

IN THE MATTER OF
LORI PERLOFF

WEST WILDWOOD
BOARD OF EDUCATION,
CAPE MAY COUNTY

: BEFORE THE SCHOOL
: ETHICS COMMISSION
:
: DECISION FOR FAILURE TO
: COMPLETE MANDATORY
: TRAINING REQUIREMENT IN A
: TIMELY MANNER
:
: DOCKET NO.: T29-16

PROCEDURAL HISTORY

This matter arises from an Order to Show Cause (OTSC) issued by the School Ethics Commission (Commission) at its meeting on April 25, 2017, and mailed on April 26, 2017 via regular and electronic mail, directing 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 mailed on April 26, 2017, 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.

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 a board of education located in the City of West Wildwood, County of Cape May. As a result of her position as a board of education member, and in accordance with the statute and regulation cited above, 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 4 training program by December 31, 2016.

On February 28, 2017, NJSBA provided the Commission with the names of those board members who failed to complete mandated training by December 31, 2016, and the list provided included Respondent. Prior to this time, multiple communications about mandated training were sent to Respondent from NJSBA. More specifically, an e-mail was sent to all board members, including Respondent, on October 13, 2016, and to all business administrators on October 14, 2016, reminding them of the annual training requirement and the December 31, 2016, deadline. On

January 25, 2017, a notice was sent to the West Wildwood School District business administrator advising that, as of that date, Respondent had not completed training. Finally, on January 30, 2017, NJSBA sent a letter to Respondent advising her that she still had not completed Governance 4. In addition to these communications, multiple communications about mandated training were sent to NJSBA's members through a variety of means, including targeted e-mail messages and postings in *School Board Notes*. Notwithstanding all of these communications, Respondent did not complete mandated training.

In addition to the communication efforts undertaken by the NJSBA, Respondent's County Office of Education (County) also communicated with the Respondent regarding her failure to complete the mandated training requirement. More specifically, on March 6, 2017, the Commission's staff notified the County that the NJSBA had identified Respondent as a school official who failed to complete training by December 31, 2016. As a result, the County sent correspondence to Respondent, with a copy to the Business Administrator, advising that Respondent remained delinquent in completing training. Notwithstanding this correspondence from the County, Respondent did not complete training as directed.

As a final warning, the Commission sent a letter to Respondent dated April 5, 2017, via regular and electronic mail, advising her that the Commission requires completion of the training to avoid the issuance of an OTSC for non-compliance. This final warning letter provided instructions for completing the training. Again, notwithstanding this correspondence, Respondent did not complete the required training. As a result, an OTSC was mailed to Respondent on April 26, 2017.

To date, there is no dispute that Respondent did not complete her required training by December 31, 2016, and did not complete the training prior to the issuance of the Commission's OTSC. After having been served with the OTSC, Respondent completed her training requirement, but did not respond to the Commission's OTSC as to why she did not complete training by December 31, 2016.

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 27, 2017, the Commission found that Respondent violated N.J.S.A. 18A:12-33. 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.

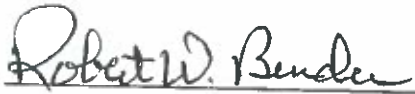
Where a violation of the Act is found by the Commission, the Commission may recommend to the Commissioner of Education that a penalty be imposed. The recommended penalty can include a reprimand, censure, suspension or removal of the school official. N.J.A.C. 6A:28-10.12. For the reasons set forth above, the Commission recommends that the Commissioner of Education impose a penalty of **reprimand**.

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.

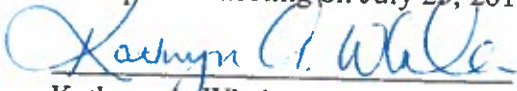
Parties taking exception to the recommended sanction of the Commission but *not disputing* the Commission's finding of a violation may file, within **thirteen (13) days** from the date the Commission's decision is forwarded to the Commissioner, written exceptions regarding the recommended penalty to 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." A copy of any comments filed must be sent to the Commission 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: July 26, 2017

I hereby certify that this decision was duly adopted by the School Ethics Commission at its public meeting on July 25, 2017.


Kathryn A. Whalen, Director

IN THE MATTER OF
LORI PERLOFF

WEST WILDWOOD
BOARD OF EDUCATION,
CAPE MAY COUNTY

: BEFORE THE SCHOOL
: ETHICS COMMISSION
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: RESOLUTION ADOPTING
: DECISION FOR FAILURE TO
: COMPLETE MANDATORY
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WHEREAS, Lori Perloff, Respondent, is a board member on the West Wildwood Board of Education; 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 her Governance 4 training program by December 31, 2016; and

WHEREAS, at its meeting on April 25, 2017, the School Ethics Commission (Commission) issued an Order to Show Cause (OTSC) directing Respondent to show cause as to why she failed to complete her mandatory training by December 31, 2016 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 completed her training requirement, but did not respond to the Commission's OTSC as to why she did not complete training by December 31, 2016; and

WHEREAS, at its meeting on June 27, 2017, 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 she was obligated to complete; and

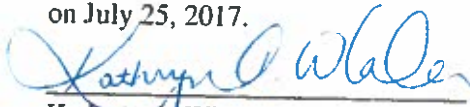
WHEREAS, at its meeting on June 27, 2017, the Commission recommended that the Commissioner of Education impose a penalty of reprimand on Respondent; and

WHEREAS, at its meeting on July 25, 2017, 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
School Ethics Commission

I certify that the within Resolution was duly adopted by the School Ethics Commission at its public meeting on July 25, 2017.


Kathryn A. Whalen, Director