

IN THE MATTER OF THE TENURE :
HEARING OF RICHARD P. ADAMS, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE : DECISION
BOROUGH OF OCEAN GATE, :
OCEAN COUNTY. :
_____:

SYNOPSIS

Board certified tenure charges of unbecoming conduct, insubordination and failing to perform duties against District superintendent. In consolidated matter, Board brought second set of tenure charges against respondent for unbecoming conduct.

ALJ dismissed the first set of tenure charges, finding that they did not constitute unbecoming conduct or insubordination, but, rather, as the charges were related to the Board's dissatisfaction with respondent's performance, as such, they amounted to inefficiency. In that the Board had not accorded respondent the 90 days to improve his performance as required by *N.J.S.A. 18A:6-11*, the ALJ dismissed the charges. ALJ dismissed the second set of tenure charges as having no legal or factual basis.

Commissioner adopted findings and determination in initial decision as his own.

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The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon his review, the Commissioner concurs with the findings and conclusions of the Administrative Law Judge. The record establishes that the first set of tenure charges herein, OAL Docket No. EDU 8519-96, are properly categorized as inefficiency and must, therefore, be dismissed for the Board's failure to comply with the requirements of *N.J.S.A.* 18A:6-11. Likewise, the Commissioner agrees that the Board's second set of tenure charges against respondent, OAL Docket No. 4488-97, must be dismissed as the record does not provide any legal or factual basis for such charges.

Accordingly, the initial decision of the OAL is adopted as the final decision in this matter for the reasons stated therein, and the instant tenure charges against respondent are hereby dismissed.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION