

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE OF :
GREGORY ORBAN, STATE-OPERATED SCHOOL : COMMISSIONER OF EDUCATION
DISTRICT OF THE CITY OF NEWARK, : DECISION
ESSEX COUNTY. :

SYNOPSIS

In December 2008, an Order to Show Cause was served upon respondent – a non-tenured teacher – 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, after he resigned his position as a sixth grade math teacher without notice on September 15th, after one week in the classroom. The respondent contended that he did not possess the appropriate personality traits to effectively manage a sixth grade classroom, and that continuing to teach would be detrimental to his health. The petitioning District filed a motion for summary decision.

The ALJ found that: there are no material facts in dispute, and the matter is ripe for summary decision; respondent is guilty of unprofessional conduct within the meaning of *N.J.S.A.* 18A:26-10 for abruptly resigning his position without notice; the District did not waive the notice provision contained in respondent’s contract, nor did it otherwise consent to his resignation; and there are no compelling circumstances in the record to mitigate against the maximum penalty of a full year suspension of respondent’s teaching certificate. Accordingly, the ALJ concluded that 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, 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>

June 11, 2009

OAL DKT. NO. EDU 6120-08
AGENCY DKT. NO. 167-6/08

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE OF :
GREGORY ORBAN, STATE-OPERATED SCHOOL : COMMISSIONER OF EDUCATION
DISTRICT OF THE CITY OF NEWARK, : DECISION
ESSEX COUNTY. :

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties. For the reasons set forth therein, the Commissioner adopts the Initial Decision as the final decision in this case. A copy of this decision shall be forwarded to the State Board of Examiners for the purpose of effectuating this order.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: June 11, 2009

Date of Mailing: June 11, 2009

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.