



**Montclair Board of Education  
December 15, 2014**

**CODE OF ETHICS FOR  
SCHOOL BOARD MEMBERS  
&  
CONFLICTS OF INTEREST**

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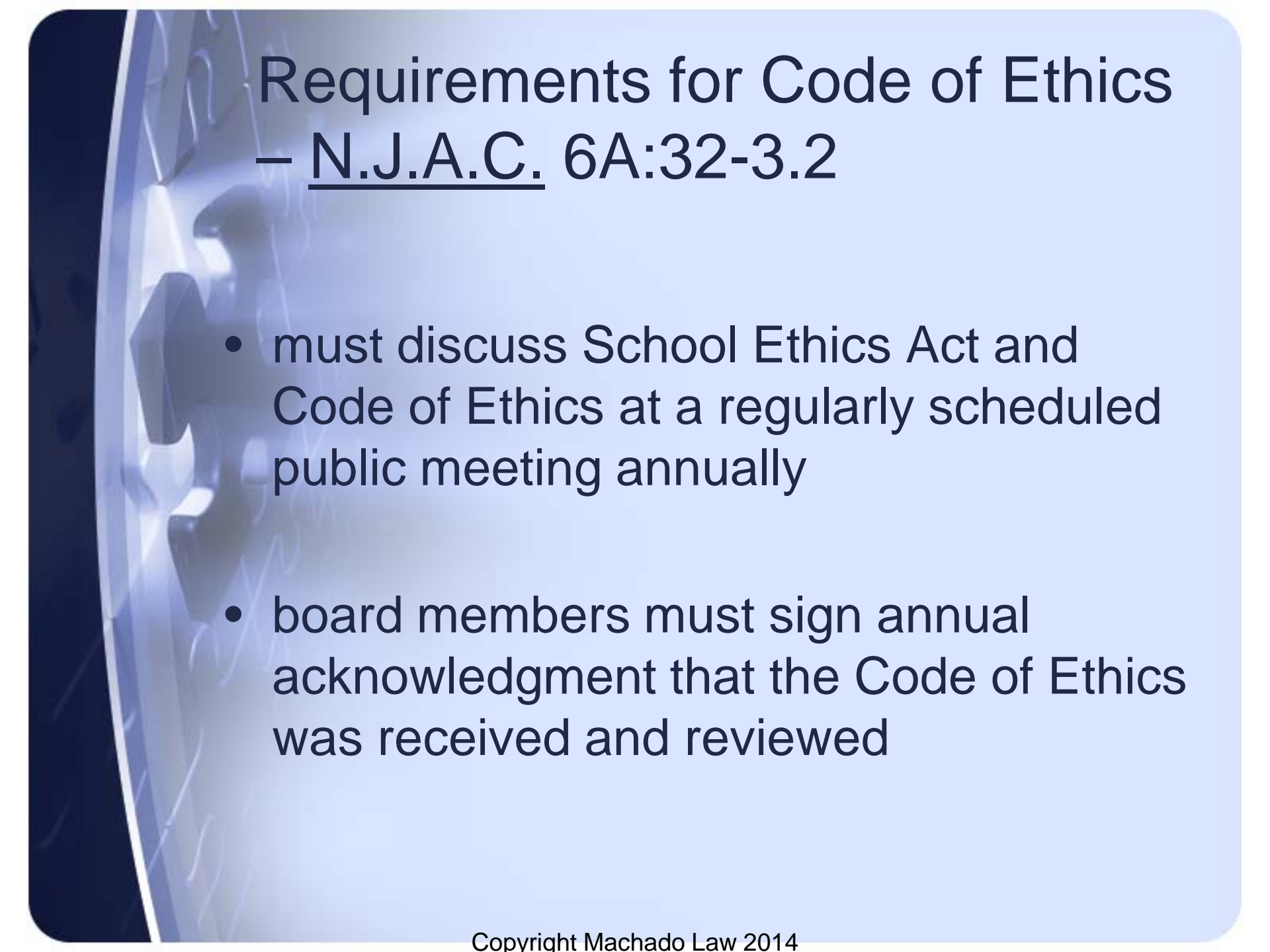
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# CODE OF ETHICS FOR SCHOOL BOARD MEMBERS & CONFLICTS OF INTEREST

- Code of Ethics –  
*N.J.S.A. 18A:12-24.1(a) – (j)*
- Conflicts of Interest –  
*N.J.S.A. 18A:12-24 (a) – (k)*



# Requirements for Code of Ethics – N.J.A.C. 6A:32-3.2

- must discuss School Ethics Act and Code of Ethics at a regularly scheduled public meeting annually
- board members must sign annual acknowledgment that the Code of Ethics was received and reviewed

# Code of Ethics

*N.J.S.A. 18A:12-24.1*

- a) I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools. ***Desired changes shall be brought about only through legal and ethical procedures.***

# Code of Ethics

*N.J.S.A. 18A:12-24.1*

- b) I will make decisions in terms of the **educational welfare of children** and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.



# Code of Ethics

*N.J.S.A. 18A:12-24.1*

- c) I will confine my board action to **policy making, planning, and appraisal**, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.



# Code of Ethics

*N.J.S.A. 18A:12-24.1*

- d) I will carry out my responsibility, **not to administer** the schools, but, **together with my fellow board members**, to see that they are well run.



# Code of Ethics

*N.J.S.A. 18A:12-24.1*

- e) I will recognize that authority rests with the board of education and will make **no personal promises nor take any private action** that may compromise the board.





# Code of Ethics

*N.J.S.A. 18A:12-24.1*

- f) I will **refuse to surrender my independent judgment to special interest or partisan political groups** or to use the schools for personal gain or for the gain of friends.



# Code of Ethics

*N.J.S.A. 18A:12-24.1*

g) I will hold **confidential** all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.



# Code of Ethics

*N.J.S.A. 18A:12-24.1*

- h) I will vote to appoint the best qualified personnel available **after consideration of the recommendation of the chief administrative officer.**



# Code of Ethics

*N.J.S.A. 18A:12-24.1*

- i) I will **support and protect school personnel** in proper performance of their duties.



# Code of Ethics

*N.J.S.A. 18A:12-24.1*

- j) I will **refer all complaints to the chief administrative officer** and will act on the complaints at public meetings only after failure of an administrative solution.



# Code of Ethics

*N.J.S.A. 18A:12-24.1*

## Board Authority:

- Policy Making
- Set Vision, Mission & Goals
- Evaluate Outcomes

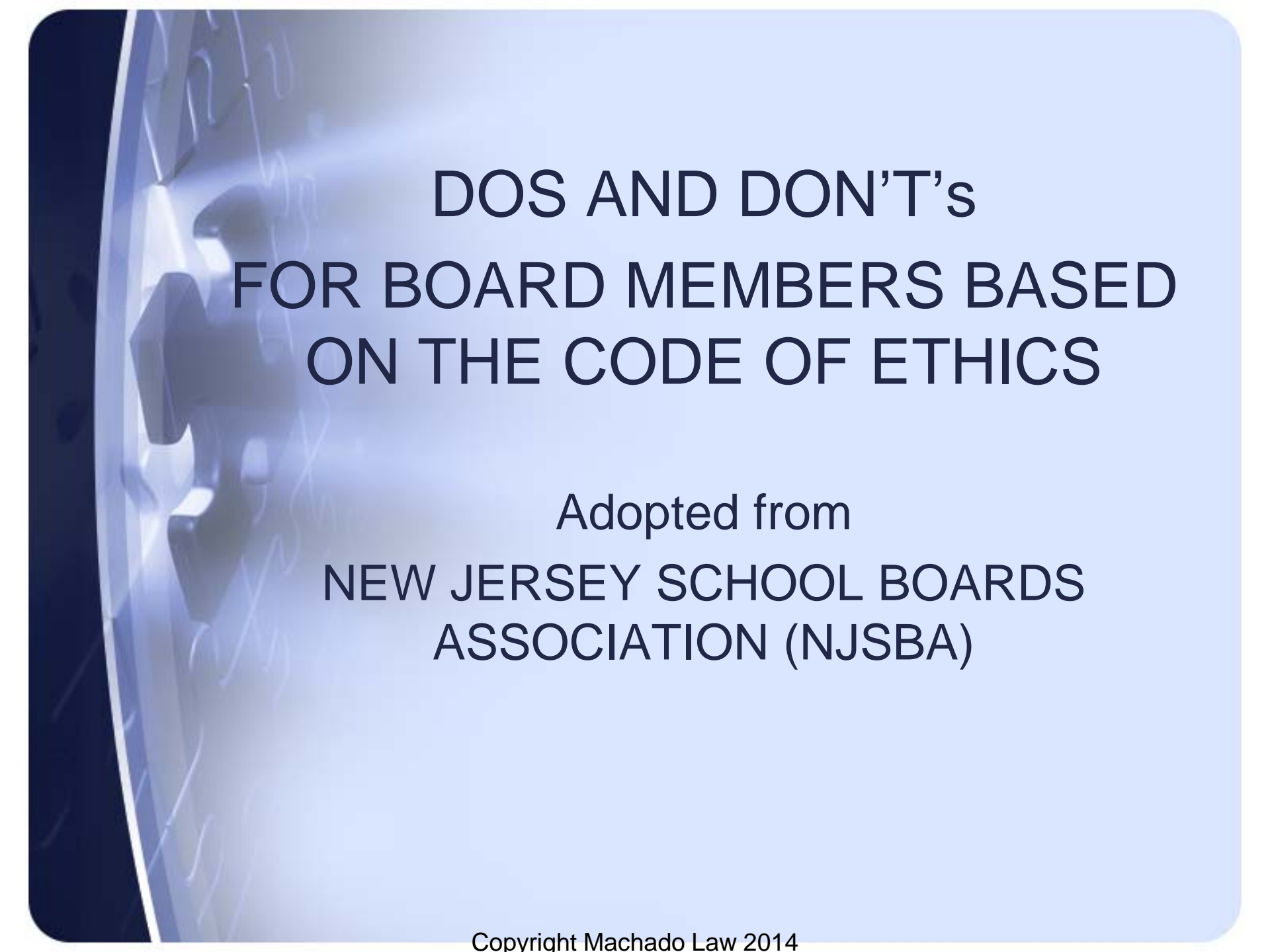


# Code of Ethics

*N.J.S.A. 18A:12-24.1*

## Superintendent Authority:

- Develop plans and regulations
- Implement / oversee operations
- Administer schools



**DOS AND DON'T's  
FOR BOARD MEMBERS BASED  
ON THE CODE OF ETHICS**

Adopted from  
**NEW JERSEY SCHOOL BOARDS  
ASSOCIATION (NJSBA)**



# Don'ts for Board Members:

## Do Not:

- Bend rules or ask anyone to bend rules
- Base decisions on special interest agendas or what is best for your own child
- Become involved in the administration of the schools
- Be involved in the day-to-day running of the schools
- Make personal promises

# Don'ts for Board Members:

## Do Not:

- Take private action which may compromise the Board
- Be swayed by special interest or partisan politics
- Discuss confidential matters with anyone but the Board
- Undermine a decision made by a majority of the Board, even if you disagree

# Don'ts for Board Members:

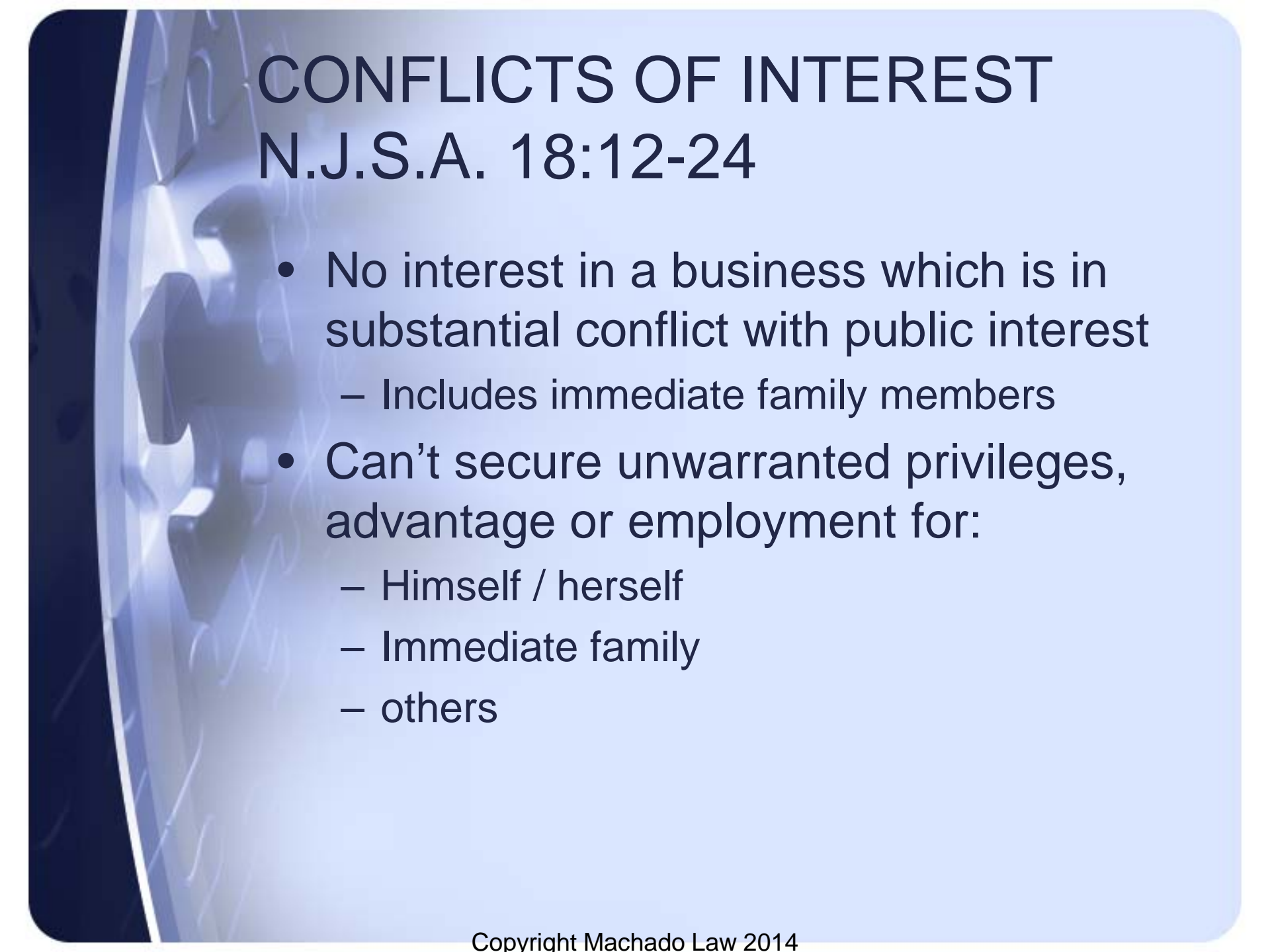
## Do Not:

- Violate the chain of command
- Publicly criticize staff members
- Make promises to help or act on complaints until they reach the Board level

# Do's for Board Members:

Do:

- Follow Board Policy
- Make decisions that support the educational welfare of all children
- Understand that the Board makes decisions
- Keep community informed on the progress and needs of district
- Consider the recommendation of the CSA
- Refer all complaints to CSA



# CONFLICTS OF INTEREST


## N.J.S.A. 18:12-24

- No interest in a business which is in substantial conflict with public interest
  - Includes immediate family members
- Can't secure unwarranted privileges, advantage or employment for:
  - Himself / herself
  - Immediate family
  - others

# CONFLICTS OF INTEREST

## N.J.S.A. 18:12-24

- Precludes direct or indirect financial involvement that might reasonably be expected to impair objectivity or independent judgment
- No solicitation of gifts, favors, loan, political contribution, service promise of future employment in discharge of his official duties
- Business conflicts

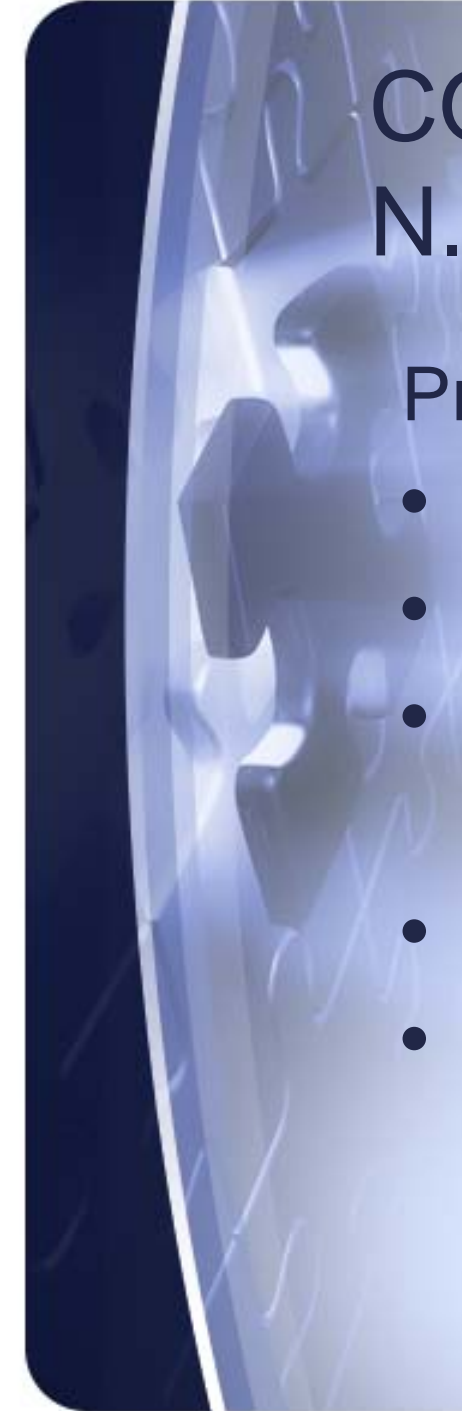


# CONFLICTS OF INTEREST

## N.J.S.A. 18:12-24

- Conflicts can arise even if person involved is not immediate family member, but is a relative. The issue would then relate to personal involvement and can be a violation of NJSA 18A:12-24(c)






# CONFLICTS OF INTEREST

## N.J.S.A. 18:12-24

### Primary Areas:

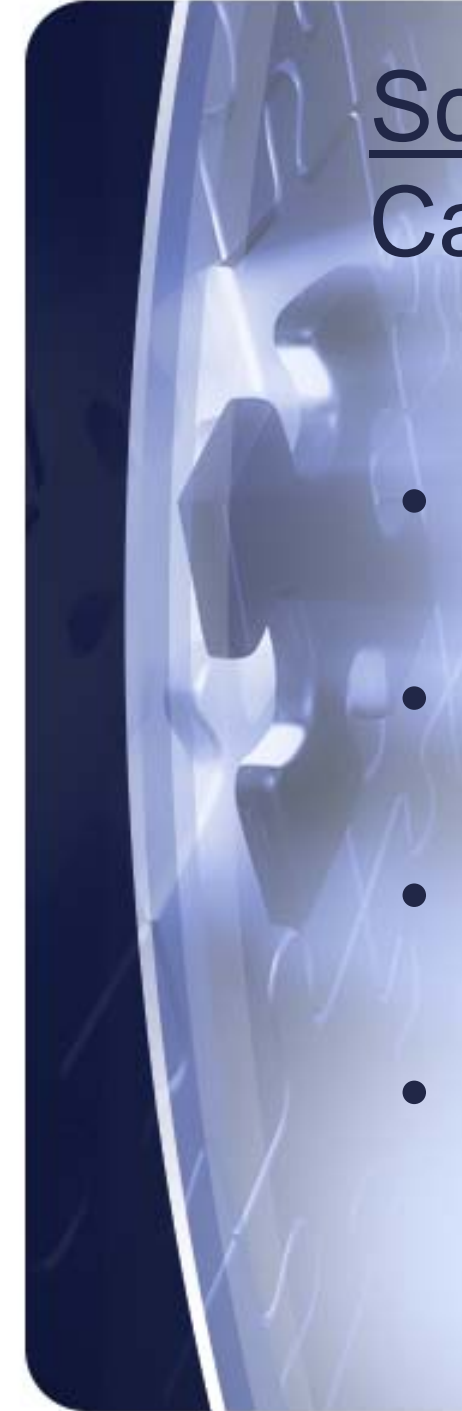
- Collective Bargaining / Negotiations
- Personnel Decisions
- Voting on Resolutions
  
- Fact sensitive analysis
- If it raises a red flag, check with Board Attorney





# School Ethics Commission Case Example

- Member of the Board criticized Superintendent's performance in a public forum
- Failed to support the superintendent.
- Board member was suspended for three months.



# School Ethics Commission Case Example


- Board member has immediate family member or relative employed in District
- May not participate in the search, selection or vote for new Superintendent
- Irrespective of whether an in-house candidate is considered,
- Violation of N.J.S.A. 18A:12-24(c).



# School Ethics Commission


## Advisory Opinion A-15-10

- Board member may not participate in District employee's exit interview
- Breach the member's obligation to refrain from being involved in school personnel responsibilities or administration
- Violate Code of Ethics.



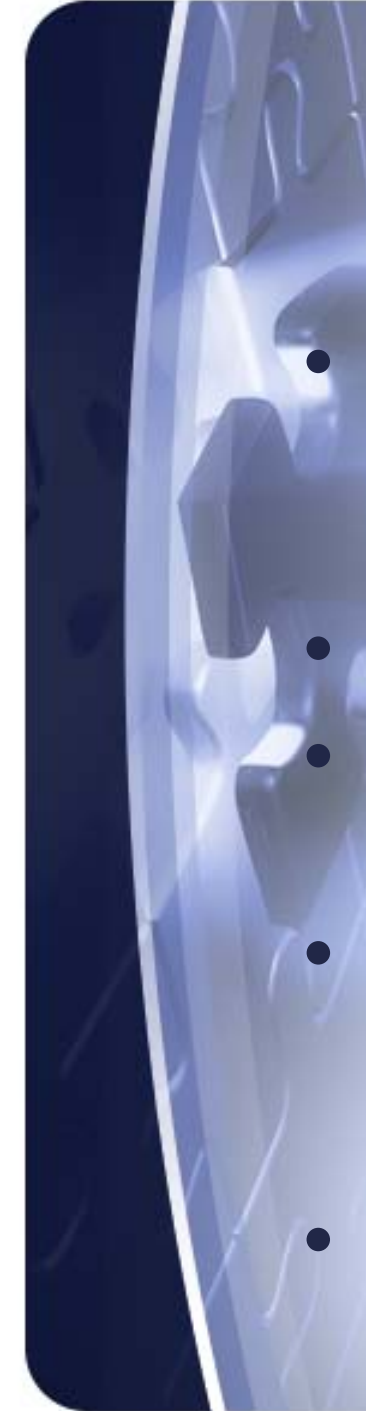
# School Ethics Commission Case Example

- Board member censured for improper administration of school
- Requested student records from guidance secretary
- Instructed district employees on safety measures that he felt were necessary.



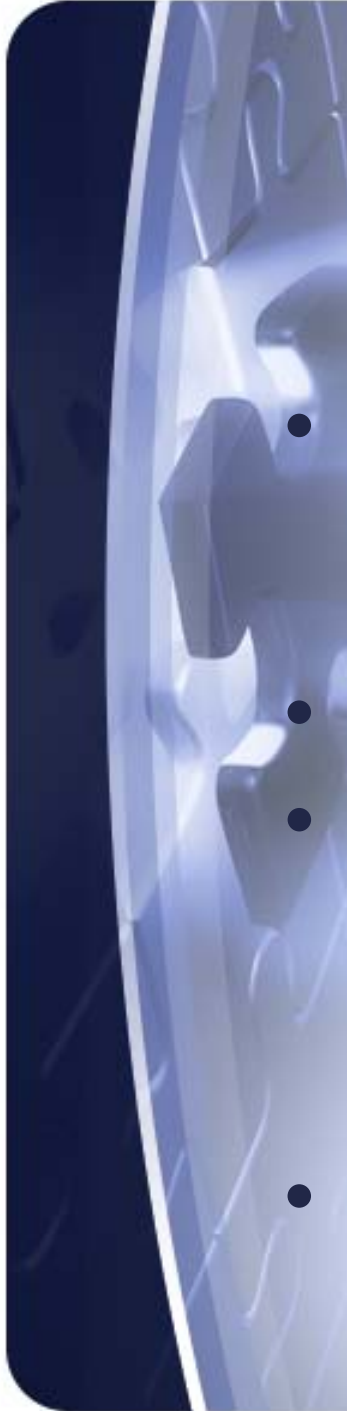
# School Ethics Commission Case Example

- Board member received one year suspension
- Responded to emotional public comment with profanity during public meeting.



# School Ethics Commission Case Example

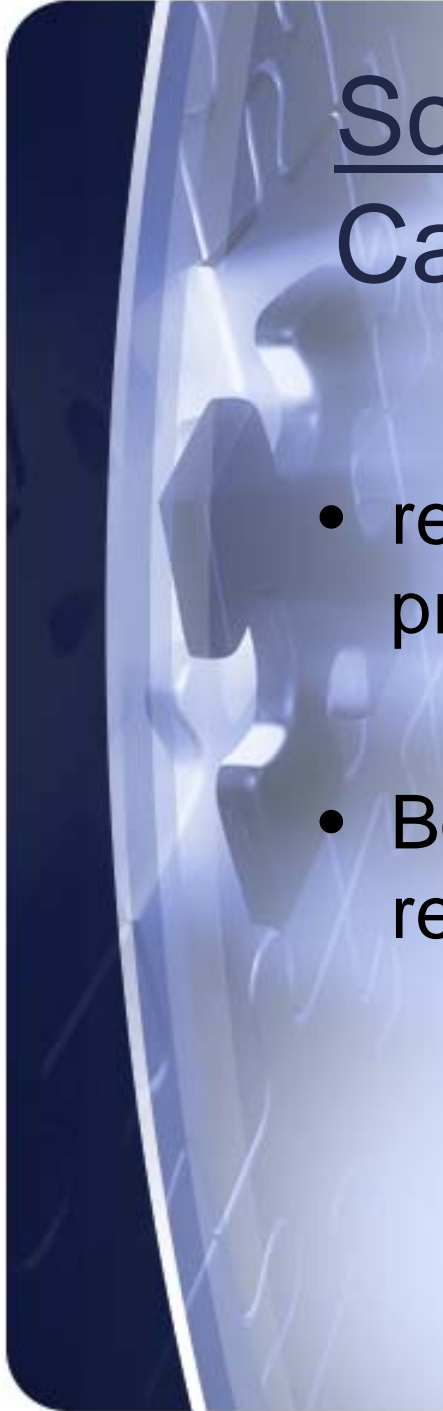
- Board member was asked by the grandparent of a district student, to change the student's bus pass.
- Grandparent was not legal guardian.
- By calling the Business Administrator, the change was effectuated.
- Board member took private action outside the scope of her duties, in violation of N.J.S.A. 18A: 12-24.1(e).
- Penalty of reprimand.



# School Ethics Commission Case Example

- Board member released confidential information to newspaper regarding a legal bill
- The bill was presented in closed session.
- Although the information was later public, it was not public information when discussed in private session, violating N.J.S.A. 18A:12-24.1(g).
- Reprimand.






# School Ethics Commission Case Example

- referred a parent complaint to school principal not superintendent
- Board member held in violation of duty to refer all complaints to superintendent





# School Ethics Commission Case Example

- Board member referred to Superintendent as a “terrorist” on his Facebook page
- Action was found to be a deliberate action in violation of N.J.S.A. 18A:12-24(i) that states a Board member is to support and protect school personnel in proper performance of duties.
- Reprimanded & censure.



# Confidentiality – Student Information

- FERPA: Family Educational Rights and Privacy Act (1977).
- IDEA: Individuals with Disabilities Education Act (Part B).
- New Jersey Administrative Code, 6A:32, subchapter 6.