

STATE BOARD OF EXAMINERS DKT. NO. 1112-201
AGENCY DKT NO. 8-8/13A

IN THE MATTER OF THE :
SUSPENSION OF THE CERTIFICATES : COMMISSIONER OF EDUCATION
OF MARY LOU FORSELL BY THE : DECISION
STATE BOARD OF EXAMINERS :

Order of Suspension by the State Board of Examiners, July 25, 2013

For the Respondent-Appellant, Michael T. Barrett, Esq.

For the Petitioner-Respondent State Board of Examiners, Caroline Jones,
Deputy Attorney General (John J. Hoffman, Acting Attorney General of New Jersey)

Appellant challenges the determination of the New Jersey State Board of Examiners (Board of Examiners) that her actions warranted the suspension of her teaching certificates for a period of two years. Specifically, appellant maintains that the decision should be reversed because the penalty imposed by the Board of Examiners is unreasonably harsh in light of her lengthy career and otherwise unblemished record.

In reviewing appeals from decisions of the Board of Examiners, the Commissioner may not substitute his judgment for that of the Board so long as the Board's decision is supported by sufficient credible evidence in the record. Further, the Board of Examiners' decision should not be disturbed unless the appellant demonstrates that it is arbitrary, capricious, or unreasonable. *N.J.A.C. 6A:4-4.1(a)*.

After full consideration of the record and all submissions, the Commissioner finds that the record adequately supports the Board of Examiner's determination that the appellant engaged in unbecoming conduct and that the suspension of the appellant's certificates was the appropriate penalty. In the underlying tenure matter, appellant was found to have engaged

...in conduct unbecoming a tenured educator and exhibited a lack of concern for the privacy of students. She failed to properly manage her classroom and in so doing allowed the posting of many entirely inappropriate pictures depicting matters not properly exhibited in a school classroom, pictures which, in many cases, included the images of students. She allowed students to leave class early and did so herself. She on more than one occasion failed to exhibit either the awareness of, or ability to carry out her responsibility to protect the privacy of her students and their families in regard to financial information to which she had become privy. Finally, she made remarks that were simply inappropriate in the context in which they were expressed, regardless of her right to hold such views as she might have in respect to matters regarding special education, disability issues and matters relating to personal family decisions. (Initial Decision at 25), (Commissioner's Decision at 2)

The Board's characterization of appellant's behavior as unbecoming conduct necessitating the suspension of her certificates is fully consistent with applicable law.

Moreover, the Board's decision makes clear that, in assessing the appropriate penalty, the Board not only considered the gravity of appellant's conduct, but also took into account appellant's otherwise unblemished career and willingness to accept responsibility for her conduct. These mitigating factors persuaded the Board of Examiners that a two-year suspension was more appropriate than revocation. As a result, there is nothing in the record to suggest that the Board's decision was arbitrary, capricious or unreasonable, and the Commissioner finds no basis upon which to disturb the decision of the Board of Examiners.

Accordingly the decision of the State Board of Examiners is affirmed for the reasons expressed therein.¹

COMMISSIONER OF EDUCATION

Date of Decision: March 5, 2014
Date of Mailing: March 6, 2014

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.