

#296-14

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE : COMMISSIONER OF EDUCATION
OF LAWANNA MCCLEASE, :
STATE-OPERATED SCHOOL DISTRICT OF : DECISION
THE CITY OF CAMDEN, CAMDEN COUNTY :

SYNOPSIS

In February 2014, the Commissioner of Education issued an Order to Show Cause upon respondent, requiring her to show cause why an order should not be entered suspending her teaching certificate for unprofessional conduct pursuant to *N.J.S.A.* 18A:26-10 and *N.J.A.C.* 6A:9-17.9 – for resigning her position on inadequate notice. The respondent failed to answer the order. Respondent was duly advised that, pursuant to *N.J.A.C.* 6A:3-1.5(e), failure to respond would cause each allegation raised by the Board to be deemed admitted, and might result in summary decision by the Commissioner.

There being no response to the order to show cause, the Commissioner concluded that the allegations – which respondent has chosen not to deny – may be deemed admitted, and justify suspension of respondent’s certification. Accordingly, summary decision was granted to petitioner, and respondent’s certificate is suspended for a period of one year from the date of the filing of this decision – a copy of which has been forwarded to the State Board of Examiners for the purpose of effectuating this order.

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.
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July 16, 2014

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE : COMMISSIONER OF EDUCATION
OF LAWANNA MCCLEAVE, :
STATE-OPERATED SCHOOL DISTRICT OF : DECISION
THE CITY OF CAMDEN, CAMDEN COUNTY :

For Petitioner, Louis R. Lessig, Esq.

No appearance by or on behalf of respondent

This matter was opened before the Commissioner of Education on February 12, 2014, by way of an Order to Show Cause served by petitioner (State-Operated School District of the City of Camden) upon respondent (LaWanna McCleave), requiring respondent to show cause why an order should not be entered suspending her teaching certificate pursuant to *N.J.S.A. 18A:26-10* for resigning without giving the notice required by her contract with petitioner. By notice dated February 14, 2014, the Bureau of Controversies and Disputes (Bureau) acknowledged receipt of proof that the Order to Show Cause had been served upon respondent and directed respondent to answer within 20 days.

No answer having yet been received, on April 2, 2014, the Bureau sent respondent a second notice – via regular and certified mail – directing that she file an answer within ten days. The notice advised that, pursuant to *N.J.A.C. 6A:3-1.5(e)*, failure to answer would cause each allegation in petitioner’s papers to be deemed admitted, and might result in summary decision by the Commissioner. The certified mail return receipt card indicates that the April 2, 2014 notice was delivered on April 7, 2014.

No answer having yet been received, on April 28, 2014, the Bureau sent respondent a final notice – via regular and certified mail – directing that she file an answer within ten days. The

notice advised that, pursuant to *N.J.A.C.* 6A:3-1.5(e), failure to answer would cause each allegation in petitioner's papers to be deemed admitted, and might result in summary decision by the Commissioner. The certified mail return receipt card indicates that the April 28, 2014 notice was delivered on May 2, 2014. No answer to the Order to Show Cause has been filed as of this date.

The affidavit submitted by the petitioner in this matter states that the respondent entered into a contract with the petitioner for the 2013-2014 school year; that on November 18, 2013, the respondent informed the district that she would not be fulfilling the term of her employment; and that the respondent resigned effective November 29, 2013, giving only 11 days notice. The respondent has not denied the allegations therein; consequently, the Commissioner deems such allegations to be admitted pursuant to *N.J.A.C.* 6A:3-1.5(e), and further deems them sufficient to justify suspension of respondent's teaching certification pursuant to *N.J.S.A.* 18A:26-10.

Accordingly, summary decision is hereby granted to petitioner, and respondent's teaching certification is suspended for a period of one year from the filing date of this decision, a copy of which shall be forwarded to the State Board of Examiners for implementation of the suspension.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 16, 2014
Date of Mailing: July 17, 2014

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