

**New Jersey Commissioner of Education**  
**Final Decision**

In the Matter of Toni Ann Alfano,  
Tinton Falls Board of Education,  
Monmouth County

---

The record of this matter, the decision of the School Ethics Commission (SEC), and the exceptions filed by respondent have been reviewed. The SEC found that respondent violated *N.J.S.A. 18A:12-33* by failing to timely complete the required board member training. The SEC's decision was forwarded to the Commissioner for final determination on the recommended penalty pursuant to *N.J.S.A. 18A:12-29(c)*. The SEC recommended a penalty of censure. Respondent has not instituted an appeal of the SEC's underlying finding of violation pursuant to *N.J.A.C. 6A:4-1 et seq.* but has filed exceptions to the recommended penalty.

In her exceptions, respondent indicates that she takes her duties seriously and takes full responsibility for not completing the training in a timely manner. She promises to be more mindful of her actions and responsibilities moving forward.

Upon review, the Commissioner concurs with the penalty recommended by the SEC for respondent's failure to timely honor an obligation placed upon school officials by law. While the Commissioner appreciates that respondent has taken responsibility for her failure and has indicated she will be more mindful in the future, the Commissioner does not find these statements to

constitute good cause to warrant a deviation from the SEC's recommendation or the provisions of *N.J.A.C. 6A:28-4.3(b)*. Accordingly, respondent is censured for violating the School Ethics Act.

IT IS SO ORDERED.<sup>1</sup>



ACTING COMMISSIONER OF EDUCATION

Date of Decision: September 4, 2024  
Date of Mailing: September 5, 2024

---

<sup>1</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

***Before the School Ethics Commission***  
***Docket No.: T12-24***  
***Decision for Failure to Complete Mandatory Training***  
***Requirement in a Timely Manner***

---

***I/M/O Toni Ann Alfano,***  
**Tinton Falls Board of Education, Monmouth County**

---

**I. Procedural History**

This matter arises from an Order to Show Cause (OTSC) that was issued by the School Ethics Commission (Commission) in connection with the above-captioned matter at its special meeting on June 17, 2024, directing Toni Ann Alfano (Respondent), a “board member” as defined in *N.J.S.A.* 18A:12-23 of the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.*, to show cause as to why the Commission should not find Respondent in violation of the Act, for failing to complete training as required by *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1.

In the OTSC that was served on June 17, 2024, the Commission notified Respondent that she had twenty (20) days to respond to the OTSC. Respondent was further advised that failure to respond would be deemed an admission of the facts set forth in the OTSC, and the Commission may take action on a summary basis, in accordance with *N.J.A.C.* 6A:28-1.6(c).

**II. Analysis**

The Act was enacted by the New Jersey State Legislature to ensure and preserve public confidence in members of local boards of education and local school administrators. *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1 require every board member to complete a training program prepared and offered by the New Jersey School Boards Association (NJSBA).

Respondent is a member of the Tinton Falls Board of Education, located in Monmouth County. As a result of her position as a board of education member, and in accordance with *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1, Respondent is required to complete a mandated training program on an annual basis. For convenience and ease, the training is offered online so any board member may complete it at any time, from anywhere. According to NJSBA, Respondent was required to complete the Governance 2 training program by December 31, 2023.

On or about May 7, 2024, the NJSBA provided the Commission with the names of those board of education members who failed to complete mandated training by December 31, 2023, and the list provided included Respondent. Prior to that time, multiple communications about mandated training were sent to Respondent from the NJSBA through a variety of means, including targeted e-mail messages on January 4, 2023, as well as postings in *School Board Notes* on 19 occasions. Notwithstanding all of these communications, Respondent did not complete mandated training.

As a final warning, the Commission’s staff sent e-mails to Respondent dated May 8, 2024, and June 5, 2024, advising Respondent that the Commission required completion of the training by

June 13, 2024, to avoid the issuance of an OTSC for non-compliance. Again, notwithstanding this correspondence, Respondent did not complete the required training. As a result, an OTSC was issued by the Commission at its special meeting on June 17, 2024.

To date, there is no dispute that Respondent did not complete her required training by December 31, 2023, and did not complete the training prior to the Commission's final deadline of June 13, 2024, and therefore, the Commission issued an OTSC at its meeting on June 17, 2024. After having been served with the OTSC, Respondent completed her training requirement, and also filed a response to the Commission's OTSC. Importantly, Respondent did not deny that she did not complete training in a timely fashion.

### **III. 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 July 23, 2024, the Commission found that Respondent violated *N.J.S.A.* 18A:12-33. Respondent received repeated notifications of her training requirement, and had ample opportunity to complete the mandated training in a timely fashion; nonetheless, Respondent failed to complete training as required.

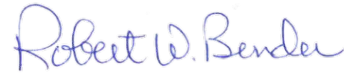
Where a violation of the Act is found by the Commission, it may recommend to the Commissioner of Education that a penalty be imposed. The recommended penalty can include a reprimand, censure, suspension or removal of the school official. *N.J.A.C.* 6A:28-9.11. Specifically, unless good cause is shown or the school official previously has been the subject of an OTSC, "the Commission shall recommend that a board member or trustee who completes training after the issuance of an Order to Show Cause, but before the Commission issues its decision, receives a censure." *N.J.A.C.* 6A:28-4.3(b).

For the reasons set forth above, the Commission recommends that the Commissioner of Education impose a penalty of **censure**.

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." as well as to ([ControversiesDisputesFilings@doe.nj.gov](mailto:ControversiesDisputesFilings@doe.nj.gov)). A copy must also be sent to the Commission ([school.ethics@doe.nj.gov](mailto:school.ethics@doe.nj.gov)) 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.



---

Robert W. Bender, Chairperson

Mailing Date: July 23, 2024

***Resolution Adopting Decision for Failure to Complete Mandatory  
Training Requirement in a Timely Manner  
Docket No.: T12-24***

***Whereas***, Toni Ann Alfano (Respondent) is a “board member” as defined in *N.J.S.A.* 18A:12-23 of the School Ethics Act (Act); and

***Whereas***, as a board member, Respondent is required to complete a training program prepared and offered by the New Jersey School Boards Association (NJSBA) on an annual basis; and

***Whereas***, Respondent failed to complete her training program by December 31, 2023; and

***Whereas***, at its special meeting on June 17, 2024, the School Ethics Commission (Commission) issued an Order to Show Cause (OTSC) directing Respondent to show cause as to why she failed to complete her mandatory training by December 31, 2023, as required by *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1; and

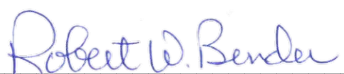
***Whereas***, after having been served with the OTSC, Respondent completed her training requirement, and also filed a response to the Commission’s OTSC that did not dispute that she did not complete training in a timely fashion; and

***Whereas***, at its meeting on July 23, 2024, the Commission found that Respondent violated *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1 by failing to complete the training requirement she was obligated to complete; and


***Whereas***, at its meeting on July 23, 2024, the Commission recommended that the Commissioner of Education impose a penalty of censure on Respondent; and

***Whereas***, at its meeting on July 23, 2024, the Commission agreed that the within decision accurately memorializes its findings and recommendations; 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.

  
Robert W. Bender, Chairperson

I certify that the within Resolution was duly adopted  
by the School Ethics Commission at its public meeting  
on July 23, 2024.

  
Brigid C. Martens, Director  
School Ethics Commission