

EDU #5979-06
C # 176-07
SB # 14-07

IN THE MATTER OF THE TENURE :
HEARING OF CARL A. HILL, : STATE BOARD OF EDUCATION
SCHOOL DISTRICT OF THE TOWNSHIP : DECISION
OF IRVINGTON, ESSEX COUNTY. :

Decided by the Commissioner of Education, May 15, 2007

For the Petitioner-Respondent, Hunt, Hamlin & Ridley (Ronald C. Hunt,
Esq., of Counsel)

For the Respondent-Appellant, Bucceri & Pincus (Gregory T. Syrek, Esq.,
of Counsel)

The decision of the Commissioner of Education is affirmed for the reasons expressed therein.

In so doing, we note the appellant's contention that several of the charges certified against him should be dismissed since they constitute inefficiency and that the Irvington Board failed to comply with N.J.S.A. 18A:6-11, which requires a district board to provide a teaching staff member with a 90-day improvement period before certifying tenure charges alleging inefficiency. We conclude, like the Administrative Law Judge ("ALJ") and the Commissioner, that the Irvington Board has demonstrated by a preponderance of the credible evidence the truthfulness of charges which rise to the level of unbecoming conduct and that dismissal of the appellant from his tenured employment is the appropriate penalty under the circumstances. We fully agree with

the ALJ and the Commissioner that the Irvington Board demonstrated the appellant's insubordinate and disrespectful behavior towards his supervisor, vulgar language and gestures directed at teaching staff members, excessive absences and lateness, inappropriate language towards a student, and refusal to accept letters from his supervisor. Even assuming arguendo that some of the allegations relating to the appellant's performance of his duties could be characterized as inefficiency, we find that the Irvington Board has more than amply demonstrated the appellant's unbecoming conduct, and we conclude that such charges warrant the appellant's dismissal from his tenured employment.

October 17, 2007

Date of mailing _____