



New Jersey School Boards Association

Ethics and Roles

Presented by:
NJSBA Field Services Representatives

www.njsba.org



School Ethics Act (effective April 1992)

N.J.S.A. 12-23.1



It is essential that the conduct of members of local boards of education and local administrators hold the **respect** and **confidence** of the people.

These board members and administrators must **avoid conduct** which is in **violation of their public trust** or which creates a **justifiable impression** among the public that such trust is being violated.



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School Ethics Act (effective April 1992)

N.J.S.A. 18A:12-23.1



To ensure and preserve public confidence, school board members and local school administrators should have the benefit of **specific standards** to **guide their conduct** and of some **disciplinary mechanism** to ensure the **uniform maintenance of those standards** among them.

Provisions of this act also apply to charter school trustees and administrators.

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NJSAC – Governance Indicator

Governance Indicator 13:

District board of education members and school administrators annually file a timely and properly completed financial and personal/relative disclosure statement. The district board of education annually discusses the School Ethics Act and no district board of education member or administrator has been found in violation of the School Ethics Act. (N.J.S.A. 18A:12-22 and 26)

Points: 8

Indicator 13 Purpose

To ensure transparency and ethical conduct of board of education members.

Indicator 13 Documentation for Verification

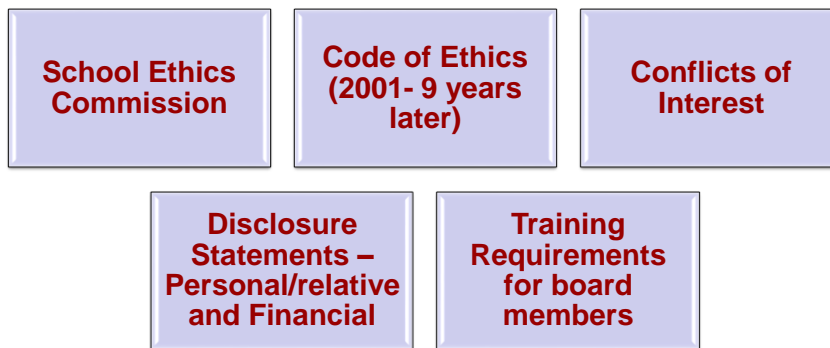
This indicator is monitored remotely.

- Annual online completion of required disclosure statements for board of education members and school administrators.
- Annual discussion of the School Ethics Act, as demonstrated in the board of education minutes.
- List of any board of education member or administrator in the district who has been in violation of the School Ethics Act from the School Ethics Commission.

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The School Ethics Act established:



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Required Training to be Provided by NJSBA N.J.S.A. 18A:12-33

New Board Member – Year 1 of First Term

- Governance 1- New Board Member Orientation
- Skills and knowledge necessary to serve.
- Includes: NJQSAC, Chief School Administrator evaluation process, HIB, OPMA, OPRA

Years 2 & 3 of First Term

- Governance - in each of subsequent two years.
- Governance II – School Finance
- Governance III-- Student Achievement

Any re-elected or reappointed year

- Governance 4- Advanced training to include updates on relevant school law, HIB and other appropriate information.

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School Ethics Commission (SEC)



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SEC Jurisdiction

Advisory Opinions

N.J.S.A. 18A:12-31

- Only a **school official** may request an **advisory opinion** to determine if **any proposed activity or conduct by** a school official in same district would constitute a violation of the Act.

Can be made public.
Needs 6 votes from SEC.

Ethics Complaints

- Acts upon complaints filed by **anyone** alleging a **violation of the School Ethics Act or Code of Ethics** took place.

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Penalties Issued By SEC

Violation of the Act

SEC may recommend to the Commissioner:

Reprimand	Censure	Suspension	Removal
Rebuke by Commissioner	Formal disapproval by Commissioner publicized by adoption of resolution	Length recommended by SEC and decided by commissioner; formal resolution	Remove from office for remaining length of term

SEC makes recommendation to Commissioner for final agency decision. Appeals are heard by the Appellate Division. Frivolous complainants maybe fined up to \$500.00.

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New Jersey

Code of Ethics

I will:

Uphold and enforce all laws, rules, & regulations of State BOE & courts

Make decisions in terms of the educational welfare of children and meet the individual needs of all children

Confine my board action to policy making, planning, and appraisal

Not administer the schools, but together with my fellow board members, see that they are well run

Recognize authority rests with the Board of Education – make no personal promises

Uphold confidentiality, provide accurate information, and interpret community aspirations

Refuse to surrender my independent judgement or to use the schools for personal gain

Vote to appoint the best qualified personnel after consideration of CSA's recommendation.

Support & protect staff in proper performance of duties

Refer all complains to chief administrative officer and only act after failure of administrative solution.



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Conflicts of Interest- N.J.S.A.18A: 12-24

Recuse yourself if there is a benefit to **you** as a **school official** or your **immediate family**, due to a:

Business interest

Use of position to secure unwarranted privileges, advantages, or employment.
(Extends to "others" which can include Nepotism policy definition of relative.)

Financial involvement

Gift, favor, etc. offered with the intent to influence

Personal involvement that creates a benefit

Service or employment that may prejudice independent judgment

SEC definition of Immediate Family (18A:12-23): spouse or dependent child residing in same household.

**No
Discussion
No Vote**

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Who Qualifies as a Relative?

N.J.A.C. 6A:23A-1.2

Accountability Regulation Definition*

Spouse/civil union
or domestic
partner

Parent/stepparent

Child/stepchild
and son/daughter-
in-law

Grandparent,
grandchild

Siblings,
stepbrother/sister,
half brother/sister

Aunt/uncle,
niece/nephew

* **Whether related to school official or spouse/partner** by blood, marriage or adoption.

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Hiring/Personnel

May not hire a relative of a board member or chief school administrator.

(May be exceptions)

If the relative already works in the district:

An administrator may not exercise direct or indirect authority over a relative of the administrator.

A board member may not take part in employment matters concerning the CSA or supervisors in the chain of command between the relative and the CSA.

A board member may not take part in the search, selection, or vote to hire a new CSA, and post-hire evaluations and contract discussions.

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Collective Bargaining

A24-17

Relationship to Board Member	Current Member of a Statewide Public Teachers' Union	Participate in Negotiations Yes or No	Vote to Ratify the Contract Yes or no
Spouse Dependent Child Child (not dependent) Relative	Works in the District	No	No
Self Spouse Dependent Child	Works Out-of-District	No	Yes* **
Child (not dependent) Relative	Works Out-of-District	Yes*	Yes*

* Absent another conflict

** After Memorandum of Agreement, salary guides, total compensation package attained.

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Volunteerism

School board members are not “banned” from volunteering in the schools in their district, but there are important considerations to make.

- Generally, board members may volunteer for activities that support their children, including holding an executive position with the PTA / PTO / HSA.
- **HOWEVER**, BOE members should **refrain** from certain activities, based on the degree of involvement with students and/or staff, and the degree to which the school board member has authority to give or receive directions to/from students and/or staff.
- Board members who volunteer in the schools should advise the superintendent of their planned in-school volunteer activity in advance.

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Before you volunteer in school...

Ask yourself these questions:

1. Will I be giving directions or orders to staff or students? **No**
2. Will I need to take orders from staff? **No**
3. Will I be in the school often? **No**
4. Will it seem to visitors that I work in the school? (i.e., “enmeshed in the building”) **No**
5. Will I be handling the school district’s money at all? **No**
6. Will I be the lead or regular volunteer for a school district club, or a coach for a school district activity or sport? **No**
7. Does the organization for which I am performing the school-based volunteer work (e.g., Girl Scouts, PTO, Rec Commission) have its own bylaws and bank accounts? **Yes**

If your answers are different from any of the answers above, your planned volunteerism is likely at odds with the role of school board member. Talk to your superintendent and request input from the school district’s attorney. Become familiar with AO on volunteerism listed at the end of this presentation.

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In Closing...

“School officials must always be cognizant of their responsibility to protect the public trust, to honor their obligation to serve the interest of the public and Board, and to periodically re-evaluate the existence of potential conflicts.”

(A10-18)

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What did you get yourself into?



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The Four Functions of a Board of Education

1.

- Provide guidance through policy. **(Policy)**

2.

- Provide for a program of quality instruction to advance student achievement. **(Planning)**

3.

- Provide for the effective management of the district by employing and evaluating the chief school administrator (CSA). **(Appraisal)**

4.

- Provide for two-way communication between the community and board. **(Communication)**

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The Role of the Board Member

Board members have no legal status other than that of any citizen **except** when sitting with other board members in a **legally constituted meeting**.

See: Sen. Byron M. Baer
Open Public Meetings Act N.J.S.A. 10-4-6



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The Role of the Board Member

As individuals, board members cannot:

- **make decisions** for the board,
- **take actions** for the board, or
- **speak** for the board,

unless the board has
authorized them to do so.
(Check your Policy Manual!)

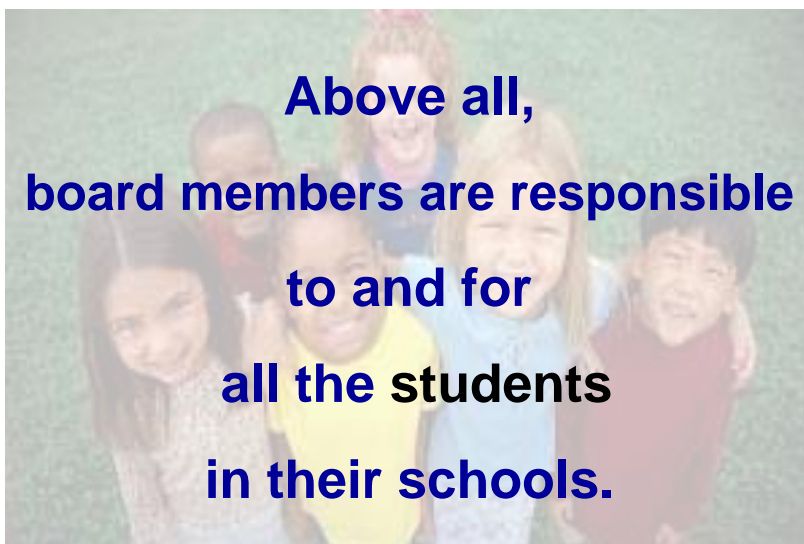


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Role of the Board Member

**Above all,
board members are responsible
to and for
all the students
in their schools.**



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Role of the Board President

BOARD BUSINESS AND MEETING DUTIES

- In collaboration with the Superintendent, determine meeting agendas
- Preside at all meetings of the Board of Education
- Call special meetings as deemed appropriate
- Facilitate meetings that foster open communication and transparency
- Welcome community input and recognize speakers
- Rule on admissibility of business
- Observe protocol and adhere to the agenda



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Role of the Board President

BOARD BUSINESS AND MEETING DUTIES

Align board decision-making and action with board policy

Follow the basics of parliamentary procedure and refer to rules of order when necessary

Control discussion, maintain dignity of proceedings

Be fair, firm, and impartial, focusing members on issues not personalities

Facilitate and motivate rather than dominate

Advise board on governance requirements of NJQSAC

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Every policy a BOE approves, every action a BOE takes, needs to be based on what is best for the education of all the students in the school district. *N.J.S.A.: 18A:12-24.1 (b)*



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**The Role of the BOE:
Not to run the schools,**



but to ensure that they are well run.

N.J.S.A. 18A: 12-24.1 (d)

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In order to do this, the board makes
Policies.

The BOE is a **Policy-making body.**



Authority rests with the **body**, not the
individual.

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Board Bylaws

Bylaws are policies that guide the Board in its own conduct and operations. Bylaws are the **board's internal rules.**

- Identify laws that grant and limit Board authority.
- Prevent arbitrary and capricious actions.
- Impacted by OPMA, School Ethics Act, and case law.

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Planning

To ensure effective teaching and learning, the Board of Education has important planning obligations.



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Planning: The School Budget

The school **Budget** = District's financial plan
reflects all program needs

The Board is responsible for:

- ✓ holding a public hearing
- ✓ approving the budget

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Planning: Curriculum & Instruction

The BOE is required to approve courses of study, including all textbooks & materials.



Boards must be able to demonstrate that the approved curriculum will help their students achieve the NJ State Learning Standards.

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Planning: Annual Goal Setting



Everyone “owns” the District Goals the CSA is responsible for their completion, the Board supplies the resources necessary for their attainment.

Board Goals are set to improve process/tasks “owned” by the Board, and are evaluated in conjunction with the board self-evaluation.

CSA Personal Goals are derived from the annual leadership skills evaluation.

Merit Goals are optional and contained in the CSA’s contract.

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Appraisal: Evaluation Process Overview



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Evaluating your Superintendent



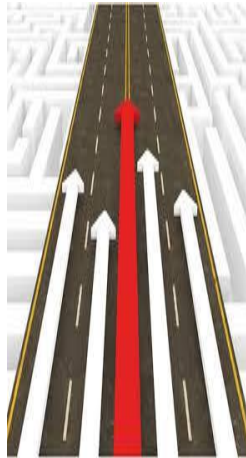
The Annual Evaluation *A Tool for Communication*

- Clarifies leadership roles
- Creates a common understanding
- Develops a positive working relationship

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Evaluating your Superintendent



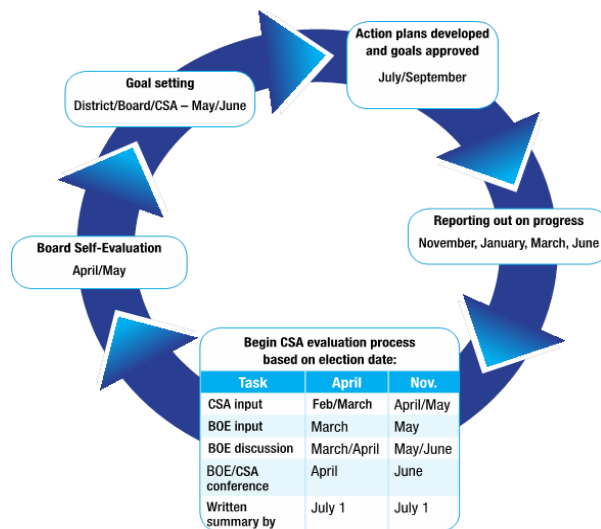
Provides for Accountability

- Drives school improvement & student achievement
- Recognizes accomplishments
- Highlights focus areas
- Sets annual priorities

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Evaluation Cycle



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Communication

Provide for two-way communication between the community and board.



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Role of the Board Member

Board members **represent** their entire community...



...regardless of neighborhood
or where their supporters live.

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Questions?



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