

265-97SEC

AGENCY DKT. NO. 136-4/97

IN THE MATTER OF BETTIE JO ZIEMER, :
BRADLEY BEACH BOARD OF EDUCATION, : COMMISSIONER OF EDUCATION
MONMOUTH COUNTY. : DECISION
_____ :

Whereas, the School Ethics Commission has acted pursuant to the authority granted to it by *N.J.S.A.* 18A:12-21 et seq. to recommend removal of the above-named Board member from office for failure to attend the Board member training sessions required by *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6:3-9.4; and

Whereas, the School Ethics Commission sent ample notice to the above-named Board member of her failure to attend such training sessions; and

Whereas, pursuant to *N.J.A.C.* 6:3-9.3(i), on March 26, 1997, the Commission issued an Order to Show Cause as to why a penalty should not be imposed for such failure; and

Whereas, the above-named Board member provided to the Commission an answer noting that she planned to take the training twice, in October 1996 and in March 1997, but was unable to attend due to childbirth in the first instance and due to the illness of her children in the second, however, such explanation was deemed by the Commission as an insufficient reason for her nonattendance; and

Whereas, the Commission voted on April 22, 1997, to recommend removal of the above-named Board member for failure to attend training sessions in violation of State statute,

memorializing such decision through a resolution forwarded to the Commissioner, pursuant to *N.J.S.A.* 18A:12-29; and

Whereas, on May 3, 1997, the above-named Board member filed before the Commissioner a response to said resolution recommending removal, stating that the flu which befell her children and caused her to miss her March training course was potentially life-threatening to one of her children, a twin who is prone to seizures; and

Whereas, the Board member further explained that her inability to attend the June 1997 course was due to her prior registration at a conference on birth defects associated with premature and multiple births, and concluded by asking the Commissioner whether she could substitute her college education and profession as Certified Tax Collector, since she has also served as a Treasurer of School Monies, for completion of the training requirement; and Whereas, the Commissioner of Education has carefully considered the record of this matter, the decision of the School Ethics Commission, and the Board member's comments; having done so, he finds that *N.J.S.A.* 18A:12-33 does not allow for exceptions to the statutory training requirement, nor for substitution of experience and education, and that board member training is a significant and well-established obligation of board membership, and that a penalty is warranted in that seven courses were offered between April 1996 and April 1997, of which the above-named Board member has demonstrated why she was unable to attend only two; however, based on the Board member's assertion that she would take the Fall 1997 training course and that she has provided reasons deemed sufficient by the Commissioner for not attending two conferences as planned, removal is not warranted at this point however; now therefore

IT IS ORDERED that the above-named Board member shall not be removed from office subject to her attendance at the October 1997 training session but, rather, shall be suspended from office for a period of three months to commence as of the date of this decision, and shall be removed without further proceedings should she not attend the October 1997 session as set forth above.

COMMISSIONER OF EDUCATION

Date of Issue: May 19, 1997

Date of Mailing: May 19, 1997