

0142 BOARD MEMBER QUALIFICATIONS, PROHIBITED ACTS AND CODE OF ETHICS

Each member of the Board of Education shall possess the qualifications required by law and shall be bound by the provisions of the School Ethics Act.

Qualification of Office

1. A Board member must be a citizen of the United States.
2. A Board member must be a resident of the district the member represents and must have been such for at least one year immediately preceding the member's election or appointment.
3. A Board member must be able to read and write.
4. A Board member must be registered to vote in the district and not disqualified from voting pursuant to N.J.S.A. 19:4-1.
5. A Board member may not have been convicted of a crime or offense as listed in N.J.S.A. 19:4-1.
6. A Board member cannot concurrently hold office as a member of the governing body of South Orange or Maplewood.

Each member of the Board of Education, within thirty days of election or appointment to the Board shall undergo a criminal history background investigation for the purpose of ensuring the member is not disqualified from membership due to a criminal conviction of a crime or offense listed in N.J.S.A. 18A:121 et seq. The Board of Education will reimburse the Board member for the costs of the criminal history record check unless the record check discloses a disqualifying offense. The Commissioner of Education shall notify the Board of Education if a member has been disqualified from membership on the Board as the result of the criminal history record check. The Commissioner of Education will also notify the Board if a Board member has charges enumerated in N.J.S.A. 18A:12-1 pending against him/her/them and the Board shall take appropriate action. If the pending charges result in conviction, the member shall be disqualified from continued membership on the Board.

Prohibited Acts

"Business" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, political organization, or other legal entity but does not include a school district or other public entity.

"Interest" means the ownership of or control of more than ten percent of the profits, assets, or stocks of a business but does not include the control of assets in a labor union.

"Immediate family" means the person to whom the Board member is legally married and any dependent child of the Board member residing in the same household.

No Board member or member of ~~his or her~~their immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity that is in substantial conflict with the proper discharge of ~~his or her~~their duties in the public interest.

No Board member shall use or attempt to use ~~his or her~~their official position to secure unwarranted privileges, advantages, or employment for ~~him or herself~~themselves, members of ~~his or her~~their immediate family, or other.

No Board member shall act in ~~his or her~~their official capacity in any matter where ~~he or she~~they, a member of ~~his or her~~their immediate family, or a business organization in which ~~he or she~~the Board member has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair ~~his or her~~their independence of judgment in the exercise of official duties.

No Board Member shall act in ~~his or her~~their official capacity in any matter where ~~he or she~~they or a member of ~~his or her~~their immediate family has a personal involvement that is or creates some benefit to the Board Member or to a member of ~~his or her~~their immediate family. No Board member shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice ~~his or her~~their independence of judgment in the exercise of official duties.

No Board member or member of ~~his or her~~their immediate family or business organization in which ~~he or she~~the Board members has an interest shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing ~~him or her~~them, directly or indirectly, in the discharge of ~~his or her~~their official duties, except that the member may have solicited or accepted contributions to ~~his or her~~their campaign for election to public office if ~~he or she~~the board member had no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence ~~him or her~~them in the discharge of official duties. Board members may not accept offers of meals, entertainment or hospitality which are limited to clients/customers of the individual providing such hospitality. Board members may attend hospitality suites or receptions at conferences only when they are open to all persons attending the conference.

No Board member shall use, or allow to be used, ~~his~~their public office or any information not generally available to the members of the public which ~~he or she~~they receives or acquires in the course of and by reason of ~~his or her~~their office, for the purpose of securing financial gain for ~~him or herself~~themselves, any member of ~~his or her~~their immediate family, or any business organization with which ~~he or she~~the board member is associated.

No Board member or business organization in which ~~he or she~~they has an interest shall represent any person or party other than the Board of Education or this school district in connection with any cause, proceeding, application, or other matter pending before this school district or in any proceeding involving this school district, except that this provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities.

It is not a conflict of interest if, merely by reason of ~~his or her~~their participation in any matter voted upon by the Board, a Board member accrues material or monetary gain that is no greater than the gain that could reasonably be expected to accrue to any other member of the member's business, profession,

occupation, or group.

No elected Board member shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward, or other thing of value is promised to or given to or accepted by the member or a member of ~~his or her~~their immediate family, whether directly or indirectly, in return for the information so requested.

Nothing shall prohibit a Board member or members of ~~his or her~~their immediate family from representing ~~him or herself or~~ themselves in negotiations or proceedings concerning ~~his or her~~the board member or their own interests, except that Board members shall disqualify themselves from participating in negotiations and voting on collective bargaining agreements where their spouse or dependent children are members of the bargaining unit.

Each Board member shall annually, in accordance with N.J.S.A. 18A:12-25 and 18A:12-26, file a disclosure statement regarding potential conflicts of interest.

Ineligibility for District Employment

A Board member cannot be appointed to a paid office or position required to be filled by the Board, except where law permits or requires that the office or position be filled by a Board member, and is ineligible for appointment to a paid office or position in the district for at least six months after the member's retirement, resignation, or removal from Board membership.

Code of Ethics

In accordance with N.J.S.A. 18A:12-24.1, every Board member will abide by the following Code of Ethics. The Board member will:

- a. Uphold and enforce all laws, rules and regulations of the State Board of Education and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.
- b. Make decisions in terms of the educational welfare of children and seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, color, military service, marital or domestic partnership or civil union status, national origin, age, ancestry, nationality, sex, gender identity of expression, disability, affectional or sexual orientation, atypical cellular or blood trait, genetic information, ~~r~~or social standing.
- c. Confine ~~his/her~~their Board action to policy making, planning and appraisal, and help to frame policies and plans only after the Board has consulted those who will be affected by them.
- d. Carry out ~~his/her~~their responsibility not to administer the schools, but together with fellow Board members, insure that they are well run.
- e. Recognize that authority rests with the Board of Education and make no personal promises nor take any private action that may compromise the Board.
- f. Refuse to surrender ~~his/her~~their independent judgement to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.
- g. Hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals, or the schools. In all other matters, ~~he/she~~the Board member will provide accurate

information and, in concert with fellow Board members, interpret to the staff the aspirations of the community for its schools.

- h. Vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.
- i. Support and protect school personnel in proper performance of their duties.
- j. Refer all complaints to the chief administrative officer and act on the complaints at public meetings only after the failure of an administrative solution.

Each Board member is required to sign an acknowledgement that ~~he/she~~they received a copy, read and will become familiar with the Code of Ethics for School Board Members contained within N.J.S.A. 18A:12-21 et seq. The Board Secretary will provide each Board member with a copy of the Code of Ethics and the required acknowledgement on an annual basis and will maintain the original signed acknowledgement(s) in the Board Secretary's office.

The Board will receive a copy of and discuss the School Ethics Act and the Code of Ethics for School Board Members, pursuant to N.J.A.S. 12-21 et seq., at a regularly scheduled public meeting each year. The discussion may include presentations by school administrative staff, the Board attorney, Board members and/or other professionals familiar with the School Ethics Act and the Code of Ethics. In addition, the Superintendent or ~~his/her~~their designee shall keep the Board informed of decisions by the School Ethics Commission, the Commissioner of Education, the State Board of Education and the courts.

Oath of Office

Each Board member shall, before entering upon the duties of the office, swear or affirm under oath that ~~he or she~~they qualify~~ies~~ for membership and will faithfully discharge the duties of the Office of Board member.

Code of Governance

The Code of Governance will be reviewed annually.

N.J.S.A. 18A:12-1; 18A:12-1.1; 18A:12-2; 18A:12-2.1; 18A:12-21 through 12-34; 41:1-3
N.J.A.C. 6A:32-3.2

School Ethics Commission Policy Guideline 1.

Cross References: 0143, 1540

Previous Adoptions: November 3, 2003, ~~and~~ November 21, 2011 & July 18, 2016

First Reading: ~~June 20, 2016~~ February 22, 2021
Second Reading: ~~July 18, 2016~~
Latest Adoption: ~~July 18, 2106~~