

#38-15

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

SYNOPSIS

Petitioning Board certified tenure charges of unbecoming conduct against respondent – a tenured high school English 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 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.

<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 28, 2015

AGENCY DKT NO. 367-12/14

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

For the Petitioner, Rita F. Barone, Esq.

No appearance by or on behalf of Respondent, Elyse Cromwell

This matter was opened before the Commissioner of Education on December 19, 2014, through tenure charges of conduct unbecoming certified by Cami Anderson, State District Superintendent of the State-Operated School District of the City of Newark, together with supporting evidence against Elyse Cromwell, 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 Federal Express on December 18, 2014. The petitioner also served a copy of the tenure charges on the respondent's union representative.

On December 29, 2014, 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 had sex with her 15-year-old student on multiple occasions. The charges also contend that the respondent dispensed marijuana to three of her students, and – on more than one occasion – engaged in the use of marijuana with these students. Additionally, the Department of Children and Families, Institutional Abuse Investigation Unit found that the allegations of Sexual Abuse/Sexual Penetration and Neglect/Substantial Risk of Physical Injury/Environment Injurious to Health and Welfare against the respondent were substantiated.

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 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: January 28, 2015

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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)