

#108-16 (OAL Decision: Not yet available online)

IN THE MATTER OF THE :  
SUSPENSION OF THE TEACHING :  
CERTIFICATE OF GRACE PENN, : COMMISSIONER OF EDUCATION  
WEST WINDSOR-PLAINSBORO : DECISION  
REGIONAL SCHOOL DISTRICT, :  
MERCER COUNTY. :  
\_\_\_\_\_:

### SYNOPSIS

In January 2016, the Commissioner of Education issued an Order to Show Cause requiring respondent to show cause why an order should not be entered suspending her teaching certificate for unprofessional conduct pursuant to *N.J.S.A. 18A:28-10* for resigning her position without giving the notice required for tenured employees.. 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 is 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.

<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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March 22, 2016

AGENCY DKT. NO. 27-2/16

IN THE MATTER OF THE :  
SUSPENSION OF THE TEACHING :  
CERTIFICATE OF GRACE PENN, : COMMISSIONER OF EDUCATION  
WEST WINDSOR-PLAINSBORO : DECISION  
REGIONAL SCHOOL DISTRICT, :  
MERCER COUNTY. :  
\_\_\_\_\_:

For petitioner, Mark G. Toscano, Esq. (Comegno Law Group, P.C.)

No appearance by or on behalf of respondent

This matter was opened before the Commissioner of Education on January 26, 2016, by way of an Order to Show Cause served by petitioner (West Windsor-Plainsboro Regional School District) upon respondent (Grace Penn), 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* for resigning without giving the notice required by her contract with petitioner. By notice dated February 3, 2016, the Bureau of Controversies and Disputes (Bureau) acknowledged receipt of proof that the Order to Show Cause had been served upon respondent and directed respondent to answer within 20 days.

No answer having yet been received, on February 25, 2016, the Bureau sent respondent a final notice, via regular and certified mail, directing that she file an answer within ten days. The notice advised that – pursuant to *N.J.A.C. 6A:3-1.5(e)* – failure to answer would cause each allegation in petitioner’s papers to be deemed admitted, and might result in summary decision by the Commissioner. The notice sent by certified mail was returned by the postal

service as unclaimed; however, the notice sent by regular mail was not returned. No answer to the Order to Show Cause has been filed as of this date.

Having reviewed petitioner's affidavit in this matter – which states that respondent ceased working as a teacher without giving the 60 days written notice required by her employment contract – and noting that respondent has not denied the allegations therein, the Commissioner deems such allegations admitted pursuant to *N.J.A.C. 6A:3-1.5(e)* and further deems them sufficient to justify suspension of respondent's teaching certificate pursuant to *N.J.S.A. 18A:26-10*.

Accordingly, summary decision is hereby granted to petitioner, and respondent's standard instructional certificate is 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.<sup>1</sup>

COMMISSIONER OF EDUCATION

Date of Decision: March 22, 2016

Date of Mailing: March 22, 2016

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<sup>1</sup> 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 in accordance with applicable court rules.