



Marion A. Bolden  
State District Superintendent

**The Newark Public Schools**  
Office of the State District Superintendent  
2 Cedar Street  
Newark, New Jersey 07102-3091  
Phone: 973-733-7333  
Fax: 973-733-6834



Dr. William L. Librera  
Commissioner of Education

March 13, 2002

**VIA REGULAR AND CERTIFIED MAIL**

Dear [REDACTED]

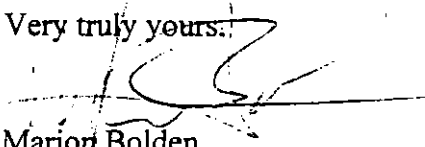
You are hereby advised that Charges of Unbecoming Conduct have been filed against you.

In that regard, enclosed please find one (1) copy of each of the following: (1) Statement of Charges; (2) Statement of Evidence in Support of the Charges; and (3) Appendix of Exhibits supporting the Statement of Evidence.

Please be further advised that pursuant to N.J.S.A. 18A:6-11 and N.J.A.C. 6A:3-5.1, you are granted the opportunity to submit a written statement of evidence under oath with respect to the Charges within fifteen (15) days from the date of receipt of this notice. After the expiration of that period, I shall: (i) consider the Charges and the statement of evidence that you have submitted; (ii) make a determination as to whether there is probable cause to credit the evidence in support of the Charges; and (iii) if such Charges are credited, determine whether they are sufficient to warrant dismissal. In the event of a determination of probable cause, I will certify the matter to the Commissioner of Education of the State of New Jersey for hearing, pursuant to N.J.S.A. 18A:6-16.

You will be notified in writing of any determination.

Very truly yours:

  
Marion Bolden  
State District Superintendent

Enclosures  
cc: Randall Kanter, Asst. Superintendent

## STATEMENT OF CHARGES

I, **RANDALL KANTER**, State District Assistant Superintendent of the State Operated School District of the City of Newark, in the County of Essex (the "District"), do herewith charge that [REDACTED] a tenured teacher at Peshine Avenue School, is guilty of Conduct Unbecoming a Teacher sufficient to warrant his dismissal from employment.

### CHARGE NUMBER ONE

[REDACTED] is guilty of Conduct Unbecoming a Teacher by way of the following:

During the 1999-2000 school year, while assigned to Miller Street School, [REDACTED] in the presence of male and/or female students, made inappropriate remarks regarding female students, or committed inappropriate behavior, such as the following:

- a) He stated to male students, in reference to female students, words to the effect of "You should get that now before she gets older. Look at her. She's developing fast. She has a body on her."
- b) He stated to male student R.W., in reference to R.W.'s female student friend, words to the effect of "She's gonna be something when she gets older. You should stay with her."
- c) While female students were jumping rope in gym class, he stated to male students, in reference to the female students' breasts, words to the effect of "Look at those things."

## CHARGE NUMBER TWO

[REDACTED] is guilty of Conduct Unbecoming a Teacher by way of the following:

During September and October 2000, while assigned to Miller Street School, [REDACTED], in the presence of male and/or female students, made inappropriate remarks regarding female students, or committed inappropriate behavior, such as the following:

- a) In reference to a female student, he stated words to the effect of "She has a nice booty."
- b) In reference to a female student, he stated words to the effect of "She is fine."
- c) During gym class, while referring to female students, he stated to male students words to the effect of "Look at her. Doesn't she look good? Look at her butt."
- d) In the presence of students, he was observed staring at an unidentified adult female and overheard stating, "Look at that fine thing."
- e) He asked female students if they had a boyfriend.
- f) He told female student S.C. that a male student had a crush on her and that she should date him.
- g) He stated to female students words to the effect of "You look pretty."
- h) He stated to female students words to the effect of "You are sexy."

- i) He stated to female students words to the effect of "Your pretty self."
- j) During gym class, he stared at female students and stated words to the effect of, "Look at her"; "Look at that girl"; and "She has a nice body."
- k) He stated to male students, in reference to female students, words to the effect of "See that girl. She's pretty. You should talk to her. She could be one of your girlfriends."
- l) He stated to male students, in reference to a female student, words to the effect of "Look at that girl. She's wearing some tight clothes. She must be trying to impress you all."

### CHARGE NUMBER THREE

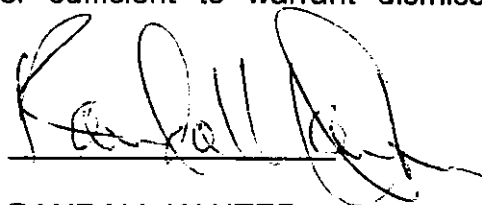
**[REDACTED]** is guilty of Conduct Unbecoming a Teacher by way of the following:

During September 2001, while assigned to Peshine Avenue School, **[REDACTED]**, in the presence of male and/or female students, made inappropriate remarks regarding female students, or committed inappropriate behavior, such as the following:

- a) He requested that female students in his gym class notify him when they were menstruating so that they could then be excused from class.
- b) He stared at female students' buttocks as they performed exercises.
- c) He stated words to the effect of "Every school I go, to a child gets raped, and I hope that no one gets raped at Peshine Avenue School."

- d) He made remarks about female students' breasts.
- e) During class, he stated to female students words to the effect of "Work your bodies."
- f) While female students performed sit-ups, he told them words to the effect of "Hold your boobies" or "Cover your boobies with your hands."
- g) In response to [REDACTED]'s conduct, a DYFS investigation was conducted. DYFS concluded that [REDACTED]'s conduct was inappropriate and placed students in a position of unnecessary and undue risk of harm.
- h) As a result of the DYFS finding, [REDACTED] was ordered to receive administrative counseling regarding appropriate interaction with students, sexual harassment training, and temporary close monitoring.

[REDACTED]'s willful misconduct as described above constitutes Conduct Unbecoming a Teacher sufficient to warrant dismissal from employment.



RANDALL KANTER  
State District Assistant Superintendent

Sworn and subscribed to  
Before me this 12<sup>th</sup> day  
of March, 2002



Notary Public of the State of New Jersey

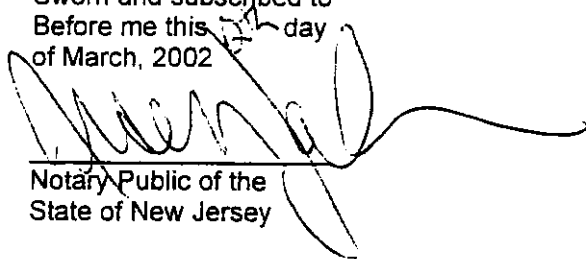
**STATEMENT OF EVIDENCE**

Documentary evidence in support of the Charges that [REDACTED] is guilty of Conduct Unbecoming a Teacher is found in the reports and other documents prepared or compiled by employees of the State Operated School District of the City of Newark and contained in the Appendix of Exhibits attached hereto.



**RANDALL KANTER**  
State District Assistant Superintendent

Sworn and subscribed to  
Before me this 17 day  
of March, 2002



**Notary Public of the  
State of New Jersey**

## APPENDIX OF EXHIBITS

1. Letter to [REDACTED] from Randall Kanter, State District Assistant Superintendent, dated June 13, 2001, regarding an investigation into [REDACTED]'s behavior at Miller Street School during the 2000-2001 school year.
2. Letter to [REDACTED] from State District Superintendent Marion Bolden dated August 22, 2001 regarding the withholding of [REDACTED]'s employment and adjustment increments for the 2001-2002 school year.
3. Letter to [REDACTED] from Robert Hornstra, Division of Youth and Family Services, dated January 22, 2002, regarding an investigation into [REDACTED]'s behavior.
4. Letter to John P. Duggan, Director of School Operations, from Robert Hornstra, Division of Youth and Family Services, dated January 22, 2002, regarding an investigation into [REDACTED]'s behavior.

## STIPULATION OF SETTLEMENT

WHEREAS, [REDACTED] ("Petitioner") is a tenured teacher with a mailing address of [REDACTED] employed by the State-Operated School District of the City of Newark, in the County of Essex (the "District"), with central offices at 2 Cedar Street, Newark, New Jersey 07102;

WHEREAS, the District served tenure charges upon Petitioner;

WHEREAS, the District and Petitioner seek to amicably resolve this matter and thus hereby stipulate and agree as follows:

1. [REDACTED] hereby agrees to resign and retire from his tenured teaching position and to relinquish any rights to such position under N.J.S.A. 18A:28-5. Said Notice of Retirement is irrevocable and will be effective no later than September 1, 2002. Accompanying the Notice of Retirement will be a Notice of Irrevocable Resignation which will be effective September 1, 2002. Attached is a copy of the signed Letter of Retirement with resignation (Exhibit A). On September 1, 2002, all of Petitioner's employment rights, including, but not limited to salary, insurance coverage, tenure and seniority, will permanently end. Petitioner expressly waives and gives up any rights to tenure in the District and agrees never to seek employment with the District in the future. Petitioner may commence claims under Worker's Compensation, if any.
2. While Petitioner's employment with the District will cease effective September 1, 2002. Petitioner shall be required to expend all banked personal, sick and vacation days. Once these days have expired, the District will continue to pay Petitioner until September 1, 2002, at the same rate as his 2001-2002 salary, which will be designated as paid administrative leave.

3. This agreement shall not constitute a precedent in any matters involving other employees.
4. The parties respectively acknowledge that counsel has advised them and that each is signing this Stipulation freely and voluntarily, without duress, coercion or pressure from the other party.
5. This Stipulation constitutes the full agreement between the parties and shall be construed and enforced in accordance with New Jersey law.
6. The undersigned representatives of the parties hereby acknowledge that they have been duly authorized by the respective parties to sign this Stipulation and bind their principals to its terms.
7. Upon reference request of prospective employers relating to [REDACTED] the Board of Education agrees to provide only dates of employment and title of last position held.
8. The parties agree to keep the terms of his agreement confidential. It is understood that the terms of this agreement may be showed with attorneys, tax advisors and immediate family members.
9. By entering this Stipulation, each party releases and discharges the other with respect to all claims or rights that either party may have against the other. This includes without limitation, any and all actions, claims and liabilities of whatsoever kind or character, in law or in equity, now known or unknown, suspected or unsuspected, directly or indirectly related to Petitioner's employment with the District. It specifically includes, without limitation, all claims which Petitioner may have regarding tenure, withholding of increment, discrimination on any basis, any federal or state civil rights law, claims under the Civil Rights Act of 1964, as amended by the

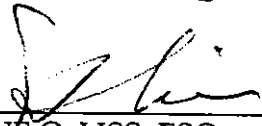

Civil Rights Act of 1991, and any other federal or state civil rights claims, including claims of age discrimination and other rights and claims arising under the Age Discrimination in Employment Act and the Older Worker's Benefits Protection Act, rights under any collective bargaining agreement, disability payments, sick leave, salary or any other matter pertaining to his employment with the exception of what is described in Paragraph 3.

10. This Stipulation is subject to approval by the State District Superintendent.


Dated: 4/22/02



Dated: April 24 2007

  
EUGENE G. LISS, ESQ.  
Attorney for 

Dated: 5/13/02

  
ARSEN ZARTARIAN, ESQ.  
Associate Counsel Newark Public Schools

Dated: \_\_\_\_\_

  
MARION BOLDEN  
State District Superintendent

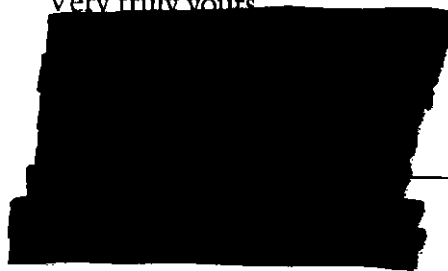
April 23, 2002

Ms. Marion Bolden  
State District Superintendent  
Newark Public Schools  
2 Cedar Street  
Newark, New Jersey 07102

Dear Ms. Bolden:

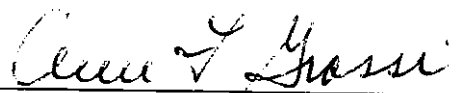
I hereby give notice of my intention to retire effective September 1, 2002 and to also resign effective September 1, 2002. My retirement and resignation are subject to the terms of the Stipulation of Settlement dated April 23 2002.

Very truly yours

A large black rectangular redaction covers the signature area. A horizontal line is drawn across the bottom of the redacted area.

STATE OF NEW JERSEY :  
COUNTY OF ESSEX :

I CERTIFY that on April 23, 2002, personally came before me and acknowledged under oath to my satisfaction that he personally signed, sealed and delivered this document as his act and deed.

  
ANN F. GROSSI, ESQ.  
Attorney-at-Law, State of New Jersey