

IN THE MATTER OF THE TENURE :
HEARING OF ROGER WOOD, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE : DECISION
BOROUGH OF SOUTH PLAINFIELD, :
MIDDLESEX COUNTY. :
_____ :

SYNOPSIS

Board certified tenure charges of unbecoming conduct and other just cause against respondent teacher for alleged improper touching of female students. Respondent's misconduct was also the subject of criminal complaints and an indictment. Respondent pled guilty to three counts of third-degree endangering the welfare of children, violations of *N.J.S.A. 2C:24-4(a)*. In his judgment of conviction, the Superior Court Judge ordered respondent to resign from his teaching position, to surrender any teaching certificate, never again to assume a teaching position, to serve four years of probation on each count concurrent, to undergo therapy, to be subject to community supervision for life, to have no contact with the victims and no unsupervised contact with females under 18 years of age. Moreover, respondent cannot seek employment where a female under the age of eighteen is employed.

Consistent with the Superior Court judgment, the Board's claims were granted by the ALJ and respondent was dismissed from his teaching position. The ALJ further determined that, given the stay and delay in disposition of this case at respondent's request, the Board was not responsible for payment of back pay and/or benefits to respondent.

The Commissioner adopted the findings and determination in the Initial Decision as his own with modification. The Commissioner concurred with the ALJ that the Board's tenure charges of unbecoming conduct were sustained, justifying respondent's dismissal and that respondent had no entitlement to back pay or benefits. The Commissioner, however, declined to reach the ALJ's Initial Decision discussion with respect to whether a stay of tenure proceedings as a consequence of an ongoing related criminal "investigation" was possible, determining that resolution of that issue was not necessary to the adjudication of this matter.

August 18, 2000

OAL DKT. NO. EDU 8447-98
AGENCY DKT. NO. 409-9/98

IN THE MATTER OF THE TENURE :
HEARING OF ROGER WOOD, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE : DECISION
BOROUGH OF SOUTH PLAINFIELD, :
MIDDLESEX COUNTY. :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to the Initial Decision.

Upon his full and independent review of the record, the Commissioner concurs with the Administrative Law Judge (ALJ) that, in light of respondent's guilty plea to three counts of violations of *N.J.S.A. 2C:24-4(a)* and the resultant Judgment of Conviction entered by the Honorable Barnett E. Hoffman, PJCD, on May 22, 2000, the Board's tenure charges of unbecoming conduct against him have been sustained, justifying his dismissal. The Commissioner further agrees that because the delay in the disposition of this matter was at respondent's request, he has no entitlement, pursuant to *N.J.S.A. 18A:6-14*, to back pay or benefits from the Board. In so determining, however, the Commissioner declines to reach the ALJ's extensive Initial Decision discussion with respect to whether respondent could be granted a stay of tenure proceedings as a consequence of an ongoing related criminal "investigation," since he finds that resolution of this particular issue, under the circumstances existing here, is not necessary to the adjudication of the within matter.

Accordingly, the Initial Decision of the OAL is affirmed with the exception noted above.¹

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: August 18, 2000

Date of Mailing: August 25, 2000

¹ It is noted that, pursuant to the May 22, 2000 Judgment of Conviction, respondent was required to surrender all of his teaching certificates.

² This decision, as the Commissioner's final determination, 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. 6A:4-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.