

February 14, 2011

FOR PUBLIC RELEASE

SUBJECT: Advisory Opinion A15-10

The School Ethics Commission is in receipt of your request for an advisory opinion submitted on behalf of a Board of Education. The Commission notes that you have copied the President of the Board on your request. Since no one submitted a comment or response to the request, the Commission will provide its advice based on the information you included in your advisory opinion request.

Your request for an advisory opinion is based on an article authored by a policy consultant with the New Jersey School Boards Association which states, in relevant part:

Exit Interviews. Many successful corporations use exit interviews to gain insight from the talent that is walking out the door. The administrative staff may not see these exit interviews as being useful, because a resignation has already occurred. But the school board has a long-term interest in knowing about issues that result in turn-over among experienced staff. These interviews will need to be confidential in order to be effective. Small committees can be very effective in dealing with confidential information if you have individuals available who are tight-lipped.

You have asked whether it would be a violation of the Code of Ethics for School Board Members to have one or two members take part in exit interviews conducted by the school district administration. Please be advised that the Commission discussed your request at its meeting on January 25, 2011 and determined that a board member's participation in an exit interview would violate the Code of Ethics for School Board Members, as set forth below.

Your inquiry turns on N.J.S.A. 18A:12-24.1(c) and (d), which provide, respectively:

I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.

Assuming that participating in an exit interview would constitute “board action,” the Commission finds that such action is not fairly within a board member’s policy making, planning, and appraisal duties, as required by N.J.S.A. 18A:12-24.1(c). Rather, the Commission affirms that participating in an exit interview, or merely observing the exit interview, would breach the board member’s obligation to refrain from becoming directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district or charter school. Thus, the Commission advises that a board member’s participation in an exit interview would violate N.J.S.A. 18A:12-24.1(c) and (d) of the Code of Ethics for School Board Members.

We trust that this opinion answers your inquiry. Because the Commission believes that this opinion will be of interest to other board members, it has voted to make the opinion public.

Sincerely,

Robert W. Bender,
Chairperson