

410-98 SEC

AGENCY DKT. NO. 173-5/98

IN THE MATTER OF GARY JOHNSTON, :
DELAWARE VALLEY REGIONAL : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION, HUNTERDON : DECISION
COUNTY. :
_____ :

Whereas, the School Ethics Commission has acted pursuant to the authority granted to it by *N.J.S.A. 18A:12-21 et seq.* to recommend removal of the above-named Board member from office for failure to attend the Board member training sessions required by *N.J.S.A. 18A:12-33* and *N.J.A.C. 6:3-9.4*; and

Whereas, the School Ethics Commission sent ample notice to the above-named Board member of his failure to attend such training sessions; and

Whereas, pursuant to *N.J.A.C. 6:3-9.3(i)*, on April 15, 1998, the Commission issued an Order to Show Cause why a penalty should not be imposed for such failure; and

Whereas, the District Business Administrator replied on behalf of the above-named Board member that his failure to attend any of the sessions prior to April 1998 had issued from either his late receipt of notice or scheduling conflicts, but that he planned to attend the June 19-21 training session; and

Whereas, the Commission ruled that the above-named Board member had failed to offer an adequate reason for not attending one of the sessions within the year; and

Whereas, the Commission voted on May 26, 1998, to recommend suspension for one meeting of the above-named Board member if he attends the June training session, but removal for failing to attend training sessions in violation of State statute if he fails to attend the June session, memorializing such decision through a resolution forwarded to the Commissioner, pursuant to *N.J.S.A. 18A:12-29*; and

Whereas, on May 27, 1998, the above-named Board member was afforded an opportunity to submit to the Commissioner a response to said resolution; and

Whereas, the above-named Board member replied that he was “disappointed” to receive the Commission’s resolution and cited as reasons for his failure to attend a session within the year that his “schedule has been rather hectic” and “the locations or dates have not been convenient;” and

Whereas, the above-named Board member did attend the June 19, 1998 training session; 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 his own the recommendations of the Commission, concurring that the failure of the above-mentioned Board member to attend a training session from April 1997 to April 1998 warrants a penalty for violation of *N.J.S.A. 18A:12-33*, and further noting that the above-named Board member has failed to offer good and sufficient reasons for his failure to attend a previous training; now therefore

IT IS ORDERED that the above-named Board member is suspended from office for the next regularly scheduled meeting of the Board as of the date of this decision.

COMMISSIONER OF EDUCATION

SEPTEMBER 21, 1998