

SCHOOL ETHICS COMMISSION	:	BEFORE THE
	:	SCHOOL ETHICS COMMISSION
v.	:	
	:	RESOLUTION
ANDREW G. McILVAINE,	:	
Cherry Hill Board of Education	:	
Camden County	:	
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WHEREAS, the School Ethics Act, N.J.S.A. 18A:12-21 et seq. was enacted by the New Jersey State Legislature to ensure and preserve public confidence in school board members and school administrators and to provide specific ethical standards to guide their conduct; and

WHEREAS, N.J.S.A. 18A:12-33 requires new board members to attend training within one year of election or appointment to the board to gain the skills and knowledge necessary to serve as a school board member; and

WHEREAS, Andrew G. McIlvaine was elected to serve three-year term on the Cherry Hill Board of Education on April 15, 1996; and

WHEREAS, the New Jersey School Boards Association (NJSBA) advises prospective board members of the training requirement in the “candidate kit” and mails correspondence to all new board members who have failed to register for or attend an orientation and did mail such correspondence to this board member on February 13, 1997; and

WHEREAS, at the request of the School Ethics Commission, the NJSBA published a notice with the heading “Last Chance to Meet Training Requirements” on the front page of the February 21, 1997 edition of *School Board Notes* advising that the March 15, 1997 session was the last that new board members could attend without penalty; and

WHEREAS, the NJSBA conducted seven training sessions between April 1996 and April 1997 at varying locations and continuously published the dates and times of the sessions; and

WHEREAS, the last training session to fulfill the requirement was held on March 15, 1997; and

WHEREAS, the Commission issued an Order on March 27, 1997, directing Andrew McIlvaine to Show Cause why he had not attended training up until that time; and

WHEREAS, Mr. McIlvaine replied that he missed a session due to a conflict with work and planned to attend the next available session in June, which is the June 6-8, 1997 training session; and

WHEREAS, the Commission notified Mr. McIlvaine that the Commission would discuss this matter at its April 22, 1997 meeting, that he had the right to attend, and he could be found in violation of the School Ethics Act and receive a penalty up to removal; and

WHEREAS, Mr. McIlvaine has failed to attend the required training program for the one year allowed; and

WHEREAS, the Commission finds that his failure to attend board member training from April 1996 to April 1997 constitutes a clear violation of N.J.S.A. 18A:12-33; and

WHEREAS, the Commission finds that the appropriate penalty for the violation is suspension from the board until he attends the June session and removal if he fails to attend the June session;

NOW THEREFORE BE IT RESOLVED that the School Ethics Commission finds that Andrew McIlvaine violated the N.J.S.A. 18A:12-33 of the School Ethics Act and recommends that the Commissioner of Education impose a penalty of suspension until he attends the June session and removal from the board if he does not attend the June 6-8 training session.

Paul C. Garbarini, Chairman
School Ethics Commission

Dated: April 22, 1997

I certify that the within Resolution
was duly adopted by the School Ethics
Commission at its Public Meeting
on April 22, 1997.

Lisa James-Beavers
Executive Director

This matter shall be transmitted to the Commissioner of Education for action on the Commission's recommendation for sanction pursuant to N.J.S.A. 18A:12-29. Within thirteen (13) days from the date on which the Commission's decision was mailed to the parties, any party may file written comments on the recommended sanction with the Commissioner of Education, c/o Bureau of Controversies and Disputes, 100 Riverview Plaza, CN 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.