



cause, it reconsidered the matter and voted to amend the probable cause decision to credit the allegation that Ms. Jackson did violate N.J.S.A. 18A:12-24.1(j) of the Code of Ethics.

The Commission found that the material facts were not in dispute with respect to the issue upon which it found probable cause and, therefore, advised Ms. Jackson that it would decide the matter on the basis of written submissions. Ms. Jackson was invited to provide a written submission to the Commission by September 23, 2005, and set forth why the Commission should not find her in violation of N.J.S.A. 18A:12-24.1(b), (c), (i) and (j) of the Code of Ethics for School Board Members in the Act when, at the February 23, 2005 Board meeting, she made a derogatory statement regarding a student created project proposed by a teaching staff member. Ms. Jackson was also told that her written submission should include her position on an appropriate sanction should the Commission determine that the Act was violated.

Ms. Jackson filed a timely response to the Commission's probable cause decision. In her response, Ms. Jackson denied that she violated the Code of Ethics for School Board Members. Ms. Jackson did not provide her position on an appropriate sanction should the Commission find a violation of the Act.

## **FACTS**

The Commission based its finding of probable cause on the following facts.

At all times relevant to the complaint, Ms. Jackson was President of the Board. Ms. Jackson served on the Board for eight years and she resigned from the Board on April 22, 2005, prior to the Commission's hearing on this matter. The complainants are faculty members of the School.

At the February 23, 2005 public comment section of the Board meeting, there was a discussion regarding a project created by students to represent the deaths that resulted during the Holocaust. The lesson was a fulfillment of the requirement at N.J.S.A. 18A:35-28 that every board of education include instruction on the Holocaust and genocides in the curriculum of all elementary and secondary school pupils. A teaching staff member asked if there would be a place on the school grounds to host a "Holocaust Rock Garden." Ms. Jackson responded that she had a number of concerns regarding the project. While communicating her concerns, she said that she "didn't want Jews lined up on Route 9 with their rocks and no where to put them."

## **ANALYSIS**

The Commission found probable cause that Ms. Jackson violated N.J.S.A. 18A:12-24.1(b), (c), (i) and (j) of the Code of Ethics for School Board Members when, at the February 23, 2005 Board meeting, she made a derogatory statement regarding a student created project proposed by a teaching staff member. The project was created and proposed by the teacher in order to provide instruction to fulfill the Core Curriculum

Content Standards requirements on Holocaust Education. Each provision will be discussed in turn.

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

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.

The Commission found probable cause to credit the allegation that Ms. Jackson violated N.J.S.A. 18A:12-24.1(b), because her statement failed to fulfill her Board responsibility to support the educational welfare of the students. The Commission found that, while it would have been reasonable for Ms. Jackson to discuss her concerns regarding curriculum at the School, her statement during a public meeting of the Board that she “didn’t want Jews lined up on Route 9 with their rocks and no where to put them,” was a derogatory statement that focused on a specific religious group. In her response to the Commission’s probable cause determination, Ms. Jackson admitted making the statement, but denied that it showed that her decisions did not support the educational welfare of the children. Ms. Jackson argued that, for eight years, she made decisions in terms of the educational welfare of the children and has sought to develop schools that met the individual needs of all the students regardless of their ability, race, creed, sex or social standing. As the Commission noted in its probable cause determination, Ms. Jackson’s statement is a prime example of religious intolerance. However, after considering Ms. Jackson’s response, the Commission is persuaded that merely making such a statement does not prove that Ms. Jackson’s decisions as a Board member failed to support the educational welfare of the children. Therefore, the Commission finds that Ms. Jackson did not violate N.J.S.A. 18A:12-24.1(b).

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

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.

The Commission found probable cause that Ms. Jackson violated N.J.S.A. 18A:12-24.1(c), because her statement at the public Board meeting was unrelated to policy making, planning and appraisal. In her response to the Commission’s probable cause determination, Ms. Jackson argued that, at the meeting, she adamantly expressed the need to follow policy and procedures for all projects and visitors in the building. She argued that her concern was to fulfill her responsibility for upholding the safety, the conditions of the building lease and the policies for visitors. Thus, it appears that although her statement was derogatory, it was related to the Board’s policies. Therefore, the Commission finds that Ms. Jackson did not violate N.J.S.A. 18A:12-24.1(c).

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

I will support and protect school personnel in proper performance of their duties.

The Commission found probable cause that Ms. Jackson violated N.J.S.A. 18A:12-24.1(i), because her statement created a hindrance in the teacher's ability to move forward with the curriculum of the Holocaust. In her response to the Commission's probable cause decision, Ms. Jackson argued that the teacher did not follow policy and procedure because she did not contact the landlord prior to her creation of the project. After the Board meeting, Ms. Jackson contacted the landlord and discussed with him where all of the stones would be placed. Whether or not the teacher contacted the landlord, the Commission notes that the statement made by Ms. Jackson was the antithesis of the instruction on Holocaust required by N.J.S.A. 18A:35-28. The teacher was fulfilling her duties to provide instruction on the Holocaust and Ms. Jackson's statement demeaned the teacher. It was not supportive of the teacher or the lesson. Therefore, the Commission finds that Ms. Jackson violated N.J.S.A. 18A:12-24.1(i) when she made an insensitive and derogatory statement that did not support the teacher in her proper performance of her duties.

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

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

The Commission found probable cause that Ms. Jackson violated N.J.S.A. 18A:12-24.1(j) because she did not fulfill her duty to report her concerns regarding the lesson on the Holocaust to the chief school administrative officer before raising the issue at a public meeting of the Board. In her response to the Commission's probable cause decision, Ms. Jackson argued that she did refer her complaint to the chief school administrative officer, Ms. Nataloni, when she informed Ms. Nataloni that there would be a quorum for the meeting. At that time, Ms. Nataloni told Ms. Jackson that the issue could be addressed at the meeting because the teacher would be there to discuss the garden and any questions that the Board had. Since Ms. Jackson did refer her complaint to the chief school administrative officer who told her that she could discuss it at the public Board meeting, the Commission finds that Ms. Jackson did not violate N.J.S.A. 18A:12-24.1(j).

## **DECISION**

For the reasons discussed above, the Commission finds that Karen Jackson violated N.J.S.A. 18A:12-24.1(i) of the Code of Ethics for School Board Members in the Act. The Commission recommends that the Commissioner of Education impose a penalty of reprimand since Ms. Jackson has resigned from the Board.

This decision has been adopted by a formal resolution of the School Ethics Commission. This matter shall now be transmitted to the Commissioner of Education for action on the Commission's recommendation **for sanction only**, pursuant to N.J.S.A. 18A:12-29. Within 13 days from the date on which the Commission's decision was mailed to the parties, Ms. Jackson may file written comments on the recommended sanction with the Commissioner of Education, c/o Bureau of Controversies and Disputes, P.O. Box 500, Trenton, NJ 08625, marked "Attention: Comments on Ethics Commission Sanction." A copy of any comments filed must be sent to the School Ethics Commission and all other parties.

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Paul C. Garbarini  
Chairperson

## **Resolution Adopting Decision – C08-05**

**Whereas**, the School Ethics Commission has considered the pleadings filed by the parties and the documents submitted in support thereof; and

**Whereas**, at its meeting of December 20, 2005, the Commission found that Karen Jackson violated N.J.S.A. 18A:12-24.1(i) of the Code of Ethics for School Board Members in the Act and recommended that the Commissioner of Education impose a sanction of reprimand; and

**Whereas**, the Commission reviewed a draft decision prepared by its staff and agrees with the decision;

**Now Therefore Be It Resolved** that the Commission hereby adopts the proposed decision referenced as its decision in this matter and directs its staff to notify all parties to this action of the Commission's decision herein.

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Paul C. Garbarini, Chairperson

I hereby certify that the Resolution  
was duly adopted by the School  
Ethics Commission at its public meeting  
on December 20, 2005.

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Lisa James-Beavers  
Executive Director

PCG/LJB/MET/ethics/decisions/C08-05