

287-01SEC
AGENCY DKT. NO. 245-7/01

IN THE MATTER OF JEANNE GOLDEN, :
BOARD OF EDUCATION OF THE BOROUGH : COMMISSIONER OF EDUCATION
OF MANVILLE, SOMERSET COUNTY. : DECISION
_____ :

Whereas, the School Ethics Commission (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.* 6A:28-1.6; and

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

Whereas, pursuant to *N.J.A.C.* 6A:28-1.6(e), on April 6, 2001, the Commission issued an Order to Show Cause why a penalty should not be imposed for such failure; and

Whereas, the above-named Board member informed the Commission by letter dated April 24, 2001, that she had not been able to attend training due to her disability and that she had not received reminder notices from the New Jersey School Boards Association, but that she planned to attend the October 2001 session; and

Whereas, the Commission voted on June 26, 2001 to recommend that the above-named Board member be suspended until she takes the required training program; and

Whereas, the Commission further voted on June 26, 2001 that the above-named Board member be removed from office if she fails to so attend a required training program by the end of October 2001, and memorialized such decision through a resolution forwarded to the Commissioner of Education, pursuant to *N.J.S.A.* 18A:12-29; and

Whereas, on July 12, 2001, the above-named Board member was afforded an opportunity to submit to the Commissioner a response to said resolution recommending removal; and

Whereas, the above-named Board member submitted a comment to the Commissioner expressing her dismay with the Commission's determination since she feels that the Commission did not give full consideration to her April, 2001 letter of explanation for her failure to attend and the fact that, upon receipt of the Commission's first letter regarding training, she immediately undertook action to ensure her registration for the October session; and

Whereas, the Commissioner of Education has carefully considered the record of this matter and notes that the Commission provides for an extension, without penalty, to Board members who attend one of the training sessions scheduled for June 2001;

Whereas, he further notes that the above-named Board member advised that, upon receiving notice of this amnesty, she inquired about attending a June session and was told that both scheduled sessions were 2-day sessions and required extensive walking which this Board member did not feel her disability would allow her to do, whereupon she immediately undertook action to ensure her registration at the 1-day October session;

Whereas, in light of the explanation provided by the above-named Board member, the Commissioner cannot concur with the Commission's determination that this Board member

should be suspended from office until her attendance at the October training session; now therefore

IT IS ORDERED that, in the event the above-named Board member fails to complete the required training by October 23, 2001, the above-named Board member is hereby summarily removed from office effective October 24, 2001.*

COMMISSIONER OF EDUCATION

Date of Decision: September 5, 2001

Date of Mailing: September 6, 2001

*This decision, as the Commissioner's final determination regarding penalty in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.