

#260-16

IN THE MATTER OF THE TENURE HEARING :
OF LYNN McKNIGHT, SCHOOL DISTRICT : COMMISSIONER OF EDUCATION
OF THE CITY OF PLEASANTVILLE, : DECISION
ATLANTIC COUNTY. :

SYNOPSIS

Petitioning Board certified tenure charges of unbecoming conduct, incapacity, and neglect of duty against respondent – a tenured teacher under the Board’s employ – and sought to terminate her employment with the district. Neither respondent nor any attorney acting on her behalf filed an answer to the tenure charges 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 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.

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.
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July 15, 2016

AGENCY DKT NO. 154-5/16

IN THE MATTER OF THE TENURE HEARING :
OF LYNN McKNIGHT, SCHOOL DISTRICT : COMMISSIONER OF EDUCATION
OF THE CITY OF PLEASANTVILLE, : DECISION
ATLANTIC COUNTY. :

For the Petitioner, Benjamin B. Brenner, Esq.

No appearance by or on behalf of Respondent, Lynn McKnight

This matter was opened before the Commissioner of Education on May 27, 2016, through tenure charges of conduct unbecoming and incapacity certified by Dr. Leonard Fitts, Superintendent of the Pleasantville School District (“District”), together with supporting evidence against respondent, Lynn McKnight, a tenured teaching staff member in the District’s employ. The District provided respondent with written notice of such certification at the respondent’s last known address, via certified mail, on May 24, 2016.

On May 27, 2016, 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 May 27, 2016 notice was delivered to the respondent on June 3, 2016. 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 the respondent has been employed by the District as a tenured teacher since the 2006-07 school year. The respondent has been absent for 79 days in the 2009-10 school year; 46 days in the 2010-11 school year; 21 days in the 2011-12 school year; 92 days in the 2012-13 school year; 19 days in the 2013-14 school year and 92 days in the 2014-15 school year. Additionally, the charges state that the respondent was counseled several times concerning to her poor attendance, and she signed multiple Professional Improvement Plans that stated that attendance was an area in need of improvement.

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 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: July 15, 2016

Date of Mailing: July 15, 2016

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)