



mail with the link to complete the training was sent to Respondent's registered e-mail address. In addition, on September 8, 2017, September 14, 2017, September 21, 2017, September 29, 2017, October 5, 2017, October 12, 2017, and October 19, 2017, additional e-mail notices were sent through the Weekly Program Update to all charter school trustees who had not yet completed training, including Respondent. The NJSBA also sent a reminder communication to Respondent's Charter Lead on August 7, 2017. Notwithstanding all of these communications, Respondent did not complete mandated training.

In addition to the communication efforts undertaken by the NJSBA, Respondent's County Office of Education (County) also communicated with the Respondent regarding his failure to complete the mandated training requirement. More specifically, in September 2017, the Commission's staff notified the County that the NJSBA had identified Respondent as a school official who failed to complete training by June 30, 2017. As a result, the County sent correspondence to Respondent, with a copy to the Charter Lead, advising that Respondent remained delinquent in completing training. Notwithstanding this correspondence from the County, Respondent did not complete training as directed.

As a final warning, the Commission sent a letter to Respondent dated October 13, 2017, via regular and electronic mail, advising him that the Commission requires completion of the training to avoid the issuance of an OTSC for non-compliance. This final warning letter provided instructions to Respondent on how to complete training. Again, notwithstanding this correspondence, Respondent did not complete the required training. As a result, an OTSC was mailed to Respondent on November 2, 2017.

The OTSC directed Respondent to show cause, in writing and under oath, within twenty (20) days, why a penalty up to and including removal should not be imposed. The twenty (20) day deadline for Respondent to submit a written response to the OTSC was November 23, 2017. At its meeting on November 28, 2017, and because Respondent had not yet completed training or otherwise responded to the OTSC, the Commission discussed recommending that the Commissioner of Education (Commissioner) impose a penalty of suspension for thirty (30) days, with such suspension to become effective immediately upon adoption of the Commission's recommended penalty by the Commissioner of Education. The Commission further discussed that if Respondent failed to complete training within the period of his thirty (30) day suspension, Respondent should be removed from office on the thirty-first (31st) day.

A decision memorializing the Commission's discussion from its meeting on November 28, 2017, was adopted by the Commission at its meeting on December 19, 2017, and mailed to Respondent, and to the NJSBA, on December 20, 2017. On December 22, 2017, the NJSBA advised the Commission that Respondent completed training on December 5, 2017, which was after the Commission had discussed a recommended penalty on November 28, 2017, but before the Commission adopted its decision on December 19, 2017. At its meeting on January 23, 2018, the Commission voted to rescind the previously issued decision, and to adopt the within decision recommending a penalty of reprimand.

## **DECISION/PENALTY RECOMMENDATION**

N.J.A.C. 6A:28-4.2(d) provides that school board members and charter school trustees who fail to comply with their training mandate shall be considered in violation of N.J.S.A. 18A:12-33.

Based on the record as set forth above, at its meeting on January 23, 2018, the Commission discussed finding that Respondent violated N.J.S.A. 18A:12-33. Respondent received repeated notifications of his training requirement, and had ample opportunity to complete the mandated training in a timely fashion; nonetheless, he failed to complete training as required, and only completed it after an OTSC was issued.

Where a violation of the Act is found by the Commission, the Commission may recommend to the Commissioner of Education that a penalty be imposed. The recommended penalty can include a reprimand, censure, suspension or removal of the school official. N.J.A.C. 6A:28-10.12. For the reasons set forth above, the Commission recommends that the Commissioner of Education impose a penalty of **reprimand**.

Pursuant to N.J.S.A. 18A:12-29(c), this decision shall be forwarded to the Commissioner of Education for review of the Commission's recommended penalty. Respondent may either: 1) file exceptions to the recommended sanction; 2) file an appeal of the Commission's finding of a violation; or 3) file both exceptions to the recommended sanction together with an appeal of the finding of a violation.

Parties taking exception to the recommended sanction of the Commission but *not disputing* the Commission's finding of a violation may file, within **thirteen (13) days** from the date the Commission's decision is forwarded to the Commissioner, written exceptions regarding the recommended penalty to the Commissioner. The forwarding date shall be the mailing date to the parties, as indicated below. Such exceptions must be forwarded to: Commissioner of Education, c/o Bureau of Controversies and Disputes, P.O. Box 500, Trenton, New Jersey 08625, marked "Attention: Comments on Ethics Commission Sanction." A copy of any comments filed must be sent to the Commission and all other parties.

Parties seeking to appeal the Commission's finding of violation *must* file an appeal pursuant to the standards set forth at N.J.A.C. 6A:4:1 et seq. within **thirty (30) days** of the filing date of the decision from which the appeal is taken. The filing date shall be three (3) days after the date of mailing to the parties, as shown below. In such cases, the Commissioner's review of the Commission's recommended sanction will be deferred and incorporated into the Commissioner's review of the finding of violation on appeal. Where a notice of appeal has been filed on or before the due date for exceptions to the Commission's recommended sanction (thirteen (13) days from the date the decision is mailed by the Commission), exceptions need not be filed by that date, but may be incorporated into the appellant's briefs on appeal.

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Robert W. Bender, Chairperson

Mailing Date: January 24, 2018

I hereby certify that this decision was duly adopted by the School Ethics Commission at its public meeting on January 23, 2018.

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Kathryn A. Whalen, Director



**WHEREAS**, the Commission’s decision was mailed to Respondent, and to the NJSBA, on December 20, 2017; and

**WHEREAS**, on December 22, 2017, the NJSBA advised the Commission that Respondent completed training on December 5, 2017, which was after the Commission had discussed a recommended penalty on November 28, 2017, but before the Commission adopted its decision on December 19, 2017; and

**WHEREAS**, at its meeting on January 23, 2018, the Commission voted to rescind the previously issued decision, and to adopt the within decision recommending a penalty of reprimand for his violation of N.J.S.A. 18A:12-33, N.J.A.C. 6A:28-4.1, and N.J.A.C. 6A:11-3.1(a); and

**NOW THEREFORE BE IT RESOLVED**, that the Commission hereby adopts the within decision and directs its staff to notify all parties to this action of the decision.

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Robert W. Bender, Chairperson  
School Ethics Commission

I certify that the within Resolution was duly adopted by the School Ethics Commission at its public meeting on January 23, 2018.

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Kathryn A. Whalen, Director