



## State of New Jersey

DEPARTMENT OF EDUCATION

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### SCHOOL ETHICS COMMISSION

June 17, 2025

#### For Public Release

Subject – Public Advisory Opinion A10-25

The School Ethics Commission (Commission) received your request for an advisory opinion on your own behalf as a member of the Board of Education (Board). The Commission's authority to issue advisory opinions is expressly limited to determining whether any prospective conduct or activity would constitute a violation of the School Ethics Act. *N.J.S.A.* 18A:12-31. Pursuant to *N.J.S.A.* 18A:12-28(b), the Commission discussed your request at its meetings on May 20, 2025, and June 17, 2025.

You inform the Commission that in addition to serving on the Board, you are employed as a teacher at the Township Elementary School, which is one of four elementary schools that send their students to the local regional high school.

You further inform the Commission that "a curriculum coordinator for all four sending districts may become available through the District's website and the Township Elementary School, the school where you are currently employed, "could serve as the Lead Education Agency (LEA) for the position . . ."

Based on the information provided in your request, you inquire the following: (1) whether you are eligible to take the regional position [as the curriculum coordinator] and still serve on the Board, but abstain from voting when they approve their 1/4th share of [your] contract that will be paid by the LEA (a different school/district); (2) since the "position is under a different LEA district," does this change whether you are "ineligible for appointment to a paid office or position in the district for at least six months after [your] retirement, resignation, or removal from Board membership" and (3) whether you are able to "resign from the Board and serve as an unpaid administrative intern for the position right now until the 6 months is up and then, if approved by the four boards, begin to receive compensation at that time."

As an initial matter, please be advised that the Commission's authority is limited to enforcing the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.*, a set of minimum ethical standards by which all school officials must abide. In this regard, the Commission has jurisdiction only over matters arising

under the Act, and it may not receive, hear, or consider any matter that does not arise under the Act, *N.J.A.C. 6A:28-1.4(a)*.

To the extent you are requesting that the Commission opine on your ineligibility for appointment to a paid office or position pursuant to *N.J.S.A. 18A:12-1.1*, the Commission notes it cannot opine on these questions because its authority is limited to enforcing the provisions of the Act and its implementing regulations. Therefore, the Commission cannot determine, as you have requested, whether you must wait the statutorily required six months after your resignation from the Board before you can be appointed to the regional position or whether you may serve as an unpaid administrative intern for the position right now until the six months are up and then, if approved by the four boards, begin to receive compensation at that time. Nonetheless, the Commission recommends that you discuss *N.J.S.A. 18A:12-1.1* and its requirements with Board counsel.

Turning to your request, the Commission advises that you would violate the Act if you continued to serve on the Board after you accept the regional position as the curriculum coordinator for all four sending districts. The Commission finds that your potential employment as the curriculum coordinator for the District presents a conflict for you and your role on the Board because one of the sending school districts where you currently serve as a Board member, has a shared service agreement with your employer, and would therefore send its “share of the position’s compensation” to the LEA (your employer). Your role as a Board member, while simultaneously maintaining employment, and given the contractual relationship between the Board and the LEA, is riddled with potential ethical violations, many of which may ultimately be incompatible with your ability to effectively serve. Said differently, your employment as the curriculum coordinator “for all four sending districts” may significantly limit the breadth and nature of the matters in which you can be involved in your capacity as a Board member, or will leave you vulnerable to committing, or being accused of committing violations of the Act.

As a reminder, school officials must always be cognizant of their responsibility to protect the public trust, to honor their obligation to serve the interests of the public and the Board, and to periodically reevaluate the existence of potential conflicts of interest. The only way for a school official to truly safeguard against alleged violations of the Act is to avoid any conduct which could have the appearance, actual or perceived, of being in violation of the Act.

Sincerely,

Robert W. Bender, Chairperson  
School Ethics Commission