

IN THE MATTER OF THE TENURE :
HEARING OF MICHELE ANSUINI, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
TRENTON, MERCER COUNTY. :

SYNOPSIS

Petitioning Board certified tenure charges of unbecoming conduct, incapacity and other just cause against respondent – a tenured Health/Physical Education teacher under the Board’s employ – and sought to terminate her employment with the district. The record shows that since the start of her employment with the Trenton School District in December 2000, respondent has been excessively absent on an annual basis; more specifically, Ms. Ansuini has been absent approximately forty percent (40%) of the total days she was required to report to work. 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 the allegations – which respondent has chosen not to deny – may be deemed admitted and warrant the termination of the respondent. Accordingly, the Commissioner granted summary decision to the petitioner, and dismissed the respondent from her tenured position in petitioner’s school district. The matter was transmitted to the State Board of Examiners for action against the respondent’s certificate(s) 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>

January 12, 2018

AGENCY DKT NO. 272-11/17

IN THE MATTER OF THE TENURE :
HEARING OF MICHELE ANSUINI, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
TRENTON, MERCER COUNTY. :

For the Petitioner, Adam S. Herman, Esq.

No appearance by or on behalf of Respondent, Michele Ansuini

This matter was opened before the Commissioner of Education on November 22, 2017, through tenure charges of conduct unbecoming and other just cause certified by Jayne Howard, Board Secretary/School Business Administrator of the Trenton School District, together with supporting evidence against respondent, Michele Ansuini, 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, via overnight mail on November 20, 2017.

On November 27, 2017, 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. 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 has been employed as a tenured teacher in the District since December 2000. During the course of her teaching career with the District, the respondent has been excessively absent on an annual basis. For example, during the 2015-2016 school year the respondent was absent on approximately 68.5 days; 118 days during the 2016-2017 school year; and 25 days during the 2017-2018 school year. On average, respondent has been absent approximately 40% of the total days she was required to report to work since she was hired by the District.

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 charge of conduct unbecoming a teaching staff member has been proven and overwhelmingly warrants 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.*

COMMISSIONER OF EDUCATION

Date of Decision: January 12, 2018

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* 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*)