

AGENCY DKT. NO.: 269-10/05 SEC

IN THE MATTER OF PHILLIP REPELLA III, :
QUEEN CITY ACADEMY CHARTER SCHOOL : COMMISSIONER OF EDUCATION
BOARD OF TRUSTEES, UNION COUNTY. : DECISION

Whereas, the School Ethics Commission (Commission) has acted pursuant to the authority granted to it by *N.J.S.A. 18A:12-21 et seq.* to recommend a penalty for the above-named Board member for failure to attend the board member training sessions required by *N.J.S.A. 18A:12-33* and *N.J.A.C. 6A:28-4.1*; 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 skills and knowledge necessary to serve as a school board member; and

Whereas, the above-named Board member was newly elected or appointed to the Queen City Academy Charter School Board of Trustees in January 2004 and, therefore, had until January 2005 to complete the training requirement; and

Whereas, the New Jersey School Boards Association (NJSBA) mails correspondence to all new board members who have failed to register for or attend training and did mail such correspondence to the above-named Board member on December 6, 2004 and February 10, 2005; and

Whereas, the NJSBA conducted seven training sessions between April 2004 and March 2005 at varying locations and continuously published the dates and times of the sessions in its publication, *School Board Notes*; and

Whereas, pursuant to *N.J.A.C. 6A:28-1.6(e)*, on August 19, 2005, the Commission, via certified mail, issued to the above-named Board member an Order to Show Cause why he had not attended a training up until that time; and

Whereas, the above-named Board member did not respond to the Commission's Order; and

Whereas, the Commission notified the above-named Board member that it would discuss this matter at its September 27, 2005 meeting; and

Whereas, at its meeting on September 27, 2005, the Commission found that the above-named Board member's failure to attend board member training from April 2004 until March 2005 constitutes a violation of *N.J.S.A. 18A:12-33* and voted to recommend that the appropriate penalty for the violation is suspension from the board if the above-named Board member fails to attend the NJSBA's October 25, 2005 training session and removal if he fails to attend the January 28, 2006 session; and

Whereas, on October 4, 2005, the above-named Board member was afforded an opportunity to submit written comments on the recommended sanction to the Commissioner; and

Whereas, neither the above-named Board member nor anyone on his behalf submitted comments; and

Whereas, the Commissioner of Education has carefully considered the record of this matter and the decision of the School Ethics Commission and concurs with and adopts as her own the recommendations of the Commission; now therefore

IT IS ORDERED that the above-named Board member is suspended from office if he fails to attend the NJSBA's October 25, 2005 training session and summarily removed from office if he fails to attend the January 28, 2006 session.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: November 3, 2005

Date of Mailing: November 3, 2005

* This decision may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*