

198-22SEC

SEC Dkt. No. T27-21

Agency Dkt. No. 168-6/22

## New Jersey Commissioner of Education

### Final Decision

In the Matter of Danielle Brown,  
Board of Education of the City of Perth Amboy,  
Middlesex County.

The record of this matter and the decision of the School Ethics Commission (SEC) have been reviewed. The SEC found that respondent violated *N.J.S.A. 18A:12-33* by failing to timely complete the required board member training. The SEC's decision was forwarded pursuant to *N.J.S.A. 18A:12-29* for the Commissioner's final determination on the recommended penalty. The SEC advises that the respondent ultimately completed training after the issuance of the April 26, 2022 Order to Show Cause but prior to the SEC's May 24, 2022 meeting; therefore, a penalty of censure is recommended. Respondent filed exceptions to the penalty but did not appeal the SEC's underlying finding of a violation to the Commissioner pursuant to *N.J.A.C. 6A:4*.

In her exceptions, respondent indicates that she had experienced technical difficulties completing her required training, but nonetheless believed that her training had been completed in a timely manner. She notes that she completed the training as soon as she became aware that her prior attempts had been unsuccessful, and that she has no history of failing to comply with the training requirements. Respondent further argues that numerous past decisions of the SEC imposed a penalty of a reprimand, rather than a censure, when a board member completed training following the issuance of an Order to Show Cause but prior to the SEC's meeting to vote on the matter. Accordingly, respondent requests that the penalty imposed against her be limited to a reprimand.

Upon review, the Commissioner notes that in previous matters, when a respondent completed the requisite training after the issuance of the Order to Show Cause – but prior to the SEC’s meeting date – the penalty has been a reprimand. *See, In the Matter of Annette Beasley, Irvington Board of Education, Essex County*, Commissioner Decision No. 223-21SEC, decided October 13, 2021; *In the Matter of Marcos Garciga, Cliffside Park Board of Education, Bergen County*, Commissioner Decision No. 224-21SEC, decided October 13, 2021; *In the Matter of Gary Yedman, Seaside Park Board of Education, Ocean County*, Commissioner Decision No. 230-21SEC, decided October 13, 2021. As the instant case arises from the same circumstances, the Commissioner finds that a reprimand is the appropriate penalty for the respondent’s failure to timely complete the requisite training.<sup>1</sup> Accordingly, the respondent shall be reprimanded as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.<sup>2</sup>

  
ANGELINA ALLEN McMILLAN, Ed.D.  
ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 12, 2022  
Date of Mailing: August 12, 2022

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<sup>1</sup> The SEC has previously recommended a penalty of a censure when a board member completed the training after the issuance of the Order to Show Cause but prior to the SEC’s next meeting; however, the Commissioner rejected the penalty recommendation in that case and advised that a reprimand is the appropriate penalty under those circumstances. *In the Matter of Robyn Schneider, The Ethical Community Charter School, Hudson County*, Commissioner Decision No. 140-16SEC, decided April 11, 2016.

<sup>2</sup> 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)*.

***Before the School Ethics Commission***  
***Docket No.: T27-21***  
***Amended Decision for Failure to Complete Mandatory Training***  
***Requirement in a Timely Manner<sup>1</sup>***

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***I/M/O Danielle Brown,***  
**Perth Amboy Board of Education, Middlesex County**

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**I. Procedural History**

This matter arises from an Order to Show Cause (OTSC) that was issued by the School Ethics Commission (Commission) its meeting on April 26, 2022, and also served on April 26, 2022, via electronic mail.<sup>2</sup> The OTSC directed Danielle Brown (Respondent), a “board member” as defined in *N.J.S.A.* 18A:12-23 of the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.*, to show cause as to why the Commission should not find her in violation of the Act, for failing to complete training as required by *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1.

In the OTSC served on April 26, 2022, the Commission notified Respondent that she had twenty (20) days to respond to the OTSC, and further advised that failure to respond would be deemed an admission of the facts set forth in the OTSC. Respondent was also notified that, upon receipt of the response or upon expiration of the twenty (20) day time period for so filing, the Commission may proceed to a determination of a violation on a summary basis (i.e., without a hearing or further proceedings) in accordance with *N.J.A.C.* 6A:28-1.6(c), which so permits when material facts are not in dispute.

**II. Analysis**

The Act was enacted by the New Jersey State Legislature to ensure and preserve public confidence in members of local boards of education and local school administrators. *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1 require every board member to complete a training program prepared and offered by the New Jersey School Boards Association (NJSBA).

Respondent is a member of the Perth Amboy Board of Education (Board), located in Middlesex County. As a result of her position on the Board, and in accordance with *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1, Respondent is required to complete a mandated training program on an annual basis. For convenience and ease, the training is offered online so any board member may complete it at any time, from anywhere. Respondent was required to complete the Governance 2 training program by December 31, 2021.

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<sup>1</sup> The School Ethics Commission adopted an Amended Decision on June 28, 2022, solely because the Resolution appended to its May 24, 2022, decision contained incorrect information.

<sup>2</sup> As a result of the ongoing Coronavirus (COVID-19) pandemic, and the implementation of electronic filing, service of process was effectuated by the Commission through electronic transmission only.

On or about April 15, 2022, NJSBA provided the Commission with the names of those board of education members who failed to complete mandated training by December 31, 2021, and the list provided included Respondent. Prior to this time, multiple communications about mandated training were sent to Respondent from NJSBA through a variety of means, including targeted e-mail messages and postings in *School Board Notes*. More specific information detailing the outreach efforts of NJSBA to communicate with Respondent and/or the charter school lead about mandated training is set forth in the attached Certification from NJSBA. Notwithstanding all of these communications, Respondent did not complete mandated training.

In light of Respondent's failure to complete mandated training, an OTSC was issued by the Commission, and served on Respondent, via electronic mail, on April 26, 2022.

To date, there is no dispute that Respondent did not complete her required training by December 31, 2021, and did not complete the training prior to the issuance of the Commission's OTSC. However, after having been served with the OTSC, Respondent completed her training requirement on May 13, 2022, and also filed a response to the Commission's OTSC. More specifically, Respondent stated that, prior to completing training on May 13, 2022, she "attempted to complete [it] on the NJSBA website in the last several months, but experienced technical issues"; prior to issuance of the OTSC, she was "under the impression that her mandatory training was completed"; and after "being made aware" that her training was not completed, she "went back to the NJSBA website and completed the training." Respondent maintains that she "fully intended to comply with all mandatory training requirements ... in a timely fashion," and any "inadvertent failure to do so was not intentional." Importantly, Respondent did not deny that she did not complete training in a timely fashion.

### III. Decision/Penalty Recommendation

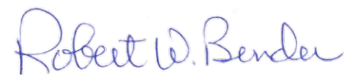
*N.J.A.C.* 6A:28-4.2(d) provides that school board members and charter school trustees who fail to comply with their training mandate shall be considered in violation of *N.J.S.A.* 18A:12-33. Based on the record as set forth above, at its meeting on June 28, 2022, the Commission found that Respondent violated *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1. Respondent received repeated notifications of her training requirement, and had ample opportunity to complete the mandated training in a timely fashion; nonetheless, she failed to complete training as required. Where a violation of the Act is found by the Commission, the Commission may recommend to the Commissioner of Education that a penalty be imposed. The recommended penalty can include a reprimand, censure, suspension, or removal of the school official. *N.J.A.C.* 6A:28-10.12.

For the reasons set forth above, and because training is regularly completed annually and can be completed from any computer or device with an internet connection, the Commission recommends that the Commissioner of Education impose a penalty of **censure**.

Pursuant to *N.J.S.A.* 18A:12-29(c), this decision shall be forwarded to the Commissioner of Education for review of the Commission's recommended penalty. Respondent may either: 1) file exceptions to the recommended sanction; 2) file an appeal of the Commission's finding of a violation; or 3) file both exceptions to the recommended sanction together with an appeal of the finding of a violation.

Parties taking exception to the recommended sanction of the Commission but *not disputing* the Commission’s finding of a violation may file, within **thirteen (13) days** from the date the Commission’s decision is forwarded to the Commissioner, written exceptions regarding the recommended penalty to the Commissioner. The forwarding date shall be the mailing date to the parties, as indicated below. Such exceptions must be forwarded to: Commissioner of Education, c/o Bureau of Controversies and Disputes, P.O. Box 500, Trenton, New Jersey 08625, marked “Attention: Comments on Ethics Commission Sanction.”<sup>3</sup> A copy of any comments filed must be sent to the Commission ([school.ethics@doe.nj.gov](mailto:school.ethics@doe.nj.gov)) and all other parties.

Parties seeking to appeal the Commission’s finding of violation *must* file an appeal pursuant to the standards set forth at *N.J.A.C. 6A:4:1 et seq.* within **thirty (30) days** of the filing date of the decision from which the appeal is taken. The filing date shall be three (3) days after the date of mailing to the parties, as shown below. In such cases, the Commissioner’s review of the Commission’s recommended sanction will be deferred and incorporated into the Commissioner’s review of the finding of violation on appeal. Where a notice of appeal has been filed on or before the due date for exceptions to the Commission’s recommended sanction (thirteen (13) days from the date the decision is mailed by the Commission), exceptions need not be filed by that date, but may be incorporated into the appellant’s briefs on appeal.



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Robert W. Bender, Chairperson

Mailing Date: June 28, 2022

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<sup>3</sup> An electronic submission may also be sent to [controversiesdisputesfilings@doe.nj.gov](mailto:controversiesdisputesfilings@doe.nj.gov).