

IN THE MATTER OF THE TENURE :
HEARING OF MARIA PARISE, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE BOROUGH : DECISION
OF BUTLER, MORRIS COUNTY. :
_____ :

SYNOPSIS

In 2003, the Board certified tenure charges of inefficiency, conduct unbecoming, insubordination and other just cause against respondent – a tenured social worker in the district. The charges were stayed pending disposition of a related matter in Superior Court. The tenure charges allege that respondent produced incomplete and/or incorrect work, falsified her timesheets, was unable to communicate with other Child Study Team members, disposed of school property without permission, and refused to follow directions of her superiors and written procedures. The matter was heard in the OAL in 2007, and the ALJ found that the Board had substantiated its charges. The Commissioner rejected the initial decision, finding that the record did not demonstrate that the Board had satisfied the regulatory requisites for the bringing of inefficiency charges; the Commissioner therefore dismissed these charges and remanded the matter for further factual finding and penalty recommendation on the remaining charges. Pursuant to a motion for reconsideration, the Commissioner ruled that additional testimony and factual findings would be allowed with respect to the Board’s motion claim that in actuality it had satisfied the requisites for an inefficiency charge.

On remand, subsequent to receipt of additional testimony and evidence, the ALJ found, *inter alia*, that: on the charge of inefficiency, the Board complied with the requirements of *N.J.S.A. 18A:6-11* and *N.J.A.C. 6A:3-5.1c* by providing the respondent with a 90-day remediation period and a modified professional improvement plan, however, respondent failed to correct her inefficiencies and avail herself of the assistance offered to her; on the charge of conduct unbecoming, the Board met its burden to prove that the respondent engaged in conduct unbecoming a public employee that was sufficiently flagrant to warrant her dismissal; respondent failed to follow administrative directives on numerous occasions, failed to timely file required documents, failed to attend counseling sessions, failed to respond to parent complaints, and failed to attend meetings of the child study team – all of which constitute insubordination; and respondent either refused to or was incapable of performing her duties as a social worker, which resulted in serious consequences that put the District out of compliance with the timelines and requirements of the Special Education Code. Accordingly, the ALJ ordered that the respondent be dismissed from her tenured position.

Upon a thorough and independent review of the record, the Acting Commissioner concurred with the ALJ that the Board has sustained its charges against respondent, thereby warranting her termination from tenured employment. Accordingly, the Acting Commissioner adopted the Initial Decision as the final decision in this matter, and terminated respondent as of the date of this decision. The matter was transmitted to the State Board of Examiners for action against respondent’s certificate as that body deems appropriate.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.
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September 16, 2010

OAL DKT. NO. EDU 9654-08
(EDU 5793-03 ON REMAND)
AGENCY DKT NO. 152-5/03

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

Upon contemplative consideration of this matter – which included transcripts of the hearing on remand conducted on April 8, April 21 and April 23, 2009 – the Commissioner concurs with the Administrative Law Judge (ALJ), for the reasons comprehensively detailed in her decision, that the District has sustained its charges of Inefficiency, Unbecoming Conduct and Insubordination against respondent, warranting her termination from her tenured position.

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter. Respondent is hereby terminated from her tenured social worker position in the Butler School District as of the date of this decision. This matter shall be transmitted to the State Board of Examiners for action against respondent’s certificate as that body deems appropriate.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: September 16, 2010
Date of Mailing: September 17, 2010

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.