

IN THE MATTER OF J. GARFIELD :
JACKSON, JR., EAST ORANGE BOARD : COMMISSIONER OF EDUCATION
OF EDUCATION, ESSEX COUNTY. : DECISION
_____:

SYNOPSIS

The School Ethics Commission determined that East Orange Board of Education member J. Garfield Jackson violated *N.J.S.A.* 18A:12-24.1(d), (e) and (g) of the Code of Ethics for School Board Members when he took private action in unilaterally proposing to the district administration that he develop a student-level database, without consulting with the Board. After considering the nature of the charge, the Commission recommended that the Commissioner of Education impose a penalty of censure.

Upon a thorough review of the record, the Commissioner found that even if the respondent's action constituted a violation, it was fully supported by the superintendent, was well intentioned and designed to benefit the District. Accordingly, the Commissioner found that respondent's conduct does not warrant the imposition of a penalty.

<p>This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.</p>

March 9, 2011

AGENCY DKT. NO. 717-12/10
SEC DKT. NO. C37-07

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_____ :

The record of this matter and the decision of the School Ethics Commission – finding that respondent violated the School Ethics Act for unilaterally proposing to the administration that he develop a student-level database, without consulting the Board – have been reviewed. The Commission’s decision was forwarded pursuant to *N.J.S.A.* 18A:12-29 for the Commissioner’s final determination on the recommended penalty. Respondent did not file exceptions, nor was the Commission’s underlying finding of violation appealed to the Commissioner pursuant to *N.J.A.C.* 6A:4.

Notwithstanding the Commission’s finding of a violation of the School Ethics Act, which the Commissioner is not empowered to review, the Commissioner finds that even if the respondent’s development of a student database without the Board’s approval was a violation, the respondent’s effort to assist the District in correlating curriculum with standardized test results was fully supported by the superintendent, was well intentioned and designed to benefit the District. Accordingly, the Commissioner finds that under the circumstances and based on the considerations existing in this matter, the respondent’s conduct does not warrant the imposition of a penalty.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: _____

Date of Mailing: _____

* Pursuant to *P.L.* 2008, c. 36 (*N.J.S.A.* 18A:6-9.1), Commissioner decisions are appealable to the Superior Court, Appellate Division.