



**The Newark Public Schools**  
*Office of the General Counsel*  
2 Cedar Street  
Newark, New Jersey 07102-3091  
Phone: 973-733-7139  
Fax: 973-733-7054



**Marion A. Bolden**  
State District Superintendent

**William L. Librera**  
Commissioner of Education

**Perry Lattiboudere, Esq.**  
General Counsel

**Arsen Zartarian, Esq.**  
**Joseph Verga, Esq.**  
**Raphael Felli, Esq.**  
Associate Counsel

October 17, 2003

William L. Librera, Commissioner of Education  
Department of Education  
c/o Bureau of Controversies and Disputes  
P.O. Box 500  
Trenton, New Jersey 08625-0500

**Re: In Re Tenure Charges of [REDACTED]  
State Operated School District of the City of Newark**

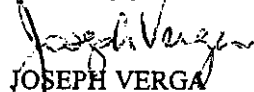
Dear Commissioner Librera:

This office represents Petitioner, State-Operated School District of the City of Newark, in connection with the above-referenced tenure charges of unbecoming conduct and corporal punishment.

Enclosed are the original and two (2) copies of the Statement of Charges, Statement of Evidence, Appendix of Exhibits and supporting documentation, and Certificate of Determination regarding the above-referenced matter. Also enclosed is a Certificate of Service of the within upon [REDACTED]. Please have your staff file the originals and return a confirmation of filing to the undersigned.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

  
**JOSEPH VERGA**  
ASSOCIATE COUNSEL

JV  
Enclosures

Cc: Marion Bolden, District Superintendent  
Raphael Felli, Interim Director, Office of Human Resources  
Don Marinaro, State District Assistant Superintendent  
[REDACTED]



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**Marion A. Bolden**  
State District Superintendent

**Dr. William L. Librera**  
Commissioner of Education

**Perry Lattiboudere, Esq.**  
General Counsel

**Arsen Zartarian, Esq.**  
**Joseph Verga, Esq.**  
**Raphael Felli, Esq.**  
Associate Counsel

October 17, 2003

VIA REGULAR AND CERTIFIED MAIL



Re: In Re Tenure Charges of [REDACTED]  
State Operated School District of the City of Newark

Dear [REDACTED]

Please be advised that tenure charges against you are being certified to the Commissioner of Education of the State of New Jersey ("Commissioner"). A copy of the Certificate that is being forwarded to the Commissioner is enclosed for your review, along with a copy of the charges and supporting evidence.

Be further advised that you are suspended without pay in connection with the certification of tenure charges, effective October 20, 2003.

Very truly yours,

  
JOSEPH VERGA  
ASSOCIATE COUNSEL

JV  
Enclosures

cc: Marion Bolden, District Superintendent  
Raphael Felli, Interim Director, Office of Human Resources  
Don Marinaro, State District Assistant Superintendent

## STATEMENT OF CHARGES

I, Don Marinaro, 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], a tenured teacher at South 17<sup>th</sup> Street School, is guilty of Corporal Punishment and Conduct Unbecoming a Teacher, which constitute Unbecoming Conduct and Other Just Cause under N.J.S.A. 18A:6-10, and is sufficient to warrant his dismissal from employment.

### CHARGE NUMBER ONE

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

On or about June 22, 2000, [REDACTED] screamed at ESL Teacher Sandra Moreno and threatened to dump water from a cooler on her. (See Exhibit 1).

[REDACTED]'s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER TWO**

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

On or about the month of April 2000, [REDACTED] screamed at teacher Marie Beauzil, "There you go, get out of my room!" (See Exhibit 2).

[REDACTED]'s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER THREE**

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

On or about October 3, 2000, [REDACTED] pushed student J.M. out of class and into the hallway. (See Exhibit 3).

[REDACTED]'s willful misconduct as described above constitutes Corporal Punishment and Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER FOUR**

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

On or about October 3, 2000, during a meeting with Vailsburg Middle School Principal Michael Daniels, [REDACTED] refused to answer

questions regarding an incident with students and left the meeting prior to its conclusion without authorization. (See Exhibit 4).

██████████'s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

#### CHARGE NUMBER FIVE

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

During the 2001-2002 and 2002-2003 school years, on numerous occasions, including specifically, on or about February 22, 2002 and September 19, 2002, ██████████ either removed students from his classroom or refused to permit students to enter his classroom despite numerous warnings from the school's administration to refrain from doing so. As a result, ██████████ caused consistent disruptions within the school building. (See Exhibits 5, 6, 7, 8, 9, 10, 11, 12 and 28).

██████████'s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER SIX**

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

On or about January 17, 2002, ██████████ refused to show the parent of student O.G. documentation regarding O.G. despite the parent's request. (See Exhibits 14 and 17).

██████████'s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER SEVEN**

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

On or about February 13, 2002, ██████████ refused to show the parent of student O.G. documentation regarding O.G. despite the parent's request. (See Exhibits 16 and 17).

██████████'s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER EIGHT**

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

On or about February 19, 2002, [REDACTED] refused a directive from Principal David Wright to share grade information with the parent of a student. (See Exhibit 17).

[REDACTED]s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER NINE**

[REDACTED] guilty of Conduct Unbecoming a Teacher by way of the following:

On or about the month of September 2002, [REDACTED] called student S.M. "stupid" and told her that she would not pass his class. (See Exhibit 18).

[REDACTED]s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER TEN**

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

On or about September 17 and 19, 2002, ██████████ was verbally abusive towards his students. (See Exhibit 18).

██████████'s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER ELEVEN**

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

On or about October 18, 2002, during a meeting with South 17<sup>th</sup> Street School Principal David Wright and a parent, ██████████ became hostile irritable, impatient and raised his voice. He then left the meeting without authorization prior to its conclusion. (See Exhibit 19).

██████████'s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER TWELVE**

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

On or about December 2, 2002, ██████████ pushed student A.I.C.

(See Exhibit 20).

██████████'s willful misconduct as described above constitutes Corporal Punishment and Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER THIRTEEN**

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

On or about December 11, 2002, when a parent went to see ██████████

██████████ to discuss her child, he told the parent, "Get out of my room. This is a legal matter. You need to speak to Mr. Wright." (See Exhibit 21).

██████████'s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER FOURTEEN**

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

On or about December 12, 2002, [REDACTED] screamed at teacher Elena Brady in front of students. (See Exhibit 22).

[REDACTED]'s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER FIFTEEN**

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

On or about December 18, 2002, [REDACTED] pushed student R.B. out of class. (See Exhibit 23).

[REDACTED]'s willful misconduct as described above constitutes Corporal Punishment and Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER SIXTEEN**

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

On or about January 9, 2003, [REDACTED] pushed student R.B. against the wall. (See Exhibits 23 and 24).

[REDACTED] s willful misconduct as described above constitutes Corporal Punishment and Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

#### CHARGE NUMBER SEVENTEEN

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

On or about January 24, 2003, [REDACTED] refused to accept a test paper from student A.W. and blocked A.W. from placing the test on his desk. (See Exhibit 25).

[REDACTED] s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

#### CHARGE NUMBER EIGHTEEN

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

On or about January 28, 2003, [REDACTED] pushed student R.B. out of the classroom. (See Exhibit 26).

[REDACTED] s willful misconduct as described above constitutes Corporal Punishment and Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER NINETEEN**

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

On or about March 5, 2003, ██████████ refused to permit students L.C. and E.J. to enter his classroom despite a written directive from Vice Principal Crutchfield. (See Exhibit 27).

██████████'s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER TWENTY**

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

On or about March 7, 2003, ██████████ failed to appear for a meeting with Principal Wright despite Principal Wright's directive. (See Exhibit 28).

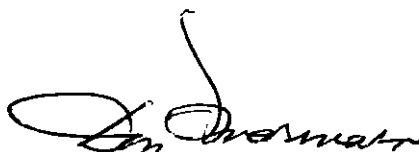
██████████'s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.

**CHARGE NUMBER TWENTY ONE**

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


On or about March 11, 2003, ██████████ hit student R.B. twice with the door. (See Exhibits 29 and 30).

██████████'s willful misconduct as described above constitutes Corporal Punishment and Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.



DON MARINARO  
Assistant Superintendent  
State Operated School District  
of the City of Newark

Sworn and subscribed to  
Before me this 22<sup>nd</sup> day  
of September, 2003

  
Notary Public of the  
State of New Jersey  
AN ATTORNEY ADMITTED  
TO PRACTICE LAW IN THE  
STATE OF NEW JERSEY

## APPENDIX OF EXHIBITS

1. Memo to Inez Adams from teacher Sandra Moreno, dated June 22, 2000, regarding the incident with [REDACTED] on June 22, 2000.
2. Memo to Assistant Superintendent Don Marinaro from teacher Marie Beauzil, dated September 8, 2000, regarding the incident with [REDACTED] in April 2000.
3. Memo to Vailsburg Middle School Principal Michael Daniels from Vice Principal Matthew Brewster dated December 15, 2000, regarding the incident with [REDACTED] on October 3, 2000. Also attached are witness statements from students J.M. and D.B. and a memo from Vice Principal Matthew Brewster to Assistant Superintendent Don Marinaro dated October 4, 2000 regarding the incident on October 3, 2000.
4. Memo to Assistant Superintendent Don Marinaro from Principal Michael Daniels, dated October 4, 2000, regarding the incident with [REDACTED] on October 3, 2000.
5. Memo to all instructional staff from South 17<sup>th</sup> Street School Principal David Wright, dated February 6, 2002, regarding denying students entrance into class.
6. Memo to [REDACTED] from Principal David Wright, dated February 26, 2002, regarding [REDACTED]'s removal of students from his classroom.
7. Memo to [REDACTED] from Principal David Wright, dated September 19, 2002, regarding [REDACTED]'s request to have security remove students from his classroom.
8. Letter to Principal David Wright and Vice Principal Crutchfield from Alberta Muslim, dated October 8, 2002, regarding student S.M. being removed from class by [REDACTED]
9. Memo to [REDACTED] from Principal David Wright, dated November 15, 2002, regarding [REDACTED]'s refusal to permit student S.M. to enter his classroom.
10. Letter to Principal David Wright from Alberta Muslim, dated December 4, 2002, regarding student S.M.

11. Memo to [REDACTED] from Principal David Wright, dated January 23, 2003, regarding [REDACTED]'s refusal to permit students to enter his classroom.
12. Memo to [REDACTED] from Principal David Wright, dated January 24, 2003, regarding [REDACTED]'s refusal to permit students to enter his classroom.
13. Memo to [REDACTED] from Principal David Wright, dated February 3, 2003, regarding a meeting between Principal Wright and [REDACTED] to discuss allegations of unprofessional conduct.
14. Memo to Principal David Wright from Barbara Ginlock, parent of student O.G., regarding incident on January 17, 2002.
15. Teacher Observation Report dated January 31, 2002.
16. Letter to Principal David Wright from Barbara Ginlock, dated February 18, 2002, regarding meeting with [REDACTED] on February 13, 2002. Also attached is a report dated February 15, 2002 regarding the meeting on February 13, 2002.
17. Memo to [REDACTED] from Principal David Wright, dated February 26, 2002, regarding the meetings on January 17, February 13 and February 19, 2002.
18. Memo to [REDACTED] from Principal David Wright, dated October 4, 2002, regarding [REDACTED]'s inappropriate remarks towards students, including student S.M. Also attached are a letter from Mr. and Mrs. Thomas Samuels; a letter to Principal David Wright from Alberta Muslim, parent of S.M., dated September 20, 2002, regarding the allegation that [REDACTED] called S.M. names; and a memo to Principal David Wright from Aide Margaret Brown, dated September 20, 2002, regarding the allegation that [REDACTED] was verbally abusive to his students.
19. Memo to [REDACTED] from Principal David Wright, dated October 24, 2002, regarding the meeting on October 18, 2002.
20. Incident Report, dated December 3, 2002, regarding incident with student A.I.C. on December 2, 2002.
21. Letter to Principal David Wright from Alberta Muslim, dated January 8, 2003, regarding the incident with [REDACTED] on December 11, 2002.
22. Letter to Principal David Wright from teacher Elena Brady, dated December 12, 2002, regarding the incident with [REDACTED] on December 12, 2002.

23. Memo to [REDACTED] from Principal David Wright, dated January 9, 2003, regarding allegations of corporal punishment by [REDACTED] against student R.B.
24. Incident Report, dated January 9, 2003, regarding allegations of corporal punishment by [REDACTED] against student R.B.
25. Incident Report, dated January 24, 2003, regarding an incident with student A.W. and [REDACTED] on January 24, 2003.
26. Memo to [REDACTED] from Principal David Wright, dated February 10, 2003, regarding an allegation of corporal punishment by [REDACTED] against student R.B. on January 28, 2003. Also attached is a statement by student R.B.
27. Memo to [REDACTED] from Principal David Wright, dated March 6, 2003, regarding [REDACTED]'s refusal to permit students L.C. and E.J. to enter his classroom despite a written directive from Vice Principal Crutchfield. Also attached is the written directive from Vice Principal Crutchfield.
28. Memo to [REDACTED] from Principal David Wright, dated March 10, 2003, regarding [REDACTED]'s failure to appear for a meeting with Principal David Wright on March 7, 2003. Also attached is a log of calls made by [REDACTED] to the school office seeking assistance.
29. Letter to Principal David Wright from Anne Creter, Corrective Action Coordinator of the Division of Youth and Family Services, dated March 27, 2003, regarding the incident of corporal punishment by [REDACTED] against student R.B.
30. Incident Report, dated March 11, 2003, regarding allegations of corporal punishment by [REDACTED] against student R.B. on March 11, 2003. Also attached is a statement by student R.B.
31. Teacher Annual Evaluation Report for the 2002-2003 school year.
32. Letter to [REDACTED] from Superintendent Marion A. Bolden, dated August 8, 2003, regarding the withholding of [REDACTED]'s salary increment for the 2003-2004 school year.


**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.



**DON MARINARO**  
State District Assistant Superintendent  
State Operated School District  
of the City of Newark

Sworn and subscribed to  
Before me this 22 day  
of September, 2003

  
Notary Public of the  
State of New Jersey

AN ATTORNEY ADMITTED  
TO PRACTICE LAW IN THE  
STATE OF NEW JERSEY

**STATE-OPERATED SCHOOL  
DISTRICT OF THE CITY OF NEWARK**  
Office of the General Counsel  
2 Cedar Street  
Newark, New Jersey 07102  
(973) 733-7139

In the Matter of the  
Tenure Hearing of

[REDACTED]

STATE-OPERATED SCHOOL  
DISTRICT OF THE CITY OF  
NEWARK

**CERTIFICATE OF DETERMINATION**

Marion Bolden, of full age, hereby certifies as follows:

1. I am the District Superintendent of the State-Operated School District of the City of Newark, in the County of Essex, New Jersey ("School District") and I am fully familiar with the facts in this matter.
2. I submit this Certificate of Determination in support of the enclosed tenure charges against [REDACTED], a tenured teacher employed in the School District.
3. On or about September 22, 2003, tenure charges of corporal punishment and unbecoming conduct, as well as supporting documents, were filed against [REDACTED] by Don Marinaro, State District Assistant Superintendent. These charges were filed with the undersigned pursuant to N.J.S.A. 18A:6-11 et seq.
4. A copy of the within charges and supporting evidence was served personally on [REDACTED] via regular and certified mail on or about September 25, 2003.

5. On October 6, 2003, my office received a written response to the charges, filed by Robert Tosti, Esq. on behalf of [REDACTED]
6. Pursuant to N.J.S.A. 18A:6-11, I have considered the charges and supporting evidence alleging corporal punishment and unbecoming conduct as a teacher, as well as the statement of evidence, and have determined that there is probable cause to credit the evidence in support of the charges. I have further determined that the charges, if credited, are sufficient to warrant the dismissal of [REDACTED] pursuant to N.J.S.A. 18A:6-11.
7. I have determined that [REDACTED] should be suspended without pay effective October 20, 2003.

I hereby certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



MARION BOLDEN  
DISTRICT SUPERINTENDENT

Dated: October 17, 2003  
Newark, New Jersey

**STATE-OPERATED SCHOOL  
DISTRICT OF THE CITY OF NEWARK**  
Office of the General Counsel  
2 Cedar Street  
Newark, New Jersey 07102  
(973) 733-7139

\_\_\_\_\_  
In the Matter of the :  
Tenure Hearing of :  
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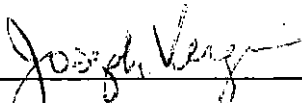
**CERTIFICATION OF SERVICE**

STATE-OPERATED SCHOOL :  
DISTRICT OF THE CITY OF :  
NEWARK :  
\_\_\_\_\_  
\_\_\_\_\_ :

I hereby certify that on October 17, 2003, I caused the following documents to be served personally upon \_\_\_\_\_ via regular and certified mail:

- Certificate of Determination
- Tenure Charges of Corporal Punishment and Unbecoming Conduct
- Statement of Evidence and Appendix of Exhibits
- Resolutions

I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
\_\_\_\_\_  
JOSEPH VERGA

Dated: October 17, 2003  
Newark, New Jersey

**NEWARK PUBLIC SCHOOLS  
PERSONNEL ACTION NOTICE**

HRS# \_\_\_\_\_

AGENDA

ACTIVITY (Background and Recommendation):

Page 1 of 3

**STATE-OPERATED SCHOOL DISTRICT OF THE CITY OF NEWARK**

**RESOLUTION**

*WHEREAS, tenure charges alleging corporal punishment and unbecoming conduct were filed with the State-Operated School District of the City of Newark ("District") on September 22, 2003 against [REDACTED] who is employed by the District as a teacher;*

*WHEREAS, a copy of the tenure charges and supporting evidence were served upon [REDACTED] on or about September 25, 2003, along with a letter providing [REDACTED] with an opportunity to respond to the charges;*

*WHEREAS, on October 6, 2003, the office of the District Superintendent received an Answer to the charges that was under oath;*

*WHEREAS, the District, on October 17, 2003, pursuant to N.J.S.A. 18A:6-11, considered Charges Number One through Twenty-One filed against [REDACTED] as set forth in the Statement of Charges, alleging corporal punishment and unbecoming conduct as a teacher, as well as the supporting documentation and evidence with respect to same;*

**APPROVALS REQUIRED**

Approved by: \_\_\_\_\_  
Assistant Superintendent

\_\_\_\_\_  
Date

Approved by: \_\_\_\_\_  
District Superintendent

\_\_\_\_\_  
Date

**NEWARK PUBLIC SCHOOLS**  
**PERSONNEL ACTION NOTICE**

HRS# \_\_\_\_\_

AGENDA

*ACTIVITY* [Background and Recommendation]:

Page 2 of 3

*WHEREAS, the District has determined that there is probable cause to credit the evidence in support of the charges of corporal punishment and unbecoming conduct; and*

*WHEREAS, the District has further determined that the charges of corporal punishment and unbecoming conduct, if credited, are sufficient to warrant the dismissal or reduction of salary of [REDACTED] [REDACTED] pursuant to N.J.S.A. 18A:6-11;*

*NOW THEREFORE BE IT RESOLVED, that the State-Operated School District of the City of Newark hereby certifies the charges of corporal punishment and unbecoming conduct, referred to in the Statement of Charges as Charge One through Twenty-One against [REDACTED] to the Commissioner of Education, of the State of New Jersey ("Commissioner") pursuant to N.J.S.A. 18A:6-11; and*

**APPROVALS REQUIRED**

Approved by: \_\_\_\_\_  
Assistant Superintendent

\_\_\_\_\_ Date

Approved by: \_\_\_\_\_  
District Superintendent

\_\_\_\_\_ Date

**NEWARK PUBLIC SCHOOLS**  
**PERSONNEL ACTION NOTICE**

HRS# \_\_\_\_\_

AGENDA

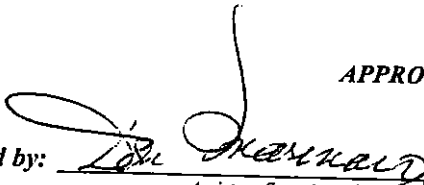
ACTIVITY [Background and Recommendation]:

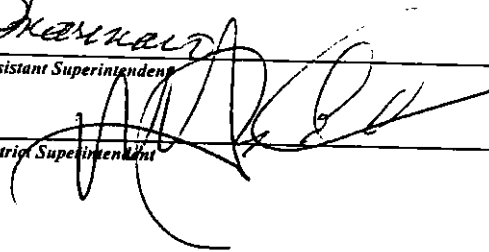
Page 3 of 3

*BE IT FURTHER RESOLVED that the necessary Certificate of Determination and supporting documents to certify the Charges to the Commissioner shall be prepared for submission to the Department of Education.*

*TAKE NOTICE that the State-Operated School District of the City of Newark adopted the foregoing resolution on October 17, 2003.*

**APPROVALS REQUIRED**

Approved by:  10/17/03  
Assistant Superintendent Date

Approved by:  10/17/03  
District Superintendent Date

**NEWARK PUBLIC SCHOOLS**  
**PERSONNEL ACTION NOTICE**

HRS# \_\_\_\_\_

AGENDA

ACTIVITY (Background and Recommendation):

Page 1 of 1

**STATE-OPERATED SCHOOL DISTRICT OF THE CITY OF NEWARK**

**RESOLUTION**

WHEREAS, the State-Operated School District of the City of Newark ("District") determined on October 16, 2003 to certify tenure charges of corporal punishment and unbecoming conduct against [REDACTED] to the Commissioner of Education of the State of New Jersey ("Commissioner");

WHEREAS, the District deems it in the best interests of the students and the District to suspend [REDACTED] pending the resolution of the tenure charges against him;

WHEREAS, N.J.S.A. 18A:6-14 gives a Board of Education the authority to suspend an employee without pay in connection with the certification of tenure charges;

NOW THEREFORE BE IT RESOLVED that [REDACTED] is suspended without pay, effective October 20, 2003, in connection with the certification of tenure charges against him to the Commissioner of Education.

APPROVALS REQUIRED

Approved by: [Signature]  
Assistant Superintendent

Approved by: [Signature]  
District Superintendent

10/17/03  
Date

10/17/03  
Date



*State of New Jersey*  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

**SETTLEMENT**

OAL DKT. NO. EDU 11091-03

AGENCY DKT. NO. 383-10/03

**IN THE MATTER OF THE TENURE HEARING OF  
[REDACTED] STATE OPERATED SCHOOL  
DISTRICT OF NEWARK, ESSEX COUNTY**

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**Arsen Zartarian, Esq.**, for petitioner (Perry L. Lattiboudere, General Counsel, attorney)

**Robert M. Tosti, Esq.**, for respondent (Wilson, Elser, Moskowitz, Edelman & Dicker, attorneys)

Record Closed: May 12, 2004

Decided: June 10, 2004

**BEFORE ROBERT J. GIORDANO, ALJ:**

On November 12, 2003, the matter was transmitted to the Office of Administrative Law for determination as a contested case pursuant to *N.J.S.A. 52:14B-1 to -15* and *N.J.S.A. 52:14F-1 to -13*. A telephone pre-hearing conferences was held on December 1, 2003. Thereafter, a status conference was held on January 21, 2004. The hearings scheduled for February 2, 3, 4, 5, 6, 9, 10, and 11, 2004, were adjourned and rescheduled to March 1, 2, 3, 4, 5, 8, 9, and 10, 2004, at the Office of Administrative Law, 33 Washington Street, Newark, New Jersey. After the first day of hearing was