

BOARD OF EDUCATION OF THE :
TOWNSHIP OF IRVINGTON, :
ESSEX COUNTY, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
PAUL VARANO, : DECISION
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning Board sought order requiring respondent industrial arts teacher to submit to a psychiatric examination pursuant to *N.J.S.A.* 18A:16-2. Respondent did not comply with the Board's directive for said examination and was suspended with pay.

The ALJ found that the evidence presented in the certification and evaluations of the Board demonstrated the deterioration of respondent's classroom performance and his defiant or nonresponsive attitude and behavior represented a serious deviation from the norm. The ALJ concluded that the Board had sufficient reason to require the psychiatric examination. Thus, the ALJ concluded that the Board had the right under *N.J.S.A.* 18A:6-2 to request that respondent have a psychiatric examination and that he must comply. The ALJ noted that the Board should consider bringing tenure charges if respondent does not comply with the order.

The Commissioner adopted the findings and determination in the Initial Decision as his own and directed respondent to undergo a psychiatric evaluation within 30 days of this decision.

OAL DKT. NO. EDU 5203-00
AGENCY DKT. NO. 88-3/00

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions.

Upon careful and independent review of the record in this matter,¹ the Commissioner agrees with the Administrative Law Judge's assessment that the evidence presented in the certification and evaluations of the Board demonstrate deterioration of respondent's classroom performance and that his defiant and nonresponsive attitude and behavior represent a serious deviation from the norm.

¹ The Commissioner notes that respondent's sole response to the petition consists of copies of correspondence between respondent and attorneys from two separate law firms and a cover letter which states in its entirety:

1. I do wish to request an extension pursuant to N.J.A.C. 6A:3-1.5, due to the bad faith effort of the NJEA lawyer's. See copies enclosed. I will be appealing to the president of the N.J.E.A. for honest representation.
2. For the record, I do dispute every complaint made by the Order to Show Cause for Emergent Relief. Dated 4/18/00.

Please return copy of same in the envelope provided. Thank you.

Accordingly, for the reasons expressed in the Initial Decision, respondent is directed to undergo a psychiatric evaluation within 30 days of this decision.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: February 16, 2001

Date of Mailing: February 16, 2001

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:2-1.1 et seq.* Commissioner decisions are deemed filed three days after the date of mailing to the parties.