

IN THE MATTER OF THE TENURE : COMMISSIONER OF EDUCATION
HEARING OF JAMES B. LEDERER, :
BERGEN COUNTY SPECIAL : DECISION
SERVICES SCHOOL DISTRICT, :
BERGEN COUNTY. :
_____ :

SYNOPSIS

Board certified tenure charges of unbecoming conduct against respondent superintendent. ALJ recommended acceptance of settlement agreement.

Commissioner rejected the proposed agreement as it failed to comport with the *Cardonick* standard and remanded matter to OAL for revision of settlement.

March 11, 1998

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The record of this matter and the initial decision of the Office of Administrative Law in the form of a joint stipulation of settlement have been reviewed.

Upon such review, the Commissioner determines to reject the proposed agreement as it is presently written, in that it fails to comport with the *Cardonick* standard for review of settlements in tenure matters. *In re Cardonick*, decided by the Commissioner April 7, 1982, aff'd State Board April 6, 1983, 1990 *S.L.D.* 842, 846. Specifically, neither the agreement nor the underlying record indicate respondent's understanding of the Commissioner's duty to refer this matter to the State Board of Examiners for possible revocation of respondent's certificate(s), nor does the District Board which certified the tenure charges acknowledge its duty to cooperate with the Board of Examiners in any proceeding that body may elect to undertake with regard to such revocation. *N.J.A.C.* 6:11-3.5, 6:11-3.6. Particularly under circumstances such as exist in this matter, in order to meet his obligation to the schools and children of this State, the Commissioner cannot permit resolution of tenure proceedings through an agreement that is not clear and explicit on these points.

Accordingly, for the reasons expressed herein, the initial decision recommending acceptance of the settlement agreement is reversed and this matter remanded to the Office of Administrative Law for revision of the settlement agreement consistent with the requirements set forth above.¹

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

¹ This decision, as the Commissioner's final determination in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6:2-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.

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