



## NJDOE News

**For More Information Contact the Public Information Office:**

**Ron Rice**  
**Kathryn Forsyth, Director**  
**609-292-1126**

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### **Commissioner Renders Decision in Asbury Park Tenure Matter**

Commissioner of Education William L. Librera has adopted the decision by the Office of Administrative Law regarding Asbury Park Superintendent Antonio Lewis, dismissing tenure charges brought by the Asbury Park Board of Education against Dr. Lewis and ordering the Board (BOE) to reinstate Lewis to his position of superintendent with full pay from the first day of his suspension.

Commissioner Librera noted, however, that, although this result is compelled by law, nothing in his decision "precludes the Board, in its discretion, from filing new tenure charges in compliance with the Tenure Employees Hearing Law."

The Commissioner concurred with the April 6 finding of Administrative Law Judge (ALJ) John R. Tassini that the Board did not follow the proper legal procedures requiring notice and an opportunity to show improvement before removing Dr. Lewis.

"The Commissioner is in full accord with the ALJ that the BOE's 'Count One,' alleging that the respondent failed to properly and effectively lead, supervise and/or manage the Asbury Park school system constitutes a charge of 'inefficiency,'" the Commissioner's decision stated. "Consequently, inasmuch as the Board did not fulfill its obligation, pursuant to *N.J.S.A. 18A:6-11*, of providing respondent written notice of the inefficiency and according him 90 days to improve his performance, Count One of the Board's charges must be dismissed."

"With respect to 'Count Two' of the Board's charges, charging respondent with unbecoming conduct for knowingly entering into an invalid contract, the Commissioner, in fulfillment of his responsibility pursuant to *N.J.S.A. 18A:6-16* and *N.J.A.C. 6A:3-5.5*, has reviewed this charge and upon such review, has determined that the charge, even if true, is, standing alone, deemed insufficient to warrant respondent's dismissal or reduction in salary and, therefore, Charge Two must be dismissed," the Commissioner's decision stated.

Copies of the Commissioner's decision and Judge Tassini's initial decision are available from the New Jersey Department of Education Office of Public Information, 609-292-1126 or online at the department's website at <http://www.nj.gov/njded/legal/commissioner/2004/jun/234-04.pdf>.