

OAL DKT. NO. EDU 11518-03 (http://lawlibrary.rutgers.edu/oal/html/initial/edu11518-03_1.html)
AGENCY DKT. NO. 403-11/03

IN THE MATTER OF THE TENURE :
 HEARING OF DEBORAH ROBINSON, : COMMISSIONER OF EDUCATION
 STATE-OPERATED SCHOOL DISTRICT : DECISION
 OF THE CITY OF JERSEY CITY, :
 HUDSON COUNTY. :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions.

Upon a thorough review of this matter, the Commissioner concurs that, in light of respondent’s resignation from the District and her retirement on an ordinary disability pension, there is no basis upon which this matter can be ordered to proceed and it is, therefore, dismissed as moot. The Commissioner also agrees that petitioner has no obligation to notify the Board of Examiners of respondent’s resignation and retirement. As set forth by the Administrative Law Judge, excessive absenteeism charges alone, without accusations of conduct unbecoming or wrongdoing, generally do not concern the State Board of Examiners. Moreover, the code provision which provides for the chief school administrator of a district to notify the State Board of Examiners whenever a teacher retires or resigns prior to adjudication of tenure proceedings, *N.J.A.C.* 6A:9-17.4,¹ applies only in cases involving allegations of criminal conduct or conduct unbecoming a teaching staff member.

¹ It is noted that *N.J.A.C.* 6:11-3.5, to which the ALJ refers, was repealed effective January 20, 2004 and re-codified at *N.J.A.C.* 6A:9-17.4.

Accordingly, the Initial Decision dismissing the within tenure charges as moot is adopted for the reasons set forth therein.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date of Decision: December 1, 2004

Date of Mailing: December 1, 2004