

#4-16

IN THE MATTER OF THE TENURE HEARING :  
OF RITA O'MALLEY, SCHOOL DISTRICT : COMMISSIONER OF EDUCATION  
OF THE TOWNSHIP OF WOODBRIDGE, : DECISION  
MIDDLESEX COUNTY. :

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SYNOPSIS

Petitioning Board filed tenure charges of 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:3-5.3(c)*, 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 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>
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January 6, 2016

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For the Petitioner, Ari D. Schneider, Esq.  
No appearance by or on behalf of Respondent, Rita O’Malley

This matter was opened before the Commissioner of Education on November 30, 2015<sup>1</sup> through tenure charges of conduct unbecoming certified by Robert Zega, Superintendant of Schools of the Woodbridge Township School District, together with supporting evidence against respondent Rita O’Malley, a tenured teacher in the petitioner’s employ. The petitioner provided respondent with written notice of such certification at her last known address – via overnight, certified, and regular mail – on November 20, 2015. The petitioner also served a copy of the tenure charges on the respondent’s attorney.

On December 1, 2015, the Commissioner directed respondent – via both certified and regular mail, with a copy to respondent’s attorney – to file an answer to the charges. This communication 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 date 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. No reply to the tenure charges was received from, or on behalf of, respondent.

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<sup>1</sup> The District submitted sworn tenure charges against Rita O’Malley to the Commissioner on November 23, 2015, but neglected to include a copy of the Certificate of Determination in the filing. This matter was opened before the Commissioner on November 30, 2015, the date the Certificate of Determination was received.

The certified tenure charges filed by the petitioner in this matter indicate that in the 2014-2015 school year, respondent submitted inaccurate and potentially fraudulent student educational evaluation reports, jeopardizing the authenticity of the educational evaluation and disrupting the educational environment for at least twelve students. Specifically, the inaccuracies on the educational evaluation reports included inserting false test scores for subtests that had not been administered, including incorrect test results for subtests that had been completed, misplacing or failing to complete protocols, preparing write-ups regarding subtests that were not administered, failing to include test results for subtests that were completed, and failing to administer subtests and complete an educational evaluation report. The charges and supporting evidence also indicate that respondent engaged in unbecoming conduct by submitting false mileage reimbursement vouchers and receiving monetary payment for funds to which she was not entitled.

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 conduct unbecoming a teaching staff member have been proven and warrant the respondent's dismissal from employment.

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.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: January 6, 2016

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<sup>2</sup> 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)