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Acting Commissioner

School Ethics Commission

January 23, 2024

For Public Release

Subject: Public Advisory Opinion A01-24

The School Ethics Commission (Commission) received your request for an advisory opinion on your own behalf, as a member of the Board of Education (Board). The Commission's authority to issue advisory opinions is expressly limited to determining whether any prospective conduct or activity would constitute a violation of the School Ethics Act. *N.J.S.A.* 18A:12-31. Pursuant to *N.J.S.A.* 18A:12-28(b), your request was preliminarily discussed by the Commission at its Advisory Opinion Committee meeting on January 10, 2024, and again at its regularly scheduled meeting on January 23, 2024.

You inform the Commission that you were recently appointed to the Board to serve "two plus years of a vacated term" and you are currently employed as a professor of education at an institution of higher learning (University) in the Graduate School of Education. You note you have served as the "Director of the Ed.D. program," as well as the coordinator of the Elementary/Middle School Certification (Certification) programs. In these roles, you have taught or administrated various teachers, supervisors, and administrators, who currently work in the school district (District) where you are a Board member. You further note you do not have a personal relationship with any of these professionals; however, your employment at the University may raise other issues.

More specifically, you note that you "sat on the dissertation committee of the current superintendent"; however, you were "never [the Superintendent's] instructor of record," she "did not work in the District while she was a student at [the University]," and you "did not participate in hiring her into any of her roles in the [D]istrict including as the STEM coordinator, interim superintendent, or now superintendent." You further state you were "the Director of the program when three [District] teachers/administrators were accepted into the Ed.D. program" and you "participated in the program when another [District] employee completed the program." You note that although you have not served as the advisor for any of these individuals, nor taught any of the courses they have taken, it is possible that you could be an instructor, in the future, for a current employee who may pursue their doctorate.

You further inform the Commission that you have served in this role at the University in the Certification programs for almost 15 years, and you have trained or overseen several teachers who are currently employed in the District. Specifically, you note that there are approximately three current teachers who completed the programs, two of whom you have taught; however, you indicate you did not participate in the hiring of any of them and will not in the future. You note you have helped develop a partnership between the University and the District, and therefore, “some of [your] current and former students, who are completing the program,” presently student teach in the District. You further note the Board has approved student teaching placements; however, you have recused yourself from those matters.

Based on the information provided in your request, you inquire whether you (1) should recuse yourself in any of these matters e.g. if it is a current student or former student who is still in the program; (2) should recuse yourself from all University students who are placed in the District, including the students you do not teach; (3) should recuse yourself from personnel decisions related to the Superintendent or any other personnel who is currently or was formerly in one of your classes; and (4) may volunteer your time and provide professional development/workshops in the District.

In its review of the specific facts and circumstances detailed in your request, the Commission advises that you would violate the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.*, if you participated in any and all matters related to those District personnel who are currently students and who were formerly students in the programs at the University in which you were directly or indirectly involved, namely, but not limited to, the Graduate School of Education, the Certification programs and any dissertation committees. Said differently, you should recuse yourself from any discussions or decisions, which could relate to, or otherwise involve any District personnel, who were students in the Graduate School of Education, or any other programs at the University in which you were involved, regardless of whether you were their instructor/advisor.

As to your inquiry regarding your role as a volunteer in the District to share your skills and knowledge related to “elementary mathematics education,” the Commission notes, although it is laudable, you would violate the Act if you were to “participate in workshops” and provide professional development to District employees, albeit for free, *while* you are a Board member.

Finally, as a reminder, school officials must always be cognizant of their responsibility to protect the public trust, to honor their obligation to serve the interests of the public and the Board, and to periodically reevaluate the existence of potential conflicts of interest. In addition, the only way for a school official to truly safeguard against alleged violations of the Act is to avoid any conduct which could have the appearance, actual or perceived, of being in violation of the Act.

Sincerely,

Robert W. Bender, Chairperson
School Ethics Commission