

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
DR. NEYEMBO MIKANDA : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-186

At its meeting of June 12, 2003, the State Board of Examiners reviewed a tenure decision forwarded by the Commissioner of Education captioned In the Matter of the Tenure Hearing of Dr. Neyembo Mikanda, Docket No. 387-12/02 (February 21, 2003.) The decision dismissed the tenure matter that the Camden Board of Education had brought against Dr. Neyembi Mikanda. Mikanda currently holds a School Business Administrator Certificate of Eligibility and Teacher of French and Teacher of Elementary School certificates.

This case originated on December 2, 2002 when the Camden Board of Education certified tenure charges against respondent, Dr. Neyembo Mikanda. The Camden Board of Education certified tenure charges against Mikanda alleging chronic and excessive absenteeism, abuse of sick leave, neglect of duty, incapacity and abandonment of position. The Board alleged that Mikanda had missed 109 days during the 1997-98 school year; 185 days during the 1998-99 school year; 136 days during the 1999-2000 school year; 140 days during the 2000-01 school year and 185 days during the 2001-02 school year. The Board also alleged that Mikanda had a pattern of taking multiple sick days prior to a scheduled holiday without submitting proper medical certification. Mikanda also repeatedly failed to prepare and submit his required lesson plans and neglected his instructional duties during class time when he was there.

Prior to filing an Answer responding to the tenure charges, Mikanda resigned from his tenured position. The Commissioner therefore dismissed the tenure matter as moot and transferred the case to the State Board of Examiners for its consideration.

Thereafter, on June 13, 2003, the State Board of Examiners issued Mikanda an Order to Show Cause as to why his certificates should not be suspended or revoked. The Order was predicated on the conduct alleged in the tenure charges.

The Board sent Mikanda the Order to Show Cause by regular and certified mail on August 4, 2003. Neither copy was returned, although the Office of Licensure and Credentials does not have a certified mail return receipt. The Order provided that Mikanda must file an Answer within 20 days. Mikanda did not file an Answer. The Board sent him a second notice on December 23, 2003 by certified and regular mail. The regular mail was not returned and the certified copy was returned as unclaimed. Once again, Mikanda did not respond to the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Mikanda's conduct constitutes conduct unbecoming a certificate holder. Since Mikanda did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6A:9-17.7(c). Since Mikanda's behavior as set forth in the Order to Show Cause is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against his certificates pursuant to N.J.A.C. 6A:9-17.7(a). We find that it does.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. N.J.A.C. 6A:9-17.5. In this instance, Mikanda's chronic and excessive absenteeism greatly affected the students in his charge. Whatever the reasons for his absences, they adversely affected the continuity of

instruction to which the students were entitled. This unexcused, excessive absenteeism provides the Board a sufficient predicate to take action against his teaching certificates.

In determining the appropriate sanction in this case, the Board of Examiners is mindful that Mikanda's chronic and excessive absenteeism from his duty as a teacher has negatively impacted the education provided to the children of Camden. Moreover, Mikanda's neglect of his instructional duties when he was in school and his failure to respond to the Board of Examiners although given numerous opportunities to do so, further illustrates his disregard of his responsibilities to the teaching profession. Consequently, the Board of Examiners believes that the appropriate sanction in this case is the revocation of Mikanda's teaching certificates.

Accordingly, it is therefore ORDERED that Dr. Neyembo Mikanda's School Business Administrator Certificate of Eligibility and Teacher of French and Teacher of Elementary School certificates be revoked on this 26th day of February 2004. It is further ORDERED that Mikanda return his certificates to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within 20 days of receipt of this decision.

Joan E. Brady, Secretary
State Board of Examiners

Date of Mailing: JULY 1, 2004

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.