

IN THE MATTER OF THE TENURE :  
HEARING OF PAULA WECKESSER, : COMMISSIONER OF EDUCATION  
SCHOOL DISTRICT OF THE : DECISION  
TOWNSHIP OF WOODBRIDGE, :  
MIDDLESEX COUNTY. :

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### SYNOPSIS

The Board certified tenure charges of insubordination and conduct unbecoming against Paula Weckesser, a tenured math teacher employed by the school district. The Board contended, *inter alia*, that respondent: conducted herself in an inappropriate and disrespectful manner over a prolonged period of time; interacted with colleagues, supervisors, and students in a manner unbecoming a professional; and continually engaged in a pattern of misconduct over the course of several years. The charges alleged that respondent: failed to adhere to District procedures and directives regarding her grade book and testing protocols; engaged in inappropriate dialogue with students on Facebook; acted in a defiant and rude manner with her supervisors; was chronically tardy; failed to locate or report a missing student; and repeatedly attributed her deficiencies in the classroom to her students. The petitioning Board sought removal of respondent from her tenured position.

The ALJ found, *inter alia*, that: respondent failed on numerous occasions to properly maintain grade books as required by District policy, and repeatedly refused to follow her supervisors' instructions regarding timely entering of grades; respondent continued a pattern of tardiness despite notifications from her supervisor that such behavior was not acceptable; respondent failed to adhere to an administrative directive that prohibited cell phones in testing rooms during the HSPA; respondent's communications with students – including calling one “a loser like you” on Facebook, and making sarcastic comments in the classroom – were highly inappropriate for an educator; respondent's challenges to the integrity and honesty of her superiors is likewise inappropriate; and respondent is defensive and places the blame for her poor performance on anyone but herself, including her students. The ALJ concluded that respondent's long history of unacceptable behavior constitutes unbecoming conduct and insubordination, and the number and nature of the instances of her conduct are such that the proper penalty in this case is termination of tenure. Accordingly, the ALJ ordered the tenure charges sustained, and the respondent's tenure terminated.

Upon full consideration and review, the Commissioner concurred with the findings and conclusions of the ALJ, and adopted the Initial Decision of the OAL as the final decision in this matter. Accordingly, the respondent was dismissed from her tenured position and a copy of this decision was forwarded to the State Board of Examiners for action as that body may deem appropriate.

<p>This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.</p>
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July 29, 2013

OAL DKT. NO. EDU 9195-12  
AGENCY DKT NO. 179-7/12

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions.

This case involves tenure charges brought by the Board of Education (Board) against the respondent, Paula Weckesser, a tenured teacher in the Woodbridge Township School District. The Board charged the respondent with several counts of insubordination and unbecoming conduct based on a pattern of misconduct over a period of time, including: lack of professionalism; acting in a defiant, rude and accusatory manner with superiors; failure to comply with district procedures and administrative directives; chronic tardiness; inappropriate dialogue with students on a social media website; and failure to locate or report a missing student. The Administrative Law Judge (ALJ) found that the respondent was guilty of unbecoming conduct and insubordination, and recommended that the respondent be removed from her tenured position.

Upon a comprehensive review of the entire record in this matter, which included the transcripts of the hearing conducted at the OAL, the Commissioner concurs with the ALJ that the Board has established that respondent is guilty of unbecoming conduct and insubordination. The Commissioner finds that the ALJ's fact-finding analysis and conclusions as to the truth of

the Board's allegations – and the characterization of respondent's behavior as insubordinate and unbecoming conduct – to be fully supported by the record and consistent with applicable law.<sup>1</sup> The Commissioner also finds no basis in the record to reject either the ALJ's recitations of testimony or her determinations of witness credibility. The ALJ had the opportunity to assess the credibility of the witnesses who appeared before her and made findings of fact based upon their testimony. It is well established that the Commissioner must defer to the credibility findings of the ALJ unless these prove to be arbitrary, capricious or unreasonable or are not supported by sufficient, competent and credible evidence in the record. *N.J.S.A. 52:14B-10(c)*.

Turning to the appropriate penalty in this matter, the Commissioner recognizes that the factors to be taken into account in making a penalty determination include the nature and circumstances of the incidents or charges, any evidence as to provocation, the teacher's prior record and present attitude, the effect of such conduct on the maintenance of discipline among the students and staff, and the likelihood of such behavior recurring. *In re Hearing of Kittell, Little Silver School District*, 1972 *S.L.D.* 535, 541; *In re Fulcomer*, 93 *N.J. Super.* 404, 422 (App. Div. 1967). It is also well recognized that by virtue of the unique position they occupy, educators must be held to an enhanced standard of behavior.

In this case, respondent's unbecoming conduct and insubordination was not the result of an isolated incident, but rather a pattern of conduct that continued throughout several school years.<sup>2</sup> The record also demonstrates that respondent has been unwilling or unable to improve her inappropriate behavior for the betterment of the school environment. As a result,

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<sup>1</sup> The Commissioner is also in accord with the ALJ's determination that the respondent's use of a student's test to write a pass, and the two phone calls with vice-principal Ms. Wandras did not rise to the level of insubordination.

<sup>2</sup> The details and history of respondent's conduct are extensively outlined in the Initial Decision and need not be repeated here.

the Commissioner finds that the respondent is unfit to discharge the duties and functions of her position as a teacher.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter. Respondent is hereby dismissed from her tenured position with the Woodbridge Township School District. This matter will be transmitted to the State Board of Examiners for action against respondent's certificate(s) as that body deems appropriate.

IT IS SO ORDERED.<sup>3</sup>

COMMISSIONER OF EDUCATION

Date of Decision: July 29, 2013

Date of Mailing: July 31, 2013

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<sup>3</sup> Pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*, Commissioner decisions are appealable to the Superior Court, Appellate Division.