

298-01+ SEC (AMENDED DECISION)
AGENCY DKT. NO. 255-7/01

IN THE MATTER OF STEVEN YOUNG, :
BOARD OF EDUCATION OF THE TOWN : COMMISSIONER OF EDUCATION
OF MONTCLAIR, ESSEX COUNTY. : DECISION
_____:

On September 6, 2001, the Commissioner of Education (Commissioner) rendered a decision concurring with the recommendation of the School Ethics Commission (Commission) that the above-named Board member be suspended from office, effective upon filing of the Commissioner's decision, for failure to attend the Board member training sessions required by *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-6. Such suspension was to have remained in effect until training was completed, with summary removal to result, effective October 24, 2001, in the event the Board member failed to complete the required training by October 23, 2001.

However, by way of letter dated September 21, 2001, the above-named Board member informed the Commissioner that, in response to the Commission's recommendation, and without knowledge of the Commissioner's decision of September 6, 2001, which he had not yet received, he had arranged for, and fully intended to complete, the training session to be held on September 13-14, so as to eliminate any need for suspension. The Board member further advised the Commissioner that the offices of his employer, JP Morgan Chase, are located within 100 yards of the World Trade Center, and that, on September 11, 2001, as a senior executive of the firm, he was called upon in the wake of the tragedy that occurred that day to assist in both evacuation and subsequent disaster recovery efforts. In choosing to meet that obligation, and

unaware of the Commissioner's September 6, 2001 decision, the Board member did not attend the September 13-14 training as planned, opting instead to re-register for the next offered session in October. Upon his subsequent receipt of the Commissioner's decision suspending him from office pending completion of training, the Board member immediately contacted the Department to explain what had transpired, and it was confirmed that neither he nor his Board of Education could have received the Commissioner's decision prior to the occurrence of these events.

Accordingly, in light of the information today provided to the Commissioner, the Assistant Commissioner, to whom this matter has been delegated for determination in the absence of the Commissioner pursuant to N.J.S.A. 18A:4-34, hereby VACATES the Commissioner's decision of September 6, 2001 to the extent that it imposed a suspension of the above-named Board member pending completion of his requisite training, or through October 23, 2001, whichever came first. Instead, the Assistant Commissioner ORDERS that NO SUSPENSION OF THE BOARD MEMBER IS WARRANTED OR IMPOSED pending completion of the stated training, provided that this occurs on or before October 23, 2001. However, as before, in the event the Board member fails to complete the required training by October 23, 2001, the above-named Board member is hereby summarily removed from office effective October 24, 2001.

IT IS SO ORDERED.

ASSISTANT COMMISSIONER OF EDUCATION

Date of Decision: September 21, 2001

Date of Mailing: September 21, 2001 (via fax)