

STATE OF NEW JERSEY  
DEPARTMENT OF EDUCATION

IN THE MATTER OF THE TENURE HEARING OF LESLIE JOHNSON

THE STATE-OPERATED SCHOOL	:	
DISTRICT FOR THE CITY OF NEWARK	:	Agency Dkt No.
Petitioner	:	271-9/14
	:	
and	:	DECISION ON MOTION TO
	:	DISMISS
LESLIE JOHNSON	:	
Respondent	:	

Before: Carol F. Laskin, Esquire, Arbitrator

APPEARANCES:

For the Petitioner  
Charles I. Auffant, Esquire  
Stuart Ball, LLC

For the Respondent  
Janelle Edwards-Stewart, Esquire  
Associate Counsel  
The Newark Public Schools  
Office of the General Counsel

PROCEDURAL HISTORY

The State-Operated School District of the City of Newark ("NPS" or "District") served Respondent Leslie Johnson ("Respondent" or "Johnson") a Notice of Inefficiency on or about August 25, 2014. Gemar Mills, Principal at the District's Malcolm X Shabazz High School ("Shabazz") filed the Notice of Tenure Charges - a charge of inefficiency pursuant to the *Teacher*

*Effectiveness and Accountability for the Children of New Jersey* ("TEACHNJ") Act, P.L. 2012, c.26, N.J.S.A. 18A:6-117 et seq., seeking Mr. Johnson's dismissal. Respondent was rated partially effective in his 2012-2013 and 2013-2014 annual summative evaluations. On September 18, 2014, State District Superintendent Cami Anderson determined, *inter alia*:

"1. The School District has complied with the required evaluation process in all respects with respect to the Employee's evaluation in the 2012-13 and 2013-14 school years;"

Respondent was suspended without pay, effective September 19, 2014 when the charges were certified to the Commissioner of Education. On October 9, 2014, M. Kathleen Duncan, Director of the Bureau of Controversies and Disputes of the Department of Education ("DOE") advised the parties, upon review of the charges and Respondent's answer, "The Commissioner is unable to determine that the evaluation process has not been followed," referring the matter to the undersigned as Arbitrator.

After communications with the parties, on November 1, 2014, Respondent filed a Brief and exhibits in support of his Motion to Dismiss tenure charges for alleged "inefficiency." On November 10, 2014, the District filed its Brief in opposition to the Motion to Dismiss, along with Certifications and attachments. On November 28, 2014, Respondent's Reply Brief with exhibits was submitted.

Moreover, upon request of the undersigned, the District

proposed and Respondent executed, on December 10, 2014, a Statement of Facts reflecting the employment history of Leslie Johnson with the District.

In early December 2014, a flurry of correspondence and emails were forwarded wherein, *inter alia*, suppression of the Motion and discovery issues were raised. By letter on December 15, 2014, the undersigned provided the parties an additional opportunity to orally argue or proffer a written submission, no later than noon on December 17, 2014 regarding, *inter alia*, the December 7, 2014, Decision in The Matter of the Tenure Hearing of Elena Brady, State-Operated School District of the City of Newark, Essex County, Agency Docket 270-914, ("Brady")<sup>1</sup> Therein, the record on the instant Motion closed.

#### UNDISPUTED FACTS

Upon review of this record in its entirety, including the Stipulation of Facts, Certifications of Larisa Shambaugh, Executive Director of Strategic Initiative in the Talent Office of NPS and Certifications of Gemar Mills, Principal at Shabazz, I **find** the following undisputed **facts** relevant to this Motion:

Respondent, Leslie Johnson received Provisional and Standard

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<sup>1</sup>On October 16, 2014, Arbitrator Stephen Bluth issued a Decision on a similar Motion in the Matter of the Tenure Hearing of Sandra Cheatham, State-operated School District of the City of Newark, Essex County, Dkt No. 420-14, ("Cheatham"). On November 19, 2014 Arbitrator Robert T. Simmelkjaer issued a Decision on a similar Motion in the Matter of the Tenure Hearing of Neil Thomas, in the State-Operated School District of the City of Newark, Essex County, Dkt No. 244-9/14, ("Thomas"). The parties' arguments herein referenced these decisions and awards issued.

Certificates as a "Teacher of Technical Occupations: Television Production Technology." He commenced employment with the District on or about October 25, 2004 under the title "Video Teacher." He was assigned to Malcolm X Shabazz High School upon his hire and remained at Shabazz until the end of the 2013-2014 school year. Mr. Robinson obtained tenure in 2007. Respondent's title changed from "Video Teacher" to "Teacher Video" on or about September 1, 2012. This was Respondent's sole title change from his date of hire until the end of the 2013-14 school year. The only courses taught by Respondent were "Video Production" levels, I, II and III.

#### **2012-2013 Evaluations**

Gemar Mills became Principal of Shabazz in August 2011. During the school year 2011-2012, seven NPS schools participated in the new Teacher Evaluation System, Department of Education's Excellent Educators for New Jersey - a teacher evaluation pilot in which eleven (11) school districts participated. Shabazz was not one of the seven NPS schools participating in this program.

During the 2012-2013 school year, Mr. Robinson was evaluated solely by the Department Chair, Michael A. Van Allen, as follows:

1. Formative observation dated November 15, 2012: effective (12 points earned).
2. 2012-13 Mid-Year Summative Evaluation dated February 22, 2013: partially effective (10 points earned).
3. Formative observation dated March 22, 2013: partially effective (9 points earned).

4. Formative observation dated May 9, 2014: partially effective (8 points earned).

5. 2012-13 Annual Summative Evaluation dated June 11, 2013: partially effective (10 points earned).

Respondent's 2012-2013 year Annual Evaluation, ten points earned, is the highest point level of "partially effective." An "effective" teacher is evaluated earning 11 to 14 points.

On March 4, 2013, the State Board of Education adopted administrative code regulations containing, *inter alia*, amendments to evaluations to *N.J.A.C. 6A:10-2.3 Evaluation of Tenure Teaching Staff Members*. In October 2013, the State Board of Education adopted additional required specifications in the evaluation procedures for teaching staff members under TEACHNJ. The evaluation process and evaluations of Respondent in the 2012-13 school year did not comply with the regulations effective in March 2013 or October 2013.

#### **ARGUMENTS OF THE PARTIES**

The parties presented extensive, comprehensive arguments; the essence of each is as follows:

##### **Initial Brief**

##### **A. Respondent**

Johnson avers the 2012-2013 annual summative evaluation cannot be considered in connection with tenure charges pursuant to *N.J.S.A. 18A:6-17.3*. The applicable regulations establishing guidelines and procedures regarding teacher evaluations and

observations pursuant to TEACHNJ and ACHIEVENJ did not go into effect until October 2013.

Moreover, Respondent maintains the Shabazz school did not have a School Improvement Panel as required by *N.J.S.A. 18:A:6-120* in the 2012-2013 school year. It meet for the "first time" on May 23, 2014. Clearly, during the 2012-2013 school year, evaluation procedures were being piloted - not implemented. Accordingly, Respondent maintains the charge is legally deficient and should be dismissed.

#### B. District

The District avers it has met all applicable requirements for evaluating Respondent's performance during the 2012-2013 school year. The 2011-2012 school year was the "pilot" year. Pursuant to TEACHNJ, the NPS obtained approval for its evaluation rubric from the DOE prior to December 2012. Moreover, the District and Newark Teachers Union entered into a Memorandum of Agreement on October 18, 2012, providing, in pertinent part:

NPS will implement a new evaluation system beginning SY 2012-13. In accordance with the Teacher Effectiveness and Accountability for the Children of New Jersey Act ("TEACHNJ"), N.J.S.A. 18A:6-117 et seq., teachers will receive an annual summative evaluation rating that designated them as highly effective, partially effective or ineffective."

And, after the October 20, 2013 adopted regulations, the District updated its guidebook. Counsel contends,

"Thus, in 2012-2013 and in 2013-14, different legal requirements were in effect with respect to the required number of teacher observations and with respect to whether



those observations were required to be announced or unannounced and accompanied by pre- or post-observation conferences. However, while these procedural requirements changed from 2012-13 to 2013-14, the same Department-approved teacher performance evaluation rubric was in effect and implemented in both school years. And, both of those school years followed the District's "pilot" year, 2011-12." (Opposition Brief at page 7)

In support of this position, Petitioner relied upon the October 24, 2014 clarification requested by NPS following the Cheatham decision. Therein, Assistant Commissioner Peter Shulman deviated from the DOE's earlier guidance articulating prior comments on evaluation outcomes in the 2012-2013 school year would impact only earning tenure, finding no prohibition against utilizing the 2012-2013 evaluation data "to bring a tenure charge of inefficiency against a tenured teacher."

Referencing the 2012-2013 school year evaluation rubric, Assistant Commissioner Shulman clarified the Department's position,

"In regards to the status of Newark's evaluation rubrics during the 2012-2013 school year, please note that, on October 26, 2012, members of the Department met with Newark representatives to review and discuss the Newark Evaluation Rubric and the associated policies that would be put into place for the 2012-2013 school year. At that time, the Commissioner's representatives found that the Evaluation Rubric met the intent of the recently adopted TEACHNJ Act and were directionally aligned with the proposed regulations, which would be effective in March of 2013."

#### School Improvement Panel

Petitioner maintains a School Improvement Panel ("SIP") was in place at Shabazz during the 2012-2013 school year. Informal meetings were conducted, and Mr. Johnson benefitted from the SIP.

The District does concede, however, the SIP in existence in the 2012-2013 school year, was informal. Counsel reasons,

"Even assuming, without admitting, that the statute had not been fully complied with in 2012-13 due to the informal nature of the phase one SIP, this fact alone certainly would be insufficient to warrant dismissal of the tenure charge against Respondent. See N.J.S.A. 18A:6-17.2(a)(1). In order to dismiss a tenure charge on the basis of such a procedural error, the arbitrator would be required to determine that the error "materially affected the outcome of the evaluation" in the relevant school year. N.J.S.A. 18A:6-17.2(b). That determination cannot be made without considering all evidence presented at the hearing. Given the voluminous evidence of Respondent's inefficiency, the supposed "error" of an informal SIP's holding its first formal meeting at a later date cannot, in itself, support dismissal of the charge prior to hearing." (Opposition Brief at pages 11-12)

Finally, the District suggests in the event the requirements of TEACHNJ Section 25 have not been met, the charge should still proceed to hearing under Inefficiency in non-mandatory Section 8 cases. To do otherwise, would give a poor performing teacher a free ride during the full implementation of the DOE's procedural requirements adopted for TEACHNJ.

#### **Respondent's Reply Brief**

Johnson maintains the arguments presented by NPS were likely presented to the Arbitrators in the Cheatham and Thomas matters. In both those cases, the inefficiency charges were found to be without adequate foundation and dismissed. Respondent seeks due deference and adoption of these decisions as precedent in the instant matter.

Johnson asserts whatever the actions of NPS in 2011-2012 school year did not transform the 2012-2013 school year into the



first official year of the requisite two consecutive years to support formal charges, as found in Thomas.

Respondent also views Assistant Commissioner Shulman's October 24, 2014 clarification in response to a request by NPS General Counsel as "extraordinarily suspicious." Mr. Johnson does not question the rubric. Rather, he argues the specific requirements for implementation of the actual observation/evaluation regulatory process was not available for the 2012-2013 school year. Counsel concludes,

"Mr. Shulman's letter appears, on its face, to be the result of improper collusion with the District written in a desperate effort to invent some rationale for the District's blatant disregard of the legal requirements of TEACHNJ and AchieveNJ. It stands as an attempt to throw a life preserver to a drowning party that, alas, does not float. It cannot stand above the law, the regulations, or his own Department's previous administrative guidance."

Moreover, Petitioner maintains the District cannot now, after failing to proffer the evaluations in compliance with *Section 25* of the TEACHNJ Act, pursue the case under *Section 8, N.J.S.A. 18A:6-16*. Finally, Petitioner observes that as the SIP was not in place in the 2012-2013 school year, Mr. Johnson could not have received this critical benefit.

#### **December 2014 Brady Decision**

On December 7, 2014, Arbitrator Joyce Klein issued the third decision regarding the State-Operated School District for the City of Newark's referral of a tenure case for arbitration relying upon evaluations conducted in the 2012-2013 school year. Both

Respondent and the District raised arguments similar to those presented before the undersigned.

Upon review of the record before her, Arbitrator Klein determined, *inter alia*, the statute provided authority for an arbitrator to determine a motion prior to a hearing and the District's participation in a "pilot" program during the 2011-2012 school year did not obviate the District's obligation to implement the full panoply of procedures required by the statute for 2012-2013 school year. Arbitrator Klein reasoned,

"Because the implementing regulations were not effective until March of 2013, the District could not and did not fully implement the evaluation rubric and procedures required for the 2012-2013 school year. Accordingly, Respondent's 2012-2013 summative evaluation cannot properly be considered in support of the District's tenure charges pursuant to N.J.S.A. 18A:6-17.3...

In order to consider tenure revocation under N.J.S.A. 18A:6-17.3, the procedures for providing the requisite observations, corrective action plans and School Improvement Panels must be in place to allow the teacher full opportunity for improvement prior to tenure charges. Since neither the rules nor the procedures pursuant to those rules governing observations, corrective action plans and School Improvement Plans were in place, teachers cannot be charged under N.J.S.A. 18A:6-17.3 based upon their 2012-2013 school year summative evaluations." (Decision at Page 20)

And, consistent with the decision in Cheatham, Arbitrator Klein determined the charges, based upon inefficiency under TEACHNJ, *Section 25*, cannot be evaluated under *Section 8*.

**Position of Respondent Leslie Johnson**

Respondent contends the issues presented in Cheatham, Thomas and Brady were identical to the issues before the undersigned. As

the arbitrators therein determined the District could not rely upon the evaluations as a matter of law from 2012-2013 school year, the formal charges of inefficiency herein should likewise be dismissed. As the Brady decision considered each and every argument raised by the District and rejected them, Respondent "urges" the undersigned to follow the analysis in the three previous decisions and grant Mr. Johnson's Motion to Dismiss.

**Position of the NPS**

The District argues TEACHNJ arbitration decisions have no precedential value; the doctrine of collateral estoppel is inapplicable. The "short answer" argues NPS is that the Brady decision was decided incorrectly and the undersigned should decline to follow it.

The District maintains an arbitrator is required by N.J.S.A. 18A:6-17(2) (b) to determine whether an asserted procedural defense "materially affected the outcome" of the Respondent's evaluation - Brady was devoid this analysis.

Counsel reasons this arbitrator's authority is limited,

"When Respondent's motion here is considered in these terms - in accordance with the arbitrator's statutory authority - it is clear that the motion cannot be granted. The Motion seeks dismissal on the ground, essentially, that Respondent's 2012-2013 summative evaluation somehow did not "count" because the School District supposedly was required to conduct a "pilot" program in that school year. To decide whether to dismiss the charge on this basis, the arbitrator must determine not only whether a "pilot" in that year was required, but whether the lack thereof - and the School District's implementation of a "pilot" the year before, instead - "materially affected the outcome of the evaluation," pursuant to N.J.S.A. 18A:6-17.2.b. As this issue cannot be decided without considering

the evidence in the record, the arbitrator must conduct a hearing. In short, in order to perform the duty required of her by TEACHNJ, she must deny the motion." (Brief at 8)

Counsel concludes,

"In sum, the *Brady* decision is significant only as an example of what the arbitrator here should *not* do. The arbitrator should not re-decide the referral to arbitration or consider its adequacy. She should not shirk her duty to analyze the defenses provided in N.J.S.A. 18A:6-17.2(a), and render a determination of whether any of those defenses, if proven, materially affected the respondent's evaluation. N.J.S.A. 18A:6-17.2(b). And she should not ignore the plain language of the Act, or the Department of Education's recent interpretation of the Act, to rule that the 2012-2013 school year must be treated as a "pilot" year for the School District's evaluation rubric, or that TEACHNJ went into effect on a different date than provided by the Legislature. In short, the arbitrator should adopt a straightforward interpretation of TEACHNJ, and proceed to a hearing to consider the voluminous evidence of Respondent's inefficiency."

#### ANALYSIS

Upon review of this record including the charges referred, the parties' arguments and exhibits, review of TEACHNJ, Administrative Code Provisions and guidance from the Department of Education, I *find* the District's position that prior TEACHNJ decisions on Motions are not precedent to be persuasive. Each Motion decision must be based upon review of the evidence submitted to the Commissioner upon "referral" "by the employing board of education." *N.J.S.A.18A:6-17.1(b)(3)*

TEACHNJ and administrative code rules found in *Chapter 10. Educator Effectiveness* allow for review, upon motion, of the referral to arbitration to determine whether the minimum

requirements to ensure compliance with the evaluation procedures have been met.

**TEACHNJ, Administrative Code Provisions and  
Department of Education guidance.**

Prior to the enactment of TEACHNJ, tenure revocation proceedings were often lengthy and costly for all concerned. In the early 1990s, this arbitrator had the privilege of serving as an Administrative Law Judge/Temporarily Assigned and witnessed the effect of the lengthy process on a District, the teacher, and their representatives. TEACHNJ limits the evidence the Board of Education and Respondent can present at hearing, establishes specific time lines, and dictates what the arbitrator can consider when reviewing the record evidence to render her decision. The statute does maintain important due process protections for teaching staff members.

In March 2014, the Department of Education issued the initial *Summary of Legal Requirements for Evaluation and Tenure Cases* ("Summary") to assist districts in complying with the new statute and administrative code provisions. The DOE also provides a *Guide to the TEACHNJ Act*, which is consistent with the Summary.

Introducing the Summary, the DOE explains,

"The TEACHNJ ACT outlines a new process for filing inefficiency charges under the new evaluation system (AchieveNJ). This guide outlines the actions required in law before bringing an inefficiency tenure charge based on the new tenure revocation process, including the following elements:

A. Minimum Requirements to Ensure Compliance with Evaluation Procedures

- I. Observation Requirements
- II. Student Achievement Requirements
- III. Summative Evaluation Requirements
- IV. Corrective Action Plan (CAP) Requirements
- V. Additional Requirements"

The DOE, under "V. Additional Requirements", identifies the School Improvement Panel as follows:

" School Improvement Panel (ScIP) (N.J.A.C. 6A:10-3):

\*Must be established by August 31 of each year

\* The precise way in which the ScIP supports teacher mentoring, evaluation and professional development may vary among schools, but the district must ensure the minimum membership requirements and procedures for forming the ScIP as described in N.J.A.C. 6A:10-3 are followed."

Following two years of rating that trigger a charge of inefficiency, the tenure revocation process time line is compressed.

At the conclusion of the Summary, the DOE cautions districts in bold letters,

**"At all levels of review, the deciding entity must determine whether the district followed the proper procedural requirements as established by the district, the TEACHNJ Act, and subsequent regulations."**

In light of the statute, Administrative Code, and guidance of the Department of Education, I *find* a panel arbitrator has authority to review inefficiency charges referred for arbitration, upon motion, to determine whether the minimal requirements to ensure compliance with the evaluation procedures have been met.



**Failure to met the minimum procedural requirements  
materially affects the evaluation process**

NPS's contention, even assuming its failure to meet the minimum requirements to ensure compliance with evaluation procedures, that this arbitrator is not permitted to evaluate the referral, that she would "shirk her duty" if she did not allow an evidentiary hearing to determine if the district's failure materially affected the outcome, is inconsistent with statutory and regulatory provisions of TEACHNJ.

*N.J.A.C. 18A:6-17.1(b)(3)* addresses the referral of the case for arbitration by a district as follows,

"(3) Upon referral of the case for arbitration, the employing board of education shall provide all evidence including, but not limited to, documents, electronic evidence, statements of witnesses, and a list of witnesses with a complete summary of their testimony, to the employee or the employee's representative. The employing board of education shall be precluded from presenting any additional evidence at the hearing, except for purposes of impeachment of witnesses."

In the instant matter, the referral consists of the Certification of Determination to certify tenure charges against Leslie Johnson along with the Statement of Charges, Statement of Evidence, Appendix of Exhibits and supporting documentation as provided by the District on September 19, 2014 to the Commissioner of Education, David C. Hespe.

An Arbitrator is not permitted to allow depositions. Discovery is limited to twenty-five (25) interrogatories without sub-parts. Thus, a Respondent would be denied procedural due process if s/he were required to utilize limited discovery to

ascertain additional evidence a district would provide at hearing.

Consistent with precluding a district from presenting additional evidence, the statute continues,

"At least 10 days prior to the hearing, the employee shall provide all evidence upon which he will rely including, but not limited to, documents, electronic evidence, statements of witnesses, and a list of witnesses with a complete summary of their testimony, to the employing board of education or its representative. The employee shall be precluded from presenting any additional evidence at the hearing except for purposes of impeachment of witnesses."

The preclusion of evidence is supported by the time line required to be "strictly followed" by an arbitrator.

Moreover, the issues raised by Respondent in the instant motion involve statute and code provisions that do not permit arbitrator discretion. The School Improvement Panel provisions, at issue herein, utilize the word "shall". *N.J.S.A 18A:6-120 School improvement panel; N.J.A.C.6A:10-3.1 School Improvement Panel membership; N.J.A.C.6A:10-3.2 School Improvement Panel responsibilities.* Likewise, *N.J.A.C.6A:10-4.4 Teacher observations* mandates observation requirements for tenured teachers utilizing the word "shall".

Teacher observations and the School Improvement Panel must meet the minimum requirements. To interpret the statute requiring the hearing to proceed, even if the evidentiary submission at referral does not meet the Minimum Requirements to Ensure Complaine with Evaluation Procedures, as outlined in the DOE Summary, would negatively affect the rationale for implementing

TEACHNJ. Tenure cases could again be lengthy and costly to all parties. Allowing arbitrator's discretion to change the mandates of "shall" into "may" with respect to statute and administrative code provisions would assure divergent findings and invite Appellate review.

Moreover, the strict time line required of panel arbitrators by TEACHNJ envisioned the tenure revocation proceeding (including pre-hearing discussions, discovery issues, motion review, evidentiary hearing and issuing the decision), to be completed in no more than six (6) days. *N.J.S.A.18A:6-17.1(b)(2)*

Finally, as the instant Notice of Tenure Charges was based upon inefficiency filed under *Section 25, N.J.S.A.18A:6-17* it can not proceed under *Section 8, N.J.S.A.18A:6-16*.

Accordingly, TEACHNJ grants a panel arbitrator the authority to review, upon motion, whether the referral evidence meets minimum requirements to ensure compliance with evaluation procedures. Upon determination the referral does not, the motion to dismiss should be granted.

#### **Review of Tenure Charge: Inefficiency**

On September 19, 2014, NPS referred the tenure charge of inefficiency based upon Leslie Johnson's 2012-2013 and 2013-2014 annual summative evaluations ratings of partially effective. While the statute provides a Superintendent with discretion to file the charge of inefficiency, if the consecutive summative

ratings are "partially effective", this record review revealed NPS filed the instant charge with knowledge that the minimal requirements to ensure compliance with evaluation procedures were not met.

#### **2012-2013 School Year**

The Statement of Evidence was submitted by Principal Mills. The Teacher observations of Leslie Johnson in the 2012-2013 school year did not comply with the requirements of *N.J.A.C. 6A10-4.4*. (Exhibits 2, 4, 5, 6, 8 ) Indeed, NPS admitted the required number of teacher observations, the required notification, and pre/post observation conferences, mandated by Administrative Code, were not complied with by the District in the 2012-2013 school year.

Assistant Commissioner Shulman's October 24, 2014 clarification expressed the evaluation rubric utilized by the District in the 2012-2013 school year was "directionally aligned" with the proposed March 2013 regulations. This clarification did not grant NPS a waiver from complying with all administrative code regulations in *Chapter 10. Education Effectiveness*.

#### **School Improvement Panel**

With Exhibit 45, NPS acknowledged the School Improvement Panel at Shabazz was not established during the 2012-2013 year pursuant to *N.J.S.A.18A:6-120* and *N.J.A.C. 6A:10-3.1*. The first meeting of the Shabazz School Improvement Panel, compliant with administrative code, was not conducted until May 23, 2014.

Clearly, the SIP could not have performed the functions and responsibilities, outlined in *N.J.A.C. 6A:10-3.2.*, in either the 2012-2013 or the 2013-2014 school year. <sup>2</sup>

In light of the above review, I **find** the District's referral for arbitration did not meet the minimum requirements to ensure compliance with evaluation procedures mandated by TEACHNJ and administrative code, *Chapter 10. Educators Effectiveness*. Respondent Leslie Johnson's Motion to dismiss the tenure charge for alleged "inefficiency" filed by the State-Operated School District of the City of Newark is, hereby, **granted**. Accordingly, I issue the attached **Award**.

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<sup>2</sup>*N.J.A.C. 6A:10-3.2(a)(3)* requires the School Improvement Panel to conduct a mid-year evaluation for teachers on a corrective action plan. Shabazz did not have a functioning SIP at the time Mr. Robinson's 2013-2014 mid-year evaluation was conducted. (Exhibit 12)

STATE OF NEW JERSEY  
DEPARTMENT OF EDUCATION

IN THE MATTER OF THE TENURE HEARING OF LESLIE JOHNSON

THE STATE-OPERATED SCHOOL :  
DISTRICT FOR THE CITY OF NEWARK : Agency Dkt No.  
Petitioner : 271-9/14  
:  
and : DECISION ON MOTION TO  
:  
LESLIE JOHNSON : DISMISS  
:  
Respondent :

AWARD

The tenure charge of inefficiency against Respondent Leslie Johnson is dismissed in accordance with N.J.S.A. 18A:6-17.3(c) and N.J.A.C. 6A:3-5.1(c). Respondent Leslie Johnson shall be reinstated to his teaching position with the State-Operated School District of the City of Newark with appropriate back pay, seniority and emoluments commensurate with his employment.

DATED:

Carol F. Laskin  
CAROL F. LASKIN, ESQUIRE

STATE OF NEW JERSEY :

COUNTY OF CAMDEN :

I CERTIFY that on

January 14, 2015

I, CAROL F. LASKIN, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument, which is my Decision and Award.

DATED:

January 14, 2015 Lynda A Green  
NOTARY PUBLIC OF THE  
STATE OF NEW JERSEY

