



Whereas, the above-named Board member was advised by the Commission by letter of July 15, 2003, that he was required to produce a record of his attendance at a training session between 1992 and July 18, 2003, in order to have this matter dismissed against him, and that without such proof this matter would be considered at the Commission's meeting on July 22, 2003, where he was invited to be heard, but, that he could be found to be in violation of the School Ethics Act; and

Whereas, the Commission confirmed that the above-named Board member had attended an NJSBA training session in 1987, but was unable to confirm his attendance at any training session since the inception of the School Ethics Act in 1992; and

Whereas, the Commission considered the above-named Board member's reasons for failing to attend the required training program for the one year allowed and determined that his attendance at a training session prior to June 1992 does not warrant his exemption to the training requirement, pursuant to the Commission's March 23, 1999 Resolution; and

Whereas, the Commission found that the above-named Board member's failure to attend board member training from April 2002 to April 2003 constitutes a *per se* violation of *N.J.S.A.* 18A:12-33; and

Whereas, the Commission voted on July 22, 2003 to recommend that the above-named Board member be suspended from the Board until he attends the October 2003 session and removed if he fails to attend the October 2003 session, 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 29, 2003, the above-named Board member was afforded an opportunity to submit to the Commissioner a response to said resolution; and

*Whereas, no comments were received from, or on behalf of, the above-named Board member; and*

Whereas, the Commissioner of Education has carefully considered the record of this matter and the decision of the Commission and concurs with and adopts as his own the recommendations of the Commission; now therefore

IT IS ORDERED that the above-named Board member is suspended from office as of the filing of this decision and shall remain suspended pending completion of the requisite training, and, in the event he fails to complete the training session in October 2003, the above-named Board member shall be summarily removed from office as of that date.\*

COMMISSIONER OF EDUCATION

Date of Decision: August 21, 2003

Date of Mailing: August 25, 2003

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\* 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.* Pursuant to *N.J.A.C. 6A:4-1.4(a)*, Commissioner decisions are deemed filed three days after the date of mailing to the parties.