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SCHOOL ETHICS COMMISSION

September 23, 2025

For Public Release

Subject – Public Advisory Opinion A12-25

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 August 19, 2025, and September 23, 2025.

You inform the Commission that you have a child who is presently "placed unilaterally at a private out-of-district school." You state that in recent discussions with the Director of Special Services (Director), you have asked "for placement of an IEP to track progress while [your] child remains out of the district."

You further inform the Commission that you are "engaging in this matter **exclusively as a parent** and not in [your] board capacity." You note that you have "not participated in any board discussion or vote related to [your] child's placement or special education services and will recuse [yourself] from any such matters in the future to avoid the appearance of a conflict or impropriety."

Based on the information provided in your request, you are requesting "guidance on whether your actions to advocate for [your] child's education needs in this way would be consistent with" the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.*, and whether "any additional steps are necessary to remain in compliance."

As an initial matter, the Commission notes that serving on the Board does not preclude a Board member from also serving as a parent to his/her child. Therefore, generally speaking, Board members are able to advocate on behalf of their children without violating the Act. However, as further detailed below, Board members should refrain from certain activities in order to avoid running afoul of the Act.

As indicated, although as a parent your main objective is to advocate for your child, as a Board member you must ensure that said advocacy does not impair your objectivity or independence of judgment and/or provide an unwarranted advantage, privilege or employment to you, a member of your immediate family or an “other.” Therefore, the Commission advises that you should continue to recuse from all discussions and votes related to out-of-district placements and any other special education services for your child, as well as for other children and families within the District.

In addition, because you must communicate with the Director on behalf of your child, the individual who ultimately oversees the special education services for the District, the Commission advises that you should not participate in any discussions or votes related to the employment of the Director.

Finally, 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