

#293-15

IN THE MATTER OF THE TENURE :
HEARING OF MARIA TAYLOR, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
LONG BRANCH, MONMOUTH COUNTY. :

SYNOPSIS

Petitioning Board certified tenure charges of chronic absenteeism, incapacity, and conduct unbecoming 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 overwhelmingly warrant the termination of the respondent from her tenured position. Accordingly, the Commissioner granted summary decision to the petitioner, dismissed the respondent from her tenured position in petitioner’s school district, and forwarded a copy of this decision to the State Board of Examiners for review and action 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>

September 11, 2015

IN THE MATTER OF THE TENURE :
HEARING OF MARIA TAYLOR, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
LONG BRANCH, MONMOUTH COUNTY. :

For the Petitioner, J. Peter Sokol, Esq.

No appearance by or on behalf of Respondent, Marie Taylor

This matter was opened before the Commissioner of Education on July 27, 2015, through tenure charges of chronic absenteeism, incapacity and conduct unbecoming certified by JanetLynn Dudick, District Administrator for Personnel of the Long Branch School District, together with supporting evidence against Maria Taylor, a tenured teacher in the petitioner’s employ. The petitioner provided respondent with written notice of such certification at the respondent’s last known address on July 23, 2015.

On July 28, 2015, the Commissioner directed the respondent – via both certified and regular mail – to file an answer to the charges. 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. The certified mail return receipt card indicates that the July 28, 2015 notice was delivered on August 7, 2015. No reply to the tenure charges was received from or on behalf of respondent.

The certified tenure charges and statement of supporting evidence filed by the petitioner in this matter indicate that respondent was absent from her teaching assignment between September 3, 2012 until June 30, 2013 because of her worker's compensation claim, her use of sick days and her use of urgent business days. The charges also contend that the petitioner was absent from her teaching assignment the entire 2013-2014 school year because of her worker's compensation claim and her use of sick days. Additionally, the charges state that the respondent was absent from her teaching position for the entire 2014-2015 school year because of her medical leaves and absences without permission. Finally, the charges maintain that the Board has made several inquires to the respondent about her health and her ability to return to her teaching position, and – since August 2014 – the respondent has failed to communicate with the Board.

Deeming the allegations to be admitted and noting that respondent has failed to respond to the charges certified against her, the Commissioner finds that petitioner's charges of chronic absenteeism, incapacity and conduct unbecoming a teaching staff member have been proven and overwhelmingly warrant the respondent's dismissal. Accordingly, summary decision is hereby granted to the petitioner, and the respondent is dismissed from her tenured position with the District. This matter will be transmitted to the State Board of Examiners for action against respondent's certificate(s) as that body deems appropriate.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: September 11, 2015
Date of Mailing: September 11, 2015

¹ 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)