

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
BARBARA LENTINE : ORDER OF SUSPENSION
_____ : DOCKET NO: 1011-136

At its meeting of December 9, 2010, the State Board of Examiners (Board) reviewed information it had received from the Readington Township School District (Readington) regarding Barbara Lentine. Pursuant to *N.J.A.C. 6A:9-17.4*, Readington reported that Lentine had resigned from her position as a certified school nurse after the district alleged that she had failed to perform her responsibilities in accordance with school health procedures, policies and guidelines; failed to document accurately the provision of nursing services to students; falsified documents regarding the provision of nursing services to students; used a district computer for personal purposes; used sick time for improper purposes and had excessive absenteeism. Lentine holds a School Nurse certificate, issued in September 1979, a Teacher of Health and Physical Education certificate, issued in May 1981, a Supervisor certificate, issued in September 1982, a Principal certificate, issued in April 1983 and a School Business Administrator Certificate of Eligibility, issued in February 1997. Upon review of the above information, at its January 20, 2011 meeting, the Board voted to issue an Order to Show Cause to Lentine as to why her certificates should not be revoked.

The Board sent Lentine the Order to Show Cause by regular and certified mail on January 24, 2011. The Order provided that Lentine must file an Answer within 30 days. Lentine responded on February 14, 2011. In her Answer, Lentine denied the allegations in the Order to Show Cause regarding her conduct and the justification for the possible revocation of her certificates. (Answer, ¶¶ 4, 5). She also claimed that the delay in issuing the Order to Show Cause deprived her of the ability “to timely respond to these charges” and caused her prejudice in terms of the memory loss of witnesses and the loss of relevant evidence. (Answer, First Separate Defense). Lentine also argued that the facts in the case did not justify the suspension or revocation of her certificates and noted that the underlying tenure charges

were “false and defamatory in many respects and took numerous ‘facts’ out of context.” (Answer, Second and Third Separate Defenses).

Since there were material facts in dispute, on March 11, 2011, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge (ALJ) Donald Stein heard the matter on August 17, 2011 and several dates in February, March and April 2012. The record closed on July 17, 2012 and the ALJ issued an Initial Decision on July 19, 2012. *In the Matter of the Teaching Certificates of Barbara Lentine*, Dkt. No. EDE 2871-11 (Initial Decision, July 19, 2012).

In that decision, ALJ Stein found that Readington’s investigation into Lentine’s conduct was biased. (Initial Decision, slip op. at 27). The ALJ found that Readington’s motives were “somewhat suspect” as Lentine was a long-term employee who had “glowing evaluations without any hint of a problem.” *Id.* at 26. The ALJ also noted that in Lentine’s twenty-seven years of employment, she “was never told there was anything wrong with her paperwork or medical documentation.” *Ibid.* ALJ Stein found that Readington was ready to terminate Lentine as soon as it had a reason, noting that “when there was an allegation that a particular record or document could not be found, Readington immediately reached the conclusion that the records did not exist, without even consulting the respondent or the administrative offices.” *Id.* at 26-27. As for the allegation that Lentine failed to perform responsibilities in accordance with school health procedures, policies and guidelines, the ALJ determined that the Board did not show that: Lentine failed to have an emergency plan; failed to have a substitute binder; failed to have medication logs; and failed to maintain emergency cards. *Id.* at 27-29. ALJ Stein concluded that Lentine did not record student health visit forms daily and did keep expired medications in the office, albeit in a separate, locked drawer. *Id.* at 29-30. The ALJ similarly found that the Board did not prove that Lentine failed to perform hearing and vision tests or blood pressure screenings. *Id.* at 30-31. While ALJ Stein acknowledged that Lentine’s “records may not have been perfect, and other nurses may have done a better job,” he added that “the record does not indicate that there were any significant deficiencies, or that any students had any difficulties as a direct result.” *Id.* at 32.

In finding that the Board did not prove that Lentine had failed to document nursing services provided to students, ALJ Stein also noted that “there were serious credibility issues with some of the Board witnesses...” *Ibid.* The ALJ found it troubling that “one inspection could not find certain documents, and the respondent was never asked to explain and indicate where the documentation was located. *Ibid.* Finally, on the issue of “falsified documents regarding the services provided to students,” the ALJ found that there were discrepancies between Lentine’s attendance records and office visit logs which indicated that Lentine apparently treated students on dates those students were absent from school. *Id.* at 33. After noting that Lentine did not deny the discrepancies and attributed them to a mistake in either misreading or miswriting the dates that teachers provided to her, ALJ Stein found that the Board had not shown that Lentine had any fraudulent intent: “there was not motive or benefit to the respondent to intentionally and fraudulently enter this information.” *Ibid.*

After assessing the evidence, ALJ Stein concluded that the Board had “failed to establish by a preponderance of the competent and credible evidence any of the allegations in the order to show cause....” *Id.* at 35. The ALJ concluded that while Lentine’s record keeping may not have been perfect, it did not reach the level of unbecoming conduct. *Id.* at 34. He added that there was no evidence that her record keeping had any effect on the school or its students, that all necessary paperwork was filed with the state without incident and that her nursing plan was approved by Readington’s physician. *Id.* at 34. All of these factors led ALJ Stein to conclude that revocation of Lentine’s certificate was not warranted. *Id.* at 35. Accordingly, the ALJ ordered the matter dismissed with prejudice. *Ibid.* The Deputy Attorney General (DAG) representing the Board submitted Exceptions and Lentine submitted a Reply Brief in the case.

In his Exceptions, the DAG argued that the testimony presented at the hearing showed that, contrary to the ALJ’s conclusion that the investigation was biased against Lentine, the former Director of Special Services tried to work with Lentine to correct performance concerns during the 2005-2006 school year. (Exceptions, p. 13). The DAG also noted that the Initial Decision recognized that Lentine’s performance was deficient in that she kept expired medication in her office and completed the School

Health Visit Logs at the end of the year in June, rather than filling them out daily. (Exceptions, p. 13). After noting that ALJ Stein had found that Lentine had discrepancies in her paperwork, the DAG stated that “the court overlooked the fact that Respondent, after learning of the allegations that her records were incomplete, acknowledged that they would be an issue and took the daily health visit log book home to complete.” (Exceptions, p. 14). The DAG also pointed out that after completing the logs, “they incorrectly reflected that on at least twenty-five occasions Respondent treated students on a day when either she or the treated student was absent from school.” (Exceptions, p. 15) (emphasis in original). The DAG argued that the number of inaccuracies in the log book, coupled with Lentine’s action in bringing the book home and completing it after she found out there was a concern about her record keeping, pointed toward her intentionally falsifying the records. (Exceptions, pp. 15-16). As a result, the DAG maintained that “the Initial Decision should be modified to reflect a finding that Respondent exhibited conduct unbecoming a certificate holder sufficient to warrant revocation of her certificates.” (Exceptions, p. 17).

In her Reply Brief, Lentine claimed that the ALJ “fairly summarized the testimony and evidence on both sides, explaining how he weighed the proofs before him and explaining why he credited, or discredited, certain testimony.” (Reply, p 2). Lentine also took issue with many of the assertions the DAG made in his Exceptions, including the lack of bias of the investigation against Lentine, her lack of communication with a substitute nurse, the condition of Lentine’s office and records and the falsification of records by Lentine. (Reply, pp. 4-10). Lentine also noted that the witnesses that spent time around her office “painted quite a different picture from the disorganized chaos the Attorney general’s witnesses described.” (Reply, p. 10). Lentine claimed that Judge Stein’s factual findings were correct and that there was no basis to disturb them. (Reply, p. 11). She also argued that ALJ Stein’s legal conclusion that any recordkeeping issues that were proven did not warrant action against her certificates should be adopted by the Board since “the ALJ’s conclusion was based not on arbitrary or capricious findings, but on findings that were the product of six hearing days, which appropriately considered mitigating factors,” including her spotless and lengthy employment record. (Reply, p. 12).

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of September 21, 2012, the Board reviewed the Initial Decision, the Exceptions and Lentine's Reply Brief. After full and fair consideration of the Decision, the Board voted to adopt the Initial Decision, with modification as to penalty.

As noted above, ALJ Stein concluded that Lentine had discrepancies in her medical records and altered the School Health Visit Logs after-the-fact. (Initial Decision, slip op. at 30, 33). The ALJ concluded that these behaviors were not intended to deceive and therefore, no action against Lentine's certificates was warranted. The Board disagrees. "Teachers ... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." *Tenure of Sammons*, 1972 *S.L.D.* 302, 321. Lentine admitted that she did not complete daily logs of student health visits and, instead, completed her log books in June. She also admitted that she took the log home in order to complete the records. While the ALJ may be correct in stating that this conduct did not impact students, that result is mere happenstance and should not be the basis of a reprieve for Lentine. Her admitted conduct and deviation from proper record keeping was dangerous and did, in fact, result in many discrepancies. The Board cannot countenance her disregard for appropriate record keeping and believes that a penalty is warranted here. However, the Board is bound by the ALJ's credibility determinations and will defer to those findings. Moreover, it is also mindful of Lentine's long and heretofore unblemished record. The Board therefore believes that a six month suspension of Lentine's certificates is appropriate here and adopts the Initial Decision, with modification, to reflect that penalty.

Accordingly, on September 21, 2012, the Board voted to adopt, with modification, the Initial Decision and ordered to suspend Lentine's certificates for six months. On this 30th day of November 2012, the Board formally adopted its written decision to adopt, with modification, the Initial Decision in this matter, and it is therefore ORDERED that Barbara Lentine's School Business Administrator Certificate of Eligibility and School Nurse, Teacher of Health and Physical Education, Supervisor, and Principal certificates be hereby suspended for six months effective immediately. It is further ORDERED

that Lentine return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to *N.J.S.A.* 18A:6-38.4.