

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
LESLEY A. ETHERIDGE : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1718-170

At its meeting of January 19, 2018, the State Board of Examiners (Board) reviewed information it received regarding Lesley A. Etheridge. The Passaic County Vocational School District (Passaic) certified tenure charges against Etheridge for inefficiency and unbecoming conduct. Pursuant to *N.J.S.A.* 18A:6-16, the Arbitrator assigned by the Department of Education to hear the case, referred to the State Board of Examiners (Board) the tenure matter captioned *In the Matter of the Arbitration Between Lesley Etheridge and Passaic County Vocational School District*, Dkt. No. 120-6/15 (Arbitrator's Decision, June 27, 2016).

Passaic alleged that during the 2014-15 school year, Etheridge refused to acknowledge or cooperate with administration directives about submitting reports and received several reprimands for missing important deadlines and completing required tasks. Etheridge also repeatedly failed to acknowledge observation reports of her classroom performance. Passaic also contended that Etheridge falsified student grades by giving one student an A+ on a final exam even though the student never took the exam and giving all other students in her class an A+ on their final after encouraging them not to complete the exam. Etheridge also refused to remove unjustified participation/discipline grades entered into her grade book. Passaic also alleged that at various times during the 2014-15 school year Etheridge either left her class unattended, failed to report to her co-teaching assignment, left campus without permission or failed to report to her hall duty. In addition, the district charged Etheridge with sending emails to the administration during instructional time on 14 separate occasions and cited her for sending emails with an improper tone and demeanor. Passaic also contended that Etheridge engaged in unprofessional conduct during

an affirmative action meeting and several parent-teacher meetings. She also allegedly coerced students to write statements to the administration and showed an unauthorized film to students.

In her Decision (which is incorporated herein by reference), the Arbitrator noted that Etheridge “was notably uncooperative” with Passaic’s effort to improve her teaching performance during the 2014-15 school year. She further found that Etheridge’s “failure to comply with explicit instructions and recommendations from the school administration, and, in some instances, even to acknowledge them, reflects an inability and/or unwillingness to perform as befits a tenured teacher.” The Arbitrator also stated that Etheridge produced no compelling evidence to explain her lack of cooperation with the administration’s reasonable demands or substantiate her accusation that the district was trying to ruin her professional reputation.

The Arbitrator determined that “outrageously inappropriate behavior” combined with lack of “remorse or contrition” and “a likelihood of repeating the behavior” were all factors present in this matter. Having reviewed the entire record, the Arbitrator sustained all the tenure charges and concluded that Etheridge’s conduct warranted the loss of tenure and dismissal from the school district. Etheridge was dismissed from her tenured employment with Passaic as a result of the charges proven in the tenure proceeding.

Etheridge currently holds a Teacher of Electronic Technology Certificate of Eligibility and Teacher of Electronic Technology Standard Certificate. After reviewing the above information, at its March 1, 2018 meeting, the Board voted to issue an Order to Show Cause (OSC) to Etheridge as to why her certificates should not be revoked.

The Board sent Etheridge the OSC by regular and certified mail. The OSC provided that Etheridge must file an Answer within 30 days. Etheridge responded by filing an Answer. In her Answer, Etheridge denied the allegations in the Order and indicated that the charges were falsely

affirmed. Etheridge alleged that the Statement of Evidence contained fictitious statements and documents. She also argued that there were “major irregularities” in the date of the filing of the tenure charges. Etheridge further alleged that there was an error in that the Arbitrator was not in possession of the “Charge Book” for several weeks after the filing of the Tenure Charges.

Although the Arbitrator’s decision found Etheridge engaged in conduct unbecoming, considering Etheridge’s allegations regarding the matter, the Board believed there were material facts in dispute specifically as it related to mitigation of the penalty. Accordingly, on January 16, 2019, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. On September 16, 2019, the OAL entered an Order Granting Motion for Partial Initial Decision finding that Etheridge engaged in conduct unbecoming a teacher, as demonstrated by the facts proven before the Arbitrator. The September 16, 2019 Order also required that the matter proceed to a hearing limited to determining the appropriate penalty. At this hearing, Etheridge would have an opportunity to present mitigative evidence to support her position that revocation of her teaching certificates was unwarranted<sup>1</sup>.

On April 14, 2020, Administrative Law Judge (ALJ) Susana E. Guerrero issued an Initial Decision. *In the Matter of the Certificates of Lesley A. Etheridge*, Dkt. No. EDE 01145-19 (Initial Decision, April 14, 2020).

After a day of hearing, ALJ Guerrero found that, Etheridge’s conduct constituted unbecoming conduct. (Initial Decision, slip op. at p. 6). The ALJ agreed with the Arbitrator that Etheridge’s behavior was not just unbecoming, but “outrageously inappropriate.” *Id.* at p. 7. ALJ Guerrero indicated that at the March 6, 2020 hearing, Etheridge “expressed no remorse or even an

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<sup>1</sup> Due to the Board’s meeting schedule, it was unable to consider and/or act on the Order Granting Partial Initial Decision prior to the expiration of same on December 16, 2019. Absent Etheridge’s consent to an extension, the OAL notified the Board that it was unable to grant the Board an extension. Pursuant to N.J.A.C. 1:1-18.6(e), the Partial Initial Decision was deemed adopted as a matter of law.

explanation for her actions.” *Id.* Etheridge blamed the District and had her husband try to take responsibility for the grade falsification charges, which were the charges that ALJ Guerrero found to be the most egregious in this case. *Id.* ALJ Guerrero gave little weight to the testimony of Etheridge’s husband, mother, and friend. *Id.* None of the testimony gave the ALJ cause to impose a penalty less than revocation. *Id.*

Considering Etheridge’s pattern of unbecoming conduct and insubordination, along with “complete lack of remorse and failure to take any responsibility for her woefully inappropriate actions and poor judgment,” ALJ Guerrero concluded that there is just cause for the revocation of her teaching certificates. *Id.* Consequently, ALJ Guerrero ordered the revocation of Etheridge’s certificates. *Id.* Etheridge filed Exceptions and the Deputy Attorney General (DAG or Deputy) representing the Board filed Reply Exceptions.

In her Exceptions, Etheridge alleged that on March 6, 2020, Rodney Etheridge, an electronics instructor, admitted that he secretly composed the final exam that Etheridge is accused of falsifying and that his conduct caused tension in their marriage. Etheridge Exceptions at p. 2. The remainder of Etheridge’s exceptions repeat the arguments she made in prior submissions. She indicates that the Arbitrator did not admit, label, or number any exhibits into the record which prevented Etheridge from obtaining a fair hearing. *Id.* Additionally, she indicates that there was retaliation against her for making formal complaint regarding discriminatory student admission and retention grade falsification. *Id.* at p. 3 and p 9-10. Moreover, Etheridge argues that the ALJ and the DAG did not cite any cases whereupon a motion for summary judgment was granted in a NJ Teach Act case.

In her Reply Exceptions, the DAG argued that Etheridge’s exceptions are deficient and should be disregarded. Reply Exceptions at p. 3. She argues that Etheridge refiled her September

27, 2019 Exceptions to the Partial Initial Decision. *Id.* Specifically, Etheridge goes through the facts that were litigated in her tenure proceeding and attaches irrelevant materials. *Id.* The DAG also argues that the ALJ's decision should be adopted because her conduct warrants revocation. *Id.* at p. 5. She states that there is already a finding of unbecoming conduct from the Partial Initial Decision and that nothing was presented at the penalty hearing that would mitigate the penalty. *Id.* at p. 6.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of May 14, 2020<sup>2</sup>, the Board reviewed the Initial Decision, Exceptions and Reply Exceptions. After full and fair consideration of the Decision and submissions, the Board voted to adopt the Initial Decision. Prior to the June 26, 2020 meeting, wherein the Board was scheduled to vote upon this written form of order, Etheridge contacted the Board office and requested to appear in person. Although there was no legal requirement that the Board permit Etheridge to appear, rather than create a procedural issue, Etheridge was advised she may appear via Skype during the Board's virtual meeting on June 26, 2020. Etheridge indicated she did not wish to appear virtually but preferred to appear in person. Due to the unprecedented public health emergency, the Board did not believe it would be operating virtually for an entire year and it decided to hold the matter until an in-person meeting could be conducted as a courtesy to Etheridge. In the interim, the Board continued to request extensions of time from the OAL for considering the Initial Decision in this matter. The Board no longer has consent to continue extensions in this matter and has placed this written decision for consideration on the April 1, 2021 meeting agenda and offered Etheridge the opportunity to appear virtually.

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<sup>2</sup> Due to the public health emergency, the May 14, 2020 meeting was the Board's first virtual meeting.

On April 1, 2021, Etheridge appeared before the Board virtually and made a 5-minute statement regarding this matter.

“Teachers ... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment.” *Tenure of Sammons*, 1972 *S.L.D.* 302, 321. As noted above, after reviewing the record, ALJ Guerrero concluded that summary decision was appropriate in this case due to the application of collateral estoppel resulting from the factual findings in the Arbitration Decision. Having found unbecoming conduct, combined with Guerrero’s credibility findings regarding the witnesses presented by Etheridge in the penalty hearing and the fact that Etheridge showed no remorse for her actions and attempted to blame those around her for her conduct, the Board finds no reason to disturb the ALJ’s initial decision. Accordingly, after reviewing the entire record, the Board agrees with the ALJ’s assessment regarding Etheridge’s conduct and the appropriate resultant penalty.

The record unequivocally established that Etheridge falsified student’s grades and engaged in inappropriate grading practices, failed to appear at several co-teaching assignments, hall duty, left campus without authorization, engaged in unprofessional conduct with parents and faculty, and failed to comply with aspects of her corrective action plan. These events, coupled with Etheridge’s lack of remorse or acceptance of responsibility for her actions, provide ample justification for the revocation of her certificates. The Board agrees with the ALJ that the mitigation she presented does not compel a different result. The Board therefore believes that the only appropriate penalty in this matter is the revocation of her certificates.

Accordingly, on May 14, 2020, the Board voted to adopt the Initial Decision and ordered the revocation of Etheridge’s certificates. On this 1<sup>st</sup> day of April, 2021, the Board formally

adopted its written decision to adopt the Initial Decision in this matter and it is therefore ORDERED that Lesley A. Etheridge's certificates are hereby revoked, effective immediately. It is further ordered that Etheridge return her certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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Rani Singh, Secretary  
State Board of Examiners

RS/KAG/rg

**Date of Mailing:**  
**via certified and regular mail**

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.