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SCHOOL ETHICS COMMISSION

May 26, 2026

For Public Release

Subject: Public Advisory Opinion – A12-26

The School Ethics Commission (Commission) received your request for an advisory opinion on behalf of your client, the Board of Education (Board). You verified that you copied the subject of your request, Board Member, thus complying with *N.J.A.C. 6A:28-5.2(b)*. The Commission notes that Board Member did not submit a response to your request, and therefore, the Commission will issue its advice based solely on the information included in your request. 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 (Act). *N.J.S.A. 18A:12-31*. Pursuant to *N.J.S.A. 18A:12-28(b)*, the Commission preliminarily discussed your request at its Advisory Opinion Committee meeting on May 13, 2026, and again at its regular meeting on May 26, 2026.

You inform the Commission that Board member, Board Member's spouse is employed in the School District (District) as a custodial/maintenance worker. You note Board Member's spouse has been on a leave of absence due to a worker's compensation injury since Board Member was first elected to the Board. You further note that Board Member's spouse is retiring from the District "as of April 30, 2026."

You further inform the Commission that Board Member was appointed as a member of the Finance committee in January 2026. You state that the Board has a "separate Personnel Committee," and Board Member is not a member of the Personnel committee and he/she "recuses [] from any discussion and/or vote on personnel matters."

With the above in mind, you inquire whether Board Member is prohibited from serving on the Finance Committee due to his/her spouse's employment in the District.

As an initial matter, the Commission notes that a request for an advisory opinion *must* clearly set forth, in specific detail, the prospective conduct or activity that the school official seeks to undertake, and the exact role the official will play in that prospective activity or conduct.

N.J.A.C. 6A:28-5.2(a). In short, the conduct which is the subject of a request for an advisory opinion ***must be prospective***. You are requesting whether Board Member is prohibited from serving on the Finance Committee; however, it appears that Board Member is already serving on the Finance committee as you have indicated that he/she “was appointed as a member of the Finance committee in January 2026.” Therefore, your request is not based upon prospective conduct.

Notwithstanding the above, based upon the specific facts and circumstances presented in your request, the Commission advises that Board Member is not prohibited from continuing to serve on the Board’s Finance committee. Although it is unclear from your request the specific matters that would come before the Finance committee, you have indicated that Board Member’s spouse was expected to retire on April 30, 2026, and therefore, the spouse is no longer an employee of the District. Further, generally, pensions and insurance for retired employees are not matters that would come before the Board and/or a finance committee as they are dispersed through the State’s pension plan.

However, should a matter concerning Board Member’s spouse’s employment and/or retirement benefits come before the Finance committee, then Board Member should recuse from the discussion and/or vote related to same.

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. 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