

AGENCY DKT. NO. 212-7/08

IN THE MATTER OF DANTE FERRARIE, :
BOARD OF EDUCATION OF :
UPPER SADDLE RIVER, :
BERGEN COUNTY. :

COMMISSIONER OF EDUCATION
DECISION

The record of this matter and the decision of the School Ethics Commission, forwarded to the Commissioner pursuant to *N.J.S.A. 18A:12-29* for final determination on the Commission's recommended penalty, have been reviewed. Respondent's exceptions, while not denying that he has failed to take the mandated training in violation of *N.J.S.A. 18A:12-33*, "appeal" as unwarranted the Commission's decision to suspend him from the Board until he takes orientation training and remove him from his duties if he fails to take such training by November 15, 2008. Respondent provides explanatory reasons, *i.e.*, "complete oversight" and a busy work/personal schedule which he argues justify his non-attendance.

Upon review, the Commissioner observes that it is not uncommon for board of education members to have busy work and/or personal schedules; however, this circumstance does not lessen their duty to obtain the training deemed necessary to fulfill the functions of their office. It is noted that the New Jersey School Boards Association conducted seven training sessions between April 2007 and March 2008, and offered two additional training opportunities in May and June 2008, which respondent did not attend. Under these circumstances, the Commissioner cannot find that the penalty recommended by the Commission is unwarranted. She, additionally, is compelled to admonish respondent for failing to honor an obligation placed upon board members by law, since such failure has resulted in unnecessary expenditure of administrative and adjudicative resources at both State and local levels.

Accordingly, respondent is hereby suspended as a school official found to have violated the School Ethics Act, such suspension to remain in effect until the required training is completed; provided, however, that if such training is not completed by the November 15, 2008 training session, respondent shall be summarily removed from office.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: September 10, 2008

Date of Mailing: September 11, 2008

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.