

EDU #4379-03 and 6586-03 (consolidated)  
C # 142-06  
SB # 25-06

IN THE MATTER OF THE TENURE :  
HEARING OF DARLENE DONAHUE, :  
SCHOOL DISTRICT OF PEMBERTON, :  
  
AND : STATE BOARD OF EDUCATION  
  
DARLENE DONAHUE, : DECISION  
  
PETITIONER-APPELLANT, :  
  
V. :  
  
BOARD OF EDUCATION OF THE :  
TOWNSHIP OF PEMBERTON, :  
BURLINGTON COUNTY, :  
  
RESPONDENT-RESPONDENT. :

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Decided by the Acting Commissioner of Education, April 24, 2006

For the Respondent/Petitioner-Appellant, Selikoff & Cohen (Steven R.  
Cohen, Esq., of Counsel)

For the Petitioner/Respondent-Respondent, Capehart Scatchard  
(LaTonya N. Bland, Esq., of Counsel)

After a thorough review of the record, we affirm the decision of the Acting Commissioner to dismiss the appellant from her tenured employment for the reasons expressed therein. We find that the record fully supports the conclusion of the Administrative Law Judge (“ALJ”), adopted by the Acting Commissioner, that the appellant had “engaged in conduct unbecoming a public school teacher by using the District’s computers to knowingly and intentionally access and view internet

pornography during school hours” and that such conduct “was sufficiently flagrant to justify her dismissal.” Initial Decision, slip op. at 29. We stress in so doing that the facts established at hearing support the ALJ’s credibility determination that the appellant’s testimony that she had accessed the websites at issue in order to expose flaws in the district’s content filtering software “raises so many more questions than it provides answers that it simply does not ‘hang together.’” Id. at 26.

Thelma Napoleon-Smith recused herself.

October 4, 2006

Date of mailing \_\_\_\_\_