



## State of New Jersey

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### SCHOOL ETHICS COMMISSION

October 28, 2025

#### For Public Release

Subject – Public Advisory Opinion A21-25

The School Ethics Commission (Commission) received your request for an advisory opinion on your own behalf, as well as on behalf of members of the Board of Education (Board). You verified that you copied the subjects of your request 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 October 15, 2025, and again at its regular meeting on October 28, 2025.

You inform the Commission that the Public Schools (District) "has not-for-profit organizations and foundations that conduct fundraising activities throughout the year to benefit schools, the district, teachers, or other designated recipients." You state that the District also has "local for-profit businesses that like to raise funds or contribute to [your] schools, teachers, or district during various times of the year." More specifically, you note these "fundraising activities may seek, but is not limited to: contributing personal volunteer time, monetary donations, or donated items [and] personally attending events or personally contributing to fundraisers at local for-profit businesses where the business is fundraising for a [District] parent organization, school, or district."

You further inform the Commission that none of the Board members "hold any ownership interest in local businesses participating or conducting fundraising for [your] schools or district" and they "do not have a leadership/officer/trustee/managerial role in a not-for-profit school based parent organization or local foundation."

Based on the information provided in your request, you inquire whether the subject Board members may "volunteer at or attend fundraising events organized by these groups or entities,"

“make personal financial contributions or in-kind donations to these organizations” and/or “patronize local for-profit fundraising or attend events where proceeds from sales are donated to a” District school.

As an initial matter, the Commission notes in addition to *Advisory Opinion A04-21* (A04-21), *Advisory Opinion A15-18* (A15-18) and *Advisory Opinion A07-00* (A07-00), which you have cited, the Commission has issued additional public advisory opinions, namely, *Advisory Opinion A17-15* (A17-15), *Advisory Opinion A10-15* (A10-15) and *Advisory Opinion A32-14* (A32-14) that are instructive and discuss a Board member’s involvement in a volunteer activity. However, as noted in the public advisory opinions and as further developed below, Board members should refrain from certain activities in order to avoid running afoul of the Act. First, A17-15, A10-15, A32-14 and A07-00 generally focused on the level of involvement that a board member had with staff and students, in addition to whether the board member would give or receive directions and orders to staff during the volunteer activity. In these advisory opinions, the subject board member was in a supervisory role and generally oversaw students and staff, and therefore, the Commission opined that their interaction would be violative of the Act. Next, in A04-21 and A15-18, the Commission advised that the subject board members could continue to volunteer because their volunteer activity was “passive” and the volunteer activity did not involve direction to/from staff, students or other board members.

In its review of the specific facts and circumstances provided in your request, and considering its previously issued advice, the Commission advises that because, as you have indicated, none of the Board members “hold any ownership interest in local businesses participating or conducting fundraising for [your] schools or district” and they “do not have a leadership/officer/trustee/managerial role in a not-for-profit school based parent organization or local foundation,” and because the nonprofit and for-profit businesses do not appear to be under the control of, overseen by, or otherwise managed by the Board and/or the District, the Act does not *per se* prohibit the Board members from “volunteer[ing] at or attend[ing] events organized by these groups or entities.” However, the Commission cautions that when these Board members volunteer at and/or attend fundraising events organized by these businesses, they must always be cognizant that the obligations of the Act follow them in all activities in which they engage.

As to your inquiry regarding whether these Board members may “make personal financial contributions or in-kind donations to these organizations,” the Commission notes it does not have the authority to determine whether these Board members may “make a *personal* financial contribution” (emphasis added), in their individual capacity as private citizens. However, if these Board members choose to donate money to a nonprofit and/or for-profit entity, as private citizens, the Commission cautions that they should ensure that they do not provide a donation as an attempt to secure an unwarranted privilege or advantage for themselves, members of their immediate family, or “others,” or as a quid pro quo.

Regarding your inquiry as to whether the Board members may “patronize local for-profit fundraising or attend events where proceeds from sales are donated to the [] school or district,” the Commission advises they are not prohibited from attending such events; however, they should not invoke their Board status, and they should not use their positions as Board members to obtain financial benefits, including but not limited to, free or reduced products or as some type of quid pro quo.

The Legislature has declared that board members “must avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated.” *N.J.S.A.* 18A-12-22. In sum, although they are not prohibited from patronizing, donating to and/or attending fundraising events related to these businesses, the Commission notes the Board members should ensure, among other things, that they do not attempt to leverage or otherwise rely upon their Board positions, should not engage in conduct that substantially conflicts with their service as Board members and should not surrender their independent judgment, because ultimately, the public trust is paramount.

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