

SEC DKT. NO. T07-09NB
AGENCY DKT. NO. 173-7/09

IN THE MATTER OF DIANA WHITTAKER, :
BOARD OF EDUCATION OF THE : COMMISSIONER OF EDUCATION
BOROUGH OF HI-NELLA, CAMDEN : DECISION
COUNTY. :

The record of this matter and the decision of the School Ethics Commission (SEC), forwarded to the Commissioner pursuant to *N.J.S.A.* 18A:12-29 for final determination on the Commission's recommended penalty, have been reviewed. Respondent filed a "Response/Certification" to the SEC decision acknowledging that she had not attended the required training within the time set forth in *N.J.S.A.* 18A:12-33.¹ Asserting 1) that she had not been "fully aware" of the training requirement, 2) that she had been registered to attend a January 2009 training that was cancelled due to inclement weather, 3) that the next training session after January 2009 was scheduled during her maternity leave, and 4) that she plans to attend a training on October 30, 2009, respondent requested that the Commissioner decline to impose upon her the penalties recommended by the SEC.

Upon review, the Commissioner concurs with the penalty recommended by the Commission and is not persuaded that a lesser penalty is warranted by respondent's contention that she was not aware of her duties. Additionally, respondent is admonished for failing to honor an obligation placed upon board members by law, since such failure has resulted in unnecessary expenditure of administrative and adjudicative resources at both State and local levels.

Accordingly, respondent is hereby suspended as a school official found to have violated the School Ethics Act, such suspension to remain in effect until the required training is

¹ Thus, respondent is not appealing – pursuant to *N.J.A.C.* 6A:4 – the SEC's determination that she violated the School Ethics Act.

completed; provided, however, that if such training is not completed by November 14, 2009, respondent shall be summarily removed from office.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: September 14, 2009

Date of Mailing: September 15, 2009

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*)