

**SCHOOL ETHICS COMMISSION
RESOLUTION ON INVOKING THE DOCTRINE OF NECESSITY**

WHEREAS, the School Ethics Act, N.J.S.A. 18A:12-21 et seq. was enacted by the New Jersey State Legislature to ensure and preserve public confidence in school board members and school administrators, to provide specific ethical standards to guide the conduct of school officials, and to establish a disciplinary mechanism to ensure the uniform maintenance of these ethical standards; and

WHEREAS, the School Ethics Commission wishes to clarify its previous guidance regarding invocation of the Doctrine of Necessity by a Board of Education or Charter School Board of Trustees when a quorum of its members has conflicts of interest on a matter required to be voted upon; and

WHEREAS, the School Ethics Commission recommends that a Board of Education or Charter School Board of Trustees should consult with its counsel to determine when it is appropriate to invoke the Doctrine of Necessity; and

WHEREAS, when it is appropriate for a Board of Education or Charter School Board of Trustees to invoke the Doctrine of Necessity, the Board of Education or Charter School Board of Trustees should publicly state (a) that it is invoking the Doctrine of Necessity, (b) the specific reason/purpose for which the Doctrine of Necessity is being invoked, and (c) the specific nature of the conflicts of interest; and

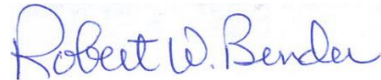
WHEREAS, the specific nature of the conflicts of interest should include the Board member or Charter School Trustee's name, the name of the immediate family member or relative which is the basis for the conflict of interest, and the position that the immediate family member or relative holds; and

WHEREAS, in keeping with the legislative purpose as set forth in N.J.S.A. 18A:12-22(a), the School Ethics Commission views public disclosure of conflicts of interest to be paramount when a Board of Education or Charter School Board of Trustees invokes the Doctrine of Necessity; and

NOW THEREFORE BE IT RESOLVED that the School Ethics Commission hereby states that when a Board of Education or Charter School Board of Trustees invokes the Doctrine of Necessity, it should adopt a Resolution setting forth that it is invoking the Doctrine of Necessity, the specific reason/purpose for which the Doctrine of Necessity is being invoked, and the specific nature of the conflicts of interest as set forth above; and

BE IT FURTHER RESOLVED that a Board of Education or Charter School Board of Trustees that invokes the Doctrine of Necessity should read the Resolution at a regularly scheduled public meeting, post it in such places that it posts public notices for thirty (30) days, and provide the School Ethics Commission with a copy; and

BE IT FURTHER RESOLVED that the School Ethics Commission shall distribute this Resolution to the Interim Executive County Superintendents for distribution to the school districts and charter schools, the New Jersey School Boards Association, the New Jersey Principals and Supervisors Association, the New Jersey Association of School Administrators, the New Jersey Association of School Business Officials and the New Jersey Education Association.



Robert W. Bender, Chairperson

Dated: June 25, 2018