

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
DENNIS GILLIAMS : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-107

At its meeting of September 25, 2004, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed Dennis Gilliams from his tenured position with the Board of Education of Camden for charges of chronic and excessive absenteeism, abuse of sick leave, and abandonment of position. In the Matter of the Tenure hearing of Dennis Gilliams, Docket No.404-12/02 (May 1, 2003.) Gilliams currently holds a Teacher of the Handicapped certificate.

This case originated on December 23, 2002 when the Camden Board of Education certified tenure charges against respondent, Dennis Gilliams. The district had charged him with chronic and excessive absenteeism, incapacity, incompetence, unbecoming conduct, abuse of sick leave and neglect of duty. .

On December 24, 2002, the Commissioner of Education directed Gilliams via regular and certified mail to file an Answer to the tenure charges. After discovering that Gilliams had a new address, the district served an additional copy of the papers on Gilliams on January 24, 2003. On January 27, 2003, the Commissioner again directed Gilliams to file an Answer to the tenure charges. In both instances, the notice sent to Gilliams by certified mail was returned unclaimed but the regular mail notice was not returned. Since Gilliams did not respond to the notices, the tenure charges against him were deemed admitted.

The Commissioner noted that Gilliams had missed 72% of the workdays for the 2000-2001 and 2001-2002 school years, combined. (Commissioner's Decision, slip op.

at 2.) In addition, Gilliams had demonstrated an abusive pattern of absences by “straddling” absences over weekends, holidays and other dates on which the Camden schools were closed. Furthermore, the Commissioner noted that Gilliams had been absent without leave since the start of the September 2001 school year and had not complied with a district directive to report to the Office of Human Resources. (Commissioner’s Decision, slip op. at 2.) The Commissioner therefore determined that Gilliams had shown no intent to resume his duties and had abandoned his position. Finally, numerous doctors’ notes, including one, which declared Gilliams “totally incapacitated,” led the Commissioner to declare him incapable of returning to work. (Commissioner’s Decision, slip op. at 3.) The Commissioner held that the district had demonstrated that Gilliams was “incapable of fulfilling his duties as a teacher, and has further demonstrated just cause for respondent’s dismissal by virtue of his chronic absenteeism, abuse of sick leave and abandonment of his position.” (Commissioner’s Decision, slip op. at 4.) Accordingly, the Commissioner granted the district summary judgment and dismissed Gilliams from his tenured position. (Commissioner’s Decision, slip op. at 4.) The Commissioner transmitted the matter to the State Board of Examiners pursuant to N.J.A.C. 6:11-3.6 for appropriate action regarding Gilliams’ certificate.

Thereafter, on September 25, 2003, the State Board of Examiners issued Gilliams an Order to Show Cause as to why his certificate should not be suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Board sent Gilliams the Order to Show Cause by regular and certified mail on February 9, 2004. The Order provided that Gilliams must file his Answer within 20 days.

The regular mail was not returned but the certified copy was returned. Thereafter, on March 12, 2004, the Board sent Gilliams a second notice by regular and certified mail, allowing him an additional ten days to file an Answer. The regular mail copy was not returned but the certified copy was. Once again, Gilliams did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Gilliams' excessive absenteeism, incapacity and abandonment of position gives the Board just cause to act against his certificates pursuant to N.J.A.C. 6A:9-17.5. Since Gilliams did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6A:9-17.7(c). Since Gilliams' behavior as described in the Order to Show Cause is admitted, the Board of Examiners must now decide whether it constitutes a sufficient basis to act against his certificate pursuant to N.J.A.C. 6A:9-17.5. We find that it does.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. N.J.A.C. 6A:9-17.5. In this instance, Gilliams' chronic and excessive absenteeism greatly affected the students in his charge. Whatever the reasons for his absences, they adversely affected the continuity of instruction to which the students were entitled. This excessive absenteeism provides the Board a sufficient predicate to take action against his teaching certificates.

In determining the appropriate sanction in this case, the Board of Examiners is mindful that Gilliams' chronic and excessive absenteeism from his duty as a teacher has

negatively impacted the education provided to the children of Camden. Moreover, Gilliams' failure to respond to the Board of Examiners, although given numerous opportunities to do so, further illustrates his disregard of his responsibilities to the teaching profession. Consequently, the Board of Examiners believes that the appropriate sanction in this case is the revocation of Gilliams' teaching certificates.

Accordingly, it is therefore ORDERED that Dennis Gilliams' Teacher of the Handicapped certificate be revoked on this 6th day of May 2004. It is further ORDERED that Dennis Gilliams return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 20 days of receipt of this decision.

Joan E. Brady, Secretary
State Board of Examiners

Date of Mailing: July 1, 2004

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.