

#272-13

IN THE MATTER OF THE TENURE :
HEARING OF KATHRYN WALL, : COMMISSIONER OF EDUCATION
ORANGE TOWNSHIP SCHOOL : DECISION
DISTRICT, ESSEX COUNTY. :
_____ :

SYNOPSIS

Petitioning Board filed tenure charges of chronic and excessive absenteeism constituting conduct unbecoming 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, 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 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.

July 25, 2013

IN THE MATTER OF THE TENURE :
HEARING OF KATHRYN WALL, : COMMISSIONER OF EDUCATION
ORANGE TOWNSHIP SCHOOL : DECISION
DISTRICT, ESSEX COUNTY. :
_____ :

For the Petitioner, Melvin C. Randall, Esq.

No pleading by or on behalf of Respondent.

This matter was opened before the Commissioner of Education on June 17, 2013, through certification of tenure charges of chronic and excessive absenteeism, incapacity, and unbecoming conduct by the Board of Education of the Orange Township school district (Board) against Kathryn Wall (respondent), a tenured teacher in the Board’s employ. Following its review of the charges as filed, together with the supporting evidence and respondent’s reply, the Board had resolved on June 11, 2013 to certify these charges to the Commissioner and had provided respondent with written notice of such certification via regular and certified mail sent on June 14, 2013.

After receipt of the certified charges on June 17, 2013, 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 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, nor has the copy sent by certified mail. The above referenced notices were sent to respondent on June 17, 2013, and no answer to the tenure charges has been received from or on behalf of respondent to date.

The charges and statements of supporting evidence filed by the Board indicate that respondent has been chronically and excessively absent, for a total of three hundred and twenty-six (326) days during the 2009-2010, 2010-2011, 2011-2012 and 2012-2013 school years. Deeming these allegations to be admitted – due to respondent’s failure to respond to same – the Commissioner finds that the Board’s 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 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.¹

COMMISSIONER OF EDUCATION

Date of Decision: July 25, 2013

Date of Mailing: July 26, 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*).