

<b>SCHOOL ETHICS COMMISSION</b>	:	<b>BEFORE THE</b>
	:	<b>SCHOOL ETHICS COMMISSION</b>
v.	:	
	:	<b>RESOLUTION</b>
<b>JAY CARTER</b>	:	
<b>Branchville Board of Education</b>	:	<b>SEC Docket No.: T26-03</b>
<b>Sussex County</b>	:	
	:	

**WHEREAS**, the School Ethics Act, N.J.S.A. 18A:12-21 et seq. was enacted by the New Jersey State Legislature to ensure and preserve public confidence in school board members and school administrators and to provide specific ethical standards to guide their conduct; and

**WHEREAS**, N.J.S.A. 18A:12-33 requires new board members to attend training within one year of election or appointment to the board to gain the skills and knowledge necessary to serve as a school board member; and

**WHEREAS**, Respondent Jay Carter was elected to a term on the Branchville Board of Education in April 2002; and

**WHEREAS**, the New Jersey School Boards Association (NJSBA) advises prospective board members of the training requirement in the “candidate kit”; and

**WHEREAS**, the NJSBA mails correspondence to all new board members who have failed to register for or attend an orientation and did mail such correspondence to this board member on January 3, 2003 and February 19, 2003; and

**WHEREAS**, the NJSBA conducted seven training sessions between April 2002 and April 2003 at varying locations and continuously published the dates and times of the sessions in its publication, *School Board Notes*; and

**WHEREAS**, the last training session to fulfill the requirement was held in March 2003; and

**WHEREAS**, the Commission issued an Order on May 21, 2003, directing him to Show Cause why he had not attended training up until that time; and

**WHEREAS**, the Commission granted an extension for similarly situated board members to attend one of the June training sessions; and

**WHEREAS**, Mr. Carter failed to provide any response to the Order to Show Cause and further failed to attend a June training session; and

**WHEREAS**, the Commission notified Respondent, by letter dated July 15, 2003, that the Commission would discuss this matter at its July 22, 2003 meeting, that he had the right to attend, and could be found in violation of the School Ethics Act and receive a penalty up to removal; and

**WHEREAS**, Respondent did not respond to this letter, nor provide any reason for failing to attend the required training program for more than the one year allowed by law; and

**WHEREAS**, the Commission finds that this failure to attend board member training from September 2001 to April 2003 constitutes a violation of N.J.S.A. 18A:12-33; and

**WHEREAS**, the Commission finds removal from the Board to be the appropriate penalty for failure to attend training;

**NOW THEREFORE BE IT RESOLVED** that the School Ethics Commission finds that Mr. Carter violated N.J.S.A. 18A:12-33 of the School Ethics Act and recommends that the Commissioner of Education remove him from the Board of Education herewith.

Dated: July 22, 2003

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Paul C. Garbarini, Chairperson

This matter shall be transmitted to the Commissioner of Education for action on the Commission's recommendation for sanction pursuant to N.J.S.A. 18A:12-29. Within thirteen (13) days from the date on which the Commission's decision was mailed, the board member may file written comments on the recommended sanction with the Commissioner of Education, c/o Bureau of Controversies and Disputes, 100 River View Plaza, P.O. Box 500, Trenton, NJ 08625, marked "Attention: Comments on Ethics Commission Sanction." A copy of any comments filed must be sent to the School Ethics Commission.

I certify that the within Resolution was duly adopted by the School Ethics Commission at its Public Meeting on July 22, 2003.

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Lisa James-Beavers, Executive Director