

#473-14

IN THE MATTER OF THE TENURE HEARING :
OF BETHANY DOYLE-TAYLOR, : COMMISSIONER OF EDUCATION
BAYONNE SCHOOL DISTRICT, : DECISION
HUDSON COUNTY. :

SYNOPSIS

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

December 2, 2014

IN THE MATTER OF THE TENURE HEARING :
OF BETHANY DOYLE-TAYLOR, : COMMISSIONER OF EDUCATION
BAYONNE SCHOOL DISTRICT, : DECISION
HUDSON COUNTY. :

For the Petitioner, Robert J. Merryman, Esq.
No pleading by or on behalf of Respondent.

This matter was opened before the Commissioner of Education on September 24, 2014 through certification by the Board of Education of the Bayonne School District (Petitioner) of tenure charges of chronic and excessive absenteeism, unbecoming conduct, and insubordination against Bethany Doyle-Taylor (Respondent), a tenured teacher in petitioner’s employ. Following its review of the charges as filed, together with the supporting evidence,¹ petitioner had resolved on September 18, 2014 to certify these charges to the Commissioner and had provided respondent with written notice of such certification via hand delivery on September 19, 2014.

On October 24, 2014, after receipt of a corrected filing containing all 8 pages 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. The copy of the Department’s notice which was sent by regular mail has not been returned to the Commissioner as

¹ Respondent apparently did not appear before the Board to contest the charges.

undeliverable, and the receipt for the copy sent by certified mail was returned with a signature. To date, no answer to the tenure charges has been received from or on behalf of respondent.

The charges and statements of supporting evidence filed by petitioner indicate that, commencing in the 2010-2011 school year, respondent's absences have been excessive. In March 2014, respondent met with petitioner's medical examiner, who determined that she was medically unfit for duty. Petitioner's administrators consequently placed respondent on medical leave pending the provision by her doctors of medical clearances. Notwithstanding subsequent correspondence from petitioner to respondent in April, June and July of 2014, and multiple messages left in respondent's voicemail, respondent has not provided the requested medical clearances from her physicians. Deeming these allegations to be admitted – due to respondent's failure to respond to same – the Commissioner finds that petitioner's charges have been proven, and that they 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 which shall be forwarded to the State Board of Examiners for review and action as it deems appropriate.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: December 2, 2014

Date of Mailing: December 4, 2014

² 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*).