

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
PAULA WECKESSER : ORDER OF SUSPENSION
_____ : DOCKET NO: 1516-141

At its meeting of December 10, 2015, the State Board of Examiners (Board) reviewed a decision forwarded by the Commissioner of Education (Commissioner) that had dismissed Paula Weckesser from her tenured position as a teacher with the Woodbridge Township School District (Woodbridge). *In the Matter of the Tenure Hearing of Paula Weckesser*, Docket No. 179-7/12 (Commissioner's Decision, September 16, 2013). Weckesser currently holds Teacher of Elementary School and Teacher of Mathematics certificates, both issued in June 1981.

This case originated when Woodbridge had certified tenure charges against Weckesser alleging unbecoming conduct and insubordination. Woodbridge alleged that Weckesser had conducted herself in an inappropriate and disrespectful manner over a prolonged period of time; interacted with colleagues, supervisors and students in a manner unbecoming a professional; and continually engaged in a pattern of misconduct over the course of several years. Specifically, the district alleged that Weckesser had been tardy on numerous occasions, despite repeated warnings; did not complete her grade book according to district directives, both as to entering number grades for students, calculating grades in an objective and fair manner and entering them in a timely manner. Weckesser's grade book also contained an inadequate record for her to assess student performance accurately as she had not issued enough and varied assignments.

Woodbridge also noted that Weckesser continually refused help from superiors when offered and, on multiple occasions, commented that she did not want to take advice from anyone who had less experience than she.

Weckesser was also cited for having her cell phone in her possession during the administration of the 2008 HSPA exam, which was against State policy. Weckesser's phone rang during the exam and she ran into the office adjoining her testing room to shut it off.

Woodbridge also alleged that Weckesser treated students poorly. On one occasion she ridiculed an ESL student for not being able to read numbers off a calculator. On another occasion, she made a student stand up in class for an extended period of time (approximately 30 to 45 minutes) because he fell asleep during the lesson. The student held his notebook and took notes while standing. Weckesser also posted a response to a student's comment on Facebook and called other students "Loser!!" on the site.

In another incident, Weckesser asked a cafeteria worker if there was any breakfast left that had been served to students. When the worker responded that there was no more left, Weckesser responded: "What the f--k do you know?" Students were in the general area when the remark was made.

In a Decision dated September 16, 2013 (which is incorporated herein by reference), the Commissioner concurred with the Administrative Law Judge's (ALJ) conclusion that Woodbridge had proven that Weckesser was guilty of unbecoming conduct and insubordination. Commissioner's Decision, *Id.* at 7-8. The Commissioner also acknowledged the deference to be accorded the ALJ's credibility determinations, and found that Weckesser's behavior, taken as a whole, "demonstrates she is unable to act in a manner that is conducive to a positive school environment." *Id.* at 8, 9.

The Commissioner determined that Weckesser's unbecoming conduct and insubordination "was not the result of an isolated incident, but rather a pattern of conduct that continued throughout several school years." *Id.* at 10. The Commissioner also noted that Weckesser had been "unwilling or unable to improve her inappropriate behavior for the

betterment of the school environment.” *Ibid.* The Commissioner concluded that since Weckesser failed to accept responsibility for any of her actions, “it cannot be reasonably anticipated that respondent will significantly change her attitude or style.” *Ibid.* The Commissioner therefore found that Weckesser was “unfit to discharge the duties and functions of her position as a teacher” and dismissed her from her tenured employment. *Id.* at 11.

Weckesser was dismissed from her tenured employment with Woodbridge as a result of the unbecoming conduct proven in the tenure proceeding. The Commissioner transmitted the matter to the Board for its review.

Thereafter, on January 21, 2016, the Board issued Weckesser an Order to Show Cause as to why her certificates should not be revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Board sent Weckesser the Order to Show Cause by regular and certified mail on January 25, 2016. The Order provided that Weckesser’s Answer was due within 30 days. Weckesser filed her Answer on February 23, 2016.

In that Answer, Weckesser stated that the tenure charges “speak for themselves.” (Answer, ¶¶ 3-7). She also denied the substantive allegations of unbecoming conduct set forth in the tenure charges. (Answer, ¶¶ 3-7). Weckesser also denied the findings and conclusions set forth in the Commissioner’s decision but admitted that her employment with Woodbridge had been terminated. (Answer, ¶¶ 8-10).

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on May 19, 2016, the Board sent Weckesser a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Weckesser 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 her certificates as well as arguments with regard

to the appropriate sanction in the event that the Board determined to take action against her certificates. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Weckesser's offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Weckesser was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Weckesser filed a written response on June 16, 2016. Weckesser also asked to appear before the Board.

In her Hearing Response, Weckesser reviewed prior case law on the proper response to teacher misconduct and argued that removal of a teacher's certificates was "a draconian penalty, and [was] not the inevitable outcome of an Order to Show Cause." (Hearing Response, p. 5). She maintained that suspension was the commensurate and appropriate penalty in all but the most egregious of circumstances. (Hearing Response, pp. 5-7). Weckesser also noted that there were many instances where teachers found to have engaged in unbecoming conduct did not even lose their tenure. (Hearing Response, pp. 7-8). She argued that the instances of conduct unbecoming attributed to her "simply do not rise to the level of severity as those which warrant revocation of Teaching Certificates." (Hearing Response, pp. 8-9). Weckesser stressed that she had already suffered a penalty commensurate to the level of her conduct. (Hearing Response, p. 9). Accordingly, Weckesser claimed that she should not forfeit the opportunity "to teach in any District which still sees, notwithstanding [my] prior termination, that [I] can be a competent and capable educator." (Hearing Response, p. 9).

In testimony before the Board, Weckesser noted that she had been a teacher for 30 years and that she loved kids, teaching and helping people. She took responsibility for her actions and stated that going through the tenure proceeding was difficult and a learning experience. Weckesser noted that she had learned the effect her words and actions could have on others. She

stressed how important teaching was to her and stated that she knew she had to be open to taking guidance from others.

Weckesser's attorney, Edward A. Cridge, also spoke on her behalf. Cridge noted that many of the findings in the tenure decision concerned behaviors that could have affected anyone, such as, being late to work, having a cell phone ring when it should not, disagreeing with a performance assessment, speaking to co-workers in a way you should not and regretting saying something you said to a student. He maintained that these actions were not so grave that Weckesser should lose her certificates. He added that maybe it was right she lost her job but she should be allowed to teach again. Cridge urged the Board not to impose revocation here as Weckesser's behavior was not so grave as to warrant that penalty.

The threshold issue before the Board in this matter, therefore, is whether Weckesser's conduct constitutes conduct unbecoming a certificate holder. At its meeting of March 3, 2017, the Board considered the allegations in the Order to Show Cause as well as Weckesser's Answer, Hearing Response and testimony. The Board determined that it was constrained by collateral estoppel to accept the facts as found in the tenure hearing and therefore no material facts related to Weckesser's offense were in dispute. *See In the Matter of the Certificates of Richard Barnes-Bey*, Dkt. No. 1314-194 (Bd. Of Examiners September 17, 2015) (Collateral estoppel applies to facts established in a prior tenure hearing for Board revocation proceedings). Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Weckesser's conduct, as set forth in the Order to Show Cause and proven in the tenure hearing, represents just cause to act against her certificates pursuant to *N.J.A.C. 6A:9B-4.5*. 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:9B-4.4. In this case the record established that Weckesser had a pattern of insubordinate behavior that continued over several school years. However, Weckesser's testimony and submissions, indicate that she is remorseful for her actions and accepts responsibility for her behavior. The Board therefore is convinced that, given Weckesser's long teaching career, the appropriate response in this matter is a two-year suspension of her certificates.

Accordingly, on March 3, 2017, the Board voted to suspend Paula Weckesser's Teacher of Elementary School and Teacher of Mathematics certificates for a period of two years, effective immediately. On this 6th day of April 2017 the Board voted to adopt its formal written decision and it is therefore ORDERED that the suspension of Weckesser's certificates be effective immediately. It is further ORDERED that Weckesser return her certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

RRH/MZ/th

Date of Mailing:
via certified and regular mail

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