

AGENCY DKT. NO. 55-2/16
SEC DKT. NO. T05-15

IN THE MATTER OF TINIA BERGER, :
NEWARK PREP CHARTER SCHOOL, : COMMISSIONER OF EDUCATION
ESSEX COUNTY. : DECISION
_____ :

The record of this matter and the decision of the School Ethics Commission, forwarded to the Commissioner pursuant to *N.J.S.A.* 18A:12-29 for final determination on the Commission's recommended penalty, have been reviewed. The Commission found that respondent violated the School Ethics Act for failure to attend charter school trustee training in accordance with *N.J.S.A.* 18A:12-33. Due to respondent's failure to satisfy the long-standing requirement – despite repeated notifications and ample opportunity to complete the training, either in-person or online – the Commission recommends that respondent be removed from Newark Prep Charter School's Board of Trustees. Respondent did not reply to the Commission's Order to Show Cause, nor did she file exceptions or furnish any proof of having attended the required training. Finally, respondent did not appeal the Commission's underlying finding of a violation pursuant to *N.J.A.C.* 6A:4.

Upon review, the Commissioner concurs with the penalty of removal recommended by the Commission, and additionally admonishes respondent for failing to honor an obligation placed upon charter school trustees by law – since such failure has resulted in unnecessary expenditure of administrative and adjudicative resources at both State and local levels.

Accordingly, respondent is hereby removed from office as a school official found to have violated the School Ethics Act, effective immediately. ¹

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: April 11, 2016

Date of Mailing: April 11, 2016

¹ The Commission recommended that the respondent be removed for a period of three years or the remaining term of the respondent's office, whichever is longer. Under *N.J.A.C.* 6A:28-10.12(a), if a violation of the School Ethics Act is found, "the Commission may recommend to the Commissioner the reprimand, censure, suspension or removal of the school official." There is no provision that permits the Commission to recommend a penalty that includes the removal of a school official for three years. Therefore, the respondent is removed from the Newark Prep Charter School Board of Trustees immediately without any future restrictions.

² This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, *c.* 36. (*N.J.S.A.* 18A:6-9.1) and applicable court rules.