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Acting Commissioner

August 27, 2014

FOR PUBLIC RELEASE

SUBJECT: Advisory Opinion—A35-14

The School Ethics Commission (Commission) is in receipt of your request for an advisory opinion. At its recent meeting on July 22, 2014, the Commission determined that it could not accept your request because it does not meet the requirements set forth in N.J.A.C. 6A:28-5.1. The authority of the Commission is limited to enforcing the School Ethics Act (Act), N.J.S.A. 18A:12-21 et seq., a set of minimum ethical standards by which all school officials must abide. Specifically, the Commission does not have *in personam* jurisdiction to consider:

Any request for an advisory opinion for someone who is not a “school official.” The term “school official” is defined in N.J.S.A. 18A:12-23 as a board member, an administrator or a managerial employee or officer of the New Jersey School Boards Association (NJSBA), as well as members of the board of trustees of a charter school. N.J.S.A. 18A:12-31. N.J.A.C. 6A:28-5.2

Neither of the individuals about whom you inquire or who requested this advisory opinion is a “school official” as defined by the Act; consequently, each lacks standing to make this application, and the Commission can take no action with respect to this request. Although, the Commission cannot grant you the specific guidance you seek, it may be helpful if you consider the Commission’s prior advisory opinions and decisions found on its website at: <http://www.state.nj.us/education/legal>.

Sincerely,

Robert W. Bender, Chairperson