

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JOHN ZAWADZKI : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-123

At its meeting of December 13, 2012, the State Board of Examiners (Board) reviewed a decision forwarded by the Acting Commissioner of Education (Commissioner) that had dismissed John Zawadzki from his tenured Teacher of Industrial Arts position with the School District of Old Bridge (Old Bridge). *In the Matter of the Tenure Hearing of John Zawadzki*, Docket No. 371-12/11 (Acting Commissioner's Decision, June 14, 2012). Zawadzki currently holds a Teacher of Industrial Arts certificate, issued in June 1988 and a Teacher of Technology Education certificate, issued in October 2011.

This case originated when Old Bridge certified tenure charges against Zawadzki of conduct unbecoming by threatening a student with a knife, violating school policy by possessing a weapon and disciplining a student with corporal punishment; and insubordination resulting in previous discipline and increment withholding. After the case was transmitted to the Office of Administrative Law (OAL) for hearing, Administrative Law Judge (ALJ) Carol Cohen heard testimony on March 29 and 30, 2012. After receiving post-hearing submissions, the record closed on April 16, 2012 and the ALJ issued an Initial Decision on May 2, 2012. *In the Matter of the Tenure Hearing of John Zawadzki*, OAL Docket No. EDU 00189-12 (Initial Decision, May 2, 2012).

In that decision, ALJ Cohen found that, on October 24, 2011, Zawadzki pulled a folding knife from a sheath on his belt and held it near a student's face after that student refused to remove his earbuds in class. *Id.* at 23. While he denied threatening the student, Zawadzki admitted that he carried the knife throughout his career at Old Bridge and thought of it as a tool.

Id. at 6-7. The ALJ also found that prior to this incident, Zawadzki had “interacted with students on a physical level” and that “there were a number of incidents in which students reported that he pushed, shoved or poked them.” *Id.* at 20. The AJJ also found that Zawadzki’s increment had been withheld for the 2006-2007, 2007-2008 and 2011-2012 school years and that he had received prior discipline for failing to better safeguard the safety and well-being of the students under his supervision. *Id.* at 4.

After assessing the evidence and the testimony, ALJ Cohen concluded that “based on the case law, the statute and the District’s policies and Employee Handbook, it is clear that respondent’s brandishing a knife in front of a student in a threatening fashion would be considered conduct unbecoming. *Id.* at 25. The ALJ further found that despite prior warnings by the district, Zawadzki “continued to exhibit behavior that was confrontational, demonstrated a lack of proper supervision of his students, and violated [District] policy.” *Ibid.* Moreover, ALJ Cohen determined that instead of trying to understand why he was disciplined and adjusting his behavior, Zawadzki blamed the administration for carrying out a witch-hunt against him. *Id.* at 26. ALJ Cohen therefore concluded that Zawadzki’s tenure should be terminated. *Ibid.* Instead, the ALJ noted that Zawadzki continued to deny personal responsibility and transfer the blame to others. *Ibid.* ALJ Cohen therefore concluded that because “I do not believe that if he were permitted to return to the classroom, his behavior, in the long run, would change,” Zawadzki’s conduct warranted his dismissal from his tenured position. *Ibid.*

In a decision dated June 14, 2012, the Acting Commissioner of Education (Commissioner) concurred with the ALJ that Old Bridge had proven its charges of unbecoming conduct and insubordination against Zawadzki. (Acting Commissioner’s Decision, slip op. at 1). The Commissioner also agreed that Zawadzki’s conduct “amply warrants respondent’s dismissal

from tenured employment.” (Acting Commissioner’s Decision, slip op. at 2). Accordingly, the Commissioner ordered Zawadzki’s removal from his tenured position in Old Bridge and transmitted the matter to the Board for appropriate action regarding Zawadzki’s certificates. (Acting Commissioner’s Decision, slip op. at 2).

Thereafter, on January 25, 2013, the Board issued Zawadzki an Order to Show Cause as to why his certificates should not be revoked. The Order was predicated on the charges of unbecoming conduct and insubordination that had been proven in the tenure hearing.

The Board sent Zawadzki the Order to Show Cause by regular and certified mail on January 30, 2013. The Order provided that Zawadzki’s Answer was due within 30 days. The certified mail copy was returned and the regular mail copy was not returned. Zawadzki did not file a response. Thereafter, on March 7, 2013, the Board sent Zawadzki another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned. The regular mail copy was not returned. Zawadzki did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C.* 6A:9-17.7(e), on March 26, 2013, the Board sent Zawadzki a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted since Zawadzki failed to respond to the Order. Thus, Zawadzki was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause provided just cause to take action against his certificates as well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against his certificates. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Zawadzki’s offense warranted action against his certificates.

Thereupon, the Board would also determine the appropriate sanction, if any. Zawadzki was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Zawadzki filed a written response on May 22, 2013. In that response he also requested to appear before the Board to provide testimony.

In his Hearing Response Zawadzki questioned how, if possession of a knife on school grounds constituted unbecoming conduct, he was able to teach at Old Bridge High School for ten years with the “weapon” clearly visible. (Hearing Response, p. 1). He also noted that during his ten year career in Old Bridge he had met with “two different superintendents, multiple asst. superintendents, principals, vice principals, supervisors, multiple student resource officers, board of education members, etc.,” all while possessing the knife. (Hearing Response, p. 1). Zawadzki also claimed that he was the only one dismissed “when many other professionals, past and present, including the board of education president carry knives.” (Hearing Response, p. 1). Zawadzki maintained that the student stated in his own testimony that he was not threatened by Zawadzki’s actions. (Hearing Response, p. 1).

In testimony before the Board, Zawadzki stated that the Old Bridge administration changed in 2005 and that he did not “do well” under the new administration. Zawadzki stated that the new leadership tried to dismantle the industrial arts program and told him the auto shop would be converted into classrooms. He stated that his budget was not signed or his purchase orders began to disappear and that he was put into a room that was used for storage. He recognized that he acted inappropriately in unsheathing his knife and lost his job because of it. Zawadzki also claimed that the Union president did not support him in his grievances and that the administration lied when it accused him of mistreating students. He said that he was going to

leave Old Bridge the year the district brought tenure charges against him, but he decided to stay and fight “for the kids.”

The threshold issue before the Board in this matter, therefore, is whether Zawadzki’s conduct and his subsequent loss of tenure constitute conduct unbecoming a certificate holder. At its meeting of December 6, 2013, the Board considered the allegations in the Order to Show Cause as well as Zawadzki’s Hearing Response and testimony. The Board determined that no material facts related to Zawadzki’s offense were in dispute since he did not deny that he had lost his tenured position as a result of the tenure proceedings brought against him. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The Board must now determine whether Zawadzki’s conduct as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The Board may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C. 6A:9-17.5*. As the ALJ noted and the Commissioner agreed, Old Bridge sustained its charges of unbecoming conduct and insubordination against Zawadzki. The record contained several instances which demonstrate that Zawadzki’s physical contact with students was not an aberration and did not change despite repeated warnings. There can be no dispute that Zawadzki’s conduct, in its totality, amply demonstrated his unfitness to continue in his tenured position. Furthermore, it is well settled that unfitness to teach may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. Of Educ.*, 130 *N.J.L.* 369, 371 (Sup. Ct. 1943), *aff’d*

131 *N.J.L.* 326 (E&A 1944). Zawadzki's extreme reaction, in unsheathing a knife before a student in relation to a minor transgression, standing alone, warrants the strongest rebuke. The Board therefore determines that the appropriate response to Zawadzki's unbecoming conduct is the revocation of his certificates.

Accordingly, on December 6, 2013, the Board voted to revoke John Zawadzki's Teacher of Industrial Arts and Teacher of Technology Education certificates. On this 17th day of January 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Zawadzki's certificates be effective immediately. It is further ORDERED that Zawadzki return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Old Bridge, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to *N.J.S.A.* 18A:6-38.4.

RRH/MZ/th