

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE OF : COMMISSIONER OF EDUCATION
JOHNATHAN CREEKMUR, CENTRAL :
JERSEY ARTS CHARTER SCHOOL, : DECISION
UNION COUNTY. :

SYNOPSIS

In February 2011, an Order to Show Cause was served upon respondent – a non-tenured language arts teacher at Central Jersey Arts Charter School (CJACS) – requiring him to show cause why his teaching certificate should not be suspended for unprofessional conduct pursuant to *N.J.S.A.* 18A:26-10 for resigning his position without notice on September 30, 2010. The respondent contended, *inter alia*: that he was unsure of the stability of his employment with the CJACS and therefore explored an employment opportunity in East Orange which required him to start on October 1; and that his conduct was warranted by the allegedly abysmal teaching environment at the charter school.

The ALJ found, *inter alia*, that: at the time of his resignation, respondent was working at CJACS pursuant to a fully executed contract in full force and effect; respondent's signature on his employment contract acknowledged his receipt of an employee handbook which clearly stated that resignations must be in writing with a minimum of 60 days' notice; respondent's conduct in leaving without any notice was grossly unprofessional as it allowed no time for the school administration to smoothly transition his students to a new teacher; respondent's contention that his actions were justified by CJASC's alleged non-compliance with special education requirements is without support in the record; respondent failed to put the interests of his students before his own interests when he suddenly resigned; and his abrupt departure could not help but be disruptive to his students' education. Accordingly, the ALJ concluded that respondent is guilty of unprofessional conduct within the meaning of *N.J.S.A.* 18A:26-10 and that his resignation without notice warrants suspension of his teaching certificate for a period of one year. However, the ALJ concluded that the suspension should commence at the conclusion of the 2011-2012 school year in order to avoid disruption in the education of respondent's current students in East Orange.

Upon independent review of the record and the Initial Decision, the Commissioner concurred with the ALJ that respondent's unprofessional behavior warrants the suspension of his teaching certificate for a period of one year, and that this penalty shall commence at the end of the 2011-2012 school year. A copy of the instant decision was forwarded to the State Board of Examiners for the purpose of effectuating 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>

January 4, 2012

OAL DKT. NO. EDU 4041-11
AGENCY DKT. NO. 53-3/11

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE OF :
JOHNATHAN CREEKMUR, CENTRAL :
JERSEY ARTS CHARTER SCHOOL, :
UNION COUNTY. :

COMMISSIONER OF EDUCATION

DECISION

The petitioning charter school asks the Commissioner to suspend respondent's teaching certificate for one year in consequence of his precipitous resignation after the beginning of the 2010-2011 school year. Upon review of the record, Initial Decision of the Office of Administrative Law (OAL), respondent's exceptions and petitioner's replies thereto, the Commissioner adopts the Initial Decision as the final decision in this controversy.

Respondent's exceptions largely reiterate his arguments before the Administrative Law Judge (ALJ) and are rejected for the reasons articulated by the ALJ. First, the Commissioner finds nothing in the record that would render the ALJ's factual findings – including the finding that the African American studies course was literature based and within the scope of respondent's certification/endorsements – unsupportable. Second, regardless of who petitioner was or was not actually able to employ or utilize in respondent's absence, the kind of difficulties that petitioner encountered in the wake of respondent's abrupt departure were reasonably foreseeable.

Third, even if petitioner's failure to provide enough support for the special education students in his class was the motivation for respondent's resignation, his sudden exit was still not justified. Ironically, the disruption that his departure caused could only have aggravated any difficulties that both the special education students and the other students

experienced. Finally, the Commissioner concurs with the ALJ that the fact patterns in *In re Suspension of the Teaching Certificate of Burgess*, 1983 S.L.D. 195, and *In the Matter of the Suspension of the Teaching Certificate of Rogers*, 1989 S.L.D. 1962, are not similar enough to those in the instant case, to warrant the imposition of a penalty less than the usual one-year certificate suspension.

Accordingly, the petition is granted and respondent's teaching certificate will be suspended for one year. Further, the Commissioner agrees with the ALJ that there is no reason to allow respondent's penalty to inflict disruption upon respondent's current students. Immediate suspension of respondent's certification would put the East Orange school district in the same predicament that petitioner found itself in when respondent suddenly left his employment. Thus, the suspension of respondent's certificate will commence at the end of the 2011-2012 school year. For that reason, this decision shall be forwarded to the State Board of Examiners for appropriate action.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: January 4, 2012

Date of Mailing: January 4, 2012

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