

IN THE MATTER OF THE TENURE :
HEARING OF WENDY L. CLOTHIER, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE TOWNSHIP OF : DECISION
STILLWATER, SUSSEX COUNTY. :

SYNOPSIS

The Board filed tenure charges against respondent alleging that she engaged in conduct unbecoming a teacher; specifically, it alleged that, on several occasions, respondent attempted to, and did, engage in inappropriate sexual contact with a student. Respondent was subsequently admitted into pre-trial intervention probation with regard to criminal charges filed as a result of the alleged inappropriate sexual contact with a minor and, as a condition thereof, agreed to resign her tenured position, which she did.

The ALJ determined that the case is moot and recommended dismissal of the tenure charges.

The Commissioner dismissed the tenure charges as moot and transmitted the matter to the New Jersey Board of Examiners for action it deems appropriate against respondent's teaching certificate.

March 19, 2001

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties filed no exceptions to the Initial Decision.

Upon his independent review, the Commissioner affirms the conclusion of the Administrative Law Judge that the within tenure charges against respondent have been rendered moot as a consequence of an Order of Postponement issued by the Honorable Lorraine C. Parker, J.S.C., placing respondent in the custody of the Sussex County Pre-Trial Intervention Project, on probation, subject to the usual terms and conditions of Pre-Trial Intervention Probation, with certain special conditions, including a stipulation that respondent immediately resign her tenured teaching position with petitioner.

Accordingly, the tenure charges against respondent are hereby dismissed. This matter shall be transmitted to the State Board of Examiners, pursuant to *N.J.A.C.* 6A:5.6(d), for action against respondent's certificate as that body deems appropriate.¹

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: March 19, 2001

Date of Mailing: March 20, 2001

¹ Pursuant to *N.J.A.C.* 6:11-3.5, should the Board of Examiners issue an Order to Show Cause in this matter, it is the District's responsibility to cooperate with the Board of Examiners in ascertaining and presenting the facts underlying the District's allegations.

² This decision, as the Commissioner's final determination, may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6A:4-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.