



New Jersey School Boards Association

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COMMUNITY ENGAGEMENT 2.0....WHEN TRADITIONAL METHODS WON'T DO

LEGAL DO'S AND DON'TS OF SCHOOL BUDGET CAMPAIGNS

NJSBA Winter School Public Relations Forum

NJSBA Headquarters - Online

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I. Expenditure of Public Funds

A. Citizens to Protect Public Funds v. Parsippany-Troy Hills Board of Education, 13 N.J. 172 (1953). School bond election. Booklet contained several “vote yes” exhortations and over-dramatized the dire consequences of failure to do so; although illegal, did not invalidate election already held.

1. Reasonable expenditures for voter education are proper -- relevant facts to make an informed decision
2. Public funds belong to proponents/opponents equally

B. Implicit expenditures of public funds

1. School equipment
2. School facilities
3. School supplies
4. Staff time

Nothing contained in this document should be construed as legal advice. This document is for informational purposes only. Please consult your board attorney for legal advice.

C. Examples of proper ways to advocate budget

1. Public Forum- both sides
2. Radio/TV debates
3. Community meetings
4. Position statement to reporters
5. Publications if even-handed

If no public monies are involved, a board member may speak in favor of, or against, the budget. However, board members should be aware that the school ethics laws and local board policies would govern their public statements. In general, board members may express their opinions as long as they do so as a private individual, identify themselves as a board member indicating that their opinion is their own and not that of the board, and the information is accurate and not confidential. See SEC Advisory Opinions A-02-06 (3/10/06), A03-07 (4/02/07).

D. Use of outside groups/civic associations

E. Rulings on Referendum/Budget literature—Information v. Advocacy

1. Fenton v. Sullivan (Middletown), 1991 S.L.D. 677
Publicity; restraining order entered; board cannot publish and distribute School Scene, a newsletter which advocates passage of a budget question on a ballot.
2. Schettino v. Ridgefield Bd. of Ed., 93 N.J.A.R. 2d (EDU) 224
Unsuccessful candidate challenged flyers entitled “fact sheets” which extolled virtues of present board and its accomplishments and accused opponents of spreading lies, amount to campaign literature. Adversarial and argumentative. Commissioner of Education ordered review procedures for future election publications to assure they are non-partisan.

Editorials in student newspaper distributed 1 day before election supporting board incumbents were not improper -- protected speech.

3. Burghardt v. Mahwah Bd. of Ed., 1993 S.L.D. (November 29)

Referenda Advisories, while mostly factual, taken in totality created the impression that voters should vote for budget (mentioned link between real estate values and schools.)

4. Old Bridge, 94 N.J.A.R. 2d (EDU) 230. Board's production and distribution of video via cable television advocating passage of budget was an improper expenditure of public funds. Favorable approach in the overall program colored the character and effect as to push it over the line separating info from advocacy. Board was ordered not to spend public funds to advocate budget in the future. However, administrator speech in favor of the budget at a senior citizens event was not improper.
5. Magara v. Wall Twp., 95 N.J.A.R.2d (EDU) 532
Portion of school board's referendum newsletter that unintentionally lent itself to misinterpretation must be corrected.
6. Enterline v. Hillsborough, 96 N.J.A.R.2d (EDU) 114
School board's 8-page newsletter was an advocacy piece touching on hot-button local concerns about property values and community image -- discussed emotional ramifications of defeat rather than recitation of facts, and was improper. Full board was ordered to publicly review publications for period of one year to assure they did not have influencing effect.
7. Schoen v. Edison, 97 N.J.A.R.2d (EDU) 491.
Board did not act improperly by hiring consultant to prepare referendum newsletter. Board may work for passage of its own initiative with public funds circumscribed by promulgation of materials that are balanced. The board's newsletter, while presenting a "close question" because of its tenor that was favorable to the bond referendum, did not distort or overdramatize the facts. "If there is no evidence that the information provided is deliberately incomplete, inaccurate or selectively biased, the mere absence of the mention of opposing viewpoints is not sufficient to warrant a finding that the material contravenes Citizens to Protect Public Funds."
Also, where board self-policed election materials and didn't use some that the consultant had prepared because it found them one-sided -- even though it paid for them, no violation. Board should have been more diligent in defining parameters for the consultant.

8. Adams v. Greenwich Twp. Bd. of Ed., 99 S.L.D. (Oct. 5), aff'd St. Bd. 00:May 3) School bond referendum information (community relations information book) did not unfairly advocate any position. One statement taken alone which omitted information about state aid did not show misinformation where four flyers read together made it clear that Board intended to present facts to the voters and to exhort them to ask questions or attend meetings where the bond issue would be discussed.
9. Use of Abbott Funds by the Elizabeth Board of Education, 2007 S.L.D. (July 6). Expenditure by Abbott district of \$88,373 for political advertising presenting incomplete information and advocating only one side of a controversial question regarding the purchase of two parcels of land was improper. Although no voter referendum for acquiring land was pending, they were exhortative calls to public action on the side of the board in a local political controversy in midst of contentious city council primary election in violation of Citizens. Use of public funds for advocacy/political advertisement is at heart of Citizens. The Commissioner deducted \$88,373 from the board's 2006-07 school budget.
10. State Board affirmed Commissioner's ruling that school board improperly spent funds, and Deputy Commissioner's remedy of \$88,373 deduction from the board's 2006-07 school budget, where the Board improperly spent that sum on political advertising, presenting incomplete information and advocating only one side of a controversial question regarding the purchase of two parcels of land. The color brochure and four television spots, presented incomplete information, were exhortative and one-sided in violation of Citizens to Protect Public Funds, 13 N.J. 172 (1953) and were an ineffective and inefficient use of State money. IMO Elizabeth, St. Bd. 2007:Nov. 7.
11. Court affirms State Board decision to deduct from the Elizabeth Board's 2006-2007 fiscal year the sum of \$88,373 to compensate for board expenditures during the prior fiscal year for a 20-page brochure and television communication that amounted to political advertisement and contained misrepresentations and criticized the mayor, in connection with a campaign to build new schools in Elizabeth. In the Matter of the Use of

Abbott Funds, App. Div. unpublished opinion (A-2409-07T3, August 18, 2009)

- F. Accountability Regulations – Public Relations
 - 1. N.J.A.C. 6A:23A-5.2
 - a. Communications to community at large – 90/60 days before election
 - b. Executive County Superintendent approval
 - c. Promotional efforts to advance school election position prohibited
 - d. Cost-effective, not excessive.
 - 2. N.J.A.C. 6A:23A-9.3 – Efficiency Standards – Public Relations
 - 3. N.J.A.C. 6A:23A-22.6 – Charter Schools and Public Relations

II. Distribution of Literature

- A. **Students-** N.J.S.A. 18A:42-4. Literature given to students for them to take home cannot promote, favor or oppose candidate, bond issue, proposal, public questions—nor may students be asked by school officials/employees to take engage in activities that promote, favor....etc.

No literature which in any manner and in any part thereof promotes, favors or opposes the candidacy of any candidate for election at any annual school election, or the adoption of any bond issue, proposal, or any public question submitted at any general, municipal or school election shall be given to any public school pupil in any public school building or on the grounds thereof for the purpose of having such pupil take the same to his home or distribute it to any person outside of said building or grounds, nor shall any pupil be requested or directed by any official or employee of the public schools to engage in any activity which tends to promote, favor or oppose any such candidacy, bond issue, proposal, or public question. The board of education of each school district shall prescribe necessary rules to carry out the purposes of this section.

- 1. Pupils improperly given literature that favors
 - (a) Madison Township, 1974 S.L.D. 744. Advocacy newsletter printed and distributed by PTA to pupils who took it home violated

the law and board policy, and principal was reprimanded for allowing. This and other irregularities not sufficient to overturn election. (Poster placed within 100 feet of one building entrance but more than 100 feet from entrance closest to polling room did not violate electioneering law (now repealed); candidate who at his rally allowed a raffle of a "cheer basket" to benefit fund for concert choir trip to Rumania may have broken law regarding unlicensed raffle.)

- (b) Maurice River, 1986 S.L.D. 2536. Bus driver gave 2 special education students sample ballots favoring several candidates. When CSA found out, took immediate steps to caution staff. Results of the election stand.
- (c) Willingboro, 92 N.J.A.R. 2d (EDU) 564. Distribution of campaign literature by children within 25 feet of the entrance of school during election was electioneering; children with signs inside polling place; poll workers too busy to prevent; no formal complaints filed that day. Also, fraudulent/libelous statements and electioneering within 100 feet of polling place that was not discerned by busy election workers. No effect on outcome of election shown.
- (d) Lacey Twp., 97 N.J.A.R. 2d (EDU) 313, State Board aff'g 97 N.J.A.R. 2d (EDU) 90. High School principal wrote letters to past graduating classes encouraging them to vote w/absentee ballots (no violation). School officials campaigned by wearing yes stickers and asked students to vote "yes" during school class time, and to write essays about why they need a new school and held mock elections (complaint dismissed). Calls were made from a local engineering firm that could benefit from the construction of a new school (no violation). Interviews of BOE members made on school-sponsored TV channel 21 -- no opposing viewpoints asked for (if proven, could be violation). Other irregularities: No proof of certain facts; also no showing that election was affected. Boards should be reminded of prohibitions under N.J.S.A. 18A:42-4.

- (e) Bonette v. East Amwell Bd. of Ed., 2005 S.L.D. May 18. District had students bring home the monthly newsletter which included an article promoting the passage of the District's budget (contained language "As parents we cannot allow people who do not have children in the school to dictate their education.") Citizen's request for cease and desist order was denied because 1 month after the election the district had already taken corrective action and recurrence was unlikely. Board had mailed a corrective letter to all 1,381 registered voters in the Township of East Amwell explaining that it had inadvertently allowed the article to be published in *The Cougar Courier*. The Board stated that it should not have published the article, that it regretted that the content of the article was not more carefully scrutinized, and stated that the Board and the Administration would review its policies to prevent any future occurrences similar to the above.

2. Neutral literature may be carried home by pupils

- (a) Lindenwold, 1972 S.L.D. 241. Reminder "to vote" given to students by the PTA to take home, *while presumably implies* a "yes" vote, is permissible as it *doesn't direct* a "yes" or "no" vote.
- (b) Lawnside, 1978 S.L.D. 489. Short brochure given to students by teachers containing "Vote for the candidate of your choice." "Whether and how you vote will affect the schools for years to come." "Play an active role -- children are depending on you." Did not violate N.J.S.A. 18A:42-4 but did violate N.J.S.A. 18A:14-97 regarding disclosure of identification. However, election not set aside-board directed to strengthen its policies to prevent future occurrence.
- (c) Somerdale, 1982 S.L.D. September 24. Letter carried home by students no violation as it only gave information about date of candidates' night and advised that a newsletter about election coming in the mail. Also, school board's newsletter with bond information was permissible; although it favored an affirmative vote, it gave a fair presentation and didn't exhort vote yes and specifically says, "Whatever your views on the merits and demerits

of the proposals, please exercise your right to vote.” Although it contained resumes of only two candidates, all had been approached.

- (d) Chester Twp. - unreported App. Div. June 17, 1997, A-3360-96T2. Providing students absentee ballots partially completed by PTA as to reason for voting by absentee ballot was motivated by zeal, not fraudulent motive. Also board could hold a meeting at time of election if the election was not discussed. Election stands -- no showing that electorate will thwarted.

3. Board policy must adopt policy to address the restrictions on the distribution of literature by, and the use of, pupils in elections.

B. Using Pupil Records– N.J.S.A. 18A:36-19; N.J.A.C. 6A:32-7.1 et seq. – Use of student records for campaign purposes contrary to pupil record laws that limit access.

1. Woodbridge Flyer – March 1993 -- example of biased exhortative by board. Not challenged. Also, it was mailed “to parents of” named students in district. November 1996 not as extreme but advocates passage and addressed to “parents of.”
2. Willingboro, 92 N.J.A.R. 2d (EDU) 564. Mass mailings and phone calls to parents of students supported inference that district employees improperly used pupil records. While these and other irregularities were violations, there was no claim that a particular vote was prevented thereby; election not overturned. Distribution of literature which did not show source of payment and printer did not affect outcome of election. Allegations of fraud or libel involving election literature properly resolved in other forums.
3. Old Bridge, 94 N.J.A.R. 2d (EDU) 230 - No proof that board authorized distribution of a letter purporting to be from “room mother” coordinator urging room mothers to use their call lists to garner support for the proposed budget.
4. Point Pleasant, 95 N.J.A.R. 2d (EDU) 568 – New election not warranted when

losing candidate fails to show any statutory election violation based on the successful candidate's use of student directory labels but board directed to develop and adopt policy regarding release of student directory information and sale of labels. Candidate purchased mailing labels from PTA for a permissible mailing by PTA for a bond referendum. Labels ended up on candidate's election material; beyond control of school district; no showing school equipment was used or election outcome affected.

5. Carteret, 96 N.J.A.R. 2d (EDU) 296 – Teachers called parents urging them to vote, with phone numbers obtained from student information cards filled by students at start of year; one was unlisted. Held: the student information was not “pupil record” but board should regulate by policy the use of such personal information collected by teachers. Directory information can be disclosed only where it has been published pursuant to parental notification and an opportunity to request that the district refrain from disclosing such info. However, calls did not improperly influence school board election.

III. Identification required for printed literature

A. Prior Law

1. N.J.S.A. 18A:14-97 et seq. (repealed) Prohibited printing, distributing, etc. any matter (except news items) having reference to any election unless printer is identified. Penalties - N.J.S.A. 18A:14-104 -DP—\$500 fine, up to one year's imprisonment.
3. McIntyre v. Ohio Elections, 514 U.S. 334 (1995)
Ohio statute banning anonymous political campaign literature violated First Amendment.
4. Pleasantville, 95 N.J.A.R. 2d (EDU) 576. Bond referendum for building High School passed. Despite the numerous improprieties, results must stand in absence of clear and convincing evidence that they affected or were sufficient to alter election outcome. Printed literature that was sent to homes in advance of election had no indication who printed or paid for it was merely a “technical” violation of N.J.S.A. 18A:14-97 (now repealed) -- because it provided return address which identified publisher as the

schools. (Other improprieties included using children to distribute brochures; conduct of unlicensed raffle; two persons wearing “vote yes” buttons on premises; students bribed with pizza party to get friends/family to vote; challengers not properly appointed.)

5. P.L. 1995, c. 278 - Transfers School Elections to County—repeals old laws -- challenges in Superior Court.
6. P.L. 1995, c. 391 - N.J.S.A. 19:44A-22.2, 22.3; N.J.A.C. 19:25-13.1 et seq. – ELEC law re: identification of source of financing for campaign “communications” that must be reported to ELEC (broadly defined— any form of advertising directed to the electorate including phone call w/recorded message, etc.) -- law is narrowly-tailored to help effectuate the State's compelling interest in preventing corruption in connection with the financing of campaigns for public office. Must have name and residence of person/group/committee and “paid for by” language. *De minimus* exceptions. ELEC - (609) 292-8700.

IV. Advocacy Tactics by Boards of Education

- A. Raffles - N.J.S.A. 19:34-39, 40 – no person shall give or receive gifts, other valuable consideration to induce a voter to vote or to refrain from voting at any election. Selling raffle as incentive to vote prohibited. Third degree crime.
 1. Madison Township, 1974 S.L.D. 744. Raffles prohibited. At rally for candidate's reelection candidate allowed raffle of cheer basket to benefit fund for concert choir trip to Rumania. Sent to prosecutor to determine whether raffle was to induce vote and if criminal penalties are warranted for unlicensed raffle.
 2. Rahway –1988- Raffle drawing held on election day at school for bike or ToysRUs certificate.
 3. Pleasantville, 95 N.J.A.R. 2d (EDU) 576. After voting, principal on premises thanked voter for supporting the bond and handed him a ticket for turkey raffle. Raffle was to determine which class could encourage most voters to participate in election -- asked voter which class had asked him to come out and vote. Conduct of an unlicensed raffle violates school

election statutes (now repealed) interference w/election process.

- 4 Legalized Games of Chance Control Commission oversees raffles, "Raffles Licensing Law" N.J.S.A. 5:8-50

B. Scheduling of PTO/Back to School Night

1. Lindenwold, 1972 S.L.D. 241. PTA meeting scheduled at same time as election was not a violation on the basis that the additional voters present were more likely to be those with students who would benefit from a passed budget. Not a statutory violation to hold on same day if not held within 100 feet of the polling place (voting room) or if no electioneering, but not advised unless regularly-scheduled as could raise suspicion of misconduct or collusion between board and PTA.
2. Hainesport, 92 N.J.A.R.2d (EDU) 504. Candidate's presence at parent-teacher bake sale immediately outside polling area was inappropriate, creating an advantage not available to other candidates but not sufficiently serious to support voiding election; in future candidates should not remain within 100 feet for longer than needed to cast a ballot.
3. Millstone, 93 N.J.A.R. 2d (EDU) 273. No showing that the presence of "back-to-school night" parents prevented any votes. (Other allegations, not proven, were interference with disabled elderly voters, 20 voters who voted illegally due to late registrations and some other alleged irregularities.)
4. Magara v. Wall Twp., 95 N.J.A.R.2d (EDU) 532. No statutory prohibition against holding "back to school" night at same time as school election, as it is a public goal to increase voter participation in referendum. However, care must be taken to ensure no suspicion is created so as to undermine public confidence in integrity of electoral process.

V. Municipality Interference with the Election

- A. Municipal Governing body is subject to Citizens; advocacy pieces regarding school board election should not be funded with taxpayer money.

1. Milltown, 1978 S.L.D. 622. Police presence at special election where board had not requested police was improper where police collected ballots and placed in box and at counting of the ballots, police sat with judges and gave opinions as to validity and gave reports over walkie-talkies to report results immediately. Commissioner ordered board to pursue these violations with chief of police to prevent reoccurrence. No violation for Mayor to campaign personally against the referendum without permission from borough council. "Paid for by" literature should have contained address of the printer in addition to other information. Election results stand as no showing that irregularities clearly affected result of election.
 2. Ramapo Indian Hills, 96 N.J.A.R. 2d (EDU) 537, *aff'd* St. Bd. at 742. Alleged improprieties, including allegations that Mayor inserted false accusations against a candidate and included his comments in the candidates night tape and then aired it on local cable TV the day before the election, even if true, failed to show specifically that the will of the electorate was thwarted.
- B. Endorsement of candidates by Republican Municipal Committee chairman is not improper partisan political interference in school board election (93 N.J.A.R.2d (EDU) 360, Brick)

VI. Post Referendum Issues

- A. Challenges to the Election
1. Shuster v. Bd. of Ed. of Twp. of Montgomery, 96 N.J.A.R.2d (EDU) 670. Board's post-referendum change from two-story to one-story school plan was within its discretion and was not unlawful, arbitrary, capricious or unreasonable. No evidence that a majority of the voters intended to approve a two-story plan. Plans said schematics were subject to change, and one-story plan was within cost estimate. (Shuster's motion for restraints had been denied; board's motion for summary decision had been denied.)
 2. McVeigh v. Bd. of Ed. of Westwood Regional, 96 N.J.A.R.2d (EDU) 947, *aff'd* State Board 97 N.J.A.R.2d (EDU) 318. Board's decision to hold bond referenda in snowstorm held not to thwart

the free will of the electorate -- plaintiff did not meet burden of proof to show that it changed the outcome of the election. Eight inches of snow, school closed early at 12:45; polls from 2 p.m. (dusting only) to 9 p.m.(7 inches); roads plowed; board kept grounds shoveled. No fraud, obstruction of voters, improper practices, tampering, assisting voters, etc. No declaration of state of emergency or cessation of mail the next day. Many persons did vote that day (Dec 19).

3. In the Matter of the Special School District Election in the Lacey School District, 97 N.J.A.R.2d (EDU) 90, aff'd w/mod. State Board 97 N.J.A.R.2d (EDU) 313.
An election will not be set aside on the basis of mere speculation that the result would have been different. In order for a school election to be invalidated it must be shown that the irregularity influenced the election so as to repress a full and free expression of the popular will. Irregularities alleged regarding using students, and use of district stationery urging support, were not sufficient to affect outcome of election
4. Butler, Law Division, Morris County, March 1, 2000. Special bond referendum election results of January 27, 2000 (passed) were set aside as null and void. Superintendent of schools had cancelled Jan 25 referendum election because of snow and held rescheduled election two days later. Court found decision to reschedule was improper. County board of elections should have made the decision to cancel; with at least 14 days' notice of new date. New election was ordered and referendum was defeated.

VII. Conflict of Interest Issues/School Ethics

- A. In the Matter of the Special School District Election in the Lacey School District, 97 N.J.A.R.2d (EDU) 90, aff'd w/mod. State Board, 97 N.J.A.R.2d (EDU) 313.
Fact that person bringing pending challenge of bond referendum for election irregularities is a candidate, does not require dismissal of the petition on the grounds of conflict of interest.
- B. Bd. of Ed. of the Twp. of Chester v. Riley and Beatty, 1998 S.L.D. (April 27), aff'd St. Bd. 1998 S.L.D. (August 5) Board members who ran on a tax reduction platform, where one who prior to election had signed a petition to challenge the

referendum, and the other had financed the petition, did not have a direct or indirect in a claim by participating in discussion and votes involving the pending challenge of the \$8.4 million referendum or the vote on short-term financing bond anticipation notes (no showing they would benefit in a substantial and material way.) They were not disqualified from serving on the board. However, could be ethical issues for jurisdiction of SEC.

- C. Bd. of Ed. of the Twp. of Chester v. Riley and Beatty, School Ethics Commission complaint dismissed C12-98, June 23, 1998. No financial/personal interest that would reasonably be expected to impair board members' objectivity any more than would be expected to accrue to any other member of that group (taxpayers.)
- D. (02:Nov. 4, Gallagher) Violation of the School Ethics Act, N.J.S.A. 18A:12-24(b) and (e). Board member who was helping another board member's campaign for election to borough council, tacitly participated in soliciting a political contribution from a school board vendor's employee, with veiled threat that if the vendor made no contribution the vendor's service contract would not be renewed. Constituted an attempt to use his position to secure unwarranted privileges for others and soliciting a campaign contribution with knowledge that the contribution was given to influence the board member's official duties. Commissioner accepted SEC's recommendation of censure. Board member who was campaigning would have been removed if he had not already resigned.
- E. (02:Dec. 16, Shepherd) Commissioner upholds settlement between Ethics Commission and board member that requires censure of board member who violated N.J.S.A. 18A:12-24(b) by posting flyers supporting his reelection in the school's administrative office (using official position to secure an unwarranted advantage/privilege.)
- F. (05:March 23, Quinn) Board member violated N.J.S.A. 18A:12-24.1(e) of the Code of Ethics for School Board Members, when she printed and distributed a flier during her reelection campaign which contained incomplete fiscal information regarding the board's budget -- gave the impression that the tax increase was greater than it was -- compromising the board's ability to pass its budget. SEC recommended the penalty of censure because the public should be aware that the board member provided incomplete information regarding the potential tax increase.

- G. A03-07. The SEC clarified more general advice given in A02-06 and advised that a board member will not violate N.J.S.A. 18A:12-24.1(e) or (g) by sending a letter to the editor expressing his opinion about the budget as long as, in the letter, he identifies himself as a board member, indicates that the letter is neither authorized by nor written on behalf of the board, provides accurate information that is not confidential, and ensures that his private action does not compromise the board. (Note that letters from board of education members in their individual capacity criticizing or supporting the budget does not violate Citizens -- no expenditure of public money)
- H. SEC found no probable cause to credit allegations that board member, who was also a candidate for board office, used his official position to secure unwarranted privileges or advantages in violation of *N.J.S.A.* 18A:12-24(b) where board member/candidate used the district's automated call system to remind voters to vote on election day. Discenza v. Quist, SEC 2008:August 26.
- I. SEC found that probable cause did not exist to credit allegations that board member violated N.J.S.A. 18A:12-24.1(b) by using his board position to secure unwarranted advantages. Board member issued press release immediately prior to the annual school election, however the press release did not speak to the board member's candidacy for office. LiaBraaten v. Emory, SEC, 2009:April 28.
- J. Board member is reprimanded for posting online "private" information about Mayor's children who attended the district's schools – to which he had access by virtue of his position as a school board member – about the mayor to discredit him before the election to the benefit of the mayor's opponent, for whom the respondent served as campaign manager. Ybarra, Commr., 2009:Dec.14.
- K. SEC dismisses allegations against CSA for violations of N.J.S.A. 18A-12-24(b), (c) and (f) no showing that former principal who subsequently became the CSA, used or attempted to use, her former position as a principal to secure an unwarranted advantage for herself or others when she campaigned in her private capacity for several board members up for election. Nor did the record demonstrate that she used her principal's position to effectuate the hiring of a board member's sister-in-law. SEC dismisses allegations against board members for violations of N.J.S.A. 18A:12-24.1(b), (e) (f) and (h) as the record did not establish that any board member made a decision contrary to the educational welfare of students when hiring the principal as the CSA in light of the interview

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and search process, and the board member abstained from the August 2008 vote to hire her sister-in-law. Ferguson v. Fipp, SEC 2010: March 23 (Northvale).

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