AGENCY DKT. NO. 674-11/10

IN THE MATTER OF ANN ROSARIO,

JERSEY CITY COMMUNITY : COMMISSIONER OF EDUCATION

CHARTER SCHOOL, CAMDEN COUNTY. : DECISION

On January 10, 2010, the Commissioner of Education (Commissioner) rendered a decision concurring with the November 23, 2010 recommendation of the School Ethics Commission (Commission) that the respondent charter school trustee – who had failed to attend school board member training in accordance with *N.J.S.A.* 18A:12-33 – be suspended as a trustee until completing such program and, if the program was not completed by January 8, 2011, respondent be removed from office. Subsequently, as respondent did not complete the training by January 8, 2011, the Commission adopted a Resolution of Removal at its meeting on January 25, 2011.

Subsequently, by letter dated April 27, 2011, the Executive Director of the School Ethics Commission advised respondent – and the Commissioner – that the Commission had voted on March 22, 2011 to vacate its prior decision finding respondent in violation of the School Ethics Act. In its April 26, 2011 decision so vacating, the Commission noted:

N.J.S.A. 18A:12-33 requires each board member and charter school trustee to complete training offered by the [New Jersey School Boards Association]. Specifically, all board members and charter school trustees must complete a training program during the first year of their first term....In 2007, the training requirement was amended by the School District Accountability Act, P.L. 2007, c. 53, to include the requirement that each board member "shall complete a training program on school district governance in each of the subsequent two years of the board member's first term."...

Although there is no dispute that the respondent did not complete the [New Board Member Orientation] training program prior to the issuance of the Commission's

show cause order, Ms. Rosario has now forwarded information confirming that she served on the board of trustees of the Jersey City Community Charter School since 1997, which was the time period when the Commission had issued [a] public advisory opinion [which apparently exempted charter school trustees from the requirement in the Act that they attend new board member training within the first year of their first term on the board] and prior to the adoption of regulations specifically holding charter school trustees to the first year training requirement [adopted in 2000]. Consequently, the Commission determined that Ms. Rosario should not be subject to the training requirements. (Commission's April 26, 2011 Decision at 2)

Accordingly, given that the finding of violation upon which it was based has now been vacated by the Commission, the Commissioner's decision of January 10, 2011 is concomitantly VACATED and shall be deemed of no force and effect.

IT IS SO ORDERED.

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 1, 2011

Date of Mailing: June 2, 2011