

#433-14

IN THE MATTER OF THE TENURE :
HEARING OF EDWARD NEWTON, : COMMISSIONER OF EDUCATION
STATE-OPERATED SCHOOL DISTRICT OF : DECISION
THE CITY OF NEWARK, ESSEX COUNTY. :

SYNOPSIS

Petitioning Board filed tenure charges of inefficiency against respondent, a tenured teacher in the District, and sought to terminate his employment. Neither respondent nor any attorney acting on his behalf filed an answer to the petition following notice pursuant to *N.J.A.C. 6A:3-5.3*.

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 his tenured position. Accordingly, the Commissioner granted summary decision to the petitioner, dismissed the respondent from his 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.

October 28, 2014

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HEARING OF EDWARD NEWTON, : COMMISSIONER OF EDUCATION
STATE-OPERATED SCHOOL DISTRICT OF : DECISION
THE CITY OF NEWARK, ESSEX COUNTY. :

For the District, Ramon E. Rivera, Esq. (Scarinci Hollenbeck)

No appearance by or on behalf of Edward Newton

This matter was opened before the Commissioner of Education on September 24, 2014 through the certification of tenure charges of inefficiency by the State-Operated School District of the City of Newark, Essex County, against Edward Newton – a tenured teacher in the District. The District seeks Mr. Newton’s dismissal from his position.

By notice dated September 25, 2014, the Commissioner directed respondent – via both certified and regular mail – to file an Answer to the tenure charges against him. This communication clearly provided notice to respondent that failure to answer within the prescribed time period would, absent granting of an extension for good cause shown, result in the charges being deemed admitted by the charged employee. Because no reply has been received from respondent – or any attorney on his behalf – in response to the District’s charges, such charges against respondent are deemed to be admitted.

The Commissioner has reviewed the tenure charges certified against respondent, which specify that:

1. Respondent has failed to implement curricular goals and objective(s).
2. Respondent has failed to design coherent instruction.
3. Respondent has failed to assess student learning
4. Respondent has failed to create an environment of respect and rapport.
5. Respondent has failed to manage student behavior.

6. Respondent has failed to manage classroom procedures
7. Respondent has failed to establish a culture of learning.
8. Respondent has failed to communicate clearly and accurately.
9. Respondent has failed to use questioning and discussion techniques with flexibility and responsiveness.
10. Respondent has failed to engage students in learning.
11. Respondent has failed to provide feedback to students.
12. Respondent has failed to attain student achievement that meets or exceeds performance benchmarks.
13. Respondent has failed to reflect on teaching.
14. Respondent has failed to contribute to the School and District.
15. Respondent has failed to grow and develop professionally.
16. Respondent has failed to demonstrate promptness and attendance.

Deeming the allegations to be admitted and noting that respondent has failed to respond to the charges certified against him, the Commissioner finds that the District has demonstrated that respondent is guilty of inefficiency, warranting dismissal from his tenured position.

Accordingly, summary decision is hereby granted to the District, and respondent Edward Newton is dismissed from his tenured teaching position in the District's employ as of the date of this decision. A copy of this decision shall be forwarded to the State Board of Examiners for review and action as that body deems appropriate.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: October 28, 2014

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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*).