

0142.1 NEPOTISM (M)

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The Board of Education adopts this Nepotism Policy as a condition of receiving State aid pursuant to N.J.A.C. 6A: 23A-6.2(a).

For the purposes of this ~~p~~Policy, “relative” means an individual's spouse, ~~by marriage or~~ civil union ~~partner as defined at pursuant to~~ N.J.S.A. 37:1-~~2833 et seq.~~, domestic partner as defined ~~at in~~ N.J.S.A. 26:8A-3, or the ~~individual's or spouse's~~ parent, child, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister of the individual or of the individual's spouse, civil union partner, or domestic partner, whether the relative is related to the individual or the individual's spouse, civil union partner, or domestic partner by blood, marriage, or adoption pursuant to N.J.A.C. 6A:23A-1.2.

For the purposes of this policy, “immediate family member” means the person’s spouse, partner in a civil union as defined ~~at in~~ N.J.S.A. 37:1-~~2833 et seq.~~, domestic partner as defined ~~at in~~ N.J.S.A. 26:8A-3, or dependent child residing in the same household.

For purposes of this policy, “administrator” is defined as set forth in N.J.S.A. 18A:12-23.

No relative of a Board member or the Superintendent of Schools shall be employed in an office or position in the school district except: ~~that a person employed by the school district on the effective date of the policy or the date a relative becomes a Board member or Superintendent shall not be prohibited from continuing to be employed or promoted in the district.~~

~~No relative of a Board member or the Superintendent of Schools shall be employed in an office or position in this school district except that a person employed by the school district on the effective date of the policy or the date a relative becomes a Board member or Superintendent shall not be prohibited from continuing to be employed or promoted in the district.~~

1. A person employed by the district on or before October 1, 2008 or on or before the date an employee’s relative becomes a Board member or Superintendent shall not be prohibited from continuing to be employed or to be promoted in the district in accordance with the effective date as outlined in the initial version of N.J.A.C. 6A:23A-6.2 adopted on July 1, 2008. However, this shall not pertain to extending an employment contract to allow for an increase in annual pay directly related to an extension of the work year; and



POLICY

SOUTH ORANGE MAPLEWOOD BOARD OF EDUCATION

Bylaws
0142.1/Page 2 of 3
NEPOTISM (M)

2. The district may employ a relative of a Board member or the Superintendent provided the district has obtained approval from the Executive County Superintendent. Such approval shall be granted only upon demonstration by the district that it conducted a thorough search for candidates and the proposed candidate is the only qualified and available person for the position.

The Superintendent ~~of Schools~~ shall not recommend to the Board, pursuant to N.J.S.A. 18A:27- 4.1, the any relative of ~~a Board member or~~ the Superintendent ~~or a Board member, unless the relative is subject to an exception as outlined at N.J.A.C. 6A:23A-6.2(a)2. And at 1. and 2. above. However, in accordance with N.J.A.C. 6A:23A-6.2(a)2, the district may employ a relative of a Board member or Superintendent of Schools provided the district obtains the approval from the Executive County Superintendent of Schools. Such approval shall be granted only upon demonstration by the school district that it conducted a thorough search for candidates and that the proposed candidate is the only qualified and available person for the position.~~

~~In accordance with N.J.A.C. 6A:23A-6.2(a)6.(b), per diem substitutes and student employees who are relatives of a Board member or the Superintendent of Schools shall be excluded from the provisions of this Policy and N.J.A.C. 6A:23A-6.2.~~

A ~~school~~ district administrator shall ~~not exercise be prohibited from exercising~~ direct or indirect authority, supervision, or control over the administrator's a relative ~~of the administrator. If Where~~ it is not feasible to eliminate such a direct or indirect supervisory relationship, appropriate screens and/or alternative supervision and reporting mechanisms ~~shall must~~ be put in place.

A ~~school~~ district administrator or Board member ~~whose who has a~~ relative ~~who~~ is a member of the bargaining unit ~~shall not discuss or vote is prohibited from discussing or voting~~ on the proposed collective bargaining agreement with that unit or from participating in any way in negotiations, including, but not limited to, being a member of the negotiating team; nor should that ~~school~~ district administrator be present with the Board in closed session when negotiation strategies are being discussed; ~~provided~~ however, ~~that~~ the administrator may serve as a technical resource to the negotiating team and may provide technical information necessary to the collective bargaining process when no one else in the district can provide such information.

A ~~school~~ district administrator or Board member who has an immediate family member who is a member of the same Statewide union in another school district shall ~~not participate be prohibited from participating~~ in any way in negotiations, including but not limited to, being a member of the negotiating team or being present with the Board ~~of~~



POLICY

SOUTH ORANGE MAPLEWOOD BOARD OF EDUCATION

Bylaws
0142.1/Page 3 of 3
NEPOTISM (M)

~~Education~~ in closed sessions when negotiation strategies are being discussed, prior to the Board of Education attaining a Tentative Memorandum of Agreement with the bargaining unit that includes a salary guide and total compensation package. Once the Tentative Memorandum of Agreement is established, a school district administrator with an immediate family member who is a member of the same State-wide union in another school district may fully participate in the process, absent other conflicts. ~~However, Notwithstanding these provisions,~~ a district administrator who has an immediate family member who is a member of the same statewide union in another district may serve as a technical resource to the negotiating team and may provide technical information necessary to the collective bargaining process when no one else in the district can provide the information.

~~In determining when it is appropriate not to participate in negotiations, Board members will be further guided by the general requirements of the School Ethics Act, and implementing decisions and will strive to avoid both actual conflicts of interest and the appearance of a conflict of interest.~~

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~~In accordance with N.J.S.A. 18A:55-3, the Commissioner may withhold State aid from school districts that have not demonstrated compliance with this policy.~~

~~[Optional — In accordance with N.J.A.C. 6A:23A-6.2(b), per diem substitutes and student employees who are relatives of a Board member or the Superintendent shall be excluded from the provisions of this Policy and N.J.A.C. 6A:23A-6.2]~~

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N-.J.A.C. 6A: 23A-6. 2

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Revised:

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