

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE OF : COMMISSIONER OF EDUCATION
ERIN MAC GILLIVRAY, : DECISION
BRIDGEWATER-RARITAN REGIONAL :
SCHOOL DISTRICT, SOMERSET COUNTY. :
_____ :

SYNOPSIS

Petitioning Board filed an Order to Show Cause with the Commissioner seeking suspension of respondent's teaching certificate for unprofessional conduct pursuant to *N.J.S.A.* 18A:26-8. Respondent was a tenured language arts teacher at petitioner's middle school until she resigned on insufficient notice – contrary to the terms of her contract – in August 2008, citing her engagement and impending move to Canada as the reason for her departure. The Board filed a motion for summary decision.

The ALJ found that: the matter is appropriate for summary decision; respondent did not give the statutory 60-day notice of her intention to resign; she therefore violated the terms of *N.J.S.A.* 18A:28-8 and 18A:26-10. Accordingly, the ALJ granted the Board's motion for summary decision, and ordered respondent's certificate suspended for one year.

Upon independent review of the record, the Commissioner concurred with the findings of the ALJ, and adopted the Initial Decision as the final decision in this matter, noting that because respondent was a tenured teaching staff member, her suspension arises solely under *N.J.S.A.* 18A:28-8 and not under *N.J.S.A.* 18A:28-10. Accordingly, 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.

<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>

September 14, 2009

OAL DKT. NO. EDU 12099-08
AGENCY DKT. NO. 335-11/08

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon review, the Commissioner concurs with the Administrative Law Judge (ALJ) that a one-year suspension of respondent's teaching certificate is warranted under the circumstances. In so concurring, the Commissioner further observes that respondent's letter of resignation (Board's Exhibit B) – in addition to noting her engagement to a Canadian and consequent decision to relocate – specifically references the availability of a job opportunity in Canada in apologizing for her late notice to the district.

Accordingly, for the reasons expressed therein and above, the Initial Decision of the OAL is adopted as the final decision in this matter.¹ Respondent's certificate is hereby suspended for a period of one year from the filing 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.²

COMMISSIONER OF EDUCATION

Date of Decision: September 14, 2009

¹ In so adopting, the Commissioner notes that – because respondent was a tenured teaching staff member – her suspension arises solely under *N.J.S.A.* 18A:28-8 and not under *N.J.S.A.* 18A:26-10, which has no direct applicability in this matter notwithstanding the common practice of citing both statutes in disputes of this type.

² Pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1), Commissioner decisions are appealable to the Superior Court, Appellate Division.

Date of Mailing: September 14, 2009