

IN THE MATTER OF WENTFORD GAINES,:

JERSEY CITY COMMUNITY CHARTER : COMMISSIONER OF EDUCATION

SCHOOL, BOARD OF TRUSTEES, : DECISION

HUDSON COUNTY. :

_____:

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, *N.J.S.A.* 18A:12-33 requires new school board members to attend training within one year of election or appointment to the board to gain skills and knowledge necessary to serve as a school board member; and

Whereas, the above-named Board member was appointed to the Jersey City Community Charter School in December 2001; and

Whereas, the above-named Board member was duly apprised of the training requirement via the New Jersey School Boards Association's (NJSBA) "candidate kit," together with correspondence to him dated January 3, 2003 and February 19, 2003; and

Whereas, the NJSBA conducted seven training sessions between December 2001 and April 2003 at varying locations and continuously published the dates and times of the sessions in its publication, *School Board Notes*; and

Whereas, the last training session to fulfill his requirement was held in March 2003; and

Whereas, pursuant to *N.J.A.C.* 6A:28-1.6(e), on June 9, 2003, the Commission issued an Order to Show Cause why he had not attended a training up until that time; and

Whereas, the Commission granted an extension for similarly situated board members to attend one of the October 2003 training sessions; and

Whereas, the above-named Board member responded to the order by letter stating that he had registered to attend the October 21, 2003 training session in Atlantic City; and

Whereas, the above-named Board member did not attend the training in October 2003; and

Whereas, the Commission notified him by letter dated June 12, 2003 that it would discuss this matter at its October 28, 2003 meeting and, if he did not attend the training session by that time, he could be found in violation of the School Ethics Act and receive a penalty up to removal; and

Whereas, the Commission finds that this failure to attend board member training from December 2001 until April 2003 constitutes a violation of *N.J.S.A.* 18A:12-33; and

Whereas, at its meeting on October 28, 2003, the Commission recommended that the above-named Board member be suspended from the Board until he attends the January 2004 session and removed if he fails to attend the January 2004 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 November 12, 2003, the above-named Board member was afforded an opportunity to submit to the Commissioner a response to said resolution; and

Whereas, neither the above-named school official nor anyone on his behalf submitted a response for the Commissioner's consideration; 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 January 2004, the above-named Board member shall be summarily removed from office as of that date.*

COMMISSIONER OF EDUCATION

Date of Decision: December 23, 2003

Date of Mailing: December 31, 2003

* 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.