

IN THE MATTER OF THE SUSPENSION :  
OF THE TEACHING CERTIFICATE OF :  
AMY GREEN, SCHOOL DISTRICT OF : COMMISSIONER OF EDUCATION  
MOUNT LAUREL TOWNSHIP, : DECISION  
BURLINGTON COUNTY. :  
\_\_\_\_\_ :

SYNOPSIS

The Board sought to suspend the teaching certificate of respondent pursuant to *N.J.S.A.* 18A:26-10 for not providing adequate notice of her resignation from her position as guidance counselor. Respondent claimed she had the Board’s consent to resign prior to the 60-day notice requirement.

The ALJ found that the Board accepted respondent’s resignation in order to facilitate her replacement, but the Board accepted the resignation with the advisement that it would seek a suspension if she did not comply with the 60-day provision. The ALJ concluded that the Board did not “consent” to the early resignation and, therefore, acted properly in seeking to suspend her for one year. The ALJ approved the Board’s request to suspend respondent’s teaching certificate for one year.

The Commissioner adopted the findings and determinations in the Initial Decision as his own. The Commissioner concurred that a one-year suspension was appropriate under the circumstances even though its timing might pose some difficulty for respondent should she decide to return to public education for the 2003-04 school year. The Commissioner ordered respondent’s certificate suspended for a period of one year from the date of this decision and directed that a copy of this decision be forwarded to the State Board of Examiners for implementation of the suspension.

<p>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.</p>
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October 25, 2002

OAL DKT. NO. EDU 733-02  
AGENCY DKT. NO. 20-1/02

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OF THE TEACHING CERTIFICATE OF :  
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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. Respondents' exceptions and the Board of Education's reply were duly filed pursuant to *N.J.A.C.* 1:1-18.4.<sup>1</sup>

Respondent contends that the Administrative Law Judge (ALJ) erred in finding that the Board of Education (Board) did not consent to her early resignation. She renews prior arguments that her resignation was accepted without expressed condition; that she received no written notice of adverse action against her to be taken by the Board; that the Board produced no writing authorizing the administration to seek suspension of her certificate; and that the Board's acceptance of her resignation, if not an absolute bar to suspension of her certificate, should at least mitigate the penalty so that she is not precluded from obtaining a job for the 2003-04 school year.<sup>2</sup> (Respondent's Exceptions to Initial Decision at 1-4) In reply, the Board urges affirmance of the Initial Decision,

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<sup>1</sup> As noted by the parties, the Initial Decision erroneously designates Amy Green as the Petitioner and the Board of Education as the Respondent; the decision herein reflects their correct postures.

<sup>2</sup> Respondent contends that, because most positions are filled prior to or early in the school year, a one-year suspension effective October 25, 2002 would prevent her from being considered for jobs for 2003-04 as well as for 2002-03. Respondent opines that, although she remains employed in the pharmaceutical industry, she should not be foreclosed from returning to public education in 2003-04 should she so choose.

noting that respondent raised no argument on exception not previously considered by the ALJ. (Board's Reply to Respondent's Exceptions at 1)

Upon careful and independent review of this matter, the Commissioner adopts the Initial Decision as his own. Like the ALJ, the Commissioner finds respondent's claims unpersuasive when measured against a record amply demonstrating that respondent was informed of the consequences of her action; that she rejected proffered opportunities to reconsider or compromise; and that subsequent events, including acceptance of her resignation at the next regularly scheduled Board meeting and the ensuing administrative initiation of proceedings to suspend her certificate, transpired in their ordinary and expected course given what had previously occurred. Likewise, the Commissioner concurs that a one-year suspension is appropriate under the circumstances, notwithstanding that its timing may pose some difficulty for respondent should she, in fact, decide to return to public education for the 2003-04 school year.

Accordingly, the Initial Decision of the Office of Administrative Law is affirmed for the reasons expressed therein. Respondent's certificate is suspended for a period of one year from the date of this decision, a copy of which shall be forwarded to the State Board of Examiners for implementation of the suspension.

IT IS SO ORDERED.<sup>3</sup>

COMMISSIONER OF EDUCATION

Date of Issue: October 25, 2002

Date of Mailing: October 28, 2002

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<sup>3</sup> This decision, as the Commissioner's final determination 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. 6A:4-1.1 et seq.* Commissioner decisions are deemed filed three days after the date of mailing to the parties.