

266-97SEC

AGENCY DKT. NO. 137-4/97

IN THE MATTER OF ANDREW MC ILVAINE, :
BOARD OF EDUCATION OF THE TOWN- : COMMISSIONER OF EDUCATION
SHIP OF CHERRY HILL, CAMDEN : DECISION
COUNTY. :
_____ :

Whereas, the School Ethics Commission has acted pursuant to the authority granted to it by *N.J.S.A.* 18A:12-21 *et seq.* to recommend removal of the above-named Board member from office for failure to attend the Board member training sessions required by *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6:3-9.4; and

Whereas, the School Ethics Commission sent ample notice to the above-named Board member of his failure to attend such training sessions; and

Whereas, pursuant to *N.J.A.C.* 6:3-9.3(i), on March 26, 1997, the Commission issued an Order to Show Cause why a penalty should not be imposed for such failure; and

Whereas, the above-named Board member informed the Commission by letter dated April 2, 1997, that he planned to attend the training program to be held in June 1997; and

Whereas the Commission voted on April 22, 1997, to recommend suspension of the above-named Board member until he attends the June session, and removal from the Board if he fails to attend the June training session, in accordance with State statute, memorializing such decision through a resolution forwarded to the Commissioner, pursuant to *N.J.S.A.* 18A:12-29; and

Whereas, on April 24, 1997, the above-named Board member was afforded an opportunity to submit to the Commissioner a response to said resolution recommending removal; and

Whereas, no response was forthcoming;* and

Whereas, the Commissioner of Education has carefully considered the record of this matter and the decision of the School Ethics Commission and concurs with and adopts as his own the recommendations of the Commission; now therefore

IT IS ORDERED that the above-named Board member is suspended from office as of the date of this decision, pending his attendance at the June training session, but is hereby removed from said office, without further proceedings, should he fail to attend the June training session.

COMMISSIONER OF EDUCATION

DATE OF ISSUE: MAY 19, 1997

DATE OF MAILING: MAY 19, 1997

* It is noted that a letter, dated April 29, 1997, was submitted by the Superintendent of the Cherry Hill Public Schools, asking that the Commissioner not suspend the above-named Board member given his intention to attend training in June. In that such letter was submitted outside of the record of this matter, it is not considered herein.