

#542-11 (OAL Decision: Not yet available online)

IN THE MATTER OF THE TENURE :  
HEARING OF MADHUMITA CHAKI, : COMMISSIONER OF EDUCATION  
FRANKLIN TOWNSHIP SCHOOL : DECISION  
DISTRICT, SOMERSET COUNTY.  
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### SYNOPSIS

The petitioning school district filed charges of conduct unbecoming against respondent, a tenured science teacher, and sought to terminate her employment. The charges arose following a parental complaint that respondent had made inappropriate and derogatory racial and ethnic comments to students in the course of instructing one of her science classes.

The ALJ found, *inter alia*, that: the credible testimony at hearing, together with the written statements of 22 students, support the Board’s contention that respondent made stereotypical and derogatory racial and ethnic statements to an honors chemistry class during a lesson on percent abundance of isotopes; it was respondent’s intention to use demographic analogies in her lecture on isotopes; in so doing, respondent shocked and/or offended most of the students in the class by characterizing African American students as “lazy,” Hispanics as a labor force, Caucasians as having average or inferior industry and means, and Asians as an intellectually and economically superior “brainpower”; respondent also made reference to the superiority of her personal economic status; respondent’s statements were entirely inappropriate and completely insensitive to the students; and respondent failed to exercise the high degree of self-restraint required of teachers, who are entrusted with the custody and care of children. The ALJ concluded that the Board carried its burden to prove that respondent’s behavior constituted conduct unbecoming a teacher, but failed to prove that her behavior – based upon a single incident – was sufficiently flagrant to warrant her termination. Accordingly, the ALJ ordered that respondent: be suspended for 150 days without pay, forfeit two years of salary increments; and complete remedial instruction that addresses diversity training and professional classroom demeanor.

The Commissioner concurred with the ALJ that the respondent is guilty of unbecoming conduct, but found that – under the circumstances of the case – the penalty of termination is warranted. In so determining, the Commissioner found respondent’s use of group stereotyping as part of a student lesson to be entirely inappropriate and an indication, along with other facts in the record, that respondent fails to understand the nature and significance of her racial and ethnic preconceptions. Accordingly, the Commissioner upheld the tenure charges and dismissed the respondent from her tenured position.

<p>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.</p>
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December 12, 2011

IN THE MATTER OF THE TENURE :  
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DISTRICT, SOMERSET COUNTY. :  
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The instant tenure charges were brought after an investigation – precipitated by a parental report – revealed that, in the course of a science lesson, respondent made disconcerting racial and ethnic generalizations. In consequence of the investigation results, petitioner voted to certify tenure charges against respondent and seek her termination. Upon review of the record,<sup>1</sup> Initial Decision of the Office of Administrative Law (OAL) and parties’ exceptions, the Commissioner finds that the tenure charges are supported and, under the circumstances of this case, the penalty of termination is appropriate.

By all accounts, respondent is a hard worker, is proficient in her field of chemical engineering, and had made obvious efforts to find a range of methods to deliver the subject matter for which she was responsible. However, after the above referenced complaint by a parent, interviews with six of respondent’s students revealed that during a September 2010 lesson in a first-period honors chemistry class – which class was comprised of racially/ethnically diverse young people – respondent analogized the behavior of isotopes to the behavior of various racial and ethnic groups. The students in respondent’s class perceived her to have suggested, *inter alia*, that of the total population of Franklin students, those of Asian heritage manifest the

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<sup>1</sup> No transcripts of the hearing were provided to the Commissioner.

highest level of work ethic and intelligence and those of African American heritage are smart but do not work hard. Several students reported that respondent had said African Americans were lazy. Generalizations were also reportedly made about Hispanic and Caucasian students.

In consequence of the student interviews a meeting was held on October 14, 2010 – attended by high school principal Dr. Neely Hackett, Science Supervisor Joanne Long, Interim Director of Personnel Brian Bonanno, respondent, and her union representative – to discuss what the students had related about the isotope lesson. During the meeting, Long took notes. In a memorandum which memorialized the meeting (Petitioner’s Exhibit 24), Hackett wrote that respondent acknowledged that she “did mention that some of her smartest students were black and that black students are not in honors classes because they don’t work hard enough.” *Id.* at 1-2. According to Hackett, respondent indicated that she had considered the statement to be a compliment. *Id.* at 2.

At the conclusion of Hackett’s memorandum, she notes that respondent and her union representative requested that all of the students in respondent’s first-period class be interviewed. *Ibid.* Accordingly, the statements of 23 students (Petitioner’s Exhibits 1 through 23) were taken on that same day. Review of the statements leads the Commissioner to the following conclusions.

First, as summarized by the Administrative Law Judge (ALJ), twenty of the twenty-two students who submitted signed statements related that respondent described African American students as manifesting poor work ethics. Almost all of the students wrote that respondent characterized Asian students as being superior in work ethics and ‘brain power.’ Nine of the students recalled that respondent made generalizations about white people and eight students mentioned generalizations about Hispanics. The foregoing written statements were

harmonious with the hearing testimony of two students, as characterized by the ALJ in the Initial Decision. Thus, the evidence strongly supports the allegations that respondent used racial/ethnic stereotypes in her lesson.

Second, there was a great deal of variance among students as to which aspects of the September 17, 2010 in-class discussion they recalled, how they perceived respondent's remarks and how they felt about what respondent said. This variance mitigated against any suggestion by respondent that there was an effort by students to coordinate their accounts of the incident.

Third, respondent's generalizations made a patently negative impression on her students. They viewed the characterizations as rude, bigoted and/or unfair, and they variously reported being uncomfortable, uneasy, disapproving, offended and/or furious.

In other words, the Commissioner concurs with the ALJ's findings that:

1. . . . Chaki made stereotypical and derogatory racial and ethnic statements to her first-period Honors Chemistry class at Franklin, including the following characterizations: African American students, and African Americans in general, as "lazy," or words to that effect; Hispanics as a labor force, or words to that effect; Caucasians as having average or inferior industry and means, or words to that effect; and Asians as an intellectually and economically superior "brainpower," or words to that effect.
2. At that time, Chaki also made reference to her personal economic status as being superior to others.
3. Most if not all of the students were shocked and offended by Chaki's statements.
4. The statements were entirely inappropriate in a classroom setting, and completely insensitive to the students.

(Initial Decision at 11-12.)

The Commissioner further agrees with Principal Hackett’s view – as characterized by the ALJ – that “a teacher’s preconceived notions of what children can and cannot do have no place in a school setting.” (Initial Decision at 8.) Indeed, that view has been clearly articulated by the Commissioner in such cases as *In the Matter of the Tenure Hearing of Mark Blasko, Cherry Hill School District, Camden County*, 1980 *S.L.D.* 987 (Initial Decision), 1980 *S.L.D.* 1002 (Commissioner Decision). In that case, a teacher singled out Jewish students by, *inter alia*, demanding that they return the Christmas candy he had distributed to the class, and by articulating the assumption that Jews are affluent. The teacher maintained that the foregoing communications were uttered in jest, however both the ALJ and the Commissioner considered them unbecoming conduct:

What must be remembered above all else is that the person or persons to whom [the teacher] expressed himself on these occasions were children, albeit 12 or 13 year olds, but still within an age where they are quite impressionable, unsophisticated and open to suggestions as to the nature of acceptable values, conduct, and feelings. *In the Matter of the Tenure Hearing of Ernest Tordo, School District of the Township of Jackson, Ocean County*, 1974 *S.L.D.* 97. As such, the type of ethnic remarks made by this teacher carried with them a great potential for creating an impression that might have been entirely undesired by the speaker . . . . It is not necessary to state at length in this opinion . . . the psychology of racial and ethnic hatred, but it is probably sufficient to say that no one is born with preconceived notions about any racial or ethnic group and must, therefore, learn them from some figure, most often quite possibly and importantly from parents and teachers and other such authority figures. Comments . . . concerning economic and physical myths mirror, if unintentionally, far more vicious and dangerous myths on the same subjects. Even the reference to the fact that Jewish students do not celebrate Christmas, in a context where they are singled out as “different” from the majority, is intolerable.

[1980 *S.L.D.* 987 at 998.]

While the ALJ in *Blasko* ultimately recommended the forfeiture of pay as the penalty for the teacher's behavior, the Commissioner ordered the teacher's termination from employment, explaining that:

At twelve or fourteen years old every pupil is in a peculiarly sensitive and susceptible state of mind. The Commissioner cannot condone the use of ethnic materials, jokes or actions that ridicule any racial group directly or by implication. Such disparagement has no place in the classroom. . . .

(1980 *S.L.D.* 1002 at 1003.)

Teaching is a vocation whose requirements extend far beyond the transmission of facts and figures:

Teachers hold positions demanding public trust, and in such positions they teach, inform, mold habits and attitudes, and influence the opinions of their pupils. Pupils learn, therefore, not only what they are taught by the teacher, but what they see, hear, experience, and learn about the teacher.

*In the Matter of the Tenure Hearing of Ernest Tordo, School District of the Township of Jackson, 1974 S.L.D. 97, 98-99.*

[Teachers] are professional employees to whom the people have entrusted the care and custody of tens of thousands of school children with the hope that this trust will result in the maximum educational growth and development of each individual child. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment. As one of the most dominant and influential forces in the lives of the children, who are compelled to attend the public schools, the teacher is an enormous force for improving the public weal.

*In the Matter of the Tenure Hearing of Jacque L. Sammons, School Dist. of Black Horse Pike Reg., Camden County, 1972 S.L.D. 302, 321.*

In rejecting the ALJ's proposed penalty herein, the Commissioner has been influenced by the description of respondent's 'isotope lesson,' but also by certain facts in the record which indicate that respondent fails to understand the nature of her preconceptions and

their significance. The Commissioner was struck, for instance, by respondent's assertion that she believed that she was bestowing a compliment when she characterized African American students as smart but insufficiently motivated. Similarly, the Commissioner wonders about the meaning of the statement – ascribed to respondent by the ALJ on page 11 of the Initial Decision – that her lesson had been “permissible under school policy but politically incorrect.” Perhaps most importantly, the Commissioner notes that the content of the remarks in respondent's lesson – as reported by her students – was not demographic reporting, but rather stereotyping. The Commissioner questions how respondent could believe that group stereotyping could be of any value in any lesson delivered to impressionable young people.

Accordingly, the Commissioner upholds the tenure charges against respondent and imposes the penalty of termination which is sought by petitioner.

IT IS SO ORDERED.<sup>2</sup>

ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 12, 2011

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<sup>2</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, *c.* 36. (*N.J.S.A.* 18A:6-9.1)