

AGENCY DKT. NO. 10-1/99

IN THE MATTER OF THE TENURE :  
HEARING OF CLAIRE GEVEKE, : COMMISSIONER OF EDUCATION  
SCHOOL DISTRICT OF THE CITY : DECISION  
OF ORANGE TOWNSHIP, ESSEX :  
COUNTY. :  
\_\_\_\_\_ :

For the Board, Nicholas Celso, III, Esq. (Schwartz, Simon, Edelstein,  
Celso & Kessler)

For the Respondent, William F. Koy, Esq. (Ullman, Fuhman, Platt & Koy)

This matter having been opened before the Commissioner of Education on January 19, 1999 through certification of tenure charges of unbecoming conduct, insubordination, inefficiency and/or other just cause against a tenured teaching staff member, Claire Geveke, by the Board of Education of City of Orange Township; and

The Board having certified that, on January 14, 1999, it served respondent with a copy of the tenure charges via regular and certified mail, and further, on the same day, served a copy of the tenure charges upon her counsel, via Lawyer's Service; and

The Commissioner having directed respondent and her counsel, via both certified and regular mail dated January 20, 1999, to file an Answer to the tenure charges against her,

which charges were identified as having been certified to the Commissioner on January 19, 1999; and

Such communication clearly having provided respondent notice that, pursuant to *P.L. 1998, c. 42*, effective July 1, 1998, an individual against whom tenure charges are certified “shall have **15 days** to submit a written response to the charges to the commissioner,” and that failure to answer within the prescribed period will, absent granting of an extension for good cause shown, result in the charges being deemed admitted and the Commissioner deciding the matter on a summary basis pursuant to *N.J.A.C. 6:24-1.4(e)*; and

Respondent’s reply having been received outside the 15-day response period, as *P.L. 1988, c. 42* does not, on its face, contemplate use of respondent’s (or counsel’s) date of receipt of the tenure charges to commence calculation of response time, (Koy’s letter of February 3, 1999), and each count of the charges against respondent therefore being deemed to be admitted; and

The Commissioner’s review of the tenure charges certified against respondent by the Board and the statement of evidence in support of those charges indicating that respondent, during the 1997-98 school year, was absent from her class 25 times from September 1997 through April 1, 1998, and late to her class 13 times, thus adversely affecting the instruction to students (Charge One); during the 1996-97 school year, respondent was absent from her class 14 times, thus adversely affecting the instruction to students (Charge Two); during the 1995-96 school year, respondent was absent from her class 16 times, thus adversely affecting the instruction to students (Charge Three); during the 1994-95 school year, respondent was absent from her class 32 times, thus adversely affecting the instruction to students (Charge Four); during the 1993-94 school year, respondent was absent from her class 18 times and late 15 times, thus adversely affecting the instruction to students (Charge Five); during the 1992-93 school

year, respondent was absent from her class 20 times, thus adversely affecting the instruction to students (Charge Six); during the 1991-92 school year, respondent was absent from her class 18 times, thus adversely affecting the instruction to students (Charge Seven); during the 1990-91 school year, respondent was absent 15 times, thus adversely affecting the instruction to students (Charge Eight); during the 1989-90 school year, respondent was absent on 12 and one half days, thus adversely affecting the instruction to students (Charge Nine); during the 1988-89 school year, respondent was absent from her class 21 and one half days, thus adversely affecting the instruction to students (Charge Ten); during the 1987-88 school year, respondent was absent from her class 17 times, thus adversely affecting the instruction to students (Charge Eleven); during the 1986-87 school year, respondent was absent from her class ten times, thus adversely affecting the instruction to students (Charge Twelve); and during the 1997-98 school year, respondent failed to provide effective classroom instruction (Charge Thirteen); during the 1995-96 school year, respondent failed to provide effective classroom instruction (Charge Fourteen); during the 1994-95 school year, respondent failed to provide effective classroom instruction (Charge Fifteen); during the 1993-94 school year, respondent failed to provide effective classroom instruction (Charge Sixteen); during the 1991-92 school year, respondent failed to provide effective classroom instruction (Charge Seventeen); during the 1987-88 school year, respondent failed to provide effective classroom instruction (Charge Eighteen); during the 1995-96 school year, respondent conducted herself in an inappropriate manner by sending recalcitrant, combative memos to her supervisors in response to her evaluations and to the constructive criticism offered by her supervisors (Charge Nineteen); during the 1993-94 school year, respondent conducted herself in an inappropriate manner by sending recalcitrant, combative memos to her supervisors in response to her evaluations and to the constructive criticism offered by her supervisors (Charge Twenty); during the 1991-92 school year, respondent conducted

herself in an inappropriate manner by sending recalcitrant, combative memos to her supervisors in response to her evaluations and to the constructive criticism offered by her supervisors (Charge Twenty-One); during the 1987-88 school year, respondent conducted herself in an inappropriate manner by sending recalcitrant, combative memos to her supervisors in response to her evaluations and to the constructive criticism offered by her supervisors (Charge Twenty-Two); during the 1997-98 school year, respondent conducted herself in an inappropriate manner by sending an unsealed note to another employee with a student, which note contained confidential, personal information about another student (Charge Twenty-Three); during the 1995-96 school year, respondent conducted herself in an inappropriate manner by failing to follow administrative policies and allowing students who were not registered in her class to remain in her class for entire class periods (Charge Twenty-Four); during the 1993-94 school year, respondent conducted her self in an inappropriate manner, by using inappropriate language directed at students (Charge Twenty-Five); and during the 1987-88 school year, respondent conducted herself in an inappropriate manner by discussing an evaluation report from a supervisor with a student, indicating to the student that his behavior was the cause of her poor evaluation; and

Deeming such charges to be admitted, the Commissioner finds that respondent's actions constituted unbecoming conduct, insubordination, inefficiency and/or other just cause, warranting her dismissal from her tenured position; now, therefore

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_ that summary judgment shall be granted to the Board, and Claire Geveke shall be dismissed from her tenured position as a teacher in the Board's employ as of the date of this order. This matter shall be

referred to the State Board of Examiners pursuant to *N.J.A.C.* 6:11-3.6 for action against respondent's certificate as it deems appropriate.\*

COMMISSIONER OF EDUCATION

MARCH 3, 1999

**SEE LETTER DECISION BELOW (INCLUDES LINK TO STATE BOARD DECISION REVERSING AND REMANDING ABOVE DECISION)**

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\* This decision, as the Commissioner's final determination in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6:2-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.

7-00 L

January 7, 2000

Marc H. Zitomer, Esq.  
Schwartz, Simon, Edelstein, Celso & Kessler  
Ten James Street  
Florham Park, NJ 07932

Dear Mr. Zitomer:

Upon review of the revised Notice of Withdrawal in connection with the charges brought against the tenured teacher in the matters entitled *In the Matter of the Tenure Hearing of Claire Geveke, City of Orange Township School District, Essex County*, Agency Dkt. No. 10-1/99, Commissioner Decision No. 52-99 decided March 3, 1999, [rev'd and remanded State Board October 6, 1999](#) ("Geveke I") and *In the Matter of the Tenure Hearing of Claire Geveke, City of Orange Township School District, Essex County*, Agency Dkt. No. 45-3/99, ("Geveke II"), I have determined to approve the Board's withdrawal of these matters, which primarily allege inefficiency and failure to provide continuity of instruction due to absence and tardiness, in light of respondent's resignation and impending retirement. *In re Cardonick*, decided by the Commissioner April 7, 1982, *aff'd* State Board April 6, 1983, 1990 *S.L.D.* 842, 846. These matters are hereby dismissed. A copy of this decision will be forwarded to the State Board of Examiners for such action, if any, as it deems appropriate.

Sincerely,

David C. Hesper  
Commissioner

c: William F. Koy, Esq.  
County Superintendent