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Commissioner

May 1, 2013

FOR PUBLIC RELEASE

SUBJECT: Advisory Opinion—A04-13

The School Ethics Commission (Commission) is in receipt of your request for an advisory opinion on your behalf as a member of the Local Board of Education (Board). The Commission's authority to issue advisory opinions is expressly limited to determining whether any proposed conduct or activity would constitute a violation of the School Ethics Act. N.J.S.A. 18A:12-31. It will provide its advice solely based on the information you included in your advisory opinion request.

You have asked whether it would be a violation of the School Ethics Act (Act), N.J.S.A. 18A:12-21 et seq., if you were to evaluate the curriculum, professional development and preparedness of the teachers and students as they face various educational assessments. To do this, you explain that you would survey the Board of Education and the Superintendent, interview three Board members, anonymously survey all of the teachers in the District and conduct focus groups with the teachers all of which is necessary for your doctoral research.

At its March 19, 2013 meeting, the Commission discussed your request and determined that this undertaking would violate the Act, for example, N.J.S.A. 18A:12-24(b), (c), and (f) as well as N.J.S.A. 18A:12-24.1(c), (d), (e), (f) and possibly others depending on how you manage and publish your data. At the very least, this endeavor remains beyond the scope of your authority as a Board member and creates a setting that is potentially rife with conflicts and uncertainty for the teachers and students. Such a venture would blur the line where doctoral candidate ends and Board member begins.

Consequently, the Commission advises you that this project would violate the Act if conducted in your own District. We trust this that this opinion fully answers your inquiry.

Sincerely,

Robert Bender, Chairperson