

#19-10

IN THE MATTER OF THE TENURE :  
HEARING OF MARY ELLEN BECHARD, : COMMISSIONER OF EDUCATION  
SCHOOL DISTRICT OF THE TOWNSHIP : DECISION  
OF BRICK, OCEAN COUNTY. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioning Board filed tenure charges of unbecoming conduct against respondent, a tenured 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 the allegations – which respondent has chosen not to deny – may be deemed admitted and are sufficient to warrant 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 the district, and forwarded a copy of this decision to the State Board of Examiners for action against respondent’s certificate 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.

January 19, 2010

AGENCY DKT. NO. 283-10/09

IN THE MATTER OF THE TENURE :  
HEARING OF MARY ELLEN BECHARD, : COMMISSIONER OF EDUCATION  
SCHOOL DISTRICT OF THE TOWNSHIP : DECISION  
OF BRICK, OCEAN COUNTY. :  
\_\_\_\_\_ :

For the Board of Education, Nicholas C. Montenegro, Esq. (Montenegro,  
Thompson, Montenegro & Genz, P.C.)

No appearance by or on behalf of Respondent, Mary Ellen Bechard

This matter was opened before the Commissioner of Education on October 13, 2009, through the filing of tenure charges of unbecoming conduct certified by the Secretary of the Brick Township Board of Education against respondent Mary Ellen Bechard, a tenured teaching staff member in the Board's employ. The Board provided respondent and her employee representative with written notice of such action via certified mail sent on or about October 6, 2009. On December 15, 2009, following notice by the Department of Education, the Board provided to the Commissioner and concurrently served on respondent and her employee representative the supporting documentation underlying the Board's statement of evidence, such documentation having been inadvertently omitted from the Board's original filing. Respondent's answer to the tenure charges was accordingly deemed due on December 30, 2009, pursuant to Department communications dated November 4, 2009, December 10, 2009, and December 15, 2009, the latter sent via both certified and regular mail.

The Department's December 15, 2009 communication – as well as its original October 14, 2009 acknowledgment of receipt of tenure charges, likewise sent via both regular and certified mail – 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. However, no reply was received from or on behalf of respondent, who is presumed to have received the Department's notices because regular mailings were not returned as undeliverable and certified mailings were returned as unclaimed.

The certified tenure charges and statement of supporting evidence filed by the Board in this matter allege that respondent: 1) purposefully submitted inaccurate supplemental time sheets seeking compensation for services not rendered; 2) exhibited excessive absenteeism and tardiness, and failed to sign in as required; 3) collected funds from students for purchase of books from a scholastic book fair, then ordered and disbursed the books but failed to pay the vendor; 4) collected funds from students/parents under the pretense of organizing a surprise party for other teachers, but did not return the funds notwithstanding that no party occurred; and 5) has fallen asleep in class and at faculty meetings, eaten during class instructional time, failed to submit timely lesson plans, left the building during her contracted/scheduled prep period, and cashed her paycheck in advance of its authorized payment date.

Deeming these allegations to be admitted because respondent has failed to respond to the charges the Board has certified against her, the Commissioner finds that such charges have been proven and that they warrant respondent's dismissal from tenured employment.

Accordingly, summary decision is hereby granted to the Board, and respondent is dismissed from her tenured position in the district. A copy of this decision shall be forwarded to the State Board of Examiners for action against respondent's certificate(s) as it deems appropriate.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: January 19, 2010

Date of Mailing: January 19, 2010

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\* Pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*, Commissioner decisions are appealable to the Appellate Division of the Superior Court.