

AGENCY DKT. NO. 217-7/08

IN THE MATTER OF LYNN SMITH, :  
BOARD OF EDUCATION OF THE : COMMISSIONER OF EDUCATION  
TOWNSHIP OF GREENWICH, : DECISION  
WARREN COUNTY. :  
\_\_\_\_\_ :

The record of this matter, the decision of the School Ethics Commission (the Commission), and respondent's exceptions thereto have been reviewed. Upon review, the Commissioner concludes that imposition of a penalty upon respondent is warranted.

As explained by the Commission in its decision dated July 22, 2008, the New Jersey School Boards Association (NJSBA) advised respondent in writing, when she became a school board member, of the requirement that she attend a training program to provide her with the skills and knowledge necessary for service as a board member. Notices were published in *School Board Notes*, the NJSBA's newsletter, and – on July 30, 2007 and December 27, 2007 – the NJSBA mailed correspondence to respondent when she failed to register for or attend orientation training. Between April 2007 and March 2008 the NJSBA conducted seven training sessions at varying locations, all of which were publicized in *School Board Notes*.

On May 1, 2008, upon learning from the NJSBA that respondent had not attended the mandated training for her first year as a board member, the Commission wrote to her, encouraging her to fulfill the training requirement. She neither contacted the Commission nor attended either of the two trainings that were offered in May and June 2008.

Accordingly, on June 20, 2008, the Commission sent respondent an Order to Show Cause (OTSC) – by regular and certified mail – demanding that she state why she should not be sanctioned for not attending training. No response was forthcoming. Only after the

Commission issued its decision, finding – pursuant to *N.J.A.C.6A:28-4.2(d)* – that respondent was in violation of *N.J.S.A.18A:12-33*, and recommending that she be removed from her position, did respondent communicate with the Commission. In a letter dated July 30, 2008, respondent took the position that her decision not to seek a second term on the Greenwich Board of Education could somehow excuse her failure to take training for her first term on the board.

The Commissioner cannot agree. Respondent’s failure to honor an obligation placed upon board members by law defeated the purpose of that law – *i.e.* the provision of appropriate skills and information to individuals who will set district policy. Further, her failure to respond to notices and communications resulted in unnecessary expenditure of administrative and adjudicative resources at both State and local levels.

Respondent’s decision not to seek another term on the school board renders moot the Commission’s recommendation to remove her from the board. However, her conduct has warranted sanction.

Accordingly, the above-named respondent is hereby censured as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED. \*

COMMISSIONER OF EDUCATION

Date of Decision: September 11, 2008

Date of Mailing: September 12, 2008

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\* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.