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Commissioner

SCHOOL ETHICS COMMISSION

September 23, 2025

For Public Release

Subject – Public Advisory Opinion A17-25

The School Ethics Commission (Commission) received your request for an advisory opinion on behalf of two members of the Board of Education (Board). You verified that you copied the subjects of your request, Board member A and Board member B, thus complying with *N.J.A.C. 6A:28-5.2(b)*. The Commission notes that the subject Board members did not submit a response to your request, and therefore, the Commission will issue its advice based solely on the information included in your request. 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 preliminarily discussed your request at its Advisory Opinion Committee meeting on September 10, 2025, and again at its regular meeting on September 23, 2025.

You inform the Commission that Board member A and Board member B, are "up for reelection; unopposed." You state that both "candidates received a number of signatures from the district administrators that reside in the town in this upcoming election and in past years." You further state these "signatures are not union based nor does our branch of the NJEA support any school board members in any election." You note that the administrators "are not covered under the teacher's union therefore cannot be grouped into previous Commission decisions of union support/mayoral support based on personal views, politics, religion, etc."

Based on the information provided in your request, you are inquiring whether these Board members may "vote on matters involving those employees, their family members also employed in the District, and/or matters involving the departments they supervise and those employees and programs they oversee."

In its review of the specific facts and circumstances noted in your request, the Commission advises that Board member A and Board member B do not have a *per se* conflict of interest related to the employment of the administrators who signed the petition. The Commission notes that signing a petition, in their private capacity, as individuals who live in the community, in and of itself, is not enough to present a conflict for Board member A and Board member B. Absent any

additional facts, which are not present here, it cannot be assumed that Board member A and Board member B have or will surrender their independent judgment to the administrators. Therefore, as long as Board member A and Board member B do not, among other things, attempt to leverage or otherwise rely upon their Board positions to engage in conduct which substantially conflicts with their service as Board members, surrender their independent judgment or utilize confidential information to provide the administrators with an advantage, they are not prohibited from “vot[ing] on matters involving those employees, their family members also employed in the District, and/or matters involving the departments they supervise and those employees and programs they oversee.”

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