

IN THE MATTER OF THE TENURE :
HEARING OF JOANNE CARTER-LEE, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
EAST ORANGE, ESSEX COUNTY. :
_____ :

SYNOPSIS

Petitioner certified tenure charges of unbecoming conduct against respondent – a tenured teacher – based upon her purchase of a controlled dangerous substance and subsequent arrest for possession of cocaine in January 2003. Respondent entered a Pre-trial Intervention Program (PTI), and was subsequently re-assigned by the petitioning Board to work in its office. She has not worked as a teacher since January 2003.

The ALJ found that: possession of a controlled dangerous substance – whether on or off school premises – constitutes unbecoming conduct in and of itself; such possession constitutes conduct sufficiently flagrant to warrant dismissal; respondent’s participation in PTI does not preclude a finding of unbecoming conduct; and respondent offered no mitigating circumstances other than her uncorroborated testimony of rehabilitation. The ALJ concluded that respondent’s behavior was blatantly conduct unbecoming for a teacher, and the appropriate penalty is removal from her tenured position.

Upon careful and independent review of the record, the Initial Decision of the OAL was adopted as the final decision in this matter, and the Commissioner directed that respondent be dismissed from her tenured position with the East Orange School District as of the date of this decision. A copy of this decision has been transmitted to the State Board of Examiners for action as that body deems appropriate.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

March 19, 2008

OAL DKT. NO. EDU 9825-07
AGENCY DKT NO. 250-9/07

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The record and Initial Decision issued by the Office of Administrative Law (OAL) have been reviewed. The respondent's exceptions to the Initial Decision were considered timely based upon counsel's representation that the initial decision was not mailed until February 28, 2008.

Upon such review, the Commissioner concurs with the Administrative Law Judge that the District has sustained its burden of establishing – by a preponderance of the credible evidence – that respondent is guilty of unbecoming conduct and that removal from her tenured position is warranted.

Accordingly, the Initial Decision of the OAL is adopted for the reasons well expressed therein. Respondent is hereby dismissed from her tenured position in the East Orange School District as of the date of this decision. A copy of this decision is being forwarded to the State Board of Examiners for action as that body deems appropriate.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: March 19, 2008

Date of Mailing: March 19, 2008

*This decision may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*