

EDU #7290-94
C # 478-96
SB # 87-96

IN THE MATTER OF THE TENURE :
HEARING OF MICHELE SHUART, :
BOARD OF EDUCATION OF THE : STATE BOARD OF EDUCATION
BOROUGH OF ELMWOOD PARK, : DECISION
BERGEN COUNTY. :

Decided by the Commissioner of Education, November 1, 1996

For the Petitioner-Appellant, Glenn T. Leonard, Esq.

For the Respondent-Respondent, Wills, O'Neill & Mellk (Patricia L. Ratner,
Esq., of Counsel)

After a thorough review of the record, including the transcripts of the hearings held in the Office of Administrative Law in this matter, we affirm the decision of the Commissioner of Education for the reasons expressed therein. We fully agree with the Administrative Law Judge and the Commissioner that the Elmwood Park Board has failed to meet its burden of demonstrating the truthfulness of the tenure charges certified against respondent by a preponderance of the credible evidence.

Moreover, in view of our concurrence with the Commissioner's finding that the testimony presented against respondent by Jeffrey K. Walensky, a teaching staff member formerly employed by the Elmwood Park Board, was not credible, and given the serious allegations made against Walensky during the hearing, including testimony

that he had shown a pornographic magazine to students in class, we direct that this matter be forwarded to the State Board of Examiners for any action against Walensky it deems appropriate pursuant to N.J.A.C. 6:11-3.6. See Arthur Hansen v. Board of Education of the Township of Nutley, decided by the State Board, March 7, 1990, request for reconsideration denied, May 2, 1990.¹

March 5, 1997

Date of mailing _____

¹ We note that N.J.A.C. 6:11-3.6(c) provides that the State Board of Examiners may issue an order to show cause on its own initiative where it has reason to believe that grounds for revocation or suspension of a teaching certificate exist.