to the one you posed in March of this year. You asked whether a Local Township (Local Twp.) Board of Education (Board) member, hired as a part-time coach in the Regional High School District (Regional), could continue to be so employed if the two school districts, which currently share services, entered into a contract to share a Chief School Administrator (CSA) as well. You specifically asked whether it would be a violation of the School Ethics Act (Act), N.J.S.A. 18A:12-21 et seq., for the Board member to participate in discussions/votes on a proposed shared superintendent agreement and further would this member be limited in functioning as a Board member or officer due to the part-time employment with Regional.

In reviewing this matter at its meeting on April 30, 2013, the Commission had determined that this matter turned on the applicability of N.J.S.A. 18A:12-24(c) of the Act. At that time, this tribunal advised that the Board member's involvement in the discussions and/or vote on the proposed agreement to share the CSA would violate N.J.S.A. 18A:12-24(c), in that the Board member would be taking action in her official capacity in a matter where she had a direct or indirect financial involvement that might reasonably be expected to impair her objectivity or independence of judgment. The Commission further advised that the Board member must take additional safeguards to avoid other violations of the Act.

On further assessment of the cases now before it and in greater reflection on the potential for more egregious violations of the Act where there are shared services between or among school districts, the Commission now must advise that Board member differently. It is now the Commission's considered determination that the subject of your original request for an advisory opinion must relinquish one of the two positions she now holds as she cannot retain both without violating N.J.S.A. 18A:12-24(c) and without calling into question her ability to maintain her objectivity or independence of judgment. Additionally, the Commission has decided that there are no precautions adequate enough to protect the public trust and its confidence in the Boards and their members.

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<sup>1</sup> At its meeting on June 25, 2013, the School Ethics Commission reevaluated its earlier position in A06-13, and superseded that advice with this clarification.

The Commission recognizes the issue of shared services, particularly in this current economic climate, will continue to challenge all of us. In rendering its advice, the Commission understands the hardships that these circumstances create, but this tribunal is duty bound to remain faithful to the very purpose of the Act which is to safeguard the public trust in its school board members and school administrators.

Sincerely,

Robert W. Bender, Chairperson