



State of New Jersey  
DEPARTMENT OF EDUCATION  
PO Box 500  
TRENTON, NJ 08625-0500

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

ANGELICA ALLEN-McMILLAN, Ed.D.  
Acting Commissioner

**School Ethics Commission**

April 27, 2021

**For Public Release**

Subject: Public Advisory Opinion – A12-21

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), this matter was discussed at the Commission's Advisory Opinion Committee meeting on April 14, 2021.

In your request, you inform the Commission that you have interviewed with a company (Company), for a Sales and Marketing representative position. In this position, you would market a product that is "predominantly a platform which consolidates student records in school districts, for easy access." According to the website you provided to the Commission, the Company is "an educational healthcare solution for school nurses to collect, track and manage student health information ... Nurses can access the health history and documents ... [the product] provides easy tracking of student's daily medication treatment and immunization. Nurses can generate reports and access all the documents from the application."

With the above in mind, you seek to determine, whether you would violate the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.*, if you were to accept a position with the Company to serve as a Sales and Marketing representative for the product.

First, the Commission advises that, based on the facts and circumstances set forth in your request, your potential employment with the Company is not a *per se* conflict of interest under the Act. Stated differently, your potential employment as a Sales and Marketing representative does not appear to be in substantial conflict with the proper discharge of your duties in the public interest.

Second, should you accept the position with the Company, the Commission advises that you would need to recuse yourself from any and all discussions and votes concerning your employer and/or any and all discussions and votes concerning any product or service that your

Company could potentially provide to the School District (District). This prohibition would apply for as long as you are employed by the Company. In addition, this prohibition would apply to any and all discussions and votes concerning competing vendors or entities that offer the same (or similar) products or services as the Company.

Next, should the Board procure a product or services through/from the Company, you are prohibited from serving as the Company's representative in the District. Stated differently, you cannot represent your employer, in any way, within the District. In the same vein, if you market the Company and/or its products or services in other school districts, you are prohibited from utilizing or otherwise relying on your Board membership as a basis to "sell" the Company's products or services to other school districts.

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 Board, and to periodically re-evaluate the existence of potential conflicts. In addition, the only way for a public 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