

IN THE MATTER OF THE TENURE HEARING :
OF YVONNE HARRIS, SCHOOL DISTRICT : COMMISSIONER OF EDUCATION
OF THE CITY OF NEWARK, ESSEX COUNTY. : DECISION

SYNOPSIS

Petitioning Board certified tenure charges of inefficiency against respondent – a tenured English Language Arts teacher under the Board’s employ – and sought to terminate her employment with the district. Respondent was provided notice that, pursuant to *N.J.A.C.* 6A:3-5.3 and 6A:3-5.1(c), she had 10 days from the date that the charges were filed with the Commissioner to file a written response to the charges, and that – absent the granting of an extension for good cause – failure to do so would result in the charges being deemed admitted. No reply to the charges was received from or on behalf of the respondent.

The Commissioner concluded that 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, and dismissed the respondent from her tenured position in petitioner’s school district.

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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October 30, 2018

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For the Petitioner, Fiona E. Cousland, Esq.

No appearance by or on behalf of Respondent, Yvonne Harris

This matter was opened before the Commissioner of Education on August 24, 2018 through tenure charges of inefficiency certified by Roger Leon, Superintendent of Schools of the Newark School District, together with supporting evidence against respondent Yvonne Harris, a tenured teacher in the petitioner’s employ. The petitioner provided respondent with written notice of such certification at her last known address – via certified mail, return receipt requested, and regular mail – on August 2, 2018.

On August 28, 2018, 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:3-5.1(c)*, an individual against whom tenure charges of inefficiency are certified “*shall have 10 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 filed by the petitioner in this matter indicate that she was rated ineffective in two consecutive annual summative evaluations. Specifically, respondent was rated ineffective in her 2016-17 annual summative evaluation and was again rated ineffective in her 2017-18 annual summative evaluation. Respondent failed to effectively perform the duties of a teacher by failing to: use standard-aligned lessons; use appropriate lesson plans or lesson objectives; clearly communicate with students or capture student attention; or demonstrate student progress.

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 inefficiency 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.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: October 30, 2018

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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*)