

IN THE MATTER OF THE SUSPENSION : COMMISSIONER OF EDUCATION  
OF THE TEACHING CERTIFICATE OF  
JENELLE STOKES, GRAY CHARTER : DECISION  
SCHOOL, ESSEX COUNTY.  
\_\_\_\_\_ :

### SYNOPSIS

In October 2007, an Order to Show Cause was served upon respondent – a non-tenured teacher – requiring her to show cause why her teaching certificate should not be suspended for unprofessional conduct pursuant to *N.J.S.A. 18A:26-10* and *N.J.S.A. 18A:28-8* for resigning her position as an elementary school teacher on insufficient notice, and contrary to the terms of her employment contract. The respondent contended that her contract had no notice provision, and that no one told her she would be expected to give sixty days notice of her resignation.

The ALJ found that: petitioning charter school’s witnesses were fully credible; respondent ceased to perform her duties prior to the expiration of her term of employment without the consent of the charter school, contrary to *N.J.S.A. 18A:26-10*; and under the circumstances here present, respondent’s teaching certificate should be suspended for a period of 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. 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>
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July 15, 2009

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Petitioner requests that respondent's teaching certificate be suspended for one year in consequence of her resignation – without petitioner's consent – prior to the completion of her contractual term of employment. Having reviewed the record,<sup>1</sup> the Initial Decision of the Office of Administrative Law (OAL), respondent's exceptions and petitioner's reply exceptions, the Commissioner adopts the Initial Decision for the reasons articulated therein.

Respondent's exceptions repeat the arguments she presented to the Administrative Law Judge (ALJ). As regards her liability, she contends that 1) no one told her that she would be expected to give sixty days notice of her resignation, 2) her contract had no notice provision, and 3) she conferred with a past employee about how to resign. Further, respondent maintains that it was error for the ALJ to assume that the summer closing of the Gray Charter School necessarily meant that mail, *i.e.* her resignation letter, would not be picked up and reviewed.

These contentions lack merit. Respondent's employment contract clearly stated that her resignation required the agreement of both parties to the contract, yet she never discussed the issue of resignation with her employer. Respondent's supervisor, Verna Gray, testified that all employees had been verbally advised at staff meetings of a sixty-day notice requirement for resignations.<sup>2</sup> And respondent's choice to seek resignation advice from a former employee who had resigned after the expiration of her own employment contract – instead of checking with school administrator Gray – did not satisfy respondent's duty to follow contractual resignation procedures.

<sup>1</sup> The record does not include a hearing transcript.

<sup>2</sup> The ALJ found Gray to be credible and the Commissioner finds no basis in the record to pronounce otherwise.

Finally, the record indicates that Gray Charter School employees knew of the school's summer closings. Any assumption by respondent that her resignation letter would be collected and reviewed during the closing period was a risk that she took to her detriment.

In contesting the penalty proposed by the ALJ, respondent maintains that the one-year maximum suspension of her teaching certificate is excessive under the circumstances of this controversy. The Commissioner disagrees.

Respondent knew or should have known that her unexpected resignation would leave the school administrator without sufficient time to find a replacement for her, and would result in significant negative ramifications for the school and the students. The resignation did – in point of fact – contribute to a delay in the school starting date, which necessitated the rescheduling of training and school holidays and negatively impacted the morale of the remaining staff. There is nothing in the record to indicate that respondent's actions were driven by emergent circumstances or hardship. The significant inconvenience of Gray Charter School staff and students could have been avoided by more conscientious behavior on the part of respondent.

Respondent's teaching certificate is suspended for the period of one year. This decision shall be forwarded to the New Jersey State Board of Examiners for the effectuation of the suspension.

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

COMMISSIONER OF EDUCATION

Date of Decision: July 15, 2009

Date of Mailing: July 15, 2009

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<sup>3</sup> This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L.* 2008, *c.* 36. (*N.J.S.A.* 18A:6-9.1)