

#422-12

IN THE MATTER OF THE TENURE :
OF ADELE STAPLETON, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF :
JERSEY CITY, HUDSON COUNTY. :
_____ :
:

DECISION

SYNOPSIS

Petitioning Board filed tenure charges of excessive absenteeism and incapacity against respondent, a tenured teacher, and sought to terminate her employment with the district. Neither respondent nor any attorney acting on her 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, pursuant to *N.J.A.C.* 6A:3-5.4(h), the allegations – which respondent has chosen not to deny – may be deemed admitted and are sufficient to warrant termination of the respondent from her tenured position. Accordingly, the Commissioner granted summary decision to the petitioner, dismissed the respondent from her tenured teaching position in petitioner’s school district, and forwarded a copy of this decision to the State Board of Examiners for action against respondent’s certificate as that body deems appropriate.

<p>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.</p>

October 26, 2012

IN THE MATTER OF THE TENURE :
OF ADELE STAPLETON, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF :
JERSEY CITY, HUDSON COUNTY. : DECISION
_____ :

For Petitioner, R. Scott Eveland, Esq.

No appearance by or on behalf of Respondent, Adele Stapleton.

This matter was opened before the Commissioner of Education on September 21, 2012 by way of certified tenure charges against respondent, a teacher in petitioner's district. Petitioner seeks respondent's removal for excessive absenteeism and incapacity.

By notice dated September 21, 2012, the Bureau of Controversies and Disputes (the Bureau) directed respondent to file an answer to the petition. The notice was sent to 31 Park Street, Jersey City, NJ – purportedly the last known address for respondent – via certified and regular mail. The certified mail receipt was signed and returned to the Bureau and the notice which was sent by regular mail was not. A copy of the notice was also sent to Philip Feintuch, Esq., who had represented respondent before the petitioning Board of Education.

The communication from the Bureau clearly provided respondent and her counsel with notice that, pursuant to *N.J.A.C.* 6A:3-5.3 and 6A:3-5.4, an individual against whom tenure charges are filed shall have 15 days from receipt of the petition to file an answer. The Bureau has received neither an answer to the certified charges from the respondent nor from any attorney purporting to represent respondent.

The Commissioner concludes that the allegations – which respondent has chosen not to deny – may be deemed admitted, pursuant to *N.J.A.C.* 6A:3-5.4(h), and are sufficient to warrant removal of respondent from her tenured position as a teacher.

IT IS THEREFORE ORDERED that summary decision shall be granted to the petitioner, and that respondent is dismissed from her tenured position in the district's employ as of the filing date of the within decision.¹ Further, this decision will be transmitted to the State Board of Examiners for its review and for any action that it may deem appropriate.

COMMISSIONER OF EDUCATION

Date of Decision: October 26, 2012

Date of Mailing: November 1, 2012

¹ This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L.* 2008, *c.* 3 (*N.J.S.A.* 18A:6-9.1).