

IN THE MATTER OF THE TENURE :
HEARING OF BRIAN PRICKETT, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
BRIDGETON, CUMBERLAND COUNTY. :

SYNOPSIS

The petitioning Board certified tenure charges against respondent – a teacher at Bridgeton High School – for conduct unbecoming a teaching staff member, incompetence, insubordination and other just cause for dismissal. The charges stem, *inter alia*, from allegations of severe attendance problems, refusal to sign evaluations, poor classroom management, and storing pictures of a sexual nature on his district assigned computer. Respondent twice failed to appear at scheduled hearings at the OAL in this matter, resulting in a default judgment against him. The Commissioner remanded the matter to the OAL for an explanation of the circumstances surrounding respondent’s failure to appear.

On remand, the ALJ found that: the Board filed written tenure charges against respondent in accordance with *N.J.S.A.* 18A:6-11, and submitted into evidence 43 documents in support of those charges; respondent was afforded every opportunity for a hearing to contest the tenure charges; and respondent failed to appear for hearings on June 22, 2010 and July 12, 2010, without explanation or excuse. The ALJ determined that given respondent’s failure to contest the charges – and given the overwhelming documentation submitted by the Board in support of those charges – the tenure charges must be sustained. Accordingly, the ALJ ordered that respondent be dismissed from his tenured position.

Upon independent review of the record and the Initial Decision, the Commissioner adopted the ALJ’s decision as the final decision in this matter. Respondent was dismissed from his tenured employment, and a copy of this decision was forwarded to the State Board of Examiners for action against respondent’s certificate(s) as that body deems appropriate.

<p>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.</p>

December 23, 2010

OAL DKT. NO. EDU 9349-10
(EDU 811-10 ON REMAND)
AGENCY DKT. NO. 40-3/10

IN THE MATTER OF THE TENURE :
HEARING OF BRIAN PRICKETT, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
BRIDGETON, CUMBERLAND COUNTY. :

After consideration of the record and the Initial Decision of the Office of Administrative Law,¹ the Commissioner adopts the Initial Decision as the final decision in this case – for the reasons set forth therein. The tenure charges are sustained, and respondent is hereby terminated from his teaching position in petitioner’s district. In addition, a copy of this decision shall be forwarded to the State Board of Examiners for action against respondent’s certificate(s) as that body deems appropriate.

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 23, 2010

Date of Mailing: December 23, 2010

¹ No exceptions to the Initial Decision were filed.

² Pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*, Commissioner decisions are appealable to the Appellate Division of the Superior Court.