

SCHOOL ETHICS COMMISSION	:	BEFORE THE
	:	SCHOOL ETHICS COMMISSION
v.	:	
	:	RESOLUTION
STEVEN NICHOLAS	:	
Haledon Board of Education	:	SEC Docket No.: T25-03
Passaic County	:	
	:	

**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**, the School Ethics Commission passed a resolution on March 23, 1999 which states in pertinent part,

Any school board member newly elected or appointed as of April, 1999 and forward, who would have previously been exempted from attending a new board member orientation because of previous service on a board of education prior to June, 1992, is no longer exempt and must attend a new board member orientation conducted by the NJSBA;

and

**WHEREAS**, Respondent Steven Nicholas was elected to serve a three-term on the Haledon 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 offered 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. Nicholas responded by letters, dated June 30, 2003 and July 14, 2003, generally advising that he attended training before and thus, was “grandfathered” with regard to the training requirement and thus, asked the Commission to reconsider its demand that he be “re-trained,” and asked the Commission staff to confirm his previous attendance with his board secretary or NJSBA; and

**WHEREAS**, in a letter dated July 15, 2003, Respondent was notified by Commission staff that he was required to produce a record of his attendance at a training session between 1992 and July 18, 2003, in order to have this matter dismissed against him, and that without such proof, this matter would be considered at the Commission’s meeting on July 22, 2003, where Respondent was invited to be heard, but, that he could be found in violation of the School Ethics Act; and,

**WHEREAS**, the Commission was able to confirm that Respondent attended an NJSBA training conference in 1987, through representatives at the NJSBA, but was unable confirm his attendance at any training session since the inception of the School Ethics Act in 1992; and

**WHEREAS**, Respondent’s attendance at a training session prior to June 1992 does not warrant his exemption to the training requirement, pursuant to the Commission’s March 23, 1999 Resolution, 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. Nicholas 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. Nicholas 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 one of the October training sessions.

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

ljb/psc/m:ethics/trainingresT25