

New Jersey Commissioner of Education

Final Decision

In the Matter of the Tenure Hearing of
Shakiela Felder, School District of the
City of Newark, Essex County.

For the Petitioner, Bernard Mercado, Esq.

No appearance by or on behalf of Respondent, Shakiela Felder

This matter was opened before the Commissioner of Education on August 26, 2019, through tenure charges of conduct unbecoming and other just cause certified by Roger Leon, Superintendent of the Newark Public School District (“District”), together with supporting evidence against respondent, Shakiela Felder, a tenured teaching staff member in the District’s employ. The District provided respondent with written notice of such certification at the respondent’s last known address, via certified mail, on August 23, 2019.

On August 27, 2019, 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 the respondent.

The certified tenure charges and statement of supporting evidence filed by the petitioner in this matter indicate that the respondent was employed by the District as a tenured teacher when she was approved for an unpaid personal leave of absence from October 26, 2015 through June 30, 2016. Respondent subsequently requested an extension of her leave of absence from September 1, 2016 through September 1, 2017, which was also approved by the District. Respondent failed to return to duty in September 2017 and remained on unapproved, unpaid absence for the entire 2017-2018 and 2018-2019 school years. Respondent has not provided any answer to multiple correspondences from the District, continues to remain AWOL, and has not provided any explanation for her AWOL status. Respondent has effectively abandoned her position. Ms. Felder's actions constitute conduct unbecoming of a tenured teacher and have disrupted the delivery of instruction to students, as well as the normal operations of the school to which she was assigned.

Deeming the allegations to be admitted and noting that the 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 and other just cause have been proven and overwhelmingly warrant the respondent's dismissal. 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.*

COMMISSIONER OF EDUCATION

Date of Decision: September 20, 2019
Date of Mailing: September 23, 2019

* 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)*.