

STATE BOARD OF EXAMINERS DKT. NO. 1112-164
AGENCY DKT NO. 1-1/13A

IN THE MATTER OF THE :
REVOCATION OF THE CERTIFICATES : COMMISSIONER OF EDUCATION
OF RANDI TRUE BY THE : DECISION
STATE BOARD OF EXAMINERS. :

Order of Revocation by the State Board of Examiners, November 30, 2012

For the Respondent – Appellant, Arnold M. Mellk, Esq.

For the Petitioner – Respondent State Board of Examiners, Frederick Wu,
Deputy Attorney General (Jeffrey S. Chiesa, Attorney General of New Jersey)

The Commissioner has reviewed the record and the papers filed in connection with the appellant Randi True’s appeal of the State Board of Examiners’ Order of November 30, 2012, revoking her Teacher of Elementary School, Teacher of Nursery School, and Teacher of the Handicapped Certificates. On appeal, the appellant maintains that the Board’s decision to revoke her certificates was arbitrary, capricious and unreasonable. Specifically, the appellant argues that the Board made several findings of fact that are not supported by the record, including that: she received multiple notices from the Board that her absences were a concern; she used demeaning language with her students; and she was insubordinate because she sent a text message to a coworker after she was suspended. The appellant further maintains that she was not tardy to such an extent that would warrant the revocation of her certificates, nor would the one occasion where she allegedly failed to properly supervise her students.

In reviewing appeals from decisions of the State Board of Examiners, the Commissioner may not substitute his judgment for that of the Board so long as the appellant received due process and the Board's decision is supported by sufficient credible evidence in the record. Further, the Board's decision should not be disturbed unless the appellant demonstrates that it is arbitrary, capricious, or unreasonable. *N.J.A.C. 6A:4-4.1(a)*.

After full consideration of the record and all submissions, the Commissioner finds that the record adequately supports the Board's determination that the appellant engaged in chronic and excessive absenteeism and tardiness, unbecoming conduct, and insubordination. Contrary to the appellant's assertions on appeal, the credible evidence in the record amply supported the Board's assessment of the appellant's conduct, which included a pattern of inappropriate and unprofessional conduct that is not suitable to a school environment. Further, the Board's penalty determination in this case was not based on any one fact but rather the totality of the appellant's conduct, and as a result, there is nothing in the record to suggest that the Board's decision was arbitrary, capricious or unreasonable. Consequently, the Commissioner finds no basis upon which to disturb the decision of the State Board of Examiners.

Accordingly the decision of the State Board of Examiners is affirmed for the reasons expressed therein.*

COMMISSIONER OF EDUCATION

Date of Decision: May 29, 2013

Date of Mailing: May 29, 2013

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