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SCHOOL ETHICS COMMISSION

October 28, 2025

For Public Release

Subject – Public Advisory Opinion A20-25

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 A, thus complying with *N.J.A.C. 6A:28-5.2(b)*. The Commission notes that Board Member A 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 A'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 preliminarily discussed your request at its advisory opinion committee meeting on October 15, 2025, and again at its regular meeting on October 28, 2025.

You inform the Commission that you are the chief school administrator (CSA) at the School District (District), and you have been "superintendent and principal here since January 2025." You state that Board member A is a member of the Board. You note that "[The District] is part of the Regional School District [(Regional)]. [Several] school districts all send to the [Regional] High School for grades 7 through 12." You further state, "[a]s a part of the regional relationship, [the Regional has] a number of shared positions including a shared curriculum coordinator." You provide that the curriculum coordinator "is evaluated by [you] and the administrators of the [Regional]."

You further inform the Commission that the Regional posted an opening for a curriculum coordinator position. You note that on July 22, 2025, the Superintendent of the high school shared Board Member A's resume with the regional superintendents. You further note Board Member A was the only applicant who applied for the curriculum coordinator position. You indicate that the Regional Superintendents discussed Board Member A's application and "concluded that proceeding with [his/her] application would present an ethical conflict due to [his/her] position on the [Board]." You state that you contacted Board Member A "to explain that [you] could not move forward with

[his/her] application.” Thereafter, Board Member A “provided a copy of” an advisory opinion that [he/she] had previously requested on [his/her] own behalf.

Based on the information provided in your request, you inquire whether Board Member A is prohibited from participating in your “evaluation process” considering that he/she “applied for this position, which is financially supported by the School District and is evaluated by the regional superintendents, and that [you] had to inform [him/her] that [he/she] is not able to proceed in the interview process.”

Following the submission of your request, Board Member A submitted a response, which indicates he/she has “withdrawn [his/her] interest in the position of Regional Curriculum Coordinator; no reasonable reading of the School Board Act [(sic)] supports any concern with the situation; and the instant request is simply harassment because [he/she has] asked repeatedly that [the CSA] be evaluated by the Board as *required* by both our school board policies and New Jersey law.” More specifically, Board Member A notes that on May 5, 2025, he/she “expressed general ‘interest in administrative opportunities within the [] region’ as [he/she] pursued [his/her] principal certification and complete[d] a 300-hour internship.” Although the Superintendent of the middle school/high school ensured him/her that he/she would be added to the “application pool,” Board Member A states that the position was not posted until August 4, 2025, and “by that time, [he/she] had conceded to [the CSA’s] entreaties that [he/she] would not pursue the position,” and therefore, Board Member A did not apply.

Board Member A recognizes that if he/she had accepted a paid position within the Regional, the CSA would have been one of the supervisors and “that would be an ethical violation – but that never came to fruition because [he/she] withdrew any interest in the position – even as an unpaid administrative intern to” the Superintendent of the middle school/high school. Board Member A states, “there is nothing in our ethical or conflict laws which [prohibits him/her] from fulfilling [his/her] legal responsibility to evaluate [the CSA].” Finally, Board Member A notes that it is only after he/she “discovered that [the CSA] is not being formally evaluated as required” that the CSA “initiated this process against [him/her].”

In its review of the specific facts and circumstances noted in your request, as well as in Board Member A’s response, the Commission advises that Board Member A does not have a *per se* conflict related to your “evaluation process” simply because you contacted him/her “to explain that [you] could not move forward with [his/her] application.” The Commission notes that you have not indicated, nor does there appear to be, any direct or indirect evidence of animus between you and Board Member A, and therefore, he/she would not violate the Act if he/she participated in your evaluation or any other matters related to your employment. Moreover, it appears that after requesting an advisory opinion regarding his/her interest in employment within the school district, as well as the timing of the job posting, it was a mutual decision that Board Member A would not pursue the employment opportunity.

Although there does not appear to be any direct or indirect evidence of animus, the Commission notes when participating in matters related you, Board Member A must **always** be objective and exercise independent judgment, and must not allow the fact that he/she was not considered for the curriculum coordinator position to affect his/her decision-making.

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