

#242-15

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

SYNOPSIS

Petitioning Board filed tenure charges of chronic and excessive absenteeism against respondent, a tenured teacher, 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 are sufficient to warrant 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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July 16, 2015

AGENCY DKT NO. 137-6/15

IN THE MATTER OF THE TENURE :

HEARING OF SHEILA SLAPPY, : COMMISSIONER OF EDUCATION
STATE-OPERATED SCHOOL DISTRICT : DECISION
OF THE CITY OF NEWARK, :
ESSEX COUNTY. :

For the Petitioner, Robert M. Tosti, Esq.

No appearance by or on behalf of Respondent, Sheila Slappy

This matter was opened before the Commissioner of Education on June 19, 2015 through tenure charges of conduct unbecoming certified by Cami Anderson, State District Superintendent of the State-Operated School District of the City of Newark, together with supporting evidence against Sheila Slappy, a teaching staff member in the petitioner's employ. The petitioner provided respondent with written notice of such certification at the respondent's last known address, via Federal Express, on June 18, 2015. The petitioner also served a copy of the tenure charges on the respondent's union representative.

On June 19, 2015, the Commissioner directed the 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 day 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 pattern of chronic and excessive absenteeism since the 2011-12 school year. Additionally, respondent has been absent from work without having been granted a leave of absence, or without personal, sick, or vacation leave time having been approved by the District. Although respondent was deemed fit to return to work by a physician as of December 2, 2014 – and warned about her excessive absenteeism on numerous occasions – she failed to return, and – to date – remains absent without leave (“AWOL”).

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: July 16, 2015

Date of Mailing: July 17, 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*)