

specifically, on July 25, 2016, Respondent was registered to take Governance I and an e-mail with the link to take the offered training was sent to Respondent's e-mail address. On October 19, 2016, an additional e-mail notice was sent to all charter school trustees who had not yet completed training, including Respondent. In addition, an on-site training was provided at NJSBA's Workshop on Thursday, October 27, 2016. On November 30, 2016, NJSBA sent a letter to Respondent again advising of non-compliance with the mandatory training requirement, and a link to the online training was, once again, provided to Respondent. NJSBA also sent a reminder communication to Respondent's Charter Lead on November 30, 2016. Notwithstanding all of these communications, Respondent did not complete mandated training.

In addition to the communication efforts undertaken by the NJSBA, Respondent's County Office of Education (County) also communicated with the Respondent regarding her failure to complete the mandated training requirement. More specifically, in January, 2017, the Commission's staff notified the County that the NJSBA had identified Respondent as a school official who failed to complete training by June 30, 2016. As a result, the County sent correspondence to Respondent, with a copy to the Charter Lead, advising that Respondent remained delinquent in completing training. Notwithstanding this correspondence from the County, Respondent did not complete training as directed.

As a final warning, the Commission sent a letter to Respondent dated March 3, 2017 via regular and electronic mail, advising her that the Commission requires completion of the training to avoid the issuance of an OTSC for non-compliance. This final warning letter detailed instructions for how Respondent could complete training. Again, notwithstanding this correspondence, Respondent did not complete the required training. As a result, an OTSC was mailed to Respondent on March 29, 2017.

To date, there is no dispute that Respondent did not complete her required training by June 30, 2016, and did not complete the training prior to the issuance of the Commission's OTSC. After having been served with the OTSC, Respondent failed to respond to the Commission's OTSC as to why she did not complete training by June 30, 2016, and also failed to complete training as required by N.J.S.A. 18A:12-33, N.J.A.C. 6A:28-4.1, and N.J.A.C. 6A:11-3.1(a).

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 April 25, 2017, 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, she failed to complete training as required.

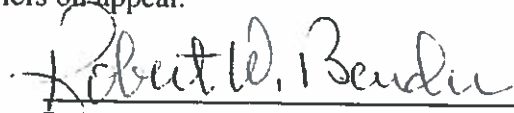
Where a violation of the Act is found by the Commission, the Commission may recommend to the Acting Commissioner of Education that a penalty be imposed. The recommended penalty can include a reprimand, censure, suspension or removal of the school official. N.J.A.C. 6A:28-10.12. For the reasons set forth above, the Commission recommends that the Acting Commissioner of Education impose a penalty of **suspension for thirty (30) days**, with such suspension to become effective immediately upon adoption of the Commission's recommended penalty by the Acting Commissioner of Education. If Respondent fails to complete training within the period of her thirty

(30) day suspension, the Commission recommends that Respondent be **removed from office on the thirty-first (31st) day.**

Pursuant to N.J.S.A. 18A:12-29(c), this decision shall be forwarded to the Acting 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.

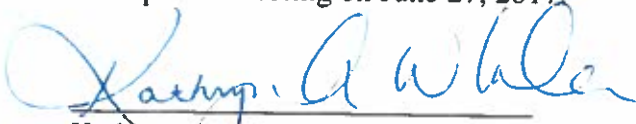
Parties taking exception to the recommended sanction of the Commission but *not disputing* the Commission's finding of a violation may file, within **thirteen (13) days** from the date the Commission's decision is forwarded to the Acting Commissioner, written exceptions regarding the recommended penalty to the Acting Commissioner. The forwarding date shall be the mailing date to the parties, as indicated below. Such exceptions must be forwarded to: Acting 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." A copy of any comments filed must be sent to the Commission 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 Acting Commissioner's review of the Commission's recommended sanction will be deferred and incorporated into the Acting 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: June 28, 2017

I hereby certify that this decision was duly adopted by the School Ethics Commission at its public meeting on June 27, 2017.


Kathryn A. Whalen, Director

**IN THE MATTER OF
CYNDEE PHOENIX**

**INTERNATIONAL ACADEMY OF
ATLANTIC CITY CHARTER SCHOOL,
ATLANTIC COUNTY**

**: BEFORE THE SCHOOL
: ETHICS COMMISSION
:
:
: RESOLUTION ADOPTING
: DECISION FOR FAILURE TO
: COMPLETE MANDATORY
: TRAINING REQUIREMENT IN A
: TIMELY MANNER
:
:
: DOCKET NO.: T06-16**

WHEREAS, Cyndee Phoenix (Respondent) is a Charter School Trustee of the International Academy of Atlantic City Charter School; and

WHEREAS, as a Charter School Trustee, 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 Governance 1 training program by June 30, 2016; and

WHEREAS, at its meeting on March 28, 2017, 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 June 30, 2016 as required by N.J.S.A. 18A:12-33, N.J.A.C. 6A:28-4.1, and N.J.A.C. 6A:11-3.1(a); and

WHEREAS, after having been served with the OTSC, Respondent failed to respond to the Commission's OTSC as to why she did not complete training by June 30, 2016, and also failed to complete training as required by N.J.S.A. 18A:12-33, N.J.A.C. 6A:28-4.1, and N.J.A.C. 6A:11-3.1(a); and


WHEREAS, at its meeting on April 25, 2017, the Commission found that Respondent violated N.J.S.A. 18A:12-33, N.J.A.C. 6A:28-4.1, and N.J.A.C. 6A:11-3.1(a) by failing to complete the training requirement she was obligated to complete; and

WHEREAS, at its meeting on April 25, 2017, the Commission recommended that the Acting Commissioner of Education impose a penalty of suspension for thirty (30) days, with such suspension to become effective immediately upon adoption of the Commission's recommended penalty by the Acting Commissioner of Education; and

WHEREAS, if at the conclusion of the thirty (30) day suspension, Respondent still has not completed her mandatory training requirement, the Commission recommends that she be removed from office on the thirty-first (31st) day; and

WHEREAS, at its meeting on June 27, 2017, 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
School Ethics Commission

I certify that the within Resolution was duly adopted by the School Ethics Commission at its public meeting on June 27, 2017.



Kathryn A. Whalen, Director