

IN THE MATTER OF THE TENURE HEARING :
OF DANIELLE LUCAS, SCHOOL DISTRICT OF : COMMISSIONER OF EDUCATION
THE CITY OF BAYONNE, HUDSON COUNTY. : DECISION

SYNOPSIS

Petitioning Board certified tenure charges of excessive absenteeism, conduct unbecoming, and insubordination against respondent – a tenured teacher under the Board’s employ – and sought to terminate her employment with the district. Neither respondent nor any attorney acting on her behalf filed an answer to the tenure charges 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:3-5.3(c), the allegations – which respondent has chosen not to deny – may be deemed admitted and 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.
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February 28, 2017

AGENCY DKT NO. 7-1/17

IN THE MATTER OF THE TENURE HEARING :
OF DANIELLE LUCAS, SCHOOL DISTRICT OF : COMMISSIONER OF EDUCATION
THE CITY OF BAYONNE, HUDSON COUNTY. : DECISION

For the Petitioner, Robert J. Merryman, Esq.

No appearance by or on behalf of Respondent, Danielle Lucas

This matter was opened before the Commissioner of Education on January 10, 2017 through tenure charges of excessive absenteeism, conduct unbecoming, and insubordination, certified by Patricia McGeehan, Superintendent of the School District of the City of Bayonne, together with a statement of supporting evidence against respondent, Danielle Lucas, a tenured teacher in the petitioner's employ. The petitioner provided respondent with written notice of such certification at her last known address – via first class mail, certified mail, and electronic mail – on December 20, 2016.

On January 11, 2017, 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. No reply to the tenure charges was received from, or on behalf of, respondent.

The certified tenure charges and statement of supporting evidence filed by the petitioner in this matter indicate that respondent has engaged in a prolonged absence from her

teaching position in the District and has been absent from work for the entire 2015-16 school year, as well as the 2016-17 school year to date. Respondent took a sick leave during the 2015-16 school year, using sick time, followed by a thirty-day unpaid leave, and then used time from the sick leave bank for the remainder of the year. Respondent continued to use time from the sick leave bank for the 2016-17 school year, but her eligibility for the sick leave program expired on December 22, 2016. Respondent also failed to provide the District with any indication as to when she would be able to return to work – and whether she would have any restrictions or require any accommodations once she did – despite several attempts by the District to obtain this information.

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 excessive absenteeism, conduct unbecoming, and insubordination 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

ACTING COMMISSIONER OF EDUCATION

Date of Decision: February 23, 2017

Date of Mailing: February 23, 2017

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)