

#387-15

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

SYNOPSIS

Petitioning Board certified tenure charges of unbecoming conduct against respondent – a tenured employee of the State-Operated School District of the City of Newark – 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 overwhelmingly warrant the 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.

November 19, 2015

AGENCY DKT NO. 314-10/15

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

For the Petitioner, Robert M. Tosti, Jr., Esq.

No appearance by or on behalf of Respondent, Danielle Brodo

This matter was opened before the Commissioner of Education on October 15, 2015 through tenure charges of conduct unbecoming certified by Christopher Cerf, State District Superintendent of the State-Operated School District of the City of Newark, together with supporting evidence against respondent Danielle Brodo, a tenured teacher in the petitioner’s employ. The petitioner provided respondent with written notice of such certification at her last known address, via Federal Express on October 15, 2015. The petitioner also served a copy of the tenure charges on the respondent’s union representative.

On October 16, 2015, the Commissioner directed respondent – via both certified and regular mail – to file an answer to the charges. This communication 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,*” and that failure to answer within the prescribed period would – absent granting of an extension for good cause shown – result in the charges being deemed admitted.

The certified tenure charges and statement of supporting evidence filed by the petitioner in this matter indicate that respondent has engaged in a pattern of chronic and excessive

absenteeism since the 2014-15 school year, and also in prior years. Specifically, respondent has been absent from work since the afternoon of November 18, 2014. Although respondent submitted a request for a medical leave on January 15, 2015, such request was denied as it was unsigned and contained insufficient medical documentation. Respondent failed to respond or submit further medical records and – to date – remains absent without leave (“AWOL”).

The charges and supporting evidence also indicate that respondent engaged in unbecoming conduct, including failure to prepare her classroom for the academic year, failure to prepare lesson plans, failure to comply with building procedures and requirements, failure to act honestly and professionally with parents, failure to respond to emails, failure to improve attendance, failure to supervise students, and failure to be prepared for class.

Deeming the allegations to be admitted and noting that respondent has failed to respond to the charges certified against her, the Commissioner finds that petitioner’s charges of conduct unbecoming a teaching staff member have been proven and warrant the respondent’s dismissal from employment.

Accordingly, summary decision is hereby granted to the petitioner, and the respondent is dismissed from her tenured position with the District. This matter will be transmitted to the State Board of Examiners for action against respondent’s certificate(s) as that body deems appropriate.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: November 19, 2015

Date of Mailing: November 19, 2015

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)