

AGENCY DKT. NO.: 270-10/05 SEC

IN THE MATTER OF MARIA MANLEY, :  
MORRIS PLAINS BOARD OF : COMMISSIONER OF EDUCATION  
EDUCATION, MORRIS 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 a penalty for the above-named Board member for failure to attend the board member training sessions required by *N.J.S.A. 18A:12-33* and *N.J.A.C. 6A:28-4.1*; 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 skills and knowledge necessary to serve as a school board member; and

Whereas, the above-named Board member was newly elected or appointed to the Morris Plains Board of Education in April 2004 and, therefore, had until April 2005 to complete the training requirement; and

Whereas, the New Jersey School Boards Association (NJSBA) mails correspondence to all new board members who have failed to register for or attend training and did mail such correspondence to the above-named Board member on December 6, 2004 and February 10, 2005; and

Whereas, the NJSBA conducted seven training sessions between April 2004 and March 2005 at varying locations and continuously published the dates and times of the sessions in its publication, *School Board Notes*; and

Whereas, pursuant to *N.J.A.C. 6A:28-1.6(e)*, on August 2, 2005, the Commission, via certified mail, issued to the above-named Board member an Order to Show Cause why she had not attended a training up until that time; and

Whereas, the Board member responded that she did not attend training because she gave birth three months after her election to the Board but was registered for the October 25, 2005 training; and

Whereas, the Commission notified the above-named Board member that it would discuss this matter at its September 27, 2005 meeting; and

Whereas, at its meeting on September 27, 2005, the Commission found that the above-named Board member's failure to attend board member training from April 2004 until March 2005 constitutes a violation of *N.J.S.A. 18A:12-33* and voted to recommend that the appropriate penalty for the violation is suspension from the board if the above-named Board member fails to attend the NJSBA's October 25, 2005 training session and removal if she fails to attend the January 28, 2006 session; and

Whereas, on October 4, 2005, the above-named Board member was afforded an opportunity to submit written comments on the recommended sanction to the Commissioner; and

Whereas, neither the above-named Board member nor anyone on her behalf submitted comments; and

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

IT IS ORDERED that the above-named Board member is suspended from office if she fails to attend the NJSBA's October 25, 2005 training session and summarily removed from office if she fails to attend the January 28, 2006 session.\*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: November 2, 2005

Date of Mailing: November 3, 2005

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\* This decision, as the Commissioner's final determination regarding penalty 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. 6A:4-1.1 et seq.* Pursuant to *N.J.A.C. 6A:4-1.4(a)*, Commissioner's decisions are deemed filed three days after the date of mailing to the parties.