

SEC #D08-05
C # 41-06SEC
SB # 8-06

IN THE MATTER OF THE SUSPENSION :
OF BARBARA J. BONDS PURSUANT TO : STATE BOARD OF EDUCATION
N.J.S.A. 18A:12-29(c), STATE-OPERATED : DECISION
SCHOOL DISTRICT OF NEWARK, :
ESSEX COUNTY. :

Decided by the School Ethics Commission, December 27, 2005

Decided by the Acting Commissioner of Education, January 27, 2006

For the Respondent-Appellant, Lindabury, McCormick & Estabrook, PA
(Athina Lekas Cornell, Esq., of Counsel)

On December 27, 2005, the School Ethics Commission found that Barbara J. Bonds (hereinafter "appellant"), a "school official" under N.J.S.A. 18A:12-23, had violated N.J.S.A. 18A:12-25 and -26 of the School Ethics Act by failing to file the completed disclosure statements required by the statute. The Commission recommended that the Commissioner of Education impose a sanction of suspension until the appellant filed completed disclosure statements, removal if the completed statements were not filed within 30 days of the Commissioner's decision, and a reprimand if the completed statements were filed prior to issuance of the Commissioner's decision.

On January 27, 2006, the Acting Commissioner of Education, observing that “the required disclosure statement(s) had not been filed as of the date of this decision,” admonished the appellant and suspended her until the required statements were filed.

On February 13, 2006, the appellant filed the instant appeal to the State Board, relating that she had filed her disclosure statements on or about January 3, 2006.

By letter dated February 22, 2006 to counsel for the appellant, the Executive Director of the School Ethics Commission confirmed that the appellant had filed her completed disclosure statements on January 3, 2006¹ and also indicated that the Acting Commissioner had not been aware of such filing. The Executive Director added: “Since Ms. Bonds filed her disclosure statement prior to the issuance of the Acting Commissioner’s decision and the decision concurred with the Commission’s recommendation on penalty, Ms. Bonds was reprimanded and she was never suspended.”

In the brief in support of her appeal, the appellant reiterates that she had filed the required statements on January 3, 2006, and she seeks to have the Acting Commissioner’s decision of January 27 “dismissed as it does not accurately reflect the fact that Ms. Bonds was not suspended from her position.” Appeal Brief, at 3.

Under the School Ethics Act, the School Ethics Commission is authorized to determine whether a school official has violated the Act. N.J.S.A. 18A:12-29(c). If the Ethics Commission finds that a violation has occurred, it recommends to the Commissioner of Education the reprimand, censure, suspension or removal of the

¹ We note that both the Executive Director’s letter of February 22, 2006 and the appellant’s disclosure statement erroneously reference the date of filing as January 3, 2005.

official. Id. The Commissioner has the responsibility for determining and imposing a sanction. Id.

In this case, the Acting Commissioner was not aware when she issued her decision on January 27, 2006 that the appellant had filed her completed disclosure statements on January 3, 2006. Consequently, her determination did not take that fact into account when she imposed the sanction of suspension. In view of this situation, and in accord with the statutory framework, we set aside the Acting Commissioner's decision to suspend the appellant and remand this matter to the Acting Commissioner to allow her to determine whether to accept the School Ethics Commission's recommendation that a reprimand would be the appropriate sanction under these circumstances.

We do not retain jurisdiction.

May 3, 2006

Date of mailing _____