



Marion A. Bolden
State District Superintendent

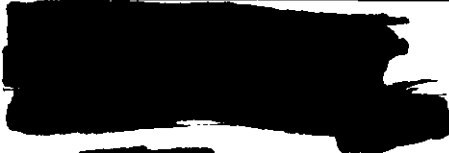
The Newark Public Schools
Office of the State District Superintendent
2 Cedar Street
Newark, New Jersey 07102-3091
Phone: 973-733-7333
Fax: 973-733-6834



Dr. William L. Librera
Commissioner of Education

February 26, 2002

VIA REGULAR AND CERTIFIED MAIL



Dear [Redacted]:

You are herewith advised that Charges of Excessive Absenteeism, Excessive Tardiness, Insubordination and Unbecoming Conduct have been filed against you.

In that regard, enclosed please find 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 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 the 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
State District Superintendent

Enclosures
Cc: Randall Kanter



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
District Superintendent**

**Vito A. Gagliardi, Sr.
Acting Commissioner of Education**

**Hope R. Blackburn, Esq.
General Counsel**

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

March 27, 2002

Dr. 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**

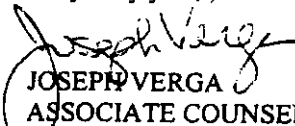
Dear Commissioner Librera:

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
Randall Kanter, State District Assistant Superintendent
[REDACTED]

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], a tenured teacher at [REDACTED] [REDACTED] is guilty of Chronic and Excessive Absenteeism; Chronic and Excessive Tardiness; and Insubordination, 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 Chronic and Excessive Absenteeism by way of the following:

1. [REDACTED] has been chronically and excessively absent from his duties as a teacher. As a result of his excessive absenteeism, there has been a disruption in the continuity of instruction to the pupils of the Newark Public Schools. From September 1998 through February 2002, [REDACTED] has been absent from his duties approximately 149.5 days in the following manner (See Exhibit 1):
 - a) 1998-1999 school year: absent 30 days
 - b) 1999-2000 school year: absent 23 days
 - c) 2000-2001 school year: absent 3.5 days
 - d) 2001-2002 school year: absent 93 days

2. [REDACTED] has been repeatedly advised that his attendance was unsatisfactory and needed to be improved (See Exhibits 21, 27, 28, 29, 30, 31, and 32).

CHARGE NUMBER TWO

[REDACTED] is guilty of Chronic and Excessive Tardiness by way of the following:

1. [REDACTED] was chronically and excessively tardy during the 1998-99 school year. As a result of his excessive tardiness, there was a disruption in the continuity of instruction to the pupils of the Newark Public Schools. From September 1998 through June 1999, [REDACTED] was tardy approximately 34 times (See Exhibit 1).
2. During the 1998-99 school year, [REDACTED] was repeatedly advised that his excessive tardiness was unsatisfactory and his punctuality needed to improve (See Exhibits 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26).
3. [REDACTED] was chronically and excessively tardy during the 1999-2000 school year. As a result of his excessive tardiness, there was a disruption in the continuity of instruction to the pupils of the Newark Public Schools. From September 1999 through February 4, 2000, [REDACTED] was tardy approximately 38 times (See Exhibit 1).

4. [REDACTED] was chronically and excessively tardy during the 2000-2001 school year. As a result of his excessive tardiness, there was a disruption in the continuity of instruction to the pupils of the Newark Public Schools. During May and June 2001, [REDACTED] was tardy approximately 7 times (See Exhibit 1).
5. [REDACTED] was chronically and excessively tardy during the 2001-2002 school year. As a result of his excessive tardiness, there was a disruption in the continuity of instruction to the pupils of the Newark Public Schools. During September 2001, [REDACTED] was tardy approximately 2 times (See Exhibit 1).

CHARGE NUMBER THREE

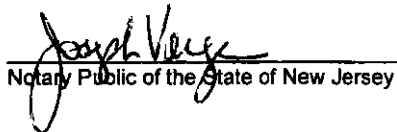
[REDACTED] is guilty of Insubordination constituting Unbecoming Conduct by way of the following:

1. [REDACTED] failed to appear for a District mandated examination, pursuant to N.J.S.A. 18A:16-2, on December 18, 2001 (See Exhibits 33, 34 and 35).



RANDALL KANTER
State District Assistant Superintendent

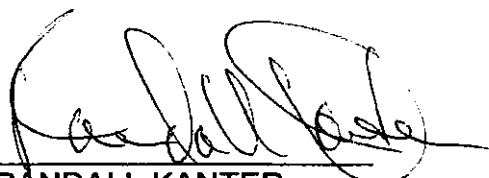
Sworn and subscribed to
before me this 25th day
of February, 2002



Notary Public of the State of New Jersey

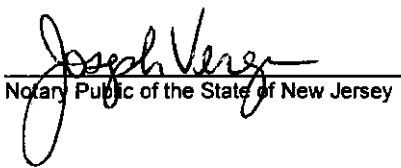
STATEMENT OF EVIDENCE

Documentary evidence in support of the Charges that [REDACTED] is guilty of Excessive Absenteeism; Excessive Tardiness; and Insubordination 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 27 day
of February, 2002



Notary Public of the State of New Jersey

APPENDIX OF EXHIBITS

1. Chronology of absences and lateness from 1998 through 2002.
2. Attendance Improvement Program for July 1, 1998 to June 30, 1999.
3. Teachers' Time Record for September 1998 to June 1999.
4. Attendance Improvement Program for July 1, 1999 to June 30, 2000.
5. Teachers' Time Record for September 1999 to June 2000.
6. Attendance Improvement Program for July 1, 2000 to June 30, 2001.
7. Teachers' Time Record for September 2000 to June 2001.
8. Attendance Improvement Program for July 1, 2001 to June 30, 2002.
9. Teachers' Time Record for September 2001 to February 2002.
10. Letter dated September 11, 1998, to [REDACTED] from Walter Kaczka, Dept. Chairman of Arts High School regarding tardiness on September 11, 1998.
11. Memorandum dated September 17, 1998, to [REDACTED] from Principal Eleta Caldwell of Arts High School regarding tardiness on September 17, 1998.
12. Letter dated September 22, 1998, to [REDACTED] from Walter Kaczka, Dept. Chairman of Arts High School regarding tardiness on September 17, 1998.
13. Memorandum dated September 24, 1998, to [REDACTED] from Vice Principal Mary Soriano of Arts High School regarding tardiness on September 23, 1998.
14. Letter dated February 24, 1999, to [REDACTED] from Walter Kaczka, Dept. Chairman of Arts High School regarding tardiness on February 8, 1999.
15. Letter dated February 26, 1999, to [REDACTED] from Walter Kaczka, Dept. Chairman of Arts High School regarding tardiness on February 26, 1999.
16. Memorandum dated April 8, 1999, to [REDACTED] from Walter Kackza, Dept. Chairman of Arts High School regarding professional responsibility.
17. Memorandum dated April 12, 1999, to [REDACTED] from Walter Kackza, Dept. Chairman of Arts High School regarding tardiness on April 12, 1999.

18. Memorandum dated April 12, 1999, to [REDACTED] from Walter Kackza, Dept. Chairman of Arts High School regarding afternoon tardiness on April 12, 1999.
19. Memorandum dated April 16, 1999, to [REDACTED] from Walter Kackza, Dept. Chairman of Arts High School regarding tardiness on April 16, 1999.
20. Memorandum dated April 21, 1999, to [REDACTED] from Walter Kackza, Dept. Chairman of Arts High School regarding tardiness on April 20, 1999.
21. Memorandum dated May 12, 1999, to [REDACTED] from Walter Kackza, Dept. Chairman of Arts High School regarding excessive tardiness and absenteeism during April and May 1999.
22. Letter dated May 25, 1999, to [REDACTED] from Walter Kackza, Dept. Chairman of Arts High School regarding tardiness on May 18 and 21, 1999.
23. Letter dated June 1, 1999, to [REDACTED] from Walter Kackza, Dept. Chairman of Arts High School regarding tardiness on May 26 and 27, 1999.
24. Undated Memorandum to [REDACTED] from Principal Eleta Caldwell of Arts High School regarding tardiness on June 4, 1999.
25. Letter dated June 7, 1999, to [REDACTED] from Walter Kackza, Dept. Chairman of Arts High School regarding tardiness on June 7, 1999.
26. 1998-99 Teacher Annual Evaluation and Professional Improvement Plan for 1999-2000.
27. Letter dated October 19, 2001, to [REDACTED] from Sarah Swinney of West Side High School regarding excessive absenteeism.
28. Letter dated October 22, 2001, to [REDACTED] from Fernard Williams, Principal of West Side High School, regarding Moore's AWOL status on October 22, 2001.
29. Letter dated October 23, 2001, to [REDACTED] from Fernard Williams, Principal of West Side High School, regarding Moore's AWOL status on October 23, 2001.
30. Letter dated October 24, 2001, to [REDACTED] from Fernard Williams, Principal of West Side High School, regarding Moore's AWOL status on October 24, 2001.

31. Letter dated October 25, 2001, to [REDACTED] from Fernard Williams, Principal of West Side High School, regarding Moore's AWOL status on October 25, 2001.
32. Letter dated October 26, 2001, to [REDACTED] from Fernard Williams, Principal of West Side High School, regarding Moore's AWOL status on October 26, 2001.
33. Letter dated November 15, 2001, to [REDACTED] from Assistant Superintendent Randall Kanter notifying Mr. Moore that he will be directed to report for a physical and psychiatric examination.
34. Letter dated December 11, 2001, to [REDACTED] from Assistant Superintendent Randall Kanter directing [REDACTED] to report for an examination on December 18, 2001; including signed receipt of service.
35. Letter dated December 21, 2001, to [REDACTED] from Assistant Superintendent Randall Kanter indicating that [REDACTED] failed to report for his examination on December 18, 2001.

**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 February 25, 2002, tenure charges of excessive absenteeism, excessive tardiness, insubordination, and unbecoming conduct, as well as supporting documents, were filed against [REDACTED] by Randall Kanter, 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 February 26, 2002.
5. To date, my office has not received a written response to the charges by [REDACTED]
6. Pursuant to N.J.S.A. 18A:6-11, I have considered the charges and supporting evidence alleging excessive absenteeism, excessive tardiness, insubordination, 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 April 1, 2002.

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
STATE DISTRICT SUPERINTENDENT

Dated: March 21, 2002

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

[REDACTED]


STATE-OPERATED SCHOOL
DISTRICT OF THE CITY OF
NEWARK

CERTIFICATION OF SERVICE

I hereby certify that on March 28, 2002, I caused the following documents to be served personally upon [REDACTED] via regular and certified mail:

- Certificate of Determination
- Tenure Charges of Excessive Absenteeism, Excessive Tardiness, Insubordination, 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: March 27, 2002

Newark, New Jersey

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 March 27, 2002 to certify tenure charges of excessive absenteeism, excessive tardiness, insubordination 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;


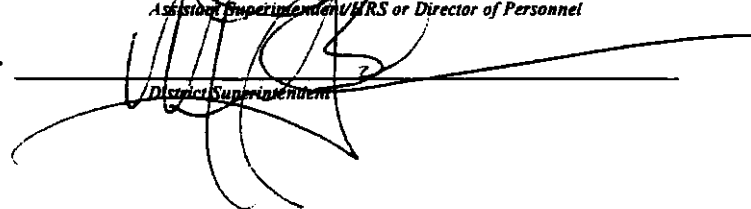
NOW THEREFORE BE IT RESOLVED that [REDACTED] is suspended without pay, effective April 1, 2002, in connection with the certification of tenure charges against him to the Commissioner of Education.

APPROVALS REQUIRED

Submitted by: _____

Approved by: _____

Approved by: _____

Name/Title

Assistant Superintendent/HRS or Director of Personnel

District Superintendent

Date
3/27/02
Date
3/27/2002
Date

IN THE MATTER OF THE TENURE :
HEARING OF ██████████ : COMMISSIONER OF EDUCATION
STATE-OPERATED SCHOOL DISTRICT : DECISION
OF THE CITY OF NEWARK, ESSEX :
COUNTY. :

IN THE MATTER OF THE TENURE :
HEARING OF ██████████ : COMMISSIONER OF EDUCATION
STATE-OPERATED SCHOOL DISTRICT : DECISION
OF THE CITY OF NEWARK, ESSEX :
COUNTY. :

For the District, Joseph Verga, Esq.

This matter having been opened before the Commissioner of Education on April 2, 2002 by the State-operated School District of the City of Newark through the certification of tenure charges against respondent, a tenured teacher, for excessive absenteeism, excessive tardiness, unbecoming conduct and insubordination; and

Respondent, having been served, via certified and regular mail, with a copy of the charges, the District's resolution, the Statement of Evidence and the Certificate of Determination on March 28, 2002; and

The Commissioner, having directed respondent, via both certified and regular mail on April 3, 2002, to file an Answer to the tenure charges against him; and

Whereas, there being no indication that respondent did not receive such communications, which clearly provided respondent notice that, pursuant to *N.J.A.C. 6A:3-5.3* and *6A:3-5.4*, an individual against whom tenure charges are certified "*shall have 15 days to submit a written response to the charges to the commissioner,*" and that failure to answer within the prescribed period will, absent granting of an extension for good cause shown, result in the charges being deemed admitted; and

Whereas, no reply having been received from respondent in response to the District's charges, each count of the charges against respondent is deemed to be admitted; and

Whereas, the Commissioner's review of the tenure charges certified against respondent by the District and the statement of evidence in support of those charges having indicated respondent was suspended without pay by the State Superintendent on March 27, 2002; and

Whereas, the Commissioner's review of the tenure charges and the statement of evidence in support of those charges having indicated that respondent was absent from his

position as a teacher in the Newark School District for approximately 149.5 days from 1998 until his suspension without pay upon the certification of the within charges; and

Whereas, the supporting papers submitted by the District having documented respondent's numerous occasions of tardiness since 1998 and his failure to appear for a psychiatric and physical examination on December 18, 2001, which he was ordered to undergo pursuant to *N.J.S.A.* 18A:16-2 and District Policy 4112.4; and

Whereas, the Commissioner of Education having deemed such charges to be admitted, and having noted that respondent has not replied to the specific allegations contained therein, the Commissioner finds that respondent's actions constitute excessive absenteeism, excessive tardiness, unbecoming conduct and insubordination, as charged by the State Superintendent, which warrant dismissal from his tenured teaching position; now therefore

IT IS ORDERED this 30th day of April 2002 that summary judgment shall be granted to the District, and respondent shall be dismissed from his tenured position as a teacher in the District's employ as of the date of this order.* The matter shall be forwarded to the State Board of Examiners, pursuant to *N.J.A.C.* 6:11-3.6, for action as it deems appropriate.


COMMISSIONER OF EDUCATION

Date of Decision: 4/30/02

Date of Mailing: 5/02/02

* This decision, as the Commissioner's final determination in the instant matter, may be appealed to the State Board of Education, pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6A:4-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after date of mailing to the parties.