



# New Jersey Department of Education



## Chapter 28 Readoption with Amendments and New Rules

Office of School Ethics

Division of Legal and External Services

February 1, 2023





# 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.



# 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.



# Agency Response to Public Comments



“Frivolous complaint” means a complaint determined by the Commission to be [either]:

1. Commenced, used or continued in bad faith, solely for the purpose of harassment, delay, or malicious injury; [or] **or**
2. One [which] **that** the complainant knew, or should have known, was without any reasonable basis in law or equity and could not be supported by a good faith argument for an extension, modification, or reversal of existing law[.][[; **or**]].

**[[3. One that constitutes an abuse of process.]]**



# Agency Response to Public Comments, Cont'd



**“Penalty” or “sanction”** means the form of discipline the Commission recommends to the Commissioner. Penalties include reprimand, censure, suspension, or removal of a board member, a member of a board of trustees, or an administrator.



# Agency Response to Public Comments, Cont'd



1. The board secretary, or the charter school or renaissance school project designee, shall provide the New Jersey School Boards Association with the name[s], [and] school address[es], telephone number, and email address of [such] each board member[s] or [charter school] trustee[s]. **Should this information change, the board secretary, or the charter school or renaissance school project designee, shall provide updated information to the New Jersey School Boards Association within 30 days of its occurrence.**



# Agency Response to Public Comments, Cont'd.

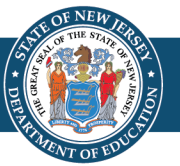


[[General Statement of Facts]] **Relevant Background Information**

1. Statement of specific facts in support of the allegation:

Date of occurrence: \_\_\_\_\_.

I assert this to be a violation of: \_\_\_\_\_, for the following reason(s):  
\_\_\_\_\_.





# Agency Response to Public Comments, Cont'd



(b) Any complaint that is dismissed **in its entirety** pursuant to this chapter shall be deemed a final agency decision appealable directly to the Appellate Division of the Superior Court.





# Thank You!



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