

273-21

State Board of Examiners Docket No. 1718-170

Agency Dkt. No. 5-4/21A

## **New Jersey Commissioner of Education**

### **Final Decision**

In the Matter of the Revocation  
of the Certificates of Lesley Etheridge  
by the State Board of Examiners.

Order of Revocation by the State Board of Examiners, April 1, 2021

For the Respondent-Appellant, Lesley Etheridge, *pro se*

For the Petitioner-Respondent State Board of Examiners, Colin G. Klika,  
Deputy Attorney General (Andrew J. Bruck, Acting Attorney General of  
New Jersey)

Appellant challenges the determination of the New Jersey State Board of Examiners (Board) that her actions warranted the revocation of her Teacher of Electronic Technology Certificate of Eligibility and Teacher of Electronic Technology Standard Certificate.

In this matter, appellant was a teacher in the Passaic County Vocational School District (PCVS). PCVS certified tenure charges against appellant for inefficiency and unbecoming conduct, alleging that appellant falsified students' grades and engaged in inappropriate grading practices, failed to appear at several co-teaching assignments or hall duty, left campus without authorization, engaged in unprofessional conduct with parents and administration, and disregarded her corrective action plan (CAP) requirements. Following an arbitration, the Arbitrator found that appellant was "notably uncooperative" with PCVS' efforts to improve her teaching; further, her failure to comply with instructions and recommendations

“reflects an inability and/or unwillingness to perform as befits a tenured teacher.” (Arbitrator’s Opinion and Award at 14). The Arbitrator also considered appellant’s “‘outrageously inappropriate behavior,’ combined with lack of ‘remorse or contrition’ and a likelihood of repeating the behavior.” *Id.* at 15. Accordingly, the Arbitrator found just cause to terminate appellant.

Following issuance of an Order to Show Cause as to why appellant’s certificates should not be revoked, the Board transmitted the matter to the Office of Administrative Law (OAL) for a hearing. The Administrative Law Judge (ALJ) found that collateral estoppel precludes relitigation of the facts proven during the tenure hearing, which demonstrate that appellant engaged in conduct unbecoming a teacher. However, appellant was granted a hearing as to whether the penalty of revocation was appropriate. At the hearing, appellant challenged the accuracy of the grade falsification charge and had her husband – who was also an employee of PCVS – attempt to take the blame. The ALJ agreed with the Arbitrator that appellant’s conduct was “outrageously inappropriate” and found that appellant’s “pattern of unbecoming conduct and insubordination, coupled with her complete lack of remorse and failure to take any responsibility for her woefully inappropriate actions and poor judgment” constitutes just cause for the revocation of her certificates. (Initial Decision at 7). Thereafter, the Board adopted the Initial Decision of the ALJ and ordered the revocation of appellant’s certificates.

On appeal, appellant argues that her husband created the final exam at issue and admitted that he had falsified students’ grades. According to appellant, PCVS filed tenure charges against her in retaliation for a whistleblower complaint. Appellant lists a number of interactions with political figures, dating back 40 years to when appellant was a teenager, that she contends contributed to PCVS’ actions in this matter. Appellant takes issue with portions of

the Arbitrator's decision, claiming that it includes false statements, and with the Arbitrator's alleged failure to admit appellant's exhibits into evidence and to allow appellant to review PCVS' evidence. Appellant also alleges that Board member Melissa Pearce is formerly the executive superintendent at PCVS, creating a conflict of interest that required her recusal from the Board's vote, thereby preventing a quorum and making the Board's vote invalid.

In reviewing appeals from decisions of the State Board of Examiners, the Commissioner may not substitute her judgment for that of the Board so long as the appellant received due process and the Board's decision is supported by sufficient credible evidence in the record. Further, the Board's decision should not be disturbed unless the appellant demonstrates that it is arbitrary, capricious, or unreasonable. *N.J.A.C. 6A:4-4.1(a)*.

After a comprehensive review of the record, the Commissioner finds that the record adequately supports the Board's determination that appellant engaged in unbecoming conduct and that revocation of her teaching certificates is the appropriate penalty. Appellant's arguments reiterate those that she made during the tenure proceedings and at the OAL and fail to demonstrate that the Board's decision was arbitrary, capricious, or unreasonable. The majority of appellant's arguments on appeal take issue with the decision of the Arbitrator regarding the tenure charges. However, as the ALJ correctly concluded, the doctrine of collateral estoppel precludes appellant from relitigating the issue of unbecoming conduct, as appellant had a full and fair opportunity to contest those charges during the tenure proceeding.

The only issue regarding the Board's decision raised by appellant is based on the appointment of the former executive superintendent at PCVS to the Board. The Commissioner does not find this argument persuasive. The conduct of appellant at issue in this case occurred in 2013-2015, with tenure charges filed in 2015 and the arbitrator's decision issued in 2016.

Ms. Pearce, according to appellant, became the executive superintendent at PCVS in 2018, well after those events, and would have had no involvement in the filing or litigation of the tenure charges. Furthermore, PCVS is not a party to the current action. Accordingly, the Commissioner finds that Ms. Pearce was not required to recuse herself from the Board's vote.

Additionally, there is nothing in the record to suggest that the Board's decision to revoke appellant's certificates – based on the nature of the unbecoming conduct proven during the hearing at the OAL – was arbitrary, capricious or unreasonable. Accordingly, the decision of the State Board of Examiners is affirmed. Appellant's Teacher of Electronic Technology Certificate of Eligibility and Teacher of Electronic Technology Standard Certificate are hereby revoked.<sup>1</sup>

  
ACTING COMMISSIONER OF EDUCATION

Date of Decision:      October 28, 2021  
Date of Mailing:      October 28, 2021

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<sup>1</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.