

IN THE MATTER OF THE TENURE :
HEARING OF PAUL ASH, : COMMISSIONER OF EDUCATION
NEW JERSEY DEPARTMENT OF : DECISION
LAW AND PUBLIC SAFETY, :
JUVENILE JUSTICE COMMISSION. :
_____ :

SYNOPSIS

Petitioner certified three sets of tenure charges against respondent – a tenured health and physical education teacher – for neglecting his duties, insubordination and unbecoming conduct. Specifically, respondent: failed to give proper attention to his teaching duties, falsified time and attendance records, failed to heed numerous warnings regarding his behavior, and violated an order prohibiting him from attending sports tournaments.

The ALJ found, *inter alia*, that: the petitioner has established its charges by a preponderance of the credible evidence through the credible testimony of supervisors and documentation presented at hearing; the record shows that respondent falsified numerous timesheets; failed to prepare lesson plans; habitually arrived late and left early; and was unprepared to teach. The ALJ concluded that the only appropriate penalty for these longstanding problems is removal of the respondent from his tenured position, and so ordered.

Upon careful and independent review of the record, the Initial Decision of the OAL was adopted as the final decision in this matter, and the Commissioner directed that respondent be dismissed from his tenured position. A copy of this decision has been 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>

July 10, 2007

OAL DKT. NO. EDU 2799-03, EDU 2658-04, AND EDU 2861-06
AGENCY DKT NO. 134-4/03, 128-4/04, AND 131-4/06
(CONSOLIDATED)

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

Upon her full consideration of this tenure matter, which included transcripts of the hearing conducted at the OAL¹ – the Commissioner agrees with the Administrative Law Judge (ALJ) that the record amply demonstrates that the Juvenile Justice Commission has sustained its burden of establishing – by a preponderance of the credible evidence – its charges of unbecoming conduct, insubordination and neglect of duties against respondent. The Commissioner further concurs with the ALJ that respondent’s dismissal from his tenured teaching position is warranted.

Accordingly the Commissioner adopts the recommended decision of the OAL – for the reasons comprehensively detailed therein – and hereby orders that Paul Ash be dismissed from his teaching position with the New Jersey Department of Law and Public Safety, Juvenile Justice Commission as of the date of this decision. This matter shall be transmitted to

¹ Hearing dates were August 19 and October 24, 2005, September 14 and November 28, 2006 and March 27, 2007.

the State Board of Examiners for action, as that body deems appropriate, against Mr. Ash's certificate.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date of Decision: July 10, 2008

Date of Mailing: July 10, 2008