

New Jersey Commissioner of Education

Final Decision

In the Matter of the Tenure Hearing of
Maria Granata Davis, School District of the
Township of Neptune, Monmouth County.

For the Petitioner, Mark A. Tabakin, Esq.

For the Respondent, Maria Granata Davis

This matter was opened before the Commissioner of Education on August 31, 2022, through tenure charges of incapacity and other just cause certified by Tami Crader, Superintendent of the Neptune Township School District ("District"), together with supporting evidence against respondent, Maria Granata Davis, a tenured teacher in the District's employ.

On August 31, 2022, the Commissioner directed the respondent 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:3-5.4*, 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. On October 5, 2022 the Commissioner again directed the respondent to file an answer to the charges.

In a correspondence dated October 20, 2022, the respondent provided a justification of her actions upon which the District's tenure charge allegations were based. By correspondence dated October 21, 2022, the Commissioner explained to respondent that if she would like to dispute the tenure charges filed in this matter, the case would be referred to an Arbitrator to hear and decide this matter pursuant to *N.J.S.A. 18A:6-16*. Further, the Commissioner sought confirmation from the

respondent that she would like to proceed with the assignment of the case to an Arbitrator. The respondent did not respond to the October 21, 2022 correspondence. By correspondence dated October 31, 2022, the Commissioner informed the respondent that a response to the October 21, 2022 correspondence had not been received, and that if no response was received by November 10, 2022, pursuant to *N.J.A.C. 6A:3-5.3(c)*, the charges filed against her would be deemed admitted and the matter decided on a summary basis. The respondent did not respond to the October 31, 2022 correspondence.

The certified tenure charges and statement of supporting evidence filed by the District in this matter indicate that the respondent was employed by the District as a tenured teacher. The respondent was granted medical leave until March 31, 2022 and was expected to return to work on April 1, 2022. Since April 1, 2022, the respondent has failed to report to work and has been absent without leave.

Deeming the allegations to be admitted and noting that the respondent has failed to return to work since April 1, 2022, the Commissioner finds that the District's charge of incapacity has been proven and warrants the respondent's dismissal. Accordingly, summary decision is hereby granted to the District, and the respondent is dismissed from her tenured position with the Neptune Township School District.

IT IS SO ORDERED.¹


ANGELINA ALLEN McMILLAN, Ed.D.
ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 12, 2022
Date of Mailing: December 14, 2022

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.