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IN THE MATTER OF THE TENURE :
HEARING OF FEDERICO CRUZ, : COMMISSIONER OF EDUCATION
CAMDEN STATE-OPERATED SCHOOL : DECISION
DISTRICT, CAMDEN COUNTY. :
_____ :

SYNOPSIS

Petitioning Board filed tenure charges of chronic and excessive absenteeism and conduct unbecoming, and inefficiency against respondent, a tenured teacher, and sought to terminate his employment with the district. Neither respondent nor any attorney acting on his 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 his tenured position. Accordingly, the Commissioner granted summary decision to the petitioner, dismissed the respondent from his 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.

January 6, 2015

IN THE MATTER OF THE TENURE :
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CAMDEN STATE-OPERATED SCHOOL : DECISION
DISTRICT, CAMDEN COUNTY. :
_____:

For the Petitioner, Louis R. Lessig, Esq.
No pleading by or on behalf of Respondent.

This matter was opened before the Commissioner of Education on November 24, 2014, through certification by the State Superintendent of the Camden school district (petitioner) of tenure charges of chronic and excessive absenteeism, unbecoming conduct and inefficiency against Federico Cruz (respondent), a tenured teacher in petitioner’s employ. Following his review of the charges as filed, together with the supporting evidence,¹ the State Superintendent certified the charges to the Commissioner on November 21st and provided respondent with written notice of the certified charges on the same date.

On November 26, 2014 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 “shall have 15 days from the date such charges are filed with the Commissioner to file a written response to the charges with the 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. Neither the copy

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

of the Department's notice which was sent by regular mail nor the certified copy has been returned to the Commissioner as undeliverable. To date, no answer to the tenure charges has been received from or on behalf of respondent.

The charges and statement of supporting evidence filed by petitioner indicate that in recent years respondent has received unsatisfactory ratings in meeting curriculum objectives, managing classes, implementing instructional techniques, creating and submitting lesson plans, and responding to the guidance and support of his supervisors. Respondent's absences have also been excessive. 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 his 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.²

COMMISSIONER OF EDUCATION

Date of Decision: January 6, 2015

Date of Mailing: January 7, 2015

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*).