

IN THE MATTER OF MICHAEL LYTLE, :
NORTH STAR ACADEMY CHARTER : COMMISSIONER OF EDUCATION
SCHOOL, ESSEX COUNTY. : DECISION
_____ :

On January 10, 2011, 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 be reprimanded for failure to attend school board member training – in accordance with *N.J.S.A. 18A:12-33* – until after the Commission issued an Order to Show Cause.

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 required NJQSAC training program prior to the issuance of the Commission’s show cause order, documentation forwarded by the Charter’s Lead Person reveals that Mr. Lytle served on the board of trustees of the North Star Academy Charter School since 2001, and had completed his first term of service in 2002, prior to the effective date of the amendment, March 15, 2007. Finding nothing in the plain language of the statute that would permit the retroactive application of the second-year training requirement, the Commission determines that Mr. Lytle was

not subject to the expanded training requirements that became effective on March 15, 2007. (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: _____

Date of Mailing: _____