

New Jersey Commissioner of Education

Final Decision

In the Matter of the Tenure Hearing of
Dawn Tardif, School District of the
Township of Florence, Burlington County.

For the Petitioner, Geoffrey N. Stark, Esq.

No appearance by or on behalf of Respondent, Dawn Tardif

This matter was opened before the Commissioner of Education on March 20, 2020, through tenure charges of incapacity certified by Donna Ambrosius, Superintendent of the Florence Township School District (“District”), together with supporting evidence against respondent, Dawn Tardif, a tenured custodian in the District’s employ. The District provided respondent with written notice of such certification at the respondent’s last known address, via email and overnight delivery, on February 28, 2020.

On March 3, 2020, the Commissioner directed the respondent, via regular and certified 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 District in this matter indicate that the respondent received a comprehensive Functional Capacity Evaluation on November 26, 2019. It was determined that the respondent is unable to perform the essential functions of her job with or without restrictions. 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 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 District.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: April 24, 2020
Date of Mailing: April 27, 2020

* 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).