

## POSITIONS AND POLICIES ON EDUCATION

### Conflict of Interest

FILE CODE

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- A. **The NJSBA believes** that board members and school administrators should be precluded from participation in the collective negotiation process when they have immediate family members employed in the district in the bargaining unit in question.
- B. **The NJSBA believes** that board members and school administrators should be authorized to fully participate in the collective negotiation process where their conflict is limited to an out-of-district union affiliation. *[Authority: DA 12/94-1, DA 11/98-SR]*
- C. **The NJSBA believes** that the position of teacher and member of the board of education in the same school district are incompatible and represent intolerable potential conflicts of interest. District employment of board members should be prohibited unless the member resigns or ceases to be a member 6 months prior to accepting such employment. *[Authority: DA 5/59-5, 6, DA 12/92-SR, DA 11/98-SR]*
- D. **The NJSBA believes** that an employee of a board of education should not be permitted to hold the position of mayor, chief executive officer or member of the governing body in the same municipality. *[Authority: DA 6/81-1, DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR]*

#### Nepotism

- A. **The NJSBA believes** that the School Ethics Act, including the Code of Ethics for School Board Members, as well as related policy models in the Association's Critical Policy Reference Manual provide sufficient guidance to prevent nepotism and conflicts of interests in board hiring decisions.
- B. **The NJSBA believes** that any regulations governing nepotism should be adopted pursuant to the Administrative Procedures Act and should be identical for all districts. *[Authority: DA 5/07-1, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR]*

#### Doctrine of Necessity

**The NJSBA believes** the Doctrine of Necessity is a vital tool to be used by boards of education when needed. The use of the Doctrine of Necessity should be permitted when a board is searching for and selecting a new superintendent. *[Authority: DA 11/14-3, DA 5/18-SR]*

**Cross References:** 1410 Local units  
4135.3 Negotiations  
9140 Board Representatives  
9250 Expenses  
9271 Code of ethics

**Key Words:** conflict, nepotism, Abbott