

IN THE MATTER OF THE TENURE :
HEARING OF ROSA SARDUY, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
PASSAIC, PASSAIC COUNTY. :

SYNOPSIS

The Board certified tenure charges of unbecoming conduct and insubordination against respondent assistant principal who had been employed in the District since 1974 in a variety of positions, both teaching and administrative. The charges involved failure to perform certain assigned duties, failure to call in absences, refusal to perform duties even after receiving directives from the Superintendent and other unprofessional actions.

Following six days of hearing, the ALJ determined that the Board had established that Charges 1, 2, 4 and the first paragraph of Charge 7 had been sustained by a preponderance of the credible evidence and warranted respondent's removal from her position. The ALJ ordered respondent dismissed from her employment as a tenured assistant principal.

The Commissioner concurred with the ALJ and ordered respondent dismissed from her position as of the date of this decision and directed that a copy of this decision be transmitted to the State Board of Examiners for action as that body 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>

December 11, 2003

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The record and Initial Decision issued by the Office of Administrative Law (OAL) have been reviewed. Respondent's exceptions and the District's reply thereto were filed in accordance with *N.J.A.C.* 1:1-18.4 and were fully considered by the Commissioner in his determination herein.

Upon his full independent review of the record in this matter, which included transcripts of the hearing at the OAL,¹ the Commissioner concurs with the Administrative Law Judge (ALJ) that Charges 1, 2, 4 and the first paragraph of Charge 7 have been sustained by a preponderance of the credible evidence.² The Commissioner further concurs with the ALJ, for the reasons fully and fairly presented on pages 29-32 of his decision, that the proven charges against respondent warrant termination from her tenured position.

Accordingly, the Initial Decision of the OAL is adopted for the reasons articulated therein. The Commissioner hereby directs that Rosa Sarduy be dismissed from her employment as a tenured assistant principal with the School District of Passaic as of the date of this decision.

¹ Hearing in this matter was conducted on December 3, 2002, January 22, 2003, March 7, 2003, April 7, 2003, May 28, 2003 and June 5, 2003.

² The Commissioner agrees, for the reasons aptly stated by the ALJ, that Charges 3, 5, 6 and the second paragraph of Charge 7 are appropriately dismissed.

A copy of this decision shall be transmitted to the State Board of Examiners for action as that body deems appropriate.

IT IS SO ORDERED.³

COMMISSIONER OF EDUCATION

Date of Decision: December 11, 2003

Date of Mailing: December 16, 2003

³ 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.*