

#205-13

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

SYNOPSIS

Petitioning Board filed tenure charges of conduct unbecoming, insubordination, and other just cause 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.

June 4, 2013

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

For Petitioner, Bernard Mercado, Esq.

No appearance by or on behalf of Respondent, Onika Johnson

This matter was opened before the Commissioner of Education on April 15, 2013 through certification of tenure charges of unbecoming conduct, insubordination and other just cause by the State Operated School District of the City of Newark (District) against Onika Johnson (respondent), a tenured teacher in the District’s employ. Following her review of the charges as filed together with the supporting evidence, the State District Superintendent had resolved on April 9, 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 April 9, 2013, and by hand delivery on April 10, 2013 by Homere Breton, Interim Executive Director of Human Resource Services.

On April 15, 2013, after receipt of the certified charges, 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. Both the copy of the notice sent by certified mail and the copy sent by regular mail were returned unclaimed, and no reply 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 refused to comply with the District’s order to undergo an independent medical examination, and has exhibited insubordinate behavior towards district administrators.

Due to respondent’s failure to respond to the District’s charges, the Commissioner deems them admitted. Notwithstanding that the Department’s notices to respondent were returned unopened, the Commissioner is satisfied that respondent has actual knowledge of the charges, based upon the certification of Homere Breton that he personally served same upon her on April 10, 2013. The Commissioner is further satisfied that the admitted charges 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.<sup>1</sup>

COMMISSIONER OF EDUCATION

Date of Decision: June 4, 2013

Date of Mailing: June 5, 2013

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<sup>1</sup> 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*).