



New Jersey Department of Education



Chapter 28 Readoption with Amendments and New Rules

Office of Legal Affairs and School Ethics

Division of Legal and External Services

April 6, 2022





Purpose of N.J.A.C. 6A:28



- The rules effectuate the School Ethics Act, N.J.S.A. 18A:12-21 et seq., which seeks to ensure and preserve public confidence in the integrity of elected and appointed school officials.
- The Act prescribes the ethical standards by which school officials are to be guided in the conduct of their offices and positions.
- The Act also created the School Ethics Commission, which is charged with enforcing the Act through a procedure for reviewing complaints and ultimately rendering recommendations to the Commissioner of Education as to the imposition of sanctions when violations are substantiated.



Key Areas in Chapter 28



1. Filing of financial and personal/relative disclosure statements;
2. Board member and charter school or renaissance school project trustee training;
3. Issuance of advisory opinions;
4. Filing of complaints; and
5. Review of complaints by the Commission.



General Overview: Proposed Amendments and New Rules



1. Seek to ensure consistency with current practice.
2. Provide clear direction to school officials on the ramifications of failing to comply with statutory mandates for filing disclosure statements and completing training.
3. Will streamline the processing of complaints, and will improve the time period within which complaints are adjudicated and resolved.

Proposed SEC Procedures for Processing Complaints



All Complaints (Prohibited Acts, Code of Ethics for School Board Members, and Combination)

- ❖ Complaint filed and served.
- ❖ Respondent must file a *Written Statement*.
- ❖ Respondent must provide defenses and a response to the charges, and can request dismissal if a sufficient basis is provided.
- ❖ Complainant can only file a reply to the Written Statement if the Respondent alleges that the Complaint is frivolous.
- ❖ Matter is docketed for Probable Cause (PC) Review (for all complaints).
 - PC shall be found when the facts and circumstances presented in the complaint and written statement would lead a reasonable person to believe that the School Ethics Act has been violated.
 - Matters involving Prohibited Acts and/or Combination allegations can be retained by the School Ethics Commission with the consent of the parties or transmitted to the Office of Administrative Law (OAL).
 - Matters involving Code of Ethics for School Board Members allegations can be retained by the School Ethics Commission (no consent required) or transmitted to the OAL.





Thank You!



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