

IN THE MATTER OF THE TENURE :
HEARING OF LEGISTREAN : COMMISSIONER OF EDUCATION
PURVIS-CHAPMAN, GLASSBORO : DECISION
SCHOOL DISTRICT, GLOUCESTER :
COUNTY. :
_____ :

SYNOPSIS

Petitioning Board certified tenure charges of insubordination, unbecoming conduct, incapacity and inefficiency against respondent – a tenured history 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 are sufficient to warrant respondent’s dismissal 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.

February 9, 2015

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For the Petitioner, Cameron R. Morgan, Esq.

No pleading by or on behalf of Respondent.

This matter was opened before the Commissioner of Education on December 19, 2014, through certification by the Glassboro School District Board of Education (petitioner) of tenure charges of insubordination, unbecoming conduct, incapacity and inefficiency against Legistrean Purvis-Chapman (respondent), a tenured teacher in petitioner’s employ. Following its review of the charges as filed, together with the supporting evidence,¹ petitioner certified the charges to the Commissioner on December 17, 2014 and provided respondent with written notice of the certified charges on December 18, 2014.

On December 29, 2014 the Department directed 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 “*is required to file written response to the charges within 15 days of date filed with Commissioner.*” It further

¹ There is no indication in the record that respondent appeared before the petitioning Board to contest the charges.

advised that failure to answer within the prescribed period would – absent the granting of an extension for good cause shown – result in the charges being deemed admitted. The copy of the Department’s notice which was sent by regular mail has not been returned to the Commissioner as undeliverable. To date, no answer to the tenure charges has been received from or on behalf of respondent.

The charges and statements of supporting evidence filed by petitioner indicate that in recent years respondent has exhibited inappropriate behavior toward students, colleagues and administrators, declined to follow district procedures and refused to submit to a psychiatric examination to determine her fitness for duty. Deeming these allegations to be admitted – due to respondent’s failure to respond to same – the Commissioner finds that petitioner’s charges have been proven and that they warrant respondent’s dismissal from tenured employment.

Accordingly, summary decision is hereby granted to petitioner, and respondent is dismissed from her tenured teaching staff position as of the filing date of this decision. A copy of this decision shall be forwarded to the State Board of Examiners for review and action as it deems appropriate.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: February 9, 2015

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² 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)*.