

New Jersey Commissioner of Education

Final Decision

In the Matter of the Suspension of the Teaching Certificates of Luke Masella, Board of Education of the Township of Franklin, Somerset County.

This matter was opened before the Commissioner of Education on December 7, 2023, by way of an Order to Show Cause served by petitioner (Board of Education of the Township of Franklin) upon respondent (Luke Masella), requiring respondent to show cause why an order should not be entered suspending his teaching certificates pursuant to *N.J.S.A. 18A:26-10* and *N.J.S.A. 18A:28-8* for resigning without giving the notice required by law.

By notice dated December 14, 2023, sent to respondent via regular mail, the Office of Controversies and Disputes (Office) acknowledged 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 January 9, 2024, the Office sent respondent a second and final notice via regular and certified mail, directing him to file an answer within ten days if he wished to contest the suspension of his certificates. To date, the Office has not received a response from respondent.

The petition and supporting exhibits submitted by petitioner in this matter indicate that: on May 31, 2023, respondent accepted petitioner's offer of employment for the 2023-2024 school year; the contract provides that it can be terminated by the employee upon sixty days' written notice; on August 1, 2023, respondent sent an email to petitioner indicating that he was resigning, thereby providing less than the required sixty days' notice. The respondent has not denied these

allegations; therefore, the Commissioner deems such allegations to be admitted pursuant to *N.J.A.C. 6A:3-1.5(a)* and further deems them sufficient to justify suspension of respondent's teaching certificates pursuant to *N.J.S.A. 18A:26-10* and *N.J.S.A. 18A:28-8*.

Accordingly, summary decision is hereby granted to petitioner, and respondent's teaching certificates, as well as any substitute teaching credential he may hold, are 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.¹

A handwritten signature in black ink, appearing to read 'CQR', is written over a light gray rectangular background.

ACTING COMMISSIONER OF EDUCATION

Date of Decision: February 6, 2024

Date of Mailing: February 8, 2024

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.