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| BARBARA MORALES | : | Before the |
| | : | School Ethics Commission |
| V. | : | |
| | : | |
| JAMES CAMPBELL, | : | Docket No. C26-99B |
| Moonachie Board of Education, | : | |
| Bergen County | : | DECISION |
| | : | |

PROCEDURAL HISTORY

The above matter arises from a complaint filed against Moonachie Board members Antonio Cirillo and James Campbell for violating the School Ethics Act, N.J.S.A. 18A:12-21 et seq. Paragraphs one, two and four of the complaint are allegations against Antonio Cirillo, which will be addressed in a separate decision. Paragraph three of the complaint alleges that James Campbell violated the School Ethics Act when his child and a friend were involved in a fight with two other students, but only the other two students were suspended. Paragraph three of the complaint also alleges that the member’s child was caught cheating on a test and when the teacher refused to change the grade of “zero” or give a make-up exam, Mr. Campbell complained until the teacher gave the student two projects to make up for the zero. The complainant did not specify which provision of the School Ethics Act she believed was violated by the conduct, but it was clear that such allegations would fall under N.J.S.A. 18A:12-24(b), which prohibits using one’s official position to secure unwarranted privileges for others. The Commission now finds no probable cause and dismisses the allegations against Mr. Campbell.

In his answer to the complaint, Mr. Campbell denied that he took any action to influence the decisions of the faculty or administration at his child’s school with regard to any discipline or punishment imposed. He further responded that his child was treated in the same way that any other student of the school would have been treated. He attached an affidavit from the Superintendent of the Moonachie School District stating that she was responsible for the discipline of students and Mr. Campbell’s child received no preferential treatment. He later submitted an affidavit from the teacher in question stating that Mr. Campbell did not influence his decision-making regarding this incident.

The Commission initially scheduled this matter for discussion at its March 28, 2000 meeting. However, the attorney for the respondents sought an adjournment due to a trial. Therefore, the matter was adjourned until April 25, 2000. A second adjournment was then requested because his client would be out of state during that week. The Commission then notified the parties that it would discuss this matter at the Commission’s May 23, 2000 meeting. The complainant and the respondents were invited to attend. The respondents appeared at the meeting with counsel, Thomas Murphy, Esquire. The complainant appeared pro se. The Commission then requested additional information that was reviewed at the Commission’s June and July meetings.

At its September 27, 2000 meeting, the Commission found no probable cause and dismissed the complaint against James Campbell.

FACTS

The Commission finds the following to be the relevant facts based upon its review of the pleadings, the documents submitted and the Commission's investigation. These facts pertain to James Campbell only.

James Campbell is a member of the Moonachie Board of Education.

Mr. Campbell's child was at all times relevant to this complaint, a student at the Robert L. Craig School in Moonachie. During the 1998-99 school year, the child was involved in a fight. Two students involved in the fight were suspended while the child and the child's friend were not. Mr. Campbell's child did not initiate the fight.

When Mr. Campbell's child was a student in eighth grade, the child was caught cheating on a test. The child was given a "zero" for the test and was prohibited from taking a make-up exam, but was allowed to make up the grade through other assignments. The child's teacher in the class is a tenured teacher at the school who had been teaching for 28 years at the time of the incident. Mr. Campbell was not present during any discussions that the teacher had with administrators or his spouse regarding the discipline of his child.

Caroline Gaynor, Superintendent of Schools, is ultimately responsible for the discipline of students at the Robert Craig School. She did not instruct any teacher or staff to give Mr. Campbell's child preferential treatment with regard to either incident.

The Robert L. Craig School has a Code of Conduct for students that provides that cheating is a level four violation for which the penalty is parental notification and two days in-school suspension for the first offense. Mr. Campbell's daughter did not receive an in-school suspension. There are five levels of violation for grades 5 through 8 with level five being the most severe.

ANALYSIS

The issue is whether James Campbell violated the School Ethics Act, specifically N.J.S.A. 18A:12-24(b), in connection with the foregoing facts. N.J.S.A. 18A:12-24(b) provides:

No school official shall use or attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family, or others.

The Commission's investigation has not revealed any information to support a finding that Mr. Campbell took any action to gain special treatment for his child in discipline or punishment with regard to the fighting or the cheating incident. The Commission is concerned that both Mr. Campbell and Mr. Cirillo testified at the meeting that they were unaware of any policy or student handbook regarding student discipline. The Commission was ultimately provided a code of conduct that sets forth that the disciplinary action for cheating is parental notification and two days in-school suspension. Board members should be aware of whether a policy or handbook exists to govern student conduct. Nevertheless, the Commission cannot conclude from the evidence that Mr. Campbell somehow influenced the decision not to enforce the policy against his child. While there is no indication that the child ever received an in-school suspension for cheating, there is also no indication that the teacher and Superintendent's lack of adherence to the policy was as a result of anything that Mr. Campbell said or did. The teacher's affidavit, the Superintendent's affidavit and the Commission's investigation lead to the conclusion that Mr. Campbell did not act in a way to use his official position to garner special treatment for his child. Therefore, the Commission finds no probable cause to credit the allegation that Mr. Campbell violated N.J.S.A. 18A:12-24(b).

DECISION

For the foregoing reasons, the School Ethics Commission finds no probable cause to credit the allegations that Respondent James Campbell violated the School Ethics Act. The Commission thus dismisses the complaint against him.

This decision constitutes final agency action and thus may be appealed directly to the Appellate Division of the Superior Court.

Paul C. Garbarini
Chairperson

Resolution Adopting Decision -- C26-99

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

Whereas, the Commission finds no probable cause to credit the allegations in the complaint that James Campbell violated the School Ethics Act; and

Whereas the Commission has reviewed the proposed decision of its staff; and

Whereas, the Commission agrees with the proposed 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 September 27, 2000.

Lisa James-Beavers
Executive Director