

**New Jersey Commissioner of Education**  
**Final Decision**

In the Matter of the Tenure Hearing of  
Kathleen Douglass, Lower Cape May Regional  
School District, Cape May County.

For the Petitioner, Jeffrey P. Catalano, Esq.

For the Respondent, Kathleen Douglass

This matter was opened before the Commissioner of Education on March 11, 2022, through tenure charges of unbecoming conduct, insubordination, neglect of duty, job abandonment, incapacity and other just cause certified by Joseph Castellucci, Superintendent of the Lower Cape May Regional School District (“District”), together with supporting evidence against respondent, Kathleen Douglass, a tenured secretary in the District’s employ. The District provided respondent with written notice of such certification by hand-delivery.


On March 14, 2022, the Commissioner directed the respondent via 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:3-5.4*, 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. In a correspondence dated March 29, 2022, the respondent provided a justification of her actions upon which the District’s tenure charge allegations were based. By correspondence dated March 31, 2022, the Commissioner explained to the 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 March 31, 2022 correspondence. By correspondence dated April 7, 2022, the Commissioner informed the respondent that a response to the March 31, 2022 correspondence had not been received, and that if no response was received by April 15, 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 April 15, 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 secretary. The Statement of Evidence indicates that the respondent has refused to comply with Executive Order 253 and District Policy 1648.13, School Employee Vaccination Requirements (“Policy”). Executive Order 253 and the Policy require that all school workers provide proof that they are fully vaccinated or submit to weekly COVID-19 testing. The respondent has refused to submit to weekly testing or provide proof of vaccination, and has not reported to work since November 24, 2021.

Deeming the allegations to be admitted and noting that the respondent has failed to respond to multiple correspondences, the Commissioner finds that the District’s charge of unbecoming conduct has been proven and overwhelmingly 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 Lower Cape May Regional School District.

IT IS SO ORDERED.<sup>1</sup>

  
ACTING COMMISSIONER OF EDUCATION

Date of Decision: May 25, 2022  
Date of Mailing: May 25, 2022

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<sup>1</sup> 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.