

EDU #11168-96 and #5138-97 (consolidated)  
C # 95-98  
SB # 32-98

IN THE MATTER OF THE TENURE :  
HEARING OF JOAN MC NUTT, STATE-  
OPERATED SCHOOL DISTRICT OF THE :  
CITY OF JERSEY CITY, HUDSON  
COUNTY, :  
  
AND :  
  
JOAN MC NUTT, :  
  
PETITIONER-APPELLANT, :  
  
V. : STATE BOARD OF EDUCATION  
  
STATE-OPERATED SCHOOL DISTRICT : DECISION  
OF THE CITY OF JERSEY CITY, :  
HUDSON COUNTY, :  
  
RESPONDENT-RESPONDENT. :

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Decided by the Commissioner of Education, March 2, 1998

For the Petitioner/Respondent-Respondent, Charlotte Kitler, Esq.

For the Respondent/Petitioner-Appellant, Feintuch, Porwich & Feintuch  
(Philip Feintuch, Esq., of Counsel)

After a thorough review of the record, including the transcripts from the hearing held in the Office of Administrative Law, we affirm the determination of the Commissioner of Education to dismiss respondent from her tenured employment substantially for the reasons expressed therein. In considering the evidence, including the August 1, 1995 memo from Assistant Commissioner Ellen Schechter, exhibit P-2, in evidence, which expresses concern about teachers "copying tests and test items," along

with respondent's actions in mailing copies of the 1995 EWT to the teachers' homes, rather than distributing them at school as she did with the 1993 test, and lying to her supervisor about her conduct, we find that the State-operated District has satisfied its burden of demonstrating the truthfulness of the charges by a preponderance of the credible evidence. We further conclude that dismissal of respondent from her tenured employment is the appropriate penalty.

October 7, 1998

Date of mailing \_\_\_\_\_