

EDU # 10130-00
C # 294-01
SB # 36-01
App. Div. #A-3610-01T5

IN THE MATTER OF THE TENURE HEARING :
OF ADAM MUJICA, STATE-OPERATED : STATE BOARD OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
PATERSON, PASSAIC COUNTY. :

Decided by the Commissioner of Education, September 7, 2001

Decided by the State Board of Education, February 6, 2002

Remanded by the Appellate Division, June 2, 2003

For the Respondent-Appellant, Alpert Butler Sanders & Norton, P.C.
(John H. Norton, Esq., of Counsel)

For the Petitioner-Respondent, Gregory G. Johnson, Esq.

On February 6, 2002, the State Board of Education affirmed the decision of the Commissioner of Education to dismiss the respondent from his tenured teaching position for unbecoming conduct. In doing so, the State Board agreed with the Commissioner that the State-operated District had demonstrated the truthfulness of the tenure charges, which included allegations of inappropriate conduct towards female students, by a preponderance of the credible evidence. The State Board also agreed with the Commissioner that the respondent's dismissal from his tenured employment was the appropriate penalty.

On June 2, 2003, the Appellate Division affirmed the State Board's determination that the State-operated District had demonstrated the truthfulness of the tenure charges against the respondent. However, the Court found that two earlier allegations of misconduct against the respondent, which had been denied and not adjudicated, should not have been considered in determining the penalty. The Court therefore remanded the matter to the State Board for an assessment of the appropriate penalty without consideration of past undetermined accusations. Accordingly, we remand this matter to the Commissioner for such further proceedings as necessary for a determination of the appropriate penalty in accordance with the terms of the Court's decision. We do not retain jurisdiction.

August 6, 2003

Date of mailing _____