

IN THE MATTER OF THE :
SUSPENSION OF THE TEACHING : COMMISSIONER OF EDUCATION
CERTIFICATION OF DIANE WASHER, : DECISION
RED BANK SCHOOL DISTRICT, :
MONMOUTH COUNTY. :

SYNOPSIS

In October 2013, the Commissioner of Education issued an Order to Show Cause upon respondent, requiring her to show cause why an order should not be entered suspending her teaching certificate for unprofessional conduct pursuant to *N.J.S.A.* 18A:26-10 and *N.J.A.C.* 6A:9-17.9 – for resigning her position on inadequate notice. The respondent failed to answer the order. Respondent was duly advised that, pursuant to *N.J.A.C.* 6A:3-1.5(e), failure to respond would cause each allegation raised by the Board to be deemed admitted, and might result in summary decision by the Commissioner.

There being no response to the order to show cause, the Commissioner concluded that the allegations – which respondent has chosen not to deny – may be deemed admitted, and justify suspension of respondent’s certification. Accordingly, summary decision was granted to petitioner, and respondent’s certificate is suspended for a period of one year from the date of the filing of this decision – a copy of which has been forwarded to the State Board of Examiners for the purpose of effectuating this order.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

February 12, 2014

AGENCY DKT. NO. 267-10/13

IN THE MATTER OF THE :
SUSPENSION OF THE TEACHING : COMMISSIONER OF EDUCATION
CERTIFICATION OF DIANE WASHER, : DECISION
RED BANK SCHOOL DISTRICT, :
MONMOUTH COUNTY. :

For Petitioner, McComber & McComber

Respondent: No appearance by or on behalf of Diane Washer

This matter was opened before the Commissioner of Education on October 30, 2013, by way of an Order to Show Cause served by petitioner, Red Bank School District, upon respondent, Diane Washer, requiring respondent to show cause why an order should not be entered suspending her teaching certificate, pursuant to *N.J.S.A.* 18A:26-10 and 18A:28-8, for resigning without providing the amount of notice required by her contract with respondent, and for failing to provide the 60 days notice required by law. By notice dated October 30, 2013, the Bureau of Controversies and Disputes (the Bureau) acknowledged receipt of proof of service upon respondent of the order to show cause.

On December 5, 2013, the Bureau sent respondent a final notice, via regular and certified mail, directing respondent to file an answer within ten days. The final notice advised that, pursuant to *N.J.A.C.* 6A:3-1.5(e), failure to respond would cause each allegation in petitioner's papers to be deemed admitted, and might result in summary decision by the Commissioner. Neither

the notice sent by certified mail nor the notice sent by regular mail was returned., and no answer to the order to show cause has been filed as of this date.

As stated above, the final notice to respondent clearly advised that if an answer was not filed within ten days of receipt of same, each allegation in the papers supporting the order to show cause would be deemed to have been admitted and the Commissioner might decide the matter on a summary basis. The Commissioner now concludes that the allegations, which respondent has chosen not to deny, may be deemed admitted pursuant to *N.J.A.C. 6A:3-1.5(e)*, and are sufficient to justify an order suspending respondent's teaching certification.

Accordingly, IT IS ORDERED that summary decision is granted to petitioner, and respondent's teaching certification is suspended for a period of one year pursuant to *N.J.S.A. 18A:26-10* and *18A:28-8*.¹ This order shall be forwarded to the State Board of Examiners for effectuation of same.

COMMISSIONER OF EDUCATION

Date of Decision: February 12, 2014

Date of Mailing: February 14, 2014

¹ This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36* (*N.J.S.A. 18A:6-9.1*).