SCHOOL ETHICS COMMISSION : BEFORE THE

SCHOOL ETHICS COMMISSION

v. :

: **RESOLUTION**

FRANK J. FELICE,

Passaic Co. - Manchester Reg. Bd. of Ed. : Passaic County :

WHEREAS, the School Ethics Act, N.J.S.A. 18A:12-21 et. seq. was enacted by the New Jersey State Legislature to ensure and preserve public confidence in school board members and school administrators and to provide specific ethical standards to guide their conduct; 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 the skills and knowledge necessary to serve as a school board member; and

WHEREAS, Frank J. Felice was elected to serve a three-year term on the Passaic County Manchester Regional Board of Education on April 15, 1996; and

WHEREAS, the New Jersey School Boards Association (NJSBA) advises prospective board members of the training requirement in the "candidate kit" before they are elected and mails correspondence to all new board members who have failed to register for or attend an orientation and did mail such correspondence to this board member on February 13, 1997; and

WHEREAS, at the request of the School Ethics Commission, the NJSBA published a notice with the heading "Last Chance to Meet Training Requirements" on the front page of the February 21, 1997 edition of *School Board Notes* advising that the March 15, 1997 session was the last that new board members could attend without penalty; and

WHEREAS, the NJSBA conducted seven training sessions between April 1996 and April 1997 at varying locations and continuously published the dates and times of the sessions; and

WHEREAS, the last training session to fulfill the requirement was held on March 15, 1997; and

WHEREAS, the Commission issued an Order on March 27, 1997, directing Frank J. Felice to Show Cause why he had not attended training up until that time; and

WHEREAS, Mr. Felice replied that he could not attend the January or March sessions because of spinal surgery in December 1996 and disability thereafter, but he promised to attend the required training session as soon as possible; and

WHEREAS, the next available session that the New Jersey School Boards Association offers, June 6-8, 1997, is now filled; but, the June 20-22, 1997 session has space available; and

WHEREAS, the Commission notified Mr. Felice that the Commission would discuss this matter at its May 27, 1997 meeting, that he had the right to attend, and he could be found in violation of the School Ethics Act and receive a penalty up to removal; and

WHEREAS, Mr. Felice has failed to attend the required training program in one year; and

WHEREAS, Mr. Felice has set forth that he was medically incapable of attending the required training session for the year allowed by law, but that he is now permitted to resume all normal activities; and

WHEREAS, the Commission finds that Mr. Felice is able to attend the June 20-22, 1997 session as he has set forth, and

WHEREAS, the Commission finds that it would be appropriate to have him removed from the board if he fails to attend the June 20-22, 1997 session;

NOW THEREFORE BE IT RESOLVED that the School Ethics Commission will dismiss the Order against Frank J. Felice for violating N.J.S.A. 18A:12-33 of the School Ethics Act if he attends the June 20-22, 1997 session, but recommends that the Commissioner of Education impose a penalty of removal from the board if he does not attend the June 20-22, 1997, session.

Dated: May 27, 1997

Paul C. Garbarini, Chairperson

I certify that the within Resolution was duly adopted by the School Ethics Commission at its Public Meeting on May 27, 1997.

Lisa James-Beavers, Executive Director

This matter shall be transmitted to the Commissioner of Education for action on the Commission's recommendation for sanction pursuant to N.J.S.A. 18A:12-29. Within thirteen (13) days from the date on which the Commission's decision was mailed to the parties, any party may file written comments on the recommended sanction with the Commissioner of Education, c/o Bureau of Controversies and Disputes, 100 Riverview Plaza, CN 500, Trenton, NJ 08625, marked "Attention: Comments on Ethics Commission Sanction." A copy of any comments filed must be sent to the School Ethics Commission and all other parties.

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