

#137-13

IN THE MATTER OF THE TENURE :
HEARING OF STACEY JOHNSON, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE : DECISION
CITY OF VINELAND, :
CUMBERLAND COUNTY. :

SYNOPSIS

Petitioning Board filed tenure charges of conduct unbecoming against respondent, a tenured social worker, 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 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 action against respondent’s certificate 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>

April 16, 2013

AGENCY DKT NO. 49-3/13

IN THE MATTER OF THE TENURE :
HEARING OF STACEY JOHNSON, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE : DECISION
CITY OF VINELAND, :
CUMBERLAND COUNTY. :

For the Petitioner, Nicole J. Curio, Esq.

No appearance by or on behalf of Respondent, Stacey Johnson

This matter was opened before the Commissioner of Education on March 5, 2013, through tenure charges of conduct unbecoming certified by the Secretary of the Vineland Board of Education, together with supporting evidence, against Stacey Johnson – a tenured social worker in the petitioner’s employ. Petitioner provided respondent with written notice of such certification via regular and certified mail sent on or about February 28, 2013.

On March 7, 2013, the Commissioner 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 “*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. Although the copy sent via certified mail was returned indicating that the notice was unclaimed, the notice sent via regular delivery was

not returned as undeliverable. 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 petitioning Board of Education in this matter indicate that respondent had sex with a minor student and that she also attempted to stop the victim from speaking to the police once she became aware of the investigation. 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 unbecoming conduct have been proven and that it warrants respondent's dismissal.

Accordingly, summary decision is hereby granted to petitioner, and respondent is dismissed from her tenured position. A copy of this decision shall be forwarded 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: April 16, 2013

Date of Mailing: April 16, 2013

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)