

#72-12R: (OAL Decision: Not yet available online)

IN THE MATTER OF THE TENURE :
HEARING OF LOURDES LEON, :
SCHOOL DISTRICT OF THE CITY OF : COMMISSIONER OF EDUCATION
ELIZABETH, UNION COUNTY. :
DECISION

SYNOPSIS

In 2007, the petitioning Board certified charges of conduct unbecoming against respondent – a tenured administrator – based on allegations that, *inter alia*, respondent directed the alteration and/or falsification of official school records. A settlement agreement was reached in these consolidated cases in 2009; however, the agreement included a clause which stated that the school district agreed that referral of the matter to the State Board of Examiners (SBE) was not warranted. The Commissioner approved the settlement, but referred the case to the SBE. Respondent then asked the Commissioner to reconsider the referral, arguing that the settlement agreement precluded the Commissioner from referring the case to the SBE, and further arguing that although she accepted responsibility for the actions at issue in this case, she denied any wrongdoing therein. The Commissioner therefore vacated the settlement decision and remanded the case to the OAL. Subsequently, the respondent became ill and requested a medical leave of absence, which was approved by the district, and advised that she would retire at the end of her medical leave.

The ALJ found that: since the date the parties settled this case, respondent became ill and requested a medical leave of absence, which the district approved; respondent additionally advised that she would be retiring at the end of her medical leave, on December 31, 2012; the educational programs of the school district would have continued to have been disrupted and substantial costs to the district would have continued to accrue if litigation were to continue; the student records in question have already been corrected; and both parties now fully acknowledge that the Commissioner has the duty to refer the case to the SBE. Accordingly, the ALJ concluded that a withdrawal in this case disposes of all of the issues in controversy, and should be approved.

Upon review, the Commissioner concurred with the findings and determination of the ALJ and deemed the matter to no longer be a contested case before the Commissioner. Accordingly, the matter was dismissed and a copy of the decision was sent to the SBE 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.

February 24, 2012

OAL DKT. NO. EDU 7233-09
AGENCY DKT. NO. 96-4/07 AND 360-11/07 (CONSOLIDATED)
(EDU 5073-07 AND EDU 12540-07 (ON REMAND))

IN THE MATTER OF THE TENURE :
HEARING OF LOURDES LEON, :
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ELIZABETH, UNION COUNTY. :
DECISION

The record, transcript¹ and Initial Decision Withdrawal transmitted to the Commissioner by the Office of Administrative Law pursuant to *N.J.A.C.* 1:1-19.2 have been reviewed. Under circumstances set forth, the Commissioner approves the consensual withdrawal by both parties of the instant tenure charges in these consolidated cases on remand. The Commissioner agrees that withdrawal is appropriate since respondent is currently on medical leave for a chronic, ongoing illness and that she has advised the District that she will resign from employment with the Board and apply for retirement at the end of her leave, effective December 31, 2012. Consequently, the matter is no longer deemed to be a contested case before the Commissioner and is accordingly dismissed.

By copy of this decision, the State Board of Examiner is notified of the instant tenure charges, which involve allegations of conduct unbecoming a public employee and the circumstances underlying its withdrawal.

IT IS SO ORDERED.

ACTING COMMISSIONER OF EDUCATION

Date of Decision: February 24, 2012
Date of Mailing: February 27, 2012

¹ The parties placed the withdrawal of the charges on the record before the ALJ on January 4, 2012.