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TO: District Superintendents
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FROM: Gerald J. Vernotica, Assistant Commissioner
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SUBJECT: Nepotism Policy Clarification

TOTAL PAGES: 2

DISTRIBUTE TO: Staff as appropriate

The attached document, "Nepotism Policy Clarification," is provided to assist you in implementing the requirements of N.J.A.C. 6A:23A-6.2. Please share this policy clarification with appropriate staff and with your district's board of education members.

Nepotism Policy Clarification

As local school district administrators begin the process of recommending approval of contracts for employees for the 2009-2010 school year to their Boards of Education, questions have arisen regarding the implementation of the regulations at N.J.A.C. 6A:23A-6.2, which requires that districts implement a nepotism policy that includes the following:

- *a provision prohibiting any relative of a school board member or chief school administrator from being employed in an office or position in that district except that a person employed by the district on the effective date of the policy or the date a relative becomes a school board member or chief school administrator shall not be prohibited from continuing to be employed in the district (N.J.A.C. 6A:23A-6.2(a)(2); and*
- *a provision prohibiting the chief school administrator from recommending to the school board pursuant to N.J.S.A. 18A:27-4.1 any relative of a school board member or chief school administrator (N.J.A.C. 6A:23A-6.2(a)(3).*

Districts have questioned whether school employees that are hired under one year contracts are considered “new” employees each year that they are recommended for another contract, and are therefore not eligible for hire if they are a relative of an existing school board member or chief school administrator.

Please be advised that under N.J.A.C. 6A:23A-6.2, school employees that are employed under a one year contract on the effective date of the nepotism policy or the date a relative becomes a school board member or chief school administrator are covered by the provisions of N.J.A.C. 6A:23A-6.2(a)(2), and they are not prohibited from continuing to be employed in the district. In other words, chief school administrators may recommend those employees for rehire in the district.

Districts are reminded that the nepotism policy must also include a provision prohibiting a district administrator from exercising direct or indirect authority, supervision or control over a relative of the administrator. However, where it is not feasible to eliminate such a direct or indirect supervisory relationship, appropriate screens and/or alternative supervision and reporting mechanisms must be put in place.

Boards of education, as always, retain the option of creating a nepotism policy that is more restrictive than required by the regulations.