

#59-05
AGENCY DKT NO. 453-12/04

IN THE MATTER OF THE TENURE :
HEARING OF JENNIFER TURNER, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
OCEAN CITY, CAPE MAY COUNTY. :
_____ :

For the Board, Michael P. Stanton, Esq., Taht, Stanton & McCrosson

Jennifer Turner, *Pro Se*

This matter was opened before the Commissioner of Education on December 30, 2004, through the certification of tenure charges against Jennifer Turner, a tenured teacher with the Board of Education of the City of Ocean City, alleging insubordination, and incapacity, and seeking her removal.

By notice dated January 3, 2005, the Commissioner directed respondent, via both certified and regular mail, the certified copy having been returned as unclaimed, to file an Answer to the tenure charges against her. The communication from the Bureau of Controversies and Disputes, sent regular mail and presumed received, clearly provided respondent notice 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, and that failure to answer within the prescribed period, where no extension has been applied for and granted, will result in the charges being deemed admitted by the charged employee. Because no reply has been received from respondent, or any attorney on

her behalf, in response to the District's charges, each count of the charges against respondent is deemed to be admitted. *N.J.A.C. 6A:5-3(c)*.

The Commissioner has reviewed the tenure charges certified against respondent by the Board and the statement of evidence in support of those charges, including memoranda, observations, anecdotal records, letters, inter-departmental correspondence and other documents, which specify that respondent has consistently refused to follow the directives and instructions of a supervisor; has demonstrated a lack of capacity to properly serve students by her actions and remarks; and, despite prior warnings, has demonstrated she is unfit to engage in the teaching of students in the District. (Certification of Donald E. Dearborn, Ed.D., Superintendent of Ocean City Public Schools)

Deeming the within charges to be admitted, and noting that respondent has chosen not to deny the allegations against her, the Commissioner finds that the Board has demonstrated that respondent is guilty of insubordination and incapacity.

IT IS ORDERED this _____ day of February 2005 that summary decision shall be granted to the District, and Jennifer Turner shall be dismissed from her tenured position as a teacher in the Board's employ as of the date of this order.*

COMMISSIONER OF EDUCATION

Date of Decision: February 10, 2005

Date of Mailing: February 10, 2005

*This decision may be appealed to the State Board of Education pursuant to *N.J.S.A. 6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*