

<b>SCHOOL ETHICS COMMISSION</b>	:	<b>BEFORE THE</b>
	:	<b>SCHOOL ETHICS COMMISSION</b>
<b>v.</b>	:	
	:	<b>RESOLUTION</b>
<b>DAVID TAWIL</b>	:	
<b>Deal Board of Education</b>	:	<b>SEC Docket No.: T21-03</b>
<b>Monmouth County</b>	:	
	:	

**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**, Respondent David Tawil was elected to serve a three- term on the Deal Board of Education in April 2002; and

**WHEREAS**, the New Jersey School Boards Association (NJSBA) advises prospective board members of the training requirement in the “candidate kit”; and

**WHEREAS**, the NJSBA 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 January 3, 2003 and February 19, 2003; and

**WHEREAS**, the NJSBA conducted seven training sessions between April 2002 and April 2003 at varying locations and continuously published the dates and times of the sessions in its publication, *School Board Notes*; and

**WHEREAS**, the last training session to fulfill the requirement was in March 2003; and

**WHEREAS**, the Commission granted an extension for similarly situated board members to attend one of the June training sessions; and

**WHEREAS**, the Commission issued an Order on May 21, 2003, directing Respondent to Show Cause why he had not attended training up until that time; and

**WHEREAS**, Mr. Tawil responded by letter advising that he was unable to attend weekend sessions for religious reasons, which require observance from sunset Friday through sunset Saturday, and certifies that he was in Hong Kong at the time of the one weekday session offered by NJSBA in October 2002. He further states that he will attend the October 2003 weekday training session; and

**WHEREAS**, the Commission notified him by letter dated July 15, 2003, that the Commission would discuss this matter at its July 22, 2003 meeting, that he had the right to attend, and could be found in violation of the School Ethics Act and receive a penalty up to removal; and

**WHEREAS**, the Commission has considered Respondent's reasons for failing to attend the required training program for the one year allowed; and

**WHEREAS**, the Commission finds that this failure to attend board member training from April 2002 to April 2003 constitutes a *per se* violation of N.J.S.A. 18A:12-33; and

**WHEREAS**, the Commission finds suspension to be the appropriate penalty for failure to attend; and

**WHEREAS**, the Commission finds that if Mr. Tawil fails to attend by the end of **October 2003**, the Commission finds it appropriate to have him removed from the board;

**NOW THEREFORE BE IT RESOLVED** that the School Ethics Commission finds that Mr. Tawil violated N.J.S.A. 18A:12-33 of the School Ethics Act and recommends that the Commissioner of Education suspend him until he attends training, but remove him from the Board if he fails to attend by the October training session.

Dated: July 22, 2003

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Paul C. Garbarini, Chairperson

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, the board member may file written comments on the recommended sanction with the Commissioner of Education, c/o Bureau of Controversies and Disputes, 100 River View Plaza, 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.

I certify that the within Resolution  
was duly adopted by the School Ethics  
Commission at its Public Meeting  
on July 22, 2003.

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Lisa James-Beavers, Executive Director

psc/ljb/m.ethics/trainingresT21