

CASE TRACKING

Case Name	Jurisdiction	Issue	Summary	NJSBA Action	Status
<i>Sparta Bd. of Educ. v. M.N.</i>	NJ Supreme Court	Whether student who attained a GED and state-issued high school diploma is precluded from re-enrolling to obtain a regular diploma.	Special education student voluntarily disenrolled from the district and achieved the required score on the GED and received a state-issued diploma. After a series of disenrollments by the district and re-enrollments by parent, the district informed parent that student was no longer entitled to receive an education in the district.	NJSBA supported the district in a successful opposition to student petition seeking re-admission to high school despite having earned GED and having obtained state-issued diploma.	On December 8, 2023 the NJSCt granted certification. No date has yet been set for oral argument.
<i>SEC v. Roman</i>	N.J. Appellate Division	Applicability of “advice-of-counsel” defense to completely mitigate penalty for violation of SEA	Board members reasonably relied on advice of counsel in voting to approve settlement agreement in which they were named in personal capacity. Indemnification was available pursuant to statute. SEC found a violation & recommended a penalty despite ALJ’s finding that board members acted reasonably in relying on board attorney’s advice.	Motion to appear as amicus curiae granted in March 2023.	The Appellate Division determined that the Commissioner should have credited the board members’ use of the “ <i>advice of counsel</i> ” defense to dismiss any penalty. The matter was remanded back to the Commissioner to issue such an order. In January, the Commissioner vacated the penalty.