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SCHOOL ETHICS COMMISSION

October 28, 2025

For Public Release

Subject – Public Advisory Opinion A19-25

The School Ethics Commission (Commission) received your request for an advisory opinion regarding the actions of a member of the Board of Education (Board). You verified that you copied the subject of your request, Board Member, thus complying with *N.J.A.C. 6A:28-5.2(b)*. The Commission notes that Board Member submitted a response to your request, and therefore, the Commission will issue its advice based on the information included in your request, as well as on the information detailed in Board Member's response. 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, including Board Member's response at its meeting on September 23, 2025, and again at its meeting October 28, 2025.

You inform the Commission that Board Member was previously employed by the Board in a security capacity. You state he/she "submitted a resignation letter outlining perceived adverse actions by the superintendent, including dissatisfaction with changes to the individual's job position and salary." You further state that when you were present in executive session, the Superintendent, "informed the [B]oard that these interactions were contentious and personally challenging."

You further inform the Commission that following his/her resignation, Board Member "frequently attended [B]oard meetings and used the public comment period to criticize both the [S]uperintendent and the [B]oard, including questioning salary decisions." You state that recently Board Member "authored a letter to a parent in the school district that referenced personnel information and specifically criticized the [S]uperintendent's hiring practices." You further state this "letter could reasonably be interpreted as a public critique of the [S]uperintendent's personnel decisions, essentially amounting to an unauthorized review of the [S]uperintendent's work."

Based on the information provided in your request, you are inquiring whether "this prior and continuing contentious relationship" violates the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.*, and whether it would prohibit Board Member from participating in "[t]he [S]uperintendent's

annual evaluation,” as well as “[a]ny and all personnel matter concerning the [S]uperintendent, including but not limited to hiring practices, contract discussions, and personnel discussions.”

Following submission of your request, Board Member submitted a response, which included a letter from Board counsel. In sum, Board Member and Board counsel state that Board Member is not conflicted from participating in the Superintendent’s evaluation “or any other issue regarding [the] Superintendent [.]” Board Member states that he/she was an employee of the Monroe Township School District (District) from 2011 to 2022 “when [he/she] resigned from [his/her] security position.” Board Member notes that he/she ran for a position on the Board “this past year.”

According to Board counsel’s letter, during his/her time as a Board member, Board Member admittedly, “engaged in vocal opposition to the Superintendent, and has made statements that have been critical of [the Superintendent’s] job performance and has reflected his/her personal opinion that [the Superintendent] is not fit for the position and/or the District should look for a new Superintendent.” Board Member states this request is “a frivolous attempt by a [B]oard member who disagrees with the attorney[’]s opinions and [he/she] feel[s] this is a[n] attempt to smear [his/her] good name and reputation.”

In its review of the specific facts and circumstances noted in your request, the Commission advises that Board Member does not have a *per se* conflict related to the Superintendent and/or his/her employment. You have indicated that Board Member resigned from the District on his/her own accord, and he/she further acknowledges that he/she resigned in 2022, three years before becoming a member of the Board. The fact that Board Member “submitted a resignation letter outlining perceived adverse actions by the superintendent, including dissatisfaction with changes to the individual’s job position and salary,” or his/her admitted “vocal opposition” to the Superintendent, does not mean that he/she cannot exercise independence of judgment or otherwise be objective in matters related to the Superintendent and/or his/her employment. Moreover, Board Member did not become a member of the Board until three years after his/her resignation, which is a sufficient amount of time to have lapsed, and there is nothing in your request to suggest that he/she ran for a seat on the Board with a personal vendetta against the Superintendent. As a Board member, he/she is not required to agree wholeheartedly with the actions, conduct, and positions of the Superintendent. It is his/her right, as a Board member, to express contrary views to that of the Superintendent, and his/her public comments do not, without more, create a conflict that would preclude his/her involvement in any and all matters related to the Superintendent.

Of note, this request was not made by the Superintendent. Nevertheless, as it is your prerogative to defend the Superintendent’s position, it is also Board Member’s prerogative to act in opposition. You and Board Member are one of several members of the Board, and it is each of your choices to support or oppose the adoption of an evaluation and/or a contract.

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