

**New Jersey Commissioner of Education**  
**Final Decision**

Adrian Tooley-Lester,

Petitioner,

v.

Board of Education of the Township of  
Irvington, Essex County, and April Vauss,  
Superintendent,

Respondents.

The record of this matter, the Initial Decision of the Office of Administrative Law (OAL), and the exceptions filed by the petitioner (Mrs. Lester) pursuant to *N.J.A.C. 1:1-18.4* have been reviewed and considered. Respondents did not file reply exceptions.

Mrs. Lester, a former nontenured teacher employed by the Irvington Board of Education (Board), appeals the Board's nonrenewal of her employment contract. It is undisputed that the Board hired petitioner in 2019 to work as an English Language Arts teacher (ELA) at the Union Avenue Middle School (middle school). On March 3, 2023, Mrs. Lester received a text message from her husband, prompting her to call him over the phone during class time. Mr. Lester informed petitioner that the wife of her colleague Penelope Giordano had approached him at his place of employment to address Mrs. Lester's in-school behavior towards Ms. Giordano. While still on the phone with her husband, Mrs. Lester left her classroom, went to Ms. Giordano's

classroom, and knocked on the door. Ms. Giordano, also teaching a class at the time, answered the door. Mrs. Lester proceeded to inform Ms. Giordano that her wife had visited Mr. Lester at his place of work. Mrs. Lester returned to Ms. Giordano's classroom later that day during lunch, when no students were present, to further discuss the matter.

The incident between their spouses resulted in Mrs. Lester filing an eight-page harassment, intimidation, and bullying (HIB) and discrimination complaint against Ms. Giordano. Mrs. Lester's complaint was investigated by the Board's HR manager and Affirmative Action Officer, Farrah Irving, who treated the matter as an affirmative action complaint since HIB could only be filed by students. As part of the investigation, Irving asked both parties to provide the names of witnesses. Mrs. Lester provided no witnesses, whereas Ms. Giordano produced the names of four colleagues. Irving's investigation included reviewing the documents provided by the parties and speaking to Ms. Giordano, the witnesses identified by Ms. Giordano, and the Administrator on duty on the day of the incident – Shelley Pettiford.

On March 14, 2023, Irving issued an Affirmative Action Committee Decision concluding that no affirmative action violation had occurred. The decision noted that Ms. Giordano could not be held responsible for her spouse's behavior and that there was no indication that Mrs. Lester's employment was affected by her interactions with Ms. Giordano. In addition, the witness interviews indicated that Mrs. Lester had engaged in behaviors that had caused problems with her colleague and students. Irving's report concluded that by all witness accounts, Ms. Giordano was uncomfortable working with Mrs. Lester. The report also noted several instances where Ms. Giordano reported Mrs. Lester's behavior to Building Administrators. Lastly, the report recommended that Mrs. Lester "be made to submit to diversity, equity, and inclusion

training. . . to maintain the culture of the school environment.” Affirmative Action Committee Decision at 3. (Exhibit R-20).

On March 20, 2023, Irving issued Mrs. Lester a reprimand, finding that she violated the following district policies on March 3, 2023, when she left her classroom and confronted Ms. Giordano: 3211 Code of Ethics; 3280 Liability of Pupil Welfare; and 3322 Staff Member’s Use of Cellular Telephones during work hours. On March 30, 2023, Mrs. Lester emailed Irving a 33-page rebuttal to the Affirmative Action Decision alleging that the Board’s superintendent, Dr. April Vauss, conspired against her along with Ms. Giordano, her wife, and the witnesses. The rebuttal further alleged that there were “teams of folks” plotting against her and that their actions were “equivalent to a marching legion of enemies coming for my employment as they knew I was up for tenure, actually 45 days away from a contract.” Rebuttal at 3. (Exhibit P-82).

On May 8, 2023, the Board served Mrs. Lester a nonrenewal notice from the Superintendent for the 2023-2024 school year. Upon petitioner’s request, the Board provided petitioner with a statement of reasons for nonrenewal. *See N.J.S.A. 18A:27-3.2*. The reasons listed were as follows:

1. Violated District policy and placed scholars in harm’s way by leaving her class unattended to confront a colleague in front of scholars.
2. Engaged in inappropriate verbal altercations with students who were not in her class.
3. Does not have a cooperative relationship with colleagues; engages in behaviors that alarm and/or offend. (Exhibit R-25).

On June 14, 2023, a hearing was held before the Board at petitioner’s request; thereafter, the Board affirmed the nonrenewal. Mrs. Lester appealed the determination to the Commissioner of Education.

Hearings at the OAL were held on October 28, 2024, and November 25, 2024, during which Mrs. Lester testified on her own behalf, and called as witnesses her husband, Roger Lester; in-house consultant for the New Jersey Education Associate (NJEA), Dr. Christopher Tamburro; and president of the Irvington Education Association, Michael Byock. The Board called the following witnesses: Irving; Ms. Giordano; Dr. April Vauss; the principal of the middle school, Mueller Pierre; Vice Principal of the middle school, Shakeena Hill; and Director of School Counselors, Shelley Pettiford. The Administrative Law Judge (ALJ) found the testimony of all the Board's witnesses to be highly credible. Specifically, the ALJ found Ms. Giordano to be a "reluctant and deeply credible witness" who came to the hearing "without an agenda." Initial Decision at 10-11. The ALJ noted that she believed Ms. Giordano when she testified that Mrs. Lester's behavior at school made her uncomfortable on a regular basis and that she had felt bullied by Mrs. Lester for the last two years. Accordingly, the ALJ afforded Ms. Giordano's testimony "enormous weight." *Ibid.*

The ALJ found Mr. Lester, Mr. Tamburro, and Mr. Byock to be credible witnesses but did not give their testimony much weight since Mr. Lester had not attended work with his wife and therefore did not have personal knowledge of her behavior at the middle school; regarding Mr. Tamburro and Mr. Byock, the judge found that they only knew what Mrs. Lester had told them and that they lacked personal knowledge of the March 3, 2023 incident and her subsequent actions and communications. The ALJ found that Mrs. Lester did a "very good job" representing herself at the hearing but noted that she doubled down when confronted with some of her most egregious words and actions. *Id.* Furthermore, the ALJ found that Mrs. Lester's inability to understand the gravity and effects of her actions further supported the Board's claim that Mrs.

Lester behaved inappropriately with staff and students and that she did not have a cooperative relationship with her colleagues.

Ultimately, the ALJ concluded that the Board's nonrenewal of Mrs. Lester's employment was not arbitrary, capricious, or unreasonable. In reaching her determination, the ALJ found that the March 3, 2023, incident was the main incident leading to Mrs. Lester's nonrenewal. As to the Board's first reason for nonrenewal, the ALJ rejected Mrs. Lester's argument that her students were not left unattended because there were adults in her classroom at that time. Citing to Dr. Vauss's testimony, the ALJ explained that when a teacher needs to leave their classroom, they are supposed to get permission to have certified staff watch their students. The ALJ found that Mrs. Lester did not follow this procedure. As to the Board's second reason for nonrenewal, the ALJ found that the record and testimony indicated that Mrs. Lester often engaged in verbal altercations with students who were not in her class, and that at times, Mrs. Lester escalated these confrontations. Concerning the Board's third reason for nonrenewal, the ALJ found that the record and testimony clearly showed that Mrs. Lester was unable to maintain cooperative and professional relationships with her colleagues and that her behavior offended and alarmed faculty and administration.

The ALJ also concluded that the Board and Dr. Vauss did not discriminate against Mrs. Lester or violate her constitutional or statutory rights. The ALJ explained that Mrs. Lester provided no evidence to support her claim that the Board violated her constitutional rights. The ALJ also noted that Mrs. Lester provided no evidence that the Board or Dr. Vauss retaliated or conspired against her for filing what Mrs. Lester characterized as "mandated reporter" reports. The ALJ further explained there was no evidence that Mrs. Lester ever filed said reports, nor was

there evidence of an orchestrated attack. As such, the ALJ found that the Board and Dr. Vauss did not retaliate against petitioner.

In her exceptions,<sup>1</sup> Mrs. Lester reiterates arguments that were considered and rejected by the ALJ, including that the Board and Dr. Vauss retaliated against her by conspiring with Ms. Giordano, her wife, and the witnesses to sabotage her tenure; that she was denied due process throughout the affirmation action investigation; that she did not leave her classroom unattended; that she was placed in the reassignment room out of retaliation; and that she did not have poor rapport with her colleagues. In addition, Mrs. Lester claims that the ALJ “demonstrated clear bias throughout the process,” Exceptions at 2, and went “to the extreme to conjure up anything negative about me.” *Id.* at 14. Mrs. Lester further contends that the ALJ (1) failed to wholeheartedly assess the reliability of respondents’ witnesses; (2) disregarded material facts and crucial evidence; and (3) repeatedly mischaracterized her statements and the witnesses’ statements. Mrs. Lester requests that the Commissioner further review this matter considering the ALJ’s alleged bias.

Upon review, and for the reasons thoroughly detailed in the Initial Decision, the Commissioner concurs with the ALJ that Mrs. Lester has failed to meet her burden of demonstrating that the Board acted in an arbitrary, capricious, or unreasonable manner when it affirmed the Superintendent’s recommendation of nonrenewal. A board of education’s non-renewal decision is afforded discretion and will only be overturned if it is arbitrary, capricious, or unreasonable, or if it violates constitutional or legislatively conferred rights. *N.J.S.A. 18A:27-4.1*;

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<sup>1</sup> Petitioner’s inclusion of numerous exhibits not entered into evidence at the OAL hearings is improper per *N.J.A.C. 1:1- 18.4(c)*. Therefore, these materials were not considered.

*Dore v. Bedminster Twp. Bd. of Educ.*, 185 N.J. Super.447, 456 (App. Div. 1982). The ALJ correctly concluded that, considering the documentary evidence and the corroborative and credible testimony, the Board had just reason not to renew Mrs. Lester's contract.

The Commissioner does not find Mrs. Lester's exceptions to be persuasive. First, Mrs. Lester contends that the ALJ demonstrated clear bias against her throughout the process, which manifested in the ALJ's failure to properly assess the reliability of the Board's witnesses, particularly Ms. Giordano. Mrs. Lester argues that Ms. Giordano was not truthful about the role she played in orchestrating an attack on petitioner's employment and therefore is not a credible witness. Mrs. Lester further argues that the ALJ "ignored challenging Giordano's credibility" because Ms. Giordano is white. Exceptions at 17. The Commissioner notes that the ALJ had the opportunity to assess the credibility of the various witnesses who appeared before her and make findings of fact based upon their testimony. Pursuant to *N.J.S.A. 52:14B-10(c)*, the Commissioner "may not reject or modify any findings of fact as to issues of credibility of lay witness testimony unless it is first determined from a review of the record that the findings are arbitrary, capricious or unreasonable or are not supported by sufficient, competent, and credible evidence in the record." The Commissioner finds no basis in the record to disturb the ALJ's credibility assessment regarding Ms. Giordano's testimony. The ALJ did not demonstrate bias against Mrs. Lester, and Ms. Giordano admitted under oath that she told four people that she was uncomfortable working with Mrs. Lester. Furthermore, the Affirmative Action Report corroborates Ms. Giordano's testimony regarding her discomfort with Mrs. Lester. The Commissioner also finds no basis in the record to disturb the ALJ's credibility assessments regarding the Board's remaining witnesses.

Next, Mrs. Lester alleges that the ALJ displayed bias by ignoring material facts from the matter, including her claims that she received satisfactory evaluations during her four years of employment at the middle school, that she outperformed her colleagues, and that her students outperformed the other teachers' students. Contrary to Mrs. Lester's exceptions, the ALJ did address her positive performance reviews and feedback in the Initial Decision. *See* Initial Decision at 3. However, the fact that Mrs. Lester received good performance reviews and some positive feedback is not dispositive. The Initial Decision reflects that the ALJ carefully reviewed the record and rendered findings of fact and legal conclusions based on the totality of the evidence and witness testimony. The Commissioner finds that it was appropriate for the ALJ to decide that, given the totality of the evidence, the Board had just reasons for nonrenewal. Furthermore, there is nothing in the record or in the Initial Decision to support Mrs. Lester's claim of judicial impropriety.

As to the first reason for nonrenewal, Mrs. Lester does not dispute that she left the classroom; rather, she insists that she did not leave her students unattended. However, Dr. Vauss testified that when a teacher needs to leave their classroom, they are supposed to get permission to have certified staff to watch their students. Mrs. Lester did not follow this procedure before confronting Ms. Giordano, thereby violating the Board's policy. As to the second reason for nonrenewal, the Board's witnesses, specifically Dr. Vauss, Ms. Pettiford, and Mr. Pierre testified to Mrs. Lester's contentious dynamics with students from outside her class. As to the Board's third reason for nonrenewal, the record and witness testimony clearly show that Mrs. Lester was unable to maintain cooperative and professional relationships. Petitioner has failed to meet her burden of showing that the Board's nonrenewal was arbitrary, capricious, or unreasonable.



Lastly, Mrs. Lester contends that “[t]here is no concrete evidence to prove there is no collusion between Giordano, her wife, and Dr. Vauss.” Petitioner’s Exceptions at 24. However, Mrs. Lester appears to misunderstand the burden of proof in this matter. The burden of proof belongs to the petitioner, not the Board. *D.L. v. Bd. of Educ. of Princeton Reg’l Sch. Dist.*, 366 N.J. Super. 269, 274. Mrs. Lester has not met her burden. She has submitted no credible documentation or witness testimony supporting her belief that Dr. Vauss, Ms. Giordano, and the Board orchestrated a plan to deny her tenure.

Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.<sup>2</sup>



COMMISSIONER OF EDUCATION

Date of Decision: September 2, 2025  
Date of Mailing: September 5, 2025

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<sup>2</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. EDU 08223-2023

AGENCY DKT. NO. 189-7/23

**ADRIAN TOOLEY-LESTER,**

Petitioner,

v.

**BOARD OF EDUCATION OF THE TOWNSHIP**

**OF IRVINGTON, ESSEX COUNTY, AND**

**DR. APRIL VAUSS, SUPERINTENDENT,**

Respondent.

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**Adrian Tooley-Lester**, petitioner appearing pro se

**Ronald C. Hunt**, Esq., for respondent (Hunt, Hamlin & Ridley, attorneys)

Record Closed: April 30, 2025

Decided: June 2, 2025

BEFORE **DANIELLE PASQUALE**, ALJ:

**STATEMENT OF THE CASE**

Petitioner Adrian Tooley-Lester (Petitioner or Mrs. Lester), a former untenured teacher employed by the Board of Education of the Township of Irvington (Respondent or the Board), appeals the Board's nonrenewal of her employment contract. Mrs. Lester asserts that the Board's actions were arbitrary and capricious and in violation of her rights.

The Board contends that it properly exercised its discretion and that her nonrenewal was not arbitrary and capricious. Must the nonrenewal stand? Yes. The Board properly exercised its discretion in not renewing Mrs. Lester's employment contract and its decision was not arbitrary and capricious, and it did not violate Mrs. Lester's constitutional or statutory rights.

### **PROCEDURAL HISTORY**

On May 8, 2023, the Board served Mrs. Lester with a nonrenewal notice for the 2023-2024 school year. (R-23). She requested a statement of reasons, which the Board sent on May 19, 2023. (R-24, 25). The Board cited three reasons for her nonrenewal.

- Violated District policy and placed scholars in harm's way by leaving her class unattended to confront a colleague in front of scholars.
- Engaged in inappropriate verbal altercations with students who were not in her class.
- Does not have a cooperative relationship with colleagues; engages in behaviors that alarm and/or offend.

[R-25].

On June 14, 2023, a hearing was conducted by the Board during the public session of its monthly meeting at Mrs. Lester's request, as was her right pursuant to Rice v. Union Cnty. Regional High Sch., 76 N.J. 238 (1978), Donaldson v. Bd. of Educ. of the City of North Wildwood, 65 N.J. 236 (1974), and N.J.S.A. 18A: 27-4.1. (R-21). The Board affirmed the nonrenewal. (R-26). Mrs. Lester challenged the nonrenewal and the case was transmitted to the Office of Administrative Law (OAL) for emergent relief on August 28, 2023. After a conference with the parties, Mrs. Lester withdrew her emergent application and opted for a full hearing on the matter. Hearings were held on October 28 and November 25, 2024. After receiving post-hearing submissions, the record closed on April 30, 2025.

## **FACTUAL DISCUSSION**

Based on the largely undisputed documentary and testimonial evidence, I **FIND** the following as **FACT**. The Board hired Mrs. Lester in 2019 to be an English Language Arts (ELA) teacher at Union Avenue Middle School. For the first few years of her employment Mrs. Lester received mostly good performance reviews and some positive feedback. However, there were multiple incidents during her employment which resulted in warnings and reprimands.

For example, in November 2021, Principal Mueller Pierre gave Lester a written warning because she called a parent during instructional time, which is a violation of district policy. (R-10). The parent complained that Mrs. Lester yelled at her in an unprofessional manner. (Ibid.). In the written warning, Mr. Pierre explained to Mrs. Lester that an email she sent regarding the incident was “perceived as sarcastic and condescending.” (Ibid.). Mrs. Lester said this was “not true” and that “[i]f a person writing eloquently about matters that impact their job is interpreted as such, there is much pity to be offered as we are in a world where we should be able to express ourselves.” (R-11). Other examples include playing loud music in her classroom despite being told numerous times to turn it down, and writing long, often disrespectful emails to administrators. (R-10, R-11, R-14, R-18, R-19).

There were multiple incidents between Mrs. Lester and students, and she filed dozens of handwritten complaints about them. She even attempted to file a Harassment, Intimidation, and Bullying (HIB) complaint against one student, but HIB complaints can only be brought by students. After Mrs. Lester’s attempt to file a HIB complaint against this student, Ms. Shelley Pettiford recommended that she seek “professional development” for “coping skills, classroom management,” and for “dealing with behavioral issues in the classroom.” (R-13). Mrs. Lester never availed herself of the recommended professional development. The parent of this child complained to the school about their child’s interactions with Mrs. Lester. There was another incident with a student where Mrs. Lester, instead of going to building administration, called the police to deal with the student’s behavior. Multiple students were removed from Mrs. Lester’s classroom

because of personality conflicts with her, including another student whose parent also complained to administration about the interactions between their child and Mrs. Lester.

Mr. Pierre credibly testified that at a certain point, faculty and staff in the building began coming to him with concerns about Mrs. Lester's behavior. Ms. Penelope Giordano, one of Mrs. Lester's fellow 8th grade ELA teachers who has worked for the district for twenty-five years, reluctantly and credibly testified to many uncomfortable interactions with Mrs. Lester, such as "commenting about my clothing." She said that Mrs. Lester called her "the devil" and said things like she needed "to cleanse her veins of the evil" that she encountered in the building. There were multiple incidents when Mrs. Lester made her uncomfortable by unnecessarily bumping into her in uncrowded hallways and stairwells. I believed Ms. Giordano when she said she did everything in her power to avoid confrontation and interactions with Mrs. Lester.

The main incident leading to Mrs. Lester's nonrenewal happened on March 3, 2023. That morning, Ms. Giordano's wife confronted Mrs. Lester's husband at his job and, by all accounts, that interaction did not go well. That incident is not before me and therefore I make no conclusions of law or findings of fact about what happened between the two spouses. However, because Mrs. Lester's response to this incident was the inciting reason for her nonrenewal, some context is helpful. The parties seem to agree that Ms. Giordano's wife approached Mr. Lester in an attempt to deal with Mrs. Lester's in-school behavior towards Ms. Giordano. It also appears that Ms. Giordano's wife's actions may have been inappropriate, and it is clear that she deeply upset both Mr. and Mrs. Lester.

Mrs. Lester's husband texted to tell her what happened, and she called him back—during class time—on her cellphone. Mrs. Lester then took it upon herself to approach Ms. Giordano about the situation between their spouses, and—with students still in her classroom—went down the hall to Ms. Giordano's room. While still on the phone with her husband, Mrs. Lester knocked on Ms. Giordano's classroom door. Ms. Giordano, also teaching a class at that time, answered the door, but did not invite Mrs. Lester inside and did not open the door all the way. Mrs. Lester began telling Ms. Giordano that her wife

had gone to visit Mr. Lester, her husband. Ms. Giordano honestly testified that, at that point, she had no idea that her wife was planning on making the visit. Ms. Giordano, in an attempt to end the interaction and get back to work, told Mrs. Lester that she would try to speak to her wife after school. This interaction lasted no more than a minute or two but made Ms. Giordano “very uneasy.”

Mrs. Lester returned to Ms. Giordano’s classroom later that day, this time during lunch when no students were present. At this point, Ms. Giordano had shut and locked her classroom door. Ms. Giordano convincingly testified that this second conversation also made her deeply uneasy, and that Lester was “intimidating” and “gesticulating with a clipboard in an escalating manner” and that her tone was hostile. Ms. Giordano convinced me when she described Mrs. Lester as “condescending.” Mrs. Lester did not outright threaten Ms. Giordano during this encounter.

Later that afternoon, Mrs. Lester sent an email to building administration, which was then forwarded to Respondent Dr. April Vauss, the Superintendent of Schools. (R-13). In this two-page email, Mrs. Lester admits that she called her husband during class time. (Ibid.). She also claimed that Ms. Giordano’s wife was “not wired right” and possibly “part retarded,” [sic] and that Ms. Giordano was “evidently in search of some kind of altercation at her home and has conjured up lies.” (Ibid.). She accused Ms. Giordano of racial and religious animus. “The entity of lying on me and carrying on because I am a black Christian woman will be short lived as I don’t live in fear.” (Ibid.).

Adding to her credibility that she did everything she could to avoid conflict with Mrs. Lester, Ms. Giordano did not self-report the incident. Rather, she was approached by Ms. Pettiford (the administrator on duty that day) to give a written statement, which she did. (R-16). Ms. Giordano confirmed that the first interaction with Mrs. Lester happened in her doorway, and while Mrs. Lester did not come into the classroom “she was in clear view of my entire class.” (Ibid.). She gave insightful context to her relationship with Mrs. Lester.

I would also like it to be known that I do not approach Mrs. Lester at all under any circumstances. There have been past incidents of confrontations and communications between Mrs. Lester and I, and each of those has been commenced by her.

I have spoken to numerous parties in the district regarding those previous matters, and I have always made it clear to those parties that any conversation, any event, any interaction, any incident and/or communication has been initiated by her and her alone. I avoid her at all costs and each party to whom I have spoken has agreed that was the best way to avoid any escalation of issues she has with me as well as to avoid incorrect interpretations of words, tones of voices and/or actions. Please let me repeat: I do not commence any sort of interaction with her.

[Id. at 2].

In response to the incident between their spouses, Mrs. Lester filed an eight-page complaint against Ms. Giordano “on the grounds of harassment, intimidation, bullying, [HIB] and discrimination.” (R-17). This complaint accused Ms. Giordano of “summoning her spouse” to Mr. Lester’s place of employment. (Id. at 2). She further accused Ms. Giordano of targeting her because of “my race, my religion, my marital status, alongside not being a member of the LGBTQ Community.” (Id. at 1). She described Ms. Giordano’s wife as a “short, dumpy woman with some mental problems.” (Ibid.). She accused Ms. Giordano of “working in concert with others to get me jammed up, so my employment is terminated or my classroom is changed” and that “Giordano would not have ordered such confrontation of a person of her race.” (Ibid.). She accused Ms. Giordano of being racist, jealous of her success as a teacher, and harboring “a hidden agenda and possibly a dark obsession of some kind.” (Id. at 7). Mrs. Lester compared herself to Emmett Till and Ms. Giordano to his accuser. “Ms. Giordano’s actions are a direct sentiment of Carolyn Bryant Donham, who falsely accused Emmett Till of sexually harassing her.” (Id. at 3). She accused Ms. Giordano of recording excerpts of an assembly where Mrs. Lester shared personal information about her husband’s job. (Ibid.).

Mrs. Lester’s complaint against Ms. Giordano was investigated by Farrah Irving, Esq., the HR manager and Affirmative Action Officer for the Board. At the beginning of the investigation, and after talking with Dr. Vauss, Irving took Mrs. Lester out of her classroom and put her into a reassignment room for two weeks and one day. The parties disagree about why Mrs. Lester was put into this room. Irving said that Mrs. Lester was put into the reassignment room for her own safety because she had expressed that she

felt unsafe. Mrs. Lester expressed that she felt she was unfairly put in the reassignment room out of retaliation for filing the complaint. (R-18, R-19). The record and testimony support the position that Mrs. Lester was placed in the reassignment room for her own safety. Mrs. Lester repeatedly stated that she was “traumatized” and “in tears” after learning about the incident between the spouses. The record and testimony reflect that Mrs. Lester was visibly upset and feared for her safety on March 3, 2023, and I **FIND** that she was not placed in the reassignment room out of retaliation.

Irving investigated the complaint as an affirmative action complaint because HIB complaints can only be filed by students. Irving asked Mrs. Lester to provide the names of witnesses, but she never provided any. When asked the same question, Ms. Giordano provided the names of Miss Wiley, Dr. Doherty (the ELA supervisor), Ms. Shakeena Hill (the vice principal at the time), and Mr. Pierre. During her investigation, Irving reviewed the documents that were given to her and spoke to Mrs. Lester, Ms. Giordano, Mr. Pierre, Dr. Doherty, Ms. Hill, Ms. Pettiford, and Miss. Wiley. In those conversations, Irving became concerned because everyone she interviewed said that Mrs. Lester’s behavior in and around school was causing problems.

As a result of the investigation, Irving issued an Affirmative Action Committee Decision on March 14, 2023. (R-20). The report concluded that there was no violation of affirmative action because what happened off campus between the spouses could not be dealt with by the District. (Ibid.). However, Irving did conclude that there were universal concerns about Mrs. Lester’s actions based on the information she received during the investigation. Ms. Hill reported to Irving that Ms. Giordano began speaking to her with concerns about Mrs. Lester during the 2021-2022 school year. (Id. at 2). Similarly, Dr. Doherty and Ms. Wiley both reported that they had met with Ms. Giordano during the 2022-2023 school year to discuss her concerns about Mrs. Lester. (Ibid.). Ms. Wiley reported that Ms. Giordano “keeps all interactions very professional” but that Mrs. Lester “makes it widely known that she has issues within the buildings and with students.” (Id. at 3). Mr. Pierre reported that Ms. Giordano was professional and that he had never had any problems with her, but that he had had multiple problems with Mrs. Lester, such as “issues with a student that escalated into a back and forth when [Lester] should have



deescalated the situation.” (*Ibid.*). He further reported that he had to talk to Mrs. Lester about loud music and parent complaints. (*Ibid.*). Mr. Peirre reported that Mrs. Lester “lacks accountability and will access blame to colleagues should an issue arise.” (*Ibid.*). As a result of the investigation, Irving issued Mrs. Lester a violation of district policy, finding that she had violated three policies on March 3, 2023, by leaving her classroom to confront Giordano: the code of ethics, liability for pupil welfare, and staff member’s use of cell phones during instructional time. (R-22).

After the Decision was issued, Mrs. Lester returned to her classroom and no disciplinary actions were taken. However, on March 30, 2023, Mrs. Lester emailed Irving a 33-page rebuttal to the Affirmative Action Committee Decision. (P-82). In this rebuttal she accused Dr. Vauss of being friends with Ms. Giordano’s wife and accused them of conspiring against her. (*Id.* at 2). She accused Irving and the other witnesses to the investigation of being “coerced to get in line with the conspiracy.” (*Id.* at 2-3). She accused Dr. Vauss of commanding Irving to “ambush” the investigation. (*Id.* at 10-11). Mrs. Lester said there were “teams of folks working together to perpetuate a plot against me” who were “liars for the marching legion of enemies who were beset by me making tenure.” (*Id.* at 3, 7). She claimed she was “never a part of the investigation,” despite being the one who opened the complaint. (*Id.* at 3). She accused Irving of violating her civil and constitutional rights by refusing to “engage” her in the investigation process, even though Irving asked Mrs. Lester to provide witnesses and information. (*Id.* at 6). She called the investigation a “witch hunt” and an “ambush.” (*Ibid.*).

Parts of this 33-page rebuttal border on threatening. “It is clear that no one goes against Mayor Tony Vauss and his wife [Dr. Vauss], but God will take care of them.” (P-82 at 5). She attacked Irving’s character and called Dr. Vauss a “bully.” (*Id.* at 6). She accused them of giving Ms. Giordano preferential treatment because “she is white and affiliated with the LGBTQ community.” (*Ibid.*). She accused Mr. Pierre of lying. (*Id.* at 6-7, 16). She described a previous discussion with Mr. Pierre as the “equivalent to sitting with a hyena and being certain of the nature of the animal.” (*Id.* at 26-27). She accused Pettiford of “collusion with the district ambush.” (*Id.* at 11). Mrs. Lester called Ms. Hill her “arch nemesis” and accused her of seizing “every opportunity to create a paper trail” about

her. (Id. at 3, 18). She also accused Ms. Hill of lying and threatened to sue her. (Id. at 19). She admitted to yelling “Ghetto!” at Ms. Hill because she didn’t like what she was saying in a private conversation with another teacher. (Id. at 21). She accused Irving of trying to “coerce [Mr. Pierre] to be a part of the Illuminati.” (Id. at 24). Finally, and most unsettling, Mrs. Lester spoke about Ms. Giordano in ways that were rude, belittling, homophobic, and deeply upsetting. (Id. at 7, 10, 14, 15, 16, 18, 20, 22).

In reading the eight-page complaint, the 33-page rebuttal, and the numerous emails, it became clear to me that the District had no other choice but to not renew Mrs. Lester’s employment contract. These documents speak for themselves, and I would direct the Commissioner to closely review them in their entirety.

After considering the totality of the circumstances, the Board served Mrs. Lester with a notice of nonrenewal on May 8, 2023. (R-23). Mrs. Lester requested a statement of reasons via email, in which she again asserted that she was the victim of a “recent engineered racial and retaliation attack” against her based on her religion, marital status, and race. (R-24). In this email she claimed she had been “treated worse than my ancestors who were brought to this country on the Middle Passage.” (Id. at 2). She made inappropriate and racially charged comments about Dr. Vauss and accused her fellow of staff members of being criminals. (Ibid.). The Board provided her with a statement of reasons, held a public hearing, and affirmed the non-renewal. (R-25, R-26).

### Credibility

A trier of fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or with common experience, or because it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958). The choice of accepting or rejecting the witnesses’ testimony rests with the finder of facts. Freud v. Davis, 64 N.J. Super. 242, 246 (App. Div. 1960). In addition, for testimony to be believed, it must not only come from the mouth of a credible witness, but it also must be credible in itself. It must elicit evidence that is from such common experience and observation that it can be approved as proper under the

circumstances. See Spagnuolo v. Bonnet, 60 N.J. 546 (1974); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961).

A credibility determination requires an overall assessment of the witness's story in light of its rationality, internal consistency and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). A factfinder "is free to weigh the evidence and to reject the testimony of a witness even though not contradicted when it is contrary to circumstances given in evidence or contains inherent improbabilities or contradictions which alone or in connection with other circumstances in evidence excite suspicion as to its truth." In re Perrone, 5 N.J. 514, 521–22 (1950); see D'Amato by McPherson v. D'Amato, 305 N.J. Super. 109, 115 (App. Div. 1997).

Having had an opportunity to observe the demeanor of the witnesses, I **FIND** all the Board's witnesses to be highly credible. They were calm, professional, and measured. From the bench I could see Mrs. Lester and her husband, who sat with her at counsel table, glaring at the witnesses, but even so they all spoke calmly and rationally. They were seasoned and experienced, and their testimony was not vindictive. It became clear that they all had dealt with Mrs. Lester and gave their testimony careful not to escalate her. Mr. Pierre, who testified despite recently recovering from a stroke, was objective, measured, and kind to Mrs. Lester. I believed him when he said that he tried to work with her and help her, but that she was not a good fit for the school. Dr. Vauss kept her cool and spoke with precision, even when Mrs. Lester openly attacked her character.

Ms. Giordano was a reluctant and deeply credible witness. Her testimony was measured and thoughtful, and it seemed as if she could have said a lot more about Mrs. Lester's behavior but instead chose to only speak to the questions asked. I believed her wholeheartedly when she said that Mrs. Lester's behavior at school made her uncomfortable on a regular basis and that she had felt bullied for the last two years. Ms. Giordano's tone and body language on the stand showed that she was uncomfortable, so much so that I had to ask Mrs. Lester not to approach the witness. (For her part, Mrs. Lester complied and did not approach Ms. Giordano as requested.) When Ms. Giordano

could have been combative and defensive, she was calm and responsive to Mrs. Lester's aggressive cross examination. I recognized that Ms. Giordano came to the hearing reluctantly and without an agenda. As such, I give her testimony enormous weight.

Mrs. Lester's husband, Roger Lester, was a credible witness and a calming presence at hearing. I believed his testimony regarding Ms. Giordano's wife showing up uninvited to his place of work, and I believed him when he said that this interaction was upsetting. However, he was not at work with Mrs. Lester and did not have any first-hand, personal knowledge of her behavior at school. Mrs. Lester's other witnesses, Christopher Tamburro and Michael Byock, were both credible, but only knew what Mrs. Lester had told them and did not have any personal knowledge of the March 3, 2023, incident or of Mrs. Lester's subsequent actions and communications. As such, I do not give their testimony much weight.

It must be said that Mrs. Lester did a very good job representing herself. She was deferential to the Court and was as prepared and thorough as most lawyers. However, when confronted with some of her most egregious words and actions, she doubled down, seemingly unaware of why they caused the responses they did. Mrs. Lester's inability to understand the gravity and effects of her behavior further support the Board's assertion that she did not have a cooperative relationship with her colleagues and that her behaviors were inappropriate with staff and students. Mrs. Lester failed to take accountability or direction for any of the flagged behavior, especially what she said and wrote in the eight-page complaint, the 33-page rebuttal, and her various email communications with administration.

In view of the above credibility determinations, I make the following **FINDINGS** of critical **FACT**:

1. Mrs. Lester was in violation of district policy when she made a phone call during class time on March 3, 2023.

2. Mrs. Lester was in violation of district policy when she left her classroom to speak with Ms. Giordano on March 3, 2023.
3. During her four years at Union Avenue Middle School, Mrs. Lester engaged in several inappropriate verbal altercations with students.
4. There was no orchestrated attack against Mrs. Lester.
5. There was no collusion between Ms. Giordano, her wife, and Dr. Vauss.
6. Ms. Giordano did everything in her power to avoid conflict with Mrs. Lester.
7. Mrs. Lester did not have a cooperative relationship with her colleagues.
8. Mrs. Lester engaged in behaviors that alarmed and offended.
9. Mrs. Lester did not take direction or feedback well.
10. Before March 3, 2023, Mrs. Lester received good reviews and had excellent attendance but was not without incident. Her various actions were discussed, coached, and reprimanded, and eventually—and in large part to her own response to the March 3 incident—amounted to her nonrenewal.
11. Mrs. Lester's choice of words in her submissions, exhibits, and testimony corroborates the Board's reasons for nonrenewal.
12. Mrs. Lester's behavior was not becoming or appropriate of a teacher.

### **LEGAL ANALYSIS**

#### **A. The Board's nonrenewal of Mrs. Lester's employment was not arbitrary, capricious, or unreasonable**

At the end of every school year, local boards of education must give untenured teachers either a written offer of employment for the next succeeding year or a written notice that an employment contract will not be offered. N.J.S.A. 18A:27-10. The board may only renew the employment contract of a teacher with the recommendation of the chief school administrator and a “nontenured officer or employee who is not recommended for renewal by the chief school administrator shall be deemed nonrenewed.” N.J.S.A. 18A:27-4.1(b). Untenured teachers whose employment contracts are not renewed have the right to a written statement of reasons for nonrenewal and an informal appearance before the board. N.J.S.A. 18A:27-4.1(b); N.J.S.A. 18A:27-3.2.

“The board shall not withhold its approval for arbitrary and capricious reasons.” N.J.S.A. 18A:27-41(b). Arbitrary and capricious means “having no rational basis.” Bayshore Sewerage Co. v. Dep’t. of Env’t. Protection, 122 N.J. Super. 184, 199-200 (Ch. Div. 1973), aff’d N.J. Super. 37 (App. Div. 1974). When there is “room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due consideration, even though it may be believed that an erroneous conclusion has been reached.” Ibid. The arbitrary, capricious, or unreasonable standard is narrow in scope and “consequently imposes a heavy burden on those who challenge actions of boards of education.” Piccoli v. Bd of Educ. of the Ramapo-Indian Hills Regional High Sch. Dist., EDU 1839-98, Final Decision, Comm’r (Mar. 11, 1999), <https://njlaw.rutgers.edu/collections/oal/> at 26.

Importantly, “it is by now axiomatic that a board has virtually unlimited discretion in hiring or renewing non-tenured teaching staff members.” Adams v. Trenton Bd. of Educ., EDU 8237-07, Initial Decision (July 3, 2008), adopted, Comm’r (August 13, 2008), <https://njlaw.rutgers.edu/collections/oal/>; see also Dore v. Bedminster Bd. of Educ., 185 N.J. Super. 447 (App. Div. 1982). Classroom performance is not the only grounds for these decisions because “there are many unrelated but nonetheless equally valid reasons” for a non-renewal. Donaldson v. Bd. of Educ., 65 N.J. 236, 241 (1974). A board of education’s non-renewal is afforded discretion and “will only be overturned if it is arbitrary, capricious, or unreasonable, or if it violates constitutional or legislatively conferred rights.” Ramaswamy v. Bd. of Educ. of the City of Englewood, EDU 08534-23,

Final Decision, Comm'r (May 30, 2024), <https://njlaw.rutgers.edu/collections/oal/>, citing N.J.S.A. 18A:27-4.1 and Dore, 185 N.J. Super. at 456.

Mrs. Lester's nonrenewal was not arbitrary and capricious. As to the Board's first reason for nonrenewal, she does not dispute that she left her classroom to confront Ms. Giordano on March 3, 2023. At hearing, Mrs. Lester insisted that her students were not left alone because there were other adults in the room, supposedly certified instructional leaders for students with IEPs. However, Dr. Vauss testified that it is not appropriate for students to be left alone with certified instructional leaders, and if a teacher needs to leave their classrooms they are supposed to seek permission to have certified staff watch their students. Mrs. Lester did not do that. Instead, she left her classroom to contentiously confront another teacher about personal, non-school related issues in front of students.

Lester denied that it was in front of students because Giordano never opened the door the whole way or let Mrs. Lester into her classroom—but that does not change the fact that she left her room and had what Giordano credibly described as a deeply uncomfortable conversation that students could see and hear. Mrs. Lester confirmed that she was on the phone with her husband the entire time that she confronted Ms. Giordano. At various points in her briefings and at hearing, Mrs. Lester accused the District of intentionally and maliciously destroying security footage of her going to Ms. Giordano's classroom. But this footage, if it even exists, would not help Mrs. Lester because, by her own admission, it would show her going to Ms. Giordano's door during class time. As Dr. Vauss testified, "[y]ou requested the footage and you, at that time, espoused that it would show that you hadn't done what you had consistently said did happen." (11/25/24 Tr. at 68:15-17).

As to the Board's second reason for nonrenewal, the record and testimony reflect that Mrs. Lester often engaged in inappropriate verbal altercations with students who were not in her class. Ms. Pettiford credibly testified to an ongoing conflict between Mrs. Lester and K.D. (R-13, P-73). As Mr. Pierre reported during the affirmative action investigation, there were times when Mrs. Lester herself escalated these confrontations with students. (R-20). Dr. Vauss credibly reported about a conflict between Mrs. Lester

and a student that escalated to the point that Mrs. Lester inappropriately and unnecessarily called the police.

As to the Board's final reasons for nonrenewal, the record and testimony unequivocally show that Mrs. Lester was unable to maintain professional and cooperative relationships with many of her colleagues and that her behaviors alarmed and offended faculty and administration alike. Ms. Giordano felt bullied by her. Teachers and building staff complained to Mr. Pierre about her behavior. She was disrespectful to Dr. Vauss. Parents complained about her. She wrote long, disrespectful emails to administrators. (R-10, R-11, R-14, R-18, R-19).

The record and testimony reflect many instances of alarming behavior and lack of good judgment by Mrs. Lester. What happened between Ms. Giordano's wife and Mrs. Lester's husband on the morning of March 3, 2023, was undoubtedly upsetting. But what happened between the spouses is not at issue here and I do not make any findings of fact or conclusions of law about it. However, I do **FIND** that Mrs. Lester's response reflects a lack of judgment and an inability to manage her own actions and words. I further **FIND** that her reaction to the March 3, 2023, incident was alarming.

Mrs. Lester's eight-page complaint reads like a rant against Ms. Giordano. (R-17). Yet at the hearing Mrs. Lester insisted she had never bullied her. (Ibid.). In the complaint she mistakes Ms. Giordano's attempts to avoid confrontation (discussed in R-16), as a "superiority about herself where she thinks that one should have to walk at her pace and remain behind her." (Id. at 4). She spoke rudely about Ms. Giordano and her wife. She made unsettling comments about Ms. Giordano, like how she has a "misery of a dark classroom, which looks like someone got murdered in." (Id. at 6). She made inappropriate comments about Ms. Giordano's body. (Id. at 7). Dr. Vauss testified that she found this complaint alarming and offensive because of the way Mrs. Lester wrote about Ms. Giordano. (11/25/24 Tr. 85:23 to 86:10). I **FIND** this complaint alarming. I further **FIND** that it exemplifies Mrs. Lester's uncooperative relationship with the colleagues named in the complaint.



Mrs. Lester made a lot out of the fact that Ms. Giordano never saw the eight-page complaint. She argues that the District not showing Ms. Giordano the complaint objectively proves that it was out to get her. (Pet. Closing Br. at 292-98). However, the testimony and record show that Ms. Giordano was actively involved in the investigation. (R-20). The fact that she had not actually read the complaint itself shows good judgment on the part of the District as it may have been unnecessarily upsetting to her, and thus I so **FIND**.

The 33-page rebuttal that Mrs. Lester wrote after the Affirmative Action Committee Decision was issued further shows her profound lack of judgment. (P-82). This rebuttal, more than anything, demonstrates that Mrs. Lester's instinct in stressful situations is to exponentially escalate the circumstances around her. This is not a safe or professional characteristic of a teacher, and thus I so **FIND**. Throughout the rebuttal (and again at hearing) she emphasized the detail that she never left her class unattended or stepped foot in Giordano's classroom the morning of March 3. (Id. at 4). Both of these things are true—there were adults with her students, and she never got further than the doorway of Mrs. Giordano's classroom. But this ignores the bigger issue—Mrs. Lester should not have left her classroom supervised only by certified instructional leaders in order to confront another teacher about personal issues. And even though she never made it further than Ms. Giordano's doorway, the students could see and hear their conversation. Her continued denial of how upsetting her behavior was to Ms. Giordano shows an inability to take accountability for her own actions. This is not a safe or professional characteristic of a teacher, and thus I so **FIND**.

At hearing, Mrs. Lester was asked about the most outrageous elements of the eight-page complaint, emails, and 33-page rebuttal. (R-17, R-24, P-82). She stood by them all. In fact, the District tried to keep the 33-page rebuttal out of evidence due to hearsay, but Mrs. Lester fought hard to keep it in. (P-82). When confronted by her own words at the hearing, Mrs. Lester did not understand why they were alarming, unprofessional, and inappropriate. The way she speaks about her colleagues in the 33-page rebuttal alone shows that she is unable to maintain professional and cooperative relationships. The Board argues that this demonstrates “a disconnection with reality and

a warped sense of proportionality which singularly raises concern over this employee's judgment as an educator." (Resp. Closing Br. at 10). I agree, and thus I so **FIND**.

In light of the largely uncontested **FACTS** and credible and corroborative testimony and documentary evidence, I **FIND** the aforementioned accounting of events as **FACT** and **CONCLUDE** that these facts provide the Board with just reason to not renew Mrs. Lester's contract.

#### **B. The Board did not violate Mrs. Lester's constitutional or statutory rights**

A board of education non-renewal will not be afforded discretion if it "violated constitutional or legislatively conferred rights." Ramaswamy, EDU 08534-23. In her original petition, Lester made a wide variety of constitutional and statutory claims against the Board and Dr. Vauss. However, at hearing, while she did accuse Ms. Giordano of discrimination, she only accused the Board of retaliation. She presented no evidence to support any constitutional violations on the part of Respondents. Therefore, I **CONCLUDE** that the Board and Dr. Vauss did not discriminate against Mrs. Lester or violate any of her constitutional rights.

In her petition, Mrs. Lester claimed that Dr. Vauss retaliated against her for complaining about the unbecoming behaviors of students, faculty, and staff, and that, therefore, she is protected by the Conscientious Employee Protection Action (CEPA), commonly known as the "Whistleblower Act." (Pet. Statement at 1-2). Mrs. Lester also claimed that she was being retaliated against for filing reports to the school that she understood to be required of her as a "mandated reporter." Mrs. Lester provided absolutely no evidence to support any retaliatory or conspiratorial behavior on the part of the Board or Dr. Vauss. There is no evidence that Dr. Vauss and the Board retaliated against her for raising her voice or for speaking out. There is no evidence of an orchestrated attack against her. There is no evidence that she was being retaliated against for filing what Mrs. Lester characterized as "mandated reporter" reports. Dr. Vauss testified that she never received any reports from the Division of Child Protection and Permanency, which is what would have happened had Mrs. Lester ever filed an

official complaint in her role as a mandated reporter.<sup>1</sup> There is no evidence that Mrs. Lester ever filed such a report. Instead, she filed innumerable handwritten complaints about student behavior to the administration. As such, I **FIND** that Mrs. Lester did not file any official reports in her role as a mandated reporter.

Therefore, in light of all of the credible testimony and documentary evidence, I **FIND** that the Board and Dr. Vauss did not retaliate against Mrs. Lester. In light of the aforementioned findings of facts and legal analysis, I **CONCLUDE** that the Board did not violate Mrs. Lester's statutory rights under CEPA.

### **ORDER**

In light of my factual findings along with the legal analysis above, I **CONCLUDE** that Adrian Tooley-Lester has failed to meet her burden to demonstrate that the Board acted in an arbitrary and capricious or unreasonable manner when it followed the Superintendent's recommendation to not renew her employment. Therefore, her appeal from the Board's decision to non-renew must be **DENIED**.

I further **CONCLUDE** that the Board did not violate Adrian Tooley-Lester's constitutional rights or statutory rights under CEPA.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

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<sup>1</sup> Certain professionals, including teachers, are legally required to report suspected child abuse to a designated government agency. 34 U.S.C. 20341 (a)(1) and (2), (b)(4). This is known as being a mandated reporter.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

June 2, 2025

DATE



DANIELLE PASQUALE, ALJ

Date Received at Agency:

June 2, 2025

Date E-Mailed to Parties:

June 2, 2025

DP/lr

**APPENDIX**

**Witnesses**

**For Petitioner:**

Adrian Tooley-Lester, Petitioner

Roger Lester, Petitioner's husband

Dr. Christopher Tamburro, In-house consultant for the New Jersey Education Association

Michael Byock, Dean of Attendance, University Middle School and the President, Irving Education Association

**For Respondent:**

Dr. April Vauss, Superintendent

Farrah Irving, Esq., Manager of Human Resources

Mueller Pierre, Principal Union Avenue Middle School

Shelley Pettiford, District Supervisor of Guidance

Penelope Giordano, Teacher, Union Avenue Middle School

Ms. Hill, Assistant Principal, Union Avenue Middle School

**Exhibits**

**Respondent:**

- R-1 Petitioner's online application for employment with Respondent and Teaching Certificate
- R-2 Petitioner's Verification Form (with attachments)
- R-3 Petitioner's Resume
- R-4 Recommendation for the appointment of Petitioner as ELA Teacher
- R-5 Report to Work Form
- R-6 Petitioner's Employment Contract (9/23/19 to 6/30/20)
- R-7 Petitioner's Employment Contract (10/14/19 to 6/30/20)

- R-8 Petitioner's Employment Contract (9/1/20 to 6/30/21)
- R-9 Petitioner's Employment Contract (9/1/21 to 6/20/22)
- R-10 November 18, 2021, Memorandum from Mueller Pierre, Principal, Union Avenue Middle School to Petitioner
- R-11 November 18, 2021, email from Petitioner to Principal Pierre
- R-12 Petitioner's Employment Contract (9/1/22 to 6/30/23)
- R-13 October 7, 2023, email from Shelley Pettiford, District Supervisor to Mueller Pierre, Union Avenue Middle School Principal; March 3, 2023
- R-14 October 7, 2023, email from Petitioner to administration
- R-16 March 3, 2023, Incident Report of Teacher, Penelope Giordano
- R-17 March 6, 2023, Harassment, Intimidation, Bullying (HIB) and Discrimination Complaint filed by Petitioner (eight-page complaint)
- R-18 March 6, 2023, email from Petitioner to Ms. Irving
- R-19 March 6, 2023, email from Petitioner to Ms. Irving
- R-20 March 14, 2023, Affirmative Action/Discrimination Committee Decision
- R-21 Undated Donaldson Hearing Statement to Board on behalf of Petitioner by Dr. Tamburro
- R-22 March 20, 2023, email from Farrah Irving, Esq. Manager of Human Resources to Petitioner
- R-23 May 8, 2023, letter from Dr. April Vauss, Superintendent to Petitioner (Notice of Non-Renewal)
- R-24 May 8, 2023, email from Petitioner to Reggie Lampsey, Assistant Superintendent for Business (request for a Statement of Reasons)
- R-25 May 19, 2023, letter to Petitioner from Superintendent, Vauss- Statement of Reasons for Non-Renewal
- R-26 June 15, 2023, letter from Superintendent Vauss to Petitioner
- R-27 June 21, 2023, email from Farrah Irving to Petitioner with certified receipt
- R-28 June 21, 2023, letter from Petitioner to Irvington Board Members
- R-29 August 8, 2023, letter from Petitioner to New Jersey Department of Labor and Workforce Development Unemployment and Disability Insurance Services
- R-30 August 7, 2023, Notice of Determination from New Jersey Department of Labor and Workforce Development Unemployment Disability Insurance Services

Petitioner:

- P-4 May 21, 2020, Summative Professional Assessment and Development Report
- P-5 January 29, 2020, Professional Assessment and Development Report
- P-6 March 12, 2020, Professional Assessment and Development Report
- P-7 March 25, 2021, Professional Assessment and Development Report
- P-8 May 11, 2021, Professional Assessment and Development Report
- P-9 June 6, 2021, Summative Professional Assessment and Development Report
- P-10 February 8, 2021, Classroom Teacher Formative Assessment and April 19, 2023, Classroom Teacher Pre-Conference
- P-11 May 1, 2023, Classroom Teacher Formative Assessment
- P-12 June 14, 2023, Minutes from the Irvington Board of Education Virtual Board Meeting
- P-13 Petitioner's personnel file provided by Respondents
- P-15 "4D Participating in the Professional Community" binder (created and maintained by Petitioner)
- P-27 Flyer advertising jobs in Irvington Public Schools
- P-52 November 3 and 4, 2022, email from Ms. Hill to Petitioner
- P-73 January 5, 2023, HIB reporting form filled out by Petitioner regarding student K.D.
- P-80 Ms. Irving's June 11, 2018, Ethics Reprimand
- P-82 March 30, 2023, Petitioner's thirty-three-page rebuttal to March 14, 2023, Affirmative Action/Discrimination Committee Decision. (Not admitted for the truth of the matter asserted)