

Ethics Discussion – BCASBO – March 23, 2017

Items to Review:

Attachments:

- 1. Q&A School Ethics Commission –**
- 2. Sample Personal Disclosure Statement – All Sections must be filled out**

Section I. Personal Information

Section II. 2. Relative Information

Section II. 1. List any person related to you (or by marriage) if they are a party to a contract with your local school district.

Section II. 3. List whether you or any relative receive any compensation from a business with the school district.

Section III. Financial Information –

Section III. 1. Name, Address, and Source of Income in excess of \$2,000 for you or a member of your family for the preceding calendar year. If you are a district employee, list the district. If you or a family member are retired and receiving SS or a Pension benefits, these income sources must be listed with addresses.

Section III. 2. List the name and address of each source of fees/honorariums or gifts/reimbursements or prepaid expenses having an aggregate amount exceeding \$250 from any single source. Board Members/Administrators must list any reimbursement received for such things as conference attendance, tuition/dues reimbursements, personal appearances, speeches or writing.

Section III. 3. List the name and address of all business organizations in which you or a member of your immediate family held an interest during the preceding calendar year.

Review Power Point Presentations on Line

1. CREATION OF THE ONLINE LIST OF SCHOOL OFFICIALS

Under School Ethics Commission - download

- A. By February 1, Board Secretary must submit a complete List of all School Officials. Board Secretary should add him/herself to the List.
- B. When all officials have been added to the list the Board Secretary must send list to the DOE. Officials are NEVER deleted from List.
- C. County Office will generate emails to all officials on List.
- D. Board Secretary/County Office can click on the list to review status.

2. BOARD SECRETARY REVIEW OF THE LIST OF SCHOOL OFFICIALS

- A. Log in – Red arrows identify Statements ready for Review
- B. Review each Part. Comments are only necessary if form is being returned.
- C. Determine whether to return statements to official for correction or forward them for county review.
- D. Upon completion or by May 10th, the Board Secretary must electronically submit Board Secretary Certification to the County Office.

3. FILING DISCLOSURE STATEMENTS

This Section has instructions for all Officials - See #2 Attachment (above) - **Sample Personal Disclosure Statement.**

2017 FREQUENTLY ASKED QUESTIONS ABOUT FILING DISCLOSURE STATEMENTS

I. STATUTORY REQUIREMENTS TO FILE

Q1. What are the School Ethics Commission Disclosure Statements?

A. The School Ethics Commission Disclosure Statements are electronic forms created by the Commission pursuant to N.J.S.A. 18A:12-25 and 26, which all school officials must annually file with the School Ethics Commission through the County Office of Education. There are two parts to the electronic statements. The first part, the Personal/Relative Disclosure Statement, discloses certain personal information, as well as information regarding the school official's relatives. The second part, the Financial Disclosure Statement, discloses certain financial information.

Q2. What is the deadline for filing Disclosure Statements for officials who are not new to the District, Charter or Renaissance School?

A. The School Ethics Act states that each school official must annually file the Personal/Relative and Financial Disclosure Statements by **April 30**. The board secretary must provide the names of all school officials to the **School Ethics Commission's February 1 List of School Officials (List)** and those officials must file by **April 30**.

Q3. When are board members, elected in November elections and who assume office in January, required to file Disclosure Statements?

A. School officials who are elected in November elections and who then assume office in January **must be listed on the February 1 List** and are required to file within 30 days of taking office.

Q4: When are all other new board members, who are elected or appointed at other times during the year, required to file Disclosure Statements?

A. **Newly elected or appointed board members who take office before April 30 must have their names added to the February 1 List and must file their Disclosure Statements within 30 days from taking office as board members. Board members, who take office after April 30, must have their names added to the June – December List of School Officials and must file within 30 days of taking office.**

Q5: When must school officials, who are new administrators, file Disclosure Statements?

A. **Newly hired or appointed administrators who assume their position before April 30 must have their names added to the February 1 List and must file their Disclosure Statements within 30 days of assuming the position. Administrators who are hired or assume the position after April 30, must have their names added to the June—**

December List of School Officials and must file within 30 days of assuming the position.

Q6: When are Charter School or Renaissance School trustees or Charter School or Renaissance School administrators required to file Disclosure Statements?

A. Charter School trustees and administrators must initially file Disclosure Statements within 30 days of the grant of a charter. Renaissance School trustees and administrators must file within 30 days of the execution of a contract. Thereafter, any newly-appointed charter trustee or administrator has 30 days from assuming the position to file. After the Charter School or Renaissance School has been established, the disclosure statements are required to be filed annually by **April 30**, as with the other school officials.

Q7: When a school official retires, resigns or leaves, does the name of a school official come off of the List?

A. **No.** Names are never deleted from the List of School Officials unless placed on the List in error. No name may be deleted without the consent and assistance of the School Ethics Commission for the purposes of correcting the error. The name of each school official is a public record and may not ever be deleted from the List.

II. WHO MUST FILE

Q1: Who is required to file the Disclosure Statement?

A: "School Official" means a board member, a member of the board of trustees of a Charter School or Renaissance School, an administrator of a local school board, Charter School, Renaissance School or an employee or officer of the New Jersey School Boards Association (NJSBA), but not any member of the secretarial, clerical or maintenance units of the NJSBA. "Administrator" means any officer, other than a board member or trustee, or employee of a local school who: (i) holds a position, which requires a certificate that authorizes the holder to serve as school administrator, principal, or school business administrator; or (ii) holds a position, which does not require that the person hold any type of certificate but is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by the local District; or (iii) holds a position, which requires a certificate that authorizes the holder to serve as supervisor and who is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by the local District. N.J.S.A. 18A:12-23. These provisions apply to an administrator and member of the board of trustees of a Charter School. N.J.S.A. 18A:12-23.1.

Q2: Must board attorneys file Disclosure Statements?

A: Board attorneys employed by private firms are not school officials required to file Disclosure Statements. Board attorneys who are employees of the District, Charter School or Renaissance School and who fall within the definition of "administrator" must

file the Disclosure Statements. The Commission so advised in *Advisory Opinion A15-99* <http://www.state.nj.us/education/legal/ethics/advisory/cat7/>.

Q3: If a school official serves in more than one District, Charter School or Renaissance School, must s/he file statements in each entity?

A: Yes. The school official must be on the School Ethics Commission's List of School Officials for each District, Charter School or Renaissance School and must file statements for each District, Charter School or Renaissance School where s/he serves. It is likely that the school official's information on the Personal/Relative Disclosure Statement for each District, Charter School or Renaissance School will be different.

Q4: If a school official has already filed in one District, Charter School or Renaissance School and leaves to work/serve in another District, Charter School or Renaissance School must s/he file in the new position?

A: Yes. The school official must be on the School Ethics Commission's List of School Officials for each District, Charter School or Renaissance School and must file statements for each District, Charter School or Renaissance School where s/he serves. It is likely that the school official's information on the Personal/Relative Disclosure Statement for each District, Charter School or Renaissance School will be different.

Q5: Does an interim, per diem school administrator who is not considered an employee of the District, Charter School or Renaissance School have to file the Disclosure Statements?

A: Yes. Any person that falls within the definition of "administrator" in N.J.S.A. 18A:12-23 must file; the interim nature of the appointment does not excuse the requirement.

Q6: Is an interim, per diem, school administrator who serves only a portion of the calendar year required to file Disclosure Statements?

A: Yes. That person must file the Disclosure Statements where s/he is an administrator during any part of the calendar year. The name remains on the School Ethics Commission's List of School Officials for that calendar year, and the Disclosure Statements remain available to the public.

Q7: Is a part-time school administrator required to file the Disclosure Statements?

A: Yes. Any person who falls within the definition of "official" in N.J.S.A. 18A:12-23 must file regardless of the tour of duty.

Q8: Is a school administrator, who is paid by another District or is part of a shared services agreement, required to file Disclosure Statements where s/he serves?

A: **Yes.** If the school administrator is a school official, s/he must file Disclosure Statements for each and any District, Charter School or Renaissance School in which s/he serves although the source of the income may be different from the District, Charter School or Renaissance School in which s/he serves.

Q9: Is a board member, who serves on the County Educational Services Commission or on the County Vocational School District Board of Education in addition to a District, Charter School or Renaissance School, required to file in both entities?

A: **Yes.** The board member is an official on both boards and must be on the School Ethics Commission's List of School Officials for each board on which s/he serves and file Disclosure Statements for each one.

Q10: May the District, Charter School or Renaissance School remove the name of any official when they leave?

A: **No.** A school official who serves even one day remains on the School Ethics Commission's List of School Officials even if they depart. Names of individuals, who serve as officials, are **never deleted** from the School Ethics Commission's List of School Officials

Q11: If a school official, who was employed in a District, Charter School or Renaissance School or served as a school board member/trustee in 2016, leaves prior to or as of December 31, 2016, should that school official be placed on the February 1, 2017 List of School Officials and file the Disclosure Statements on or before April 30, 2017?

A: **No.** Any official who leaves prior to December 31, 2016 is not an administrator or school board member/trustee for the next calendar year when the Disclosure Statements are required to be filed; however, the school official must have filed for the prior year.

Q12: Should a school official, employed in a District, Charter School or Renaissance School or who served as a member/trustee of a school board in 2016 and part of 2017 but left prior to April 30, 2017, file the Disclosure Statements on or before April 30, 2017?

A: **Yes.** Any official who serves in the District, Charter School or Renaissance School at any time in the 2016 calendar year must be included on the School Ethics Commission's List of School Officials (unless the official leaves prior to December 31, 2016), and must file Disclosure Statements even if s/he departs prior to **April 30, 2017.**

Q13. If a board member is not reappointed or re-elected in the spring election in 2017, does s/he have to file the Disclosure Statements for 2017?

A: **Yes.** As long as that board member served during a portion of the **2017** calendar year, the statements must be filed.

Q14: Does a board member, who served in 2017 and filed the Disclosure Statements prior to the April 30 deadline, have to file again if s/he is re-elected or re-appointed to the board in spring of 2017?

A: No. That board member has already fulfilled the requirement to file the Disclosure Statements for the calendar year.

Q15: If a school official has already filed Disclosure Statements as an official in a District, Charter School or Renaissance School and changes position in the same District, Charter School or Renaissance School, does s/he need to file new Disclosure Statements?

A: No. As long as the official has filed an annual Disclosure Statement in that District, Charter School or Renaissance School for the current calendar year, no new filing is required because of a change of position in the same District.

Q16: When does a Charter School or Renaissance School trustee's term of office begin?

A: The term begins when the trustee is sworn in at the first meeting of the Board of Trustees, which would occur after the Commissioner of Education has approved the charter. The Board of Trustees should maintain minutes which indicate when each member's term begins and ends.

Q17: Does a school official have to file Disclosure Statements if that school official is on an approved leave?

A: Where a school official is on approved leave at the time that the filing is required, the Board Secretary, Charter School or Renaissance School Designee should duly note on the List this approved leave. The school official does not have to file by April 30, but upon return from leave the school official must immediately file the Disclosure Statement. The District, Charter School or Renaissance School must ensure that this official files immediately upon return to the District, Charter School or Renaissance School.

III. COMPLETION OF THE STATEMENTS

Q1: How do I complete the Disclosure Statements?

A. School officials must provide an answer to every question.

Q2: Why does the Financial Disclosure Statement ask for information 2016 when it is being completed in 2017?

A: The School Ethics Act requires that *financial* disclosures pertain to "the preceding calendar year." N.J.S.A. 18A:12-26. If the information has changed from the

preceding calendar year, it is recommended that the official also provide financial information which is current as of five (5) days prior to the date of this filing.

Q3: If a school official has a relative who, on occasion, substitute teaches for the District, Charter School or Renaissance School, must that be reported on the Personal/Relative Disclosure Statement?

A: Yes. The substitute teacher is receiving compensation from the District, Charter School or Renaissance School. If the relative is working as a substitute teacher and receiving compensation through a separate company and not the District, the official should note that s/he has a relative that receives compensation from a business which is a party to a contract with the District, Charter School or Renaissance School in which the official is employed.

Q4: Do members of my local board of education have to disclose their business interests?

A: Yes. The School Ethics Act requires that all school officials disclose their business interests in the Disclosure Statements, as well as those of their relatives who have positions in the District, Charter School or Renaissance School.

Q5: What information must a board member/trustee disclose about his/her relatives?

A: The School Ethics Act requires that a board member/trustee disclose: (1) whether any relative of the school official or any person related by marriage is employed by the District, Charter School or Renaissance School, as well as the name of such person(s); (2) whether the school official or a relative is a party to a contract with the District, Charter School or Renaissance School and, if so, the nature of the contract; and (3) whether the school official or a relative is employed by, receives any compensation from, or has any interest in, any business which is a party to a contract with the District, Charter School or Renaissance School with which the school official holds office or employment and, if so, the name of each such business. N.J.S.A. 18A:12-25.

Q6: Must a school official report that his/her child is receiving a scholarship?

A: If the funding is coming from the District, Charter School or Renaissance School or from some entity/organization that has ties to the District, Charter School or Renaissance School and is for an amount greater than \$250.00, the scholarship information must be reported on the Financial Disclosure Statement at Section I, item 2.

Q7: If the District, Charter School or Renaissance School pays for the conference registration and hotel directly with District, Charter School or Renaissance School purchase orders and no reimbursement of the school official takes place, must that be reported?

A: Yes. The statute requires the reporting of "prepaid expenses." N.J.S.A. 18A:12-26a.

Q8. Do school officials have to list their attendance at training and conferences on their financial disclosure forms under fees/honorariums, gifts/reimbursements or prepaid expenses?

A. If they were reimbursed for an amount greater than \$250.00, they must list their District, Charter School or Renaissance School as a source of the reimbursement. Additionally, use of the term "prepaid expenses" in the statute suggests that the school official should include expenses (over \$250) that are paid directly to a hotel or other entity via purchase order.

Q9. Do school officials whose income is client-based, such as accountants and attorneys, have to list their clients as sources of income?

A. No. The School Ethics Act provides that individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported as sources of income. The official must report that the source of a person's income is the business for which they work.

Q10. If someone assists in the electronic preparation of the statements for the school official, how is this noted?

A: The school official *must* certify the statements; in so doing s/he affirms the accuracy of the contents and certifies that the Disclosure Statements contain no willful misstatement or omission of material fact and constitute a full disclosure with respect to all matters required by N.J.S.A. 18A:12-21 et seq. If another individual has assisted with the typing of the online response, the name of the individual must be included on the Disclosure Statements.

IV. FILING, RETENTION AND ACCESSABILITY

Q1: How long does a District, Charter School or Renaissance School have to retain a record of the paper Disclosure Statements submitted in past years? What about the county office?

A: Copies of the Disclosure Statements which are maintained in the District, Charter School or Renaissance School must be retained for three (3) years. The originals, which are maintained in the county office, must be retained for six (6) years.

Q2: How long will the School Ethics Commission retain electronically submitted Disclosure Statements?

A: The School Ethics Commission will retain the Disclosure Statements submitted electronically for seven years.

Q3. Who may view the Disclosure Statements?

A. Once filed, the Disclosure Statements are public records that are accessible to any member of the public.

Q4. How does the public obtain a copy of a school official's Disclosure Statement?

A. Disclosure Statements for 2017 are available to the public on the Department of Education's website. Disclosure Statements filed either electronically or by paper (prior to 2016) are available at the County Offices of Education or through the District, Charter School or Renaissance School under the Open Public Records Act (OPRA). The public may view the Disclosure Statements upon request, and these offices have procedures under OPRA that require payment of a small fee for the copy.

→ ATTACHMENT # 3



STATE OF NEW JERSEY
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School Ethics Commission Disclosure Statements

2017 Frequently Asked Questions about Filing Disclosure Statements
2017 Instructions for Filing Disclosure Statements

→ Power Point Presentations:

- School Official's process to complete and file Personal/Relative and Financial Disclosure Statements (PPT) ←
- ✓ • Board Secretary's process to create and manage Online List of School Officials (PPT) ←
- ✓ • Board Secretary's process to review and approve Online Personal/Relative and Financial Disclosure Statements (PPT) ←

Memorandum for Districts, Charters and Renaissance Schools explaining the timelines and duties for filing Disclosure Statements for 2017. Each Board Secretary must log into the online filing application and create the List of School Officials at:

<https://homerom5.doe.state.nj.us/sec/>
(PDF)

Powerpoint #1



STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION

Download

School Ethics Commission
Electronic Reporting of
Personal/Relative and Financial
Disclosure Statements

Creation of the
Online List of School Officials by
the Board Secretary

POWER POINT #2



STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION

School Ethics Commission

**Electronic reporting of Personal/Relative and
Financial Disclosure Statements**

**Board Secretary Review
of the
Online List of School Officials**

POWERPOINT #3



STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION

SCHOOL ETHICS COMMISSION

Filing the Online Personal/Relative and Financial Disclosure Statements

Answering the School Ethics Commission's Email