

#27-12

IN THE MATTER OF THE TENURE :
HEARING OF DEREK V. HILDRETH, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF LAWRENCE : DECISION
TOWNSHIP, CUMBERLAND COUNTY. :

SYNOPSIS

Petitioning Board filed tenure charges of conduct unbecoming a public employee and other just cause against respondent, a tenured social studies teacher, and sought to terminate his employment. Neither respondent nor any attorney acting on his behalf filed an answer to the petition following notice pursuant to *N.J.A.C.* 6A:3-5.3 and 6A:3-5.4.

The Commissioner concluded that the allegations – which respondent has chosen not to deny, and which specify that in November 2011, the respondent was indicted on 33 counts of Aggravated Sexual Assault, Sexual Assault and Endangering the Welfare of a Child for incidents involving students at his school – may be deemed admitted and are sufficient to warrant termination of the respondent from his tenured position. Accordingly, the Commissioner granted summary decision to the petitioner, dismissed the respondent from his tenured position, and forwarded a copy of this decision to the State Board of Examiners for action against respondent’s certificate 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.

January 23, 2012

AGENCY DKT NO. 344-11/11

IN THE MATTER OF THE TENURE :
HEARING OF DEREK V. HILDRETH, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF LAWRENCE : DECISION
TOWNSHIP, CUMBERLAND COUNTY. :

For the School District of Lawrence Township, Jane B. Capasso, Esq.

No appearance by or on behalf of Derek V. Hildreth

This matter was opened before the Commissioner of Education on November 28, 2011 through the certification of tenure charges of conduct unbecoming a public employee and other just cause by the School District of Lawrence Township, Cumberland County, against Derek V. Hildreth, a tenured social studies teacher. The District seeks Mr. Hildreth's dismissal from his position.

By notice dated December 12, 2011¹, the Commissioner directed respondent, via both certified and regular mail² – both of the certified green cards, signifying delivery, having been returned to the Department on December 15, 2011 – to file an Answer to the tenure charges against him. This communication clearly provided notice to respondent that, pursuant to *N.J.A.C. 6A:3-5.3* and *6A:3-5.4*, an individual against whom tenure charges are certified “*shall have 15 days from the day such charges are filed with the Commissioner to file a written response to the charges with the Commissioner,*” and that failure to answer within the prescribed period would, absent granting of an extension for good cause shown, result in the charges being deemed admitted by the charged employee. Because no reply has been

¹ Respondent District was notified on November 29, 2011 that this matter would not move forward until the District provided proof of service of the charges certified to the Commissioner on the respondent and/or his counsel. Such proof of service was received December 12, 2011 and respondent was directed to submit an answer to the charges.

² Because respondent has been incarcerated in the Gloucester County jail since his arrest on May 26, 2011, this notice was mailed to him at both his home address and that of the jail.

received from respondent – or any attorney on his behalf – in response to the District’s charges, such charges against respondent are deemed to be admitted.

The Commissioner has reviewed the tenure charges certified against respondent by the District and the statement of evidence in support of those charges, which specify that on November 2, 2011 the Grand Jury of the State of New Jersey, Cumberland County, indicted respondent on 33 counts of Aggravated Sexual Assault, Sexual Assault and Endangering the Welfare of a Child for incidents involving young children who were students at his school. The District maintains that this Grand Jury Indictment evidences unbecoming conduct and warrants respondent’s dismissal as a public school teacher.

Noting that respondent has failed to respond to the allegations against him, the Commissioner finds that the District has demonstrated that respondent is guilty of conduct unbecoming and other just cause warranting the District’s requested penalty of respondent’s termination from his position.

Accordingly, summary decision is hereby granted to the District, and respondent Derek V. Hildreth is hereby terminated from his position with the School District of Lawrence Township, Cumberland County, effective with the filing date of this decision,³ a copy of which shall be forwarded to the State Board of Examiners for action against respondent’s certificate(s) as it deems appropriate.

IT IS SO ORDERED.⁴

ACTING COMMISSIONER OF EDUCATION

Date of Decision: January 23, 2012

Date of Mailing: January 24, 2012

³ Pursuant to *N.J.A.C.* 6A:3-1.14(c), Commissioner decisions are deemed filed three days after the date of mailing to the parties.

⁴ 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).