

SCHOOL ETHICS COMMISSION	:	BEFORE THE
	:	SCHOOL ETHICS COMMISSION
v.	:	DECISION
XIOMA TORRES,	:	ON TRAINING
Maria L. Varisco-Rogers CS	:	
Board of Trustees	:	DOCKET NO. T48-04
Essex County	:	
	:	

WHEREAS, 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 and to provide specific ethical standards to guide their conduct; and

WHEREAS, N.J.S.A. 18A:12-23.1 provides that all of the provisions of the School Ethics Act are applicable to charter school administrators and members of the board of trustees; 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 the skills and knowledge necessary to serve as a school board member; and

WHEREAS, Xioma Torres was newly appointed in April 2003 to the Maria L. Varisco-Rogers Charter School Board of Trustees and, therefore, had until April 2004 to complete the training requirement; and

WHEREAS, the New Jersey School Boards Association (NJSBA) mails correspondence to all new board of trustee members who have failed to register for or attend an orientation and did mail such correspondence to Ms. Torres on December 3, 2003, and February 3, 2004; and

WHEREAS, the NJSBA conducted seven training sessions between April 2003 and March 2004 at varying locations and continuously published the dates and times of the sessions in its publication, *School Board Notes*; and

WHEREAS, the Commission issued an Order on June 1, 2004, directing Xioma Torres to Show Cause why she had not attended training up until that time; and

WHEREAS, Ms. Torres did not reply to the Order; and

WHEREAS, the Commission notified Ms. Torres that the Commission would discuss this matter at its October 26, 2004 meeting, that she had the right to attend, and she could be found in violation of the School Ethics Act and receive a penalty up to removal; and

WHEREAS, Ms. Torres registered for the October 2004 training, but did not attend that training session; and

WHEREAS, at its October 26, 2004 meeting, the Commission voted to suspend until such time as they attended training all charter school trustees who had failed to attend the October training; and

WHEREAS, Ms. Torres has failed to attend the required training program for the one year allowed; and

WHEREAS, the Commission finds that her failure to attend board member training from April 2003 to October 2004 constitutes a clear violation of N.J.S.A. 18A:12-33; and

WHEREAS, the Commission finds that the appropriate penalty for the violation is suspension until such time as she attends training;

NOW THEREFORE BE IT RESOLVED that the School Ethics Commission finds that Xioma Torres violated the N.J.S.A. 18A:12-33 of the School Ethics Act and recommends that the Commissioner of Education impose a penalty of suspension until such time as she attends training.

Paul C. Garbarini, Chairman
School Ethics Commission

Dated: November 18, 2004

I certify that the within Decision
was authorized by the School Ethics
Commission.

Lisa James-Beavers
Executive Director

This matter shall be transmitted to the Commissioner of Education for action on the Commission's recommendation for sanction pursuant to N.J.S.A. 18A:12-29. Within thirteen (13) days from the date on which the Commission's decision was mailed to the parties, any party may file written comments on the recommended sanction with the Commissioner of Education, c/o Bureau of Controversies and Disputes, 100 Riverview Plaza, 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.