

IN THE MATTER OF THE TENURE :  
HEARING OF SAWSON LABIB, :  
STATE-OPERATED SCHOOL DISTRICT : COMMISSIONER OF EDUCATION  
OF THE CITY OF JERSEY CITY, : DECISION  
HUDSON COUNTY. :  
\_\_\_\_\_ :

SYNOPSIS

District certified tenure charges of unbecoming conduct against respondent teacher of the handicapped for excessive and chronic absenteeism.

District did prove that respondent's absences from the 1988-89 school year through the 1995-96 school year adversely affected the continuity of instruction to her students. In light of the numerous warnings given respondent, the withholding of her increment for the 1995-96 school year and the District's continued dissatisfaction with her rate of absenteeism, the ALJ concluded that the absenteeism warranted respondent's removal from her tenured position.

Commissioner adopted findings and determination in initial decision as his own. Commissioner ordered respondent dismissed from her position and the matter referred to the State Board of Examiners for further action as it deems appropriate.

NOVEMBER 17, 1998

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The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. The parties filed no exceptions.

Upon careful and independent review, the Commissioner concurs with the Administrative Law Judge (ALJ) that the District has demonstrated by a preponderance of credible evidence that respondent is guilty of excessive absenteeism, and notes that respondent does not dispute that her absenteeism has adversely impacted her classroom teaching performance. The District has further proven its efforts to fairly notify respondent of her absenteeism problem, which respondent does not assert will improve.

Accordingly, the initial decision of the ALJ is adopted for the reasons expressed therein. Respondent is terminated from her tenured position as a teacher in the District as of the date of this decision, and this matter will be forwarded to the State Board of Examiners for action as it deems appropriate pursuant to *N.J.A.C. 6:11-3.6*.\*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

NOVEMBER 17, 1998

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\* 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.

