

241-99SEC

AGENCY DKT. NO. 148-6/99

IN THE MATTER OF JAMES E. HALL, :
TETERBORO BOARD OF : COMMISSIONER OF EDUCATION
EDUCATION, BERGEN 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 removal of the above-named Board member from office for failure to attend the Board member training sessions required by *N.J.S.A. 18A:12-33* and *N.J.A.C. 6:3-9.4*; and

Whereas, the Commission sent ample notice to the above-named Board member of his failure to attend such training sessions; and

Whereas, pursuant to *N.J.A.C. 6:3-9.3(i)*, on April 26, 1999, the Commission issued an Order to Show Cause why a penalty should not be imposed for such failure; and

Whereas, the above-named Board member submitted a response to the Commission indicating that he planned to attend the January 2000 session; and

Whereas, the Commission voted on May 26, 1999 that the above-named Board member's failure to attend Board member training from April 1998 to April 1999 constitutes a violation of *N.J.S.A. 18A:12-33*; and

Whereas, the Commission further voted on May 26, 1999 to recommend removal of the above-named Board member if he fails to attend a training session by the end of

October 1999 and memorialized such decision through a resolution forwarded to the Commissioner of Education, pursuant to *N.J.S.A.* 18A:12-29; and

Whereas, on June 7, 1999, the above-named Board member was afforded an opportunity to submit to the Commissioner of Education a response; and

Whereas, no response was forthcoming; and

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

IT IS ORDERED that the above-named Board member is permitted to remain on the Board pending his attendance at the October 1999 training session, in that he is one of only two such members serving a small, nonoperating school district and his suspension would preclude the district from functioning as required by law, and should he fail to do so by the end of October 1999, he shall be removed from office effective November 1, 1999.*

COMMISSIONER OF EDUCATION

* This decision, as the Commissioner's final determination in the instant matter, 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.* 6:2-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.

July 28, 1999