



Marion A. Bolden  
State District Superintendent

**THE NEWARK PUBLIC SCHOOLS**  
Office of the State District Superintendent  
2 Cedar Street  
Newark, New Jersey 07102-3091  
Phone: 973-733-7333  
Fax: 973-733-6834



Vito A. Gagliardi, Sr.  
Acting Commissioner of Education

March 27, 2001

**VIA CERIFIED and REGULAR MAIL**

[REDACTED]

Dear [REDACTED]:


You are herewith advised that Charges of Corporal Punishment and Unbecoming Conduct have been filed against you.

In that regard, enclosed is one (1) copy of each of the following: 1) Statement of Charges; 2) Statement of Evidence in support of the Charges; and 3) Appendix of Exhibits supporting the Statement of Evidence.

Please be further advised that pursuant to N.J.S.A. 18A:6-11, you are granted the opportunity to submit a written statement of position and a written statement of evidence under oath with respect to the Charges within fifteen (15) days from the date of receipt of this notice. After the expiration of that period, I shall: (i) consider the Charges and any statement of evidence that you have submitted; (ii) make a determination as to whether there is probable cause to credit the evidence in support of the Charges; and (iii) if such Charges are credited, determine whether they are sufficient to warrant dismissal. In the event of a determination of probable cause, I will certify the matter to the Commissioner of Education of the State of New Jersey for hearing, pursuant to N.J.S.A. 18A:6-16.

You will be notified in writing of any determination.

Very truly yours,

  
Marion Bolden  
District Superintendent

Enclosures  
cc: Randall Kanter  
Eugene Liss, Esquire

## STATEMENT OF CHARGES

I, **RANDALL KANTER**, State District Assistant Superintendent of the State Operated School District of the City of Newark, in the County of Essex (the "District"), do herewith charge that [REDACTED] ("[REDACTED]"), a tenured teacher at Chancellor Avenue School, is guilty of Corporal Punishment and Conduct Unbecoming a Teacher sufficient to warrant her dismissal from employment.

### CHARGE NUMBER ONE

[REDACTED] is guilty of Corporal Punishment and Conduct Unbecoming a Teacher by way of the following:

- a) On or about October 3, 2000, after observing eight-year-old student K.S. playing with pencils on his desk, [REDACTED] grabbed student K.S. by the shirt collar, using both hands, and forced him into his chair, which fell on his leg. Subsequently, [REDACTED] reached her hand above her head, and, using a full arm swing, slapped K.S. on the left side of his face. [REDACTED]'s action caused red welts on the left cheek of K.S., while [REDACTED]'s nail went into the eye of the student.
- b) This incident resulted in a Division of Youth and Family Services (DYFS) investigation.
- c) As a result of the incident, [REDACTED] was suspended effective October 4, 2000.

- d) The DYFS investigation report, issued March 7, 2001, concluded that physical abuse was substantiated. The investigation also concluded that physical intervention was unjustified, the method of intervention was inappropriate, and the student was placed at an unnecessary and undue risk of serious harm.

[REDACTED]'s willful misconduct as described above, as well as the pattern of unjustified and inappropriate methods of physical interventions with students set forth in detail herein, constitutes Corporal Punishment and Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

#### CHARGE NUMBER TWO

[REDACTED] is guilty of Corporal Punishment and Conduct Unbecoming a Teacher by way of the following:

- a) On or about September 27, 2000, [REDACTED] hit second grade student D.A. on the mouth using an open hand after telling him to be quiet.
- b) Also on September 27, 2000, B.W. moved her desk and [REDACTED] pushed the desk back to its original position and hit student B.W. in the stomach.
- c) As a result of the incidents, a DYFS investigation was conducted.
- e) The DYFS investigation report, issued February 23, 2001, concluded that physical abuse was not substantiated in accordance with the statutes of the State of New Jersey, however concerns were identified regarding [REDACTED]'s actions. The investigation also concluded that

physical intervention was unjustified; the methods of intervention were inappropriate; and the students were placed at an unnecessary and undue risk of serious harm.

██████████'s willful misconduct as described above, as well as the pattern of unjustified and inappropriate methods of physical interventions with students set forth in detail herein, constitutes Corporal Punishment and Conduct Unbecoming a Teacher, sufficient to warrant dismissal from employment.

### CHARGE NUMBER THREE

██████████ is guilty of Corporal Punishment and Conduct Unbecoming a Teacher by way of the following:

- a) On or about June 17, 1994, ██████████ struck second grade student S.W. on her arm with a ruler.
- b) As a result of the incident, a DYFS investigation was conducted.
- c) The DYFS investigation report, issued August 16, 1994, concluded that physical abuse was not substantiated in accordance with the statutes of the State of New Jersey, however concerns were identified regarding ██████████'s actions. The investigation also concluded that physical intervention was unjustified; the method of intervention was inappropriate; and the student was placed at an unnecessary and undue risk of serious harm.
- d) Moreover, evidence from the investigation revealed that ██████████ had utilized the following methods of discipline in the classroom: (1) striking students with an instrument, and (2) ear pulling.

- e) As a result of the incident, [REDACTED] received a reprimand and administrative counseling in which she was advised of proper student intervention procedures.

[REDACTED]'s willful misconduct as described above, as well as the pattern of unjustified and inappropriate methods of physical interventions with students set forth in detail herein, constitutes Corporal Punishment and Conduct Unbecoming a Teacher, sufficient to warrant dismissal from employment.

#### **CHARGE NUMBER FOUR**

[REDACTED] is guilty of Corporal Punishment and Conduct Unbecoming a Teacher by way of the following:

- a) On or about December 23, 1993, [REDACTED] sprayed Mace in the face of J.J., a second grade student.
- b) As a result of the incident, a DYFS investigation was conducted.
- c) The DYFS investigation report, issued February 14, 1994, concluded that physical abuse was not substantiated in accordance with the statutes of the State of New Jersey, however concerns were identified regarding [REDACTED]'s actions. The investigation also concluded that the method of intervention was inappropriate; and the student was placed at an unnecessary and undue risk of serious harm.
- d) Moreover, evidence from the investigation revealed that [REDACTED] had subjected her students to inappropriate language, curses and threats, and had told her class that she purchased the Mace to use on them.

- e) As a result of the incident, [REDACTED] received a reprimand and administrative counseling in which she was advised of proper student intervention procedures.

[REDACTED]'s willful misconduct as described above, as well as the pattern of unjustified and inappropriate methods of physical interventions with students set forth in detail herein, constitutes Corporal Punishment and Conduct Unbecoming a Teacher, sufficient to warrant dismissal from employment.

#### **CHARGE NUMBER FIVE**

[REDACTED] is guilty of Corporal Punishment and Conduct Unbecoming a Teacher by way of the following:

- a) On or about April 25, 1991, [REDACTED] squeezed the shoulder/neck muscle of second grade student M.A., causing the child to suffer pain as well as a bruise on the student's body that was observed by school staff.
- b) Earlier in the school year, in March of 1991, [REDACTED] bent the finger of M.A. backwards as a method of punishment.
- c) Also earlier in the year, [REDACTED] placed a stapler on the lips of M.A., and advised M.A. that she did not want to have to use the stapler to insure that the student remained quiet.
- d) As a result of the incidents, a DYFS investigation was conducted.
- e) The DYFS investigation report, issued November 20, 1991, concluded that physical abuse was not substantiated in accordance with the statutes of the State of New Jersey, however concerns were identified

regarding [REDACTED]'s actions. The investigation also concluded that the method of intervention was inappropriate; and the student was placed at an unnecessary and undue risk of serious harm.

- f) During the investigation, evidence revealed that [REDACTED] took students into the cloakroom and struck them on their arms and legs with a ruler. It was also revealed that [REDACTED] pinched other students on the arms as a form of discipline.
- g) Moreover, during the investigation, [REDACTED] admitted that she had struck students on their hands with a ruler as a form of discipline.
- h) As a result of the incident, [REDACTED] received a reprimand and administrative counseling in which she was advised of proper student intervention procedures.

[REDACTED]'s willful misconduct as described above, as well as the pattern of unjustified and inappropriate methods of physical interventions with students set forth in detail herein, constitutes Corporal Punishment and Conduct Unbecoming a Teacher, sufficient to warrant dismissal from employment.

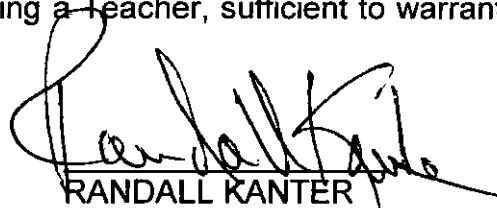
#### **CHARGE NUMBER SIX**

In addition to the actions set forth above that resulted in formal DYFS investigations, [REDACTED] has been involved in a series of incidents of unprofessional and inappropriate conduct, constituting an unmitigated pattern of unjustified and inappropriate method of physical interventions with young students, by way of the following:

- a) On or about March 4, 1998, when second grade student K.G. refused her direction to go to the back of a bathroom line, [REDACTED] hit K.G. on his arm and pulled him into the classroom.
- b) As a result of the incident, [REDACTED] received a reprimand and administrative counseling in which she was advised of proper student intervention procedures.
- c) On or about February 26, 1998, [REDACTED] twisted the left arm of eight-year-old student D.S. after she requested him to move from his seat and he did not.
- d) As a result of the incident, [REDACTED] received a reprimand and administrative counseling in which she was advised of proper student intervention procedures.
- e) On or about November 17, 1997, after observing second grade student N.F. play with a small toy on a string around her neck in class, [REDACTED] [REDACTED] snatched the toy necklace from around the neck of N.F., causing a mark on the student's neck.
- f) As a result of the incident, [REDACTED] received a reprimand and administrative counseling in which she was advised of proper student intervention procedures.
- g) On or about March 5, 1996, [REDACTED] pinched second grade student A.E. on the left arm.

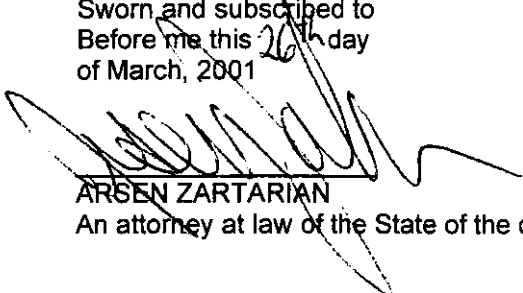
- h) As a result of the incident, [REDACTED] received a reprimand and administrative counseling in which she was advised of proper student intervention procedures.
- i) On or about March 5, 1996, [REDACTED] hit second grade student C.L. on the knuckles of her hand with a pencil, prompting the student to proceed to the Principal's office crying.
- j) As a result of the incident, [REDACTED] received a reprimand and administrative counseling in which she was advised of proper student intervention procedures.

[REDACTED]'s pattern of unjustified and inappropriate methods of physical interventions with students set forth in detail herein, notwithstanding continued reprimands and administrative counseling, constitutes Corporal Punishment and Conduct Unbecoming a Teacher, sufficient to warrant dismissal from employment.



RANDALL KANTER  
State District Assistant Superintendent

Sworn and subscribed to  
Before me this 26<sup>th</sup> day  
of March, 2001



ARSEN ZARTARIAN  
An attorney at law of the State of the of New Jersey

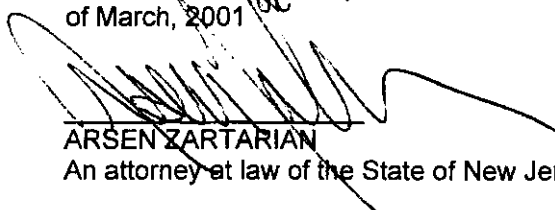
**STATEMENT OF EVIDENCE**

Documentary evidence in support of the Charges that [REDACTED] is guilty of Corporal Punishment and Conduct Unbecoming a Teacher is found in the reports and other documents prepared or compiled by employees of the State Operated School District of the City of Newark and contained in the Appendix of Exhibits attached hereto.



RANDALL KANTER  
State District Assistant Superintendent

Sworn and subscribed to  
Before me this 26<sup>th</sup> day  
of March, 2001



ARSEN ZARTARIAN  
An attorney at law of the State of New Jersey

## APPENDIX OF EXHIBITS

1. Report from Health Office dated October 3, 2000 regarding injury to student.
2. Letter to [REDACTED] from Susan Manion, Division of Youth and Family Services ("Ms. Manion"), dated March 7, 2001, regarding an investigation into [REDACTED]'s behavior.
3. Letter to John P. Duggan, Director of School Operations ("Dr. Duggan"), from Ms. Manion, Division of Youth and Family Services, dated March 7, 2001, regarding an investigation into [REDACTED]'s behavior.
4. Letter to [REDACTED] from Mary Carroll-Williamson and Robert Hornstra, Division of Youth and Family Services ("Mr. Hornstra"), dated February 23, 2001, regarding an investigation into [REDACTED]'s behavior.
5. Letter to Dr. Duggan from Mary Carroll-Williamson and Mr. Hornstra, Division of Youth and Family Services, dated February 23, 2001, regarding an investigation into [REDACTED]'s behavior.
6. Letter to Dr. Duggan from Margaret Burgess, Division of Youth and Family Services, dated August 16, 1994, regarding an investigation into [REDACTED]'s behavior.
7. Letter to [REDACTED] from Dr. Duggan dated September 19, 1994.
8. Letter to Ms. Manion from Dr. Duggan dated September 19, 1994.
9. Letter to Dr. Duggan from Mr. Hornstra dated February 14, 1994 regarding an investigation into [REDACTED]'s behavior.
10. Letter to [REDACTED] from Dr. Duggan dated June 15, 1994.
11. Memorandum to Harold Jones, Principal, from Dr. Duggan dated June 14, 1994 regarding counseling and training for [REDACTED].
12. Incident Report dated April 25, 1991 regarding [REDACTED]'s actions.
13. Letter to Dr. Gene Foti, Deputy Executive Superintendent, from Ms. Manion, dated November 20, 1991, regarding an investigation into [REDACTED]'s behavior.
14. Incident Report dated March 4, 1998.
15. Report of Accident to Pupil dated February 26, 1998.
16. Incident Report dated November 5, 1997.
17. Incident Report dated May 2, 1996.

NEWARK PUBLIC SCHOOLS  
Office of the General Counsel  
2 Cedar Street  
Newark, New Jersey 07102  
(973) 733-7139

In the Matter of

[REDACTED]

v.

STATE-OPERATED SCHOOL  
DISTRICT OF THE CITY OF  
NEWARK

**STIPULATION OF SETTLEMENT**

**WHEREAS,** [REDACTED] (" [REDACTED]"), residing at [REDACTED]

[REDACTED] is a tenured teacher employed by  
the State-Operated School District of the City of Newark ("District");

**WHEREAS,** on or about March 26, 2001, tenure charges were filed against [REDACTED]

**WHEREAS,** the parties, seeking to amicably resolve this matter, hereby stipulate  
and agree as follows:

1. [REDACTED] hereby agrees to resign her tenured teaching position. Said resignation will be effective as of the close of business on October 1, 2001. Attached is a copy of the signed Letter of Resignation (Exhibit A). Upon the final approval of the signed Stipulation and Letter of Resignation, the District shall and hereby does withdraw the tenure charges filed and served upon [REDACTED] on or about March 27, 2001.
2. [REDACTED] will receive her salary and benefits as an employee through October 1, 2001. [REDACTED] will not be required to return to active service. The salary rate to be paid to her will continue at the same rate paid during the 2000-01 school year, with no increment or increase.

3. [REDACTED] will be required to expend all of her available sick, personal and vacation days to cover the period from the present up to and including October 1, 2001. If [REDACTED] exhausts all of those days prior to October 1, 2001, the District will compensate [REDACTED] for the remaining days that are not covered by sick, personal, or vacation days. If at the close of business on October 1, 2001, [REDACTED] has any sick, personal or vacation days remaining in her bank, compensation for those days will be governed by the terms of the Collective Bargaining Agreement between the Newark Public Schools and the Newark Teachers Union.
4. As of October 1, 2001, all of [REDACTED]'s employment rights, including, but not limited to salary, insurance coverage, tenure and seniority, will permanently end. [REDACTED] agrees never to seek employment with the District in the future. She will not contest the District's action to terminate her employment or otherwise seek reinstatement.
5. In the event that [REDACTED] secures alternate employment outside of the District prior to October 1, 2001, counsel for [REDACTED] shall communicate this information to the District, and [REDACTED]'s benefits shall terminate as of the date of the commencement of [REDACTED]'s alternative employment.
6. The District will not pursue tenure charges against [REDACTED] as long as this Stipulation remains in effect and is not voided by any court or administrative agency of competent jurisdiction. However, if the Stipulation is voided, the District retains the right to file and consider for certification tenure charges against [REDACTED]. [REDACTED] including such charges that previously have been filed by the District against [REDACTED]

7. The parties respectively acknowledge that counsel has advised them and that each is signing this Stipulation freely and voluntarily, without duress, coercion or pressure from the other party.
8. This Stipulation constitutes the full agreement between the parties, and shall be construed and enforced in accordance with New Jersey law.
9. The undersigned representatives of the parties hereby acknowledge that they have been duly authorized by the respective parties to sign this Stipulation and bind their principals to its terms.
10. By entering this Stipulation, each party releases and discharges the other with respect to all claims or rights that either party may have against the other. This includes without limitation, any and all actions, claims, and liabilities of whatsoever kind or character, in law or in equity, now known or unknown, suspected or unsuspected, directly or indirectly related to [REDACTED]'s employment with the District. It specifically includes, without limitation, all claims which [REDACTED] may have regarding tenure, withholding of increment, discrimination on any basis, any federal or state civil rights law, claims under the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, and any other federal or state civil rights claims, including claims of age discrimination and other rights and claims arising under the Age Discrimination in Employment Act and the Older Workers' Benefits Protection Act, rights under any collective bargaining agreement, disability payments, sick leave, salary or any other matter pertaining to her employment.
11. It is further understood and agreed by the parties hereto, and their respective agents, that the contents and existence of this settlement agreement shall be considered confidential and shall not be disclosed to any third person or entity by



either party without the prior written approval of the other party, except as mandated by law or upon the order of a court of competent jurisdiction.

12. This Stipulation is subject to approval by the District Superintendent.


Dated: 7/4/01



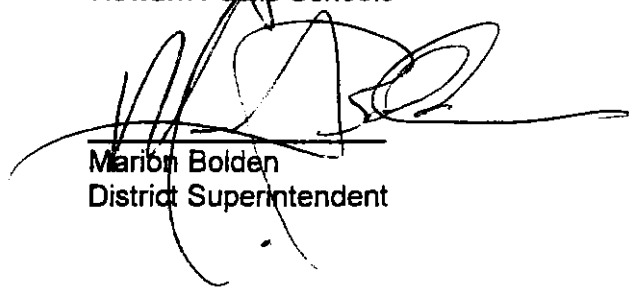
Dated: 7/28/2001

  
Eugene G. Liss, Esq.  
Attorney for 

Dated: 9/6/01

  
Arsen Zakerian, Esq.  
Associate Counsel  
Newark Public Schools

Dated: 9/6/2001

  
Marion Bolden  
District Superintendent

August \_\_, 2001

Marion Bolden, Superintendent  
Newark Public Schools  
2 Cedar Street  
Newark, New Jersey 07102


Dear Ms. Bolden:

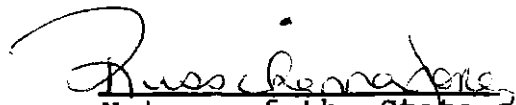
I hereby irrevocably resign my tenured teaching position with the State Operated School District of the City of Newark effective October 1, 2001.

Very truly yours,

A large black rectangular redaction box covers the signature area, obscuring the name of the signatory.

STATE OF NEW JERSEY:  
COUNTY OF ESSEX:

I CERTIFY that on August 30, 2001,  personally came before me and acknowledged under oath to my satisfaction that she personally signed, sealed and delivered this document as her act and deed.

  
Notary of the State of New Jersey

RUSSCHANNA JONES  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Mar 22, 2005