

New Jersey Commissioner of Education

Final Decision

In the Matter of Stephen Funk, Mainland
Regional Board of Education, Atlantic County

This matter involves an appeal of the School Ethics Commission's (SEC) June 17, 2025 determination that appellant Stephen Funk – a member of the Mainland Regional Board of Education (Board) – violated the School Ethics Act (Act) for failure to timely complete board member training in accordance with *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1. The SEC recommended a penalty of removal for the violation. Alternatively, if appellant completed the required training before the issuance of the Commissioner's final decision and notified the SEC accordingly, the SEC recommended a sanction of a thirty-day suspension. Appellant completed the training on June 20, 2025. Appellant appealed the SEC's determination and filed exceptions. Having carefully reviewed the SEC's decision and the record in its entirety, the Commissioner finds that the SEC's decision that appellant violated the Act is supported by sufficient, credible evidence, and that the appellant failed to establish that the decision is arbitrary, capricious, or contrary to law. *N.J.A.C.* 6A:4-4.1(a). The Commissioner further finds that the recommended penalty of a thirty-day suspension is appropriate.

In his appeal to the Commissioner, appellant notes he previously served on the Northfield Community School (NCS) Board of Education and had an account with the New Jersey School Boards Association (NJSBA), which prepares and offers the required training courses. Appellant indicates that the Governance IV course that he was required to take in 2024 did not appear in

his NCS account, and when he reached out to the NJSBA for help, it only sent a link to his NCS account, such that he still could not access the training.¹ According to appellant, it was not until June 20, 2025, when he again reached out to the NJSBA after receiving the SEC's decision, that the NJSBA informed him that a new account had been established for him, and that the Governance IV training was available in that account. Appellant also argues that he did not receive notices regarding the training from the NJSBA and the SEC because those notices were sent to his Board email account rather than to his personal email account, which he checked more regularly.

Upon a comprehensive review of the record, the Commissioner finds that the SEC's determination that the appellant is in violation of the Act is supported by sufficient credible evidence, and the appellant has not established that the SEC's decision is arbitrary, capricious, or contrary to law. *N.J.A.C. 6A:4-4.1(a)*. Pursuant to *N.J.A.C. 6A:28-4.1*, appellant was required to complete the Governance IV training program by December 31, 2024. It is undisputed that he failed to do so. As such, appellant failed to timely complete board member training in accordance with *N.J.S.A. 18A:12-33* and *N.J.A.C. 6A:28-4.1*.

Appellant does not contend that there was a mistake in the email address used to send notices by the NJSBA or the SEC, but only that he did not frequently or thoroughly check his Board email account. However, even if appellant primarily used his personal account for internal Board

¹ Appellant provided a copy of an email sent to him by the NJSBA on February 26, 2025, which contains a link. Notably, this email is dated past the December 31, 2024, deadline for appellant's completion of the course, and appellant provides no proof of any earlier outreach to the NJSBA. Additionally, this email was not part of the record before the SEC, nor is there any way for the Commissioner to verify that the link failed to provide access to the Governance IV training. However, given other emails provided by appellant, in which the NJSBA indicates that his accounts had to be merged, the Commissioner presumes, for the sake of argument, that the link was to appellant's NCS account and that it did not provide access to the Governance IV training.

business, the NJSBA and the SEC properly sent notices to his official Board email address, which was active, correct, and a valid means of serving notices upon appellant. Appellant did not overlook a single email, but rather multiple emails sent over several months. The Commissioner cannot find that appellant's failure to check his Board email account constitutes good cause for failing to timely complete the training or to respond to the SEC's Order to Show Cause.

Furthermore, appellant states that he reached out to the NJSBA for help with accessing the Governance IV course in 2024 and 2025 and provides proof of one email in February 2025, but he provides no explanation for not following through with his efforts after the link sent to him by the NJSBA did not allow him to access the course. Appellant clearly knew that he was obligated to take the Governance IV course and, while the Commissioner appreciates that his technical difficulties created an obstacle for him, the fact remains that he failed to take the relatively simple step of continuing to follow up with the NJSBA regarding the issue so that he could complete the training before the SEC took action.

Accordingly, appellant is hereby suspended from the Board for thirty days as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.²


COMMISSIONER OF EDUCATION

Date of Decision: November 17, 2025
Date of Mailing: November 17, 2025

² This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

Before the School Ethics Commission
Docket No.: T01-25
Decision for Failure to Complete Mandatory Training
Requirement in a Timely Manner

I/M/O Stephen Funk,
Mainland Regional Board of Education, Atlantic County

I. Procedural History

This matter arises from an Order to Show Cause (OTSC) that was issued by the School Ethics Commission (Commission) in connection with the above-captioned matter at its meeting on May 20, 2025, directing Stephen Funk (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 Respondent 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 that was served on May 20, 2025, the Commission notified Respondent that he had twenty (20) days to respond to the OTSC. Respondent was further advised that failure to respond would be deemed an admission of the facts set forth in the OTSC, and the Commission may take action on a summary basis, in accordance with *N.J.A.C.* 6A:28-1.6(c).

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 Mainland Regional Board of Education, located in Atlantic County. As a result of his position as a board of education member, 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. According to NJSBA, Respondent was required to complete the Governance 4 training program by December 31, 2024.

On or about March 17, 2025, the NJSBA provided the Commission with the names of those board of education members who failed to complete mandated training by December 31, 2024, and the list provided included Respondent. Prior to that time, multiple communications about mandated training were sent to Respondent from the NJSBA through a variety of means, including targeted e-mail messages on November 6, 2024, January 6, 2025, February 24, 2025, March 17, 2025, and May 12, 2025, as well as postings in *School Board Notes* on 25 occasions. Notwithstanding all of these communications, Respondent did not complete mandated training.

As a final warning, the Commission's staff sent e-mails to Respondent dated March 20, 2025, April 11, 2025 and April 25, 2025, advising Respondent that the Commission required completion of the training by May 13, 2025, to avoid the issuance of an OTSC for non-compliance. Again, notwithstanding this correspondence, Respondent did not complete the required training. As a result, an OTSC was issued by the Commission at its meeting on May 20, 2025.

To date, there is no dispute that Respondent did not complete his required training by December 31, 2024, and did not complete the training prior to the Commission's final deadline of May 13, 2025, and therefore, the Commission issued an OTSC at its meeting on May 20, 2025. After having been served with the OTSC, Respondent failed to respond to the Commission's OTSC as to why he did not complete training by December 31, 2024, and also failed to complete training as required by *N.J.S.A. 18A:12-33* and *N.J.A.C. 6A:28-4.1*.

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 17, 2025, the Commission found that Respondent violated *N.J.S.A. 18A:12-33*. Respondent received repeated notifications of his training requirement, and had ample opportunity to complete the mandated training in a timely fashion; nonetheless, Respondent failed to complete training as required.

Where a violation of the Act is found by the Commission, it 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:28-9.11*. Specifically, unless good cause is shown or the school official previously has been the subject of an OTSC, "the Commission shall recommend that a board member or trustee who completes training after the Commission issues its decision, but before the Commissioner issues a final decision, receives a suspension for 30 days." *N.J.A.C. 6A:28-4.3(c)*. However, "the Commission will recommend this penalty only if the board member or the trustee provides to the [NJSBA] and the Commission written notice before the Commissioner issues a final decision." *Ibid*. If the board member or trustee fails to complete training as of the date the Commissioner issues its final decision, the Commission will recommend removal of the board member or trustee from his or her position. *N.J.A.C. 6A:28-4.3(d)*.

For the reasons set forth above, the Commission recommends that the Commissioner of Education impose a penalty of **removal**, with such removal to become effective immediately upon issuance of the Commissioner of Education's decision. However, if Respondent completes training before the Commissioner of Education adopts a final decision (which will be within forty-five (45) days after the mailing date of this decision), then the Commission recommends that the Commissioner of Education, in lieu of removal, impose a **thirty (30) day suspension**, with such suspension to become effective immediately upon issuance of the Commissioner of Education's decision, provided the board member or trustee provides written notice of successful completion of the training requirement.

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." as well as to (ControversiesDisputesFilings@doe.nj.gov). A copy must also be sent to the Commission (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.



Robert W. Bender, Chairperson

Mailing Date: June 17, 2025

***Resolution Adopting Decision for Failure to Complete Mandatory
Training Requirement in a Timely Manner
Docket No.: T01-25***

Whereas, Stephen Funk (Respondent) is a “board member” as defined in *N.J.S.A.* 18A:12-23 of the School Ethics Act (Act); and

Whereas, as a board member, Respondent is required to complete a training program prepared and offered by the New Jersey School Boards Association (NJSBA) on an annual basis; and

Whereas, Respondent failed to complete his training program by December 31, 2024; and

Whereas, at its meeting on May 20, 2025, the School Ethics Commission (Commission) issued an Order to Show Cause (OTSC) directing Respondent to show cause as to why he failed to complete his mandatory training by December 31, 2024, as required by *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1; and

Whereas, after having been served with the OTSC, Respondent failed to respond to the Commission’s OTSC as to why he did not complete training by December 31, 2024, and also failed to complete training as required by *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1; and

Whereas, at its meeting on June 17, 2025, the Commission found that Respondent violated *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1 by failing to complete the training requirement he was obligated to complete; and

Whereas, at its meeting on June 17, 2025, the Commission recommended that the Commissioner of Education impose a penalty of removal, with such removal to become effective immediately upon issuance of a final decision by the Commissioner of Education. However, if Respondent completes training before the Commissioner of Education adopts a final decision (which will be within forty-five (45) days after the mailing date of this decision), then the Commission recommends that the Commissioner of Education, in lieu of removal, impose a thirty (30) day suspension, with such suspension to become effective immediately upon issuance of a final decision by the Commissioner of Education, provided the board member or trustee provides written notice of the successful completion of the training requirement; and

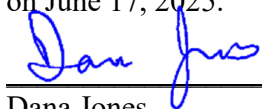
Whereas, at its meeting on June 17, 2025, the Commission agreed that the within decision accurately memorializes its findings and recommendations; and

Now Therefore Be It Resolved, that the Commission hereby adopts the within decision and directs its staff to notify all parties to this action of the decision.



Robert W. Bender, Chairperson

I certify that the within Resolution was duly adopted
by the School Ethics Commission at its public meeting
on June 17, 2025.



Dana Jones
School Ethics Commission