
**IN THE MATTER OF
ELIZABETH MORRISON BROWN
LEARNING COMMUNITY
CHARTER SCHOOL,
HUDSON COUNTY**

**: BEFORE THE SCHOOL
: ETHICS COMMISSION
:
:
: DECISION FOR FAILURE TO
: COMPLETE TRAINING
: IN A TIMELY MANNER
:
:
: DOCKET NO. T03-15
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PROCEDURAL HISTORY

This matter arises from an Order to Show Cause issued by the School Ethics Commission (Commission) at its December 15, 2015 meeting and mailed on December 16, 2015 to the above-named Respondent, alleging that the board member/trustee 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), prepared and offered by the New Jersey School Boards Association (NJSBA).

Since May 1, 2012, Respondent has served as a trustee of the Learning Community Charter School, located in the City of Jersey City, County of Hudson. As a result of her position as a charter school trustee, and in accordance with the statute and regulations cited above, Respondent is required to complete a training program prepared and offered by the NJSBA.

The NJSBA annually advises all board members and trustees of this training requirement through notices published in its newsletter, School Board Notes. The NJSBA provides the required training and notifies members and trustees of the dates and times of the sessions, and continuously publishes that information in School Board Notes. The NJSBA also offers training on its website, which may be completed anytime at the convenience of the board member or charter trustee.

For the 2014 training cycle, which for charter school trustees ran from July 1, 2014 to June 30, 2015¹, Respondent was required to complete the Governance I training program. Respondent failed to complete her required training within the timeframe for the 2014 training cycle. The NJSBA informed the Commission by email dated November 17, 2015 that for the 2014 training cycle, the NJSBA notified Respondent, the Business Administrator, and the Chief School Administrator of the Respondent's charter school of her mandatory training requirement during calendar year 2015 on the following dates: March 23 and May 12, before the time to timely train expired, and again on July 22, August 18, August 25, and September 15, among other dates, after Respondent had failed to timely complete her training, to give her the opportunity to comply with her training obligation.

Furthermore, in the certification submitted to the Commission at its January 26, 2016 meeting, the NJSBA's Manager of Training and Professional Department attested that the NJSBA

¹ As established by NJSBA, the training cycle for public school district board of education members is from January 1 to December 31 of each year, whereas the training period for charter school trustees is from July 1 to June 30 of the following year. Thus, for charter school trustees, the 2014 training cycle ran from July 1, 2014 to June 30, 2015.

took the following actions in an effort to ensure member and trustee compliance with the mandated training requirements:

- On March 23, 2015 and May 12, 2015, prior to the end of the 2014 training cycle, the NJSBA communicated with charter school trustees by email regarding the mandated training requirements for the 2014 training period.
- On July 1, 2015, after the 2014 training cycle closed, the NJSBA provided the School Ethics Commission with a report of charter trustees who had failed to complete the required training for the 2014 training period, which included Respondent.
- On July 2, 2015, the NJSBA emailed Respondent advising her that she had yet to complete the Governance I training program required during the 2014 training period, and included a link to the online training module in the email.
- On July 22, 2015, the NJSBA sent an additional email to all charter school trustees regarding the mandated training requirement.
- On October 1, 2015, the NJSBA emailed Respondent advising her that she had yet to complete the Governance I training program required during the 2014 training period, and included a link to the online training module in the email.
- On November 18, 2015, the NJSBA notified the School Business Administrator (SBA) for the Learning Community Charter School advising the SBA that Respondent had failed to complete the required training.
- On December 9, 2015, Respondent emailed the NJSBA, seeking assistance with access to the online training.

The October 1, 2015 NJSBA notice was marked “***Urgent: Action Needed***” in an email to all school board members and charter school trustees who had not completed the mandatory training. In the October 2015 email, the NJSBA advised school board members and charter school trustees that failure to complete the mandated training might result in disciplinary action ordered by the Commission, up to and including removal from their respective board.

Further, the NJSBA notified the Commission by email on November 17, 2015, that it expressly notified Respondent by email that Respondent was non-compliant with the training requirement and urged Respondent to complete the mandated training no later than November 25, 2015. This notice also explained that failure to complete the training would result in the issuance of an Order to Show Cause requiring Respondent to explain why Respondent failed to complete the required training and potentially compelling Respondent to appear before the Commission. In addition, the November 2015 notice also advised Respondent that the penalty for failing to comply included removal from the charter board of trustees.

In addition to the communication efforts undertaken by the NJSBA, the School Ethics Commission, the Department of Education County Offices and the Department of Education’s

Office of Charter Schools also communicated with the Respondent, regarding the mandated training requirement.

Specifically, in September 2015, the Commission reported to Respondent's County Office of Education (County) that the NJSBA identified that Respondent failed to complete the 2014 training program within the required training period. Working in conjunction with the Commission, the County Office emailed the Chief School Administrator of Respondent's school that Respondent remained delinquent in completing the training requirement. This notice also provided the opportunity to inform the Commission of any errors in its data. None was received.

Additionally, on October 29, 2015, the New Jersey Department of Education's Office of Charter Schools emailed Respondent directly to notify her that she was non-compliant with the training requirements, and also advised Respondent that the Commission requires the training to be completed to avoid the issuance of an Order to Show Cause against Respondent for non-compliance, which carries the penalty of reprimand, censure, suspension or removal.

As a final notice of non-compliance, on November 30, 2015, the Commission directly emailed Respondent, advising that the Commission requires completion of the training to avoid the issuance of an Order to Show Cause against Respondent for non-compliance, which carries the penalty of reprimand, censure, suspension or removal from office.

The December 15, 2015 Order to Show Cause sent to Respondent via regular and certified mail, specifically stated, pursuant to N.J.A.C. 6A:28-1.6, that Respondent must show cause under oath and in writing before the Commission, within 20 days of receipt of the Order, reasons why the board member/trustee should not be found in violation of N.J.S.A. 18A:12-33. The Respondent did not reply to the Commission's Order within the required time period. However, on January 14, 2016, Respondent submitted a written response to the Commission's Order, wherein Respondent claimed she did not receive the NJSBA emails because they were "going to junk mail" in her gmail account. Additionally, Respondent claimed she learned of her training requirement in November 2015 after being contacted by the Learning Community Charter School Board President. Further, Respondent claimed she contacted the NJSBA on December 1, 2015 to "receive clarification" for her training requirements. Finally, Respondent claimed she completed the required training on December 2, 2015, but "did not receive a verification certification of completion via email." The NJSBA's Manager of Training and Professional Development certified, however, that Respondent completed the required training on December 16, 2015.

ANALYSIS

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; N.J.S.A. 18A:12-33 requires each board member and charter school trustee to complete training, as specified above.

There is no dispute that Respondent did not complete her required Governance I training within the 2014 training cycle. Further, there is no dispute that Respondent did not provide the Commission with proof of completion of the required training program prior to the issuance of the Commission's show cause order. N.J.A.C. 6A:28-4.2(d) provides that board members and trustees

failing to comply with the training mandate shall be considered in violation of N.J.S.A. 18A:12-33. Though the NJSBA reported to the Commission on December 16, 2015 that the Respondent completed the training on December 16, 2015, the Respondent failed to timely comply with the training mandate, and is, therefore, in violation of N.J.S.A. 18A:12-33.

DECISION

N.J.A.C. 6A:28-4.2(d) provides that board members and trustees failing to comply with the training mandate shall be considered in violation of N.J.S.A. 18A:12-33. Elizabeth Morrison-Brown failed to comply with N.J.S.A. 18A:12-33 and the Commission finds her in violation of N.J.S.A. 18A:12-33. Ms. Brown received repeated notifications of the training requirement and has had ample opportunities to attend in-person training or to complete on-line training. Upon review of the record in this matter the Commission recommends to the Commissioner of Education that the respondent be **censured** as a result of respondent's failure to complete the Governance I training program within the required time period for the 2014 training period. This penalty underscores to this Respondent, and to all similarly situated board members and charter school trustees, that the Commission will impose a penalty on those officials for their failure to comply with the statutory obligation to complete the training requirement within the timeline established in N.J.S.A. 18A:12-33. Therefore, the Commission recommends to the Commissioner of Education that the Respondent be **censured** as a member of the Learning Community Charter School Board of Trustees. Accordingly, any continued failure in the future to comply with the statutory requirement to complete training shall result in removal from her position on the Board of trustees for a three-year period.

At its meeting on January 26, 2016, the Commission voted to find Respondent in violation of N.J.S.A. 18A:12-33 and to recommend a penalty, as set forth below.

PENALTY

If a violation of the School Ethics Act is found by the Commission, it may recommend to the Commissioner the reprimand, censure, suspension or removal of the school official. N.J.A.C. 6A:28-10.12. Upon review of the record in this matter the Commission recommends to the Commissioner of Education that the Respondent be **censured** as a result of Respondent's failure to complete the Governance I training program within the required time period for the 2014 training period. Moreover, any continued failure in the future to comply with the statutory requirement to complete training shall result in removal from her position on the Board of trustees for a three-year period.

Pursuant to N.J.S.A. 18A:12-29(c), this decision shall be forwarded to the Commissioner of Education for review of the School Ethics Commission's recommended sanction. The school official may either: 1) file exceptions to the recommended sanction; 2) file an appeal of the Commission's finding of violation; or 3) file both exceptions to the recommended sanction together with an appeal of the finding of violation.

Parties taking exception to the recommended sanction of the Commission but *not disputing* the Commission's finding of violation may file, within **13 days** from the date the Commission's decision is forwarded to the Commissioner, written exceptions regarding the recommended penalty to the Commissioner. The forwarding date shall be the mailing date to the parties, indicated below.

Such exceptions must be forwarded to: Commissioner of Education, c/o Bureau of Controversies and Disputes, P.O. Box 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.

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 within **30 days** of the filing date of the decision from which the appeal is taken. The filing date shall be three days after the date of mailing to the parties, as shown below. In such cases, the Commissioner's review of the Commission's recommended sanction will be deferred and incorporated into the 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 (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, Chairman
School Ethics Commission

Mailing Date: February 24, 2016

I hereby certify that this decision was duly adopted by the School Ethics Commission at its public meeting on February 23, 2016.

Joanne M. Restivo, Acting Executive Director

IN THE MATTER OF
ELIZABETH MORRISON BROWN
LEARNING COMMUNITY
CHARTER SCHOOL,
HUDSON COUNTY

: **BEFORE THE**
 : **SCHOOL ETHICS COMMISSION**
 : **RESOLUTION OF CENSURE FOR**
 : **FAILURE TO COMPLETE TRAINING**
 : **IN A TIMELY MANNER**
 : **DOCKET NO. T03-15**
 :

WHEREAS, Elizabeth Morrison Brown is a trustee of the Learning Community Charter School; and

WHEREAS, at its meeting on December 15, 2015, the Commission issued an Order directing Ms. Morrison Brown to Show Cause why she failed to complete the Governance I training program provided by the New Jersey School Boards Association within the required time period for the 2014 training cycle as required by N.J.S.A. 18A:12-33; and

WHEREAS, Ms. Morrison Brown filed a response to the Order but did not provide a sufficient reason as to why she failed to take the training during the 2014 training cycle; and

WHEREAS, the New Jersey School Boards Association reported that Ms. Morrison Brown completed the Governance I training program on December 16, 2015, which was required for the 2014 training cycle pursuant to N.J.S.A. 18A:12-33 and should have been completed by June 30, 2015; and

WHEREAS, at its meeting on January 26, 2016, the Commission found that Ms. Morrison Brown violated N.J.S.A. 18A:12-33 for failure to timely complete her training requirement; and

WHEREAS, at its meeting on January 26, 2016, the Commission recommended that the Commissioner of Education impose a penalty of censure on the Respondent; and

WHEREAS, at its meeting on February 23, 2016, 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, Chairman
 School Ethics Commission

I certify that the within Resolution was duly adopted by the School Ethics Commission at its public meeting on February 23, 2016.

 Joanne M. Restivo, Acting Executive Director