

261-02

IN THE MATTER OF THE TENURE :
HEARING OF PAUL VARANO, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE TOWNSHIP: DECISION
OF IRVINGTON, ESSEX COUNTY. :

SYNOPSIS

The Board certified tenure charges of unbecoming conduct, incapacity and other just cause against respondent industrial arts teacher due to unsatisfactory evaluations and his ineffectiveness as a teacher.

The ALJ determined that overwhelming evidence showed that respondent had not been providing proper instruction to his class for a period of two years. The ALJ found that the Board had established its tenure charges of unbecoming conduct, incapacity and other just cause against respondent. The ALJ ordered respondent dismissed from his tenured teaching position.

The Commissioner affirmed the Initial Decision and directed that respondent be dismissed from his position as of the date of this decision. The Commissioner ordered the matter transmitted to the State Board of Examiners for action as it deems appropriate.

<p>This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.</p>

July 1, 2002

OAL DKT. NO. EDU 3087-02
AGENCY DKT. NO. 46-2/02

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The record and Initial Decision issued by the Office of Administrative Law (OAL) have been reviewed. Respondent's exceptions were untimely, pursuant to *N.J.A.C. 1:1-18.4*, having been filed on June 10, 2002 in response to an Initial Decision mailed on May 23, 2002. Consequently, these are not considered herein.

Upon careful and independent review, the Commissioner concurs with the Administrative Law Judge (ALJ), for the reasons detailed in the Initial Decision, that the District has sustained its charges of unbecoming conduct, incapacity and other just cause against respondent by a preponderance of the credible evidence. The Commissioner further agrees with the ALJ that, under the circumstances existing here, respondent's dismissal from his position is warranted.

Accordingly, the Commissioner affirms the Initial Decision of the OAL and hereby directs that Paul Varano be dismissed from his teaching position with the School District of Irvington as of the date of this decision. This matter shall be transmitted to the State Board of Examiners, pursuant to *N.J.A.C. 6:11-3.6*, for action, as that body deems appropriate, against respondent's certificate.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 1, 2002
Date of Mailing: July 1, 2002

* This decision 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.