
IN THE MATTER OF	BEFORE THE SCHOOL ETHICS COMMISSION
:	
WILLIAM LAHN	Docket No. C25-05
<i>DELSEA BOARD OF EDUCATION</i>	
<i>GLOUCESTER COUNTY</i>	DECISION
:	

PROCEDURAL HISTORY

This matter arises from a complaint filed on May 27, 2005 by Richard T. Durham alleging that William Lahn, a member of the Delsea Board of Education (Board), violated the School Ethics Act (Act), N.J.S.A. 18A:12-21 *et seq.* Mr. Durham specifically alleges that Mr. Lahn violated N.J.S.A. 18A:12-24.1(d) when he went directly to a guidance secretary and requested a copy of the 2004 and 2005 SAT reports including the names of the students, when he went into the boys locker room and inspected the lockers, and when he went into the school cafeteria to eat lunch. Mr. Durham also alleged that Mr. Lahn violated N.J.S.A. 18A:12-24.1(j) when he took a complaint from a parent to the Principal rather than the Superintendent. Mr. Lahn filed a timely answer in which he denied violating the Act and asked the Commission to find the complaint frivolous and sanction the complainant pursuant to N.J.S.A. 18A:12-29(e).

The Commission invited the parties to attend its August 23, 2005 meeting to present witnesses and testimony, but did not require that they be present. Mr. Durham attended the meeting and testified before the Commission. Mr. Lahn did not attend the meeting. At its August 23, 2005 meeting, the Commission voted to find probable cause to credit the allegation that Mr. Lahn violated N.J.S.A. 18A:12-24.1(d) of the Act when, as a member of the Board, he went directly to the guidance secretary and asked for a copy of the 2004 and 2005 SAT reports, and when he went into the boys locker room to inspect the lockers and instructed district employees on the supervision of students. The Commission also found probable cause to credit the allegation that Mr. Lahn violated N.J.S.A. 18A:12-24.1(j) when he took a parental complaint directly to the Principal rather than to the Superintendent. Finally, the Commission found no probable cause to credit the allegation that Mr. Lahn violated N.J.S.A. 18A:12-24.1(d) and (j) when he went into the school cafeteria to eat lunch. Since the Commission found probable cause to credit the allegations that Mr. Lahn violated N.J.S.A. 18A:12-24.1(d) and (j) of the Act, it did not consider Mr. Lahn's request to find the complaint frivolous and sanction the complainant.

The Commission found that the material facts were not in dispute with respect to the issue upon which it found probable cause and, therefore, advised Mr. Lahn that it would decide the matter on the basis of written submissions. Mr. Lahn was invited to provide a written submission to the Commission by November 7, 2005, and set forth why the Commission should not find him in violation of N.J.S.A. 18A:12-24.1(d) and (j) of

the Code of Ethics for School Board Members in the Act when, as a member of the Board, he went directly to the guidance secretary and asked for a copy of the 2004 and 2005 SAT reports, when he went into the boys locker room to inspect the lockers and when he took a parental complaint directly to the Principal rather than to the Superintendent. Mr. Lahn was also told that his written submission should include his position on an appropriate sanction should the Commission determine that the Act was violated.

Mr. Lahn did not submit an answer to the Commission's probable cause decision. At its meeting of November 22, 2005, the Commission found that Mr. Lahn violated N.J.S.A. 18A:12-24.1(d) and (j) of the Code of Ethics for School Board Members in the Act when, as a member of the Board, he went directly to the guidance secretary and asked for a copy of the 2004 and 2005 SAT reports, when he went into the boys locker room to inspect the lockers and when he took a parental complaint directly to the Principal rather than to the Superintendent. The Commission voted to recommend that the Commissioner of Education impose a penalty of censure.

FACTS

The Commission based its finding of probable cause on the following facts.

At all times relevant to the complaint Mr. Lahn was a member of the Board and a member of the Building and Grounds Committee.

In 2004, Mr. Lahn obtained SAT scores from the Guidance Office that did not include information regarding the scores of individual students. On January 11, 2005, Mr. Lahn went into the guidance office and asked the guidance secretary to provide him with the SAT scores from last year and this year. The guidance secretary told Mr. Lahn that she could not give out that information. Mr. Lahn told the guidance secretary that Mrs. Orsi always provided him with a report of the average scores for the SAT administration. The guidance secretary could not find such a report. The guidance secretary claimed that Mr. Lahn then asked for a copy of the reports that included the students' names. In Mr. Lahn's certified answer, he denied asking for copies of the report with the students' names. The guidance secretary eventually made a copy of the SAT reports without the students' names and gave it to Mr. Lahn. In a letter attached as an exhibit to the complaint, the guidance secretary wrote that she felt uncomfortable with Mr. Lahn's request and felt as if she had no choice but to give him the copies since he was a member of the Board. A letter of reprimand was put into the guidance secretary's file for giving Mr. Lahn the SAT reports. Mr. Lahn later went into the guidance secretary's office to apologize if he made her feel uncomfortable. The guidance secretary also wrote that she told Mr. Lahn that she felt that he used his position on the Board to get what he wanted.

In January 2005, Mr. Lahn went to the High School to attend a basketball game where his daughter was cheerleading. Mr. Lahn instructed a district employee that more supervision was needed in the boys' locker room when the students were present. Mr.

Lahn also went into the boys' locker room and inspected the lockers. At the next Building and Grounds Committee meeting, when the Superintendent and the Business Administrator recommended that new lockers should be purchased for the boys' locker room, Mr. Lahn said that he did not think that new lockers were needed.

Sometime in April 2005, late one evening, a parent called Mr. Lahn with a complaint. Mr. Lahn told the parent to call the School Administrator the next day with the complaint. On the following morning, Mr. Lahn went to the Principal's office and told the Principal that a parent had called him with a complaint regarding a conflict her son was having between his involvement in the track team and the school play. The Principal told Mr. Lahn that he was aware of the situation and it had been taken care of. Mr. Lahn then said that it was fine and he just wanted to give the Principal a heads up. The Principal certified that Mr. Lahn did not petition him on behalf of the parent, but were merely informing him of a potential problem. The Superintendent certified that the parent had called Mr. Lahn after the Principal had resolved the situation. The Superintendent also certified that neither he nor the Board had prior knowledge of the complaint.

ANALYSIS

The Commission found probable cause that Mr. Lahn violated N.J.S.A. 18A:12-24.1(d) of the Code of Ethics for School Board Members when, as a member of the Board, he went directly to the guidance secretary and asked for a copy of the 2004 and 2005 SAT reports and when he went into the boys locker room to inspect the lockers.

N.J.S.A. 18A:12-24.1(d) provides:

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.

To find a violation of N.J.S.A. 18A:12-24.1(d), the Commission must determine if Mr. Lahn's conduct rose to the level of administering the schools. Previously, in Sanders v. Smith, C03-04 (July 27, 2004), the Commission found that the actions of a board member going into the schools to determine what the district needs does not rise to the level of administering the schools. However, in this case, Mr. Lahn did more than just enter the schools to determine the district's needs. Mr. Lahn went directly to the guidance secretary and requested SAT reports. When the guidance secretary could not find the reports that Mr. Lahn described, he again insisted that he receive a copy of the reports. As a result of Mr. Lahn's conduct, the guidance secretary received a letter of reprimand, which was placed in her file. Mr. Lahn's conduct had a direct impact on an employee of the school. Mr. Lahn also personally inspected the boys' lockers to determine if new lockers were needed and, in doing so, he instructed district employees to provide more supervision when the students were present. Mr. Lahn's personal interactions with district personnel were administrative by nature. His conduct rose to the level of administering the schools because Mr. Lahn instructed district employees

regarding their job duties. Therefore, the Commission finds that Mr. Lahn violated N.J.S.A. 18A:12-24.1(d) when he went directly to a guidance secretary and requested a copy of the 2004 and 2005 SAT reports, and when he went into the boys' locker room, inspected the lockers and instructed district employees regarding the supervision of students.

The Commission also found probable cause that Mr. Lahn violated N.J.S.A. 18A:12-24.1(j) when he took a complaint from a parent to the Principal rather than to the Superintendent. N.J.S.A. 18A:12-24.1(j) provides:

I will refer all complaints to the chief school administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.

Mr. Lahn admitted receiving a complaint from a parent. Mr. Lahn also admitted that the next morning he went directly to the Principal's office with that parent's complaint. Mr. Lahn did not take the complaint to the Superintendent or the Board. In this case, the Principal had already resolved the parent's complaint and the parent was then turning to Mr. Lahn for some further resolution. This is an example of what can happen when a board member does not refer all complaints to the chief administrative officer. It creates confusion in the administration of the school. Based on the foregoing, the Commission finds that Mr. Lahn violated N.J.S.A. 18A:12-24.1(j) when he took the parental complaint directly to the Principal instead of referring it to the Superintendent.

DECISION

For the reasons discussed above, the Commission finds that William Lahn violated N.J.S.A. 18A:12-24.1(d) and (j) of the Code of Ethics for School Board Members in the Act. The Commission recommends that the Commissioner of Education impose a penalty of censure since Mr. Lahn's conduct violated the Act on more than one occasion and because his conduct put the guidance secretary in a difficult situation that ultimately resulted in her being reprimanded.

This decision has been adopted by a formal resolution of the School Ethics Commission. This matter shall now be transmitted to the Commissioner of Education for action on the Commission's recommendation **for sanction only**, pursuant to N.J.S.A. 18A:12-29. Within 13 days from the date on which the Commission's decision was mailed to the parties, Mr. Lahn may file written comments on the recommended sanction with the Commissioner of Education, c/o Bureau of Controversies and Disputes, P.O. Box 500, Trenton, NJ 08625, marked "Attention: Comments on Ethics Commission Sanction." A copy of any comments filed must be sent to the School Ethics Commission and all other parties.

Paul C. Garbarini, Chairperson

Resolution Adopting Decision – C25-05

Whereas, the School Ethics Commission has considered the pleadings filed by the parties and the documents submitted in support thereof; and

Whereas, at its meeting of November 22, 2005, the Commission found that William Lahn violated N.J.S.A. 18A:12-24.1(d) and (j) of the Code of Ethics for School Board Members in the Act and recommended that the Commissioner of Education impose a sanction of censure; and

Whereas, at its meeting of December 20, 2005, the Commission reviewed a draft decision prepared by its staff and agrees with the decision;

Now Therefore Be It Resolved that the Commission hereby adopts the proposed decision referenced as its decision in this matter and directs its staff to notify all parties to this action of the Commission's decision herein.

Paul C. Garbarini, Chairperson

I hereby certify that the Resolution
was duly adopted by the School
Ethics Commission at its public meeting
on December 20, 2005.

Lisa James-Beavers
Executive Director