

#262-11 (OAL Decision: Not yet available online)

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE OF : COMMISSIONER OF EDUCATION
SABINA SIERPOWSKI, SCHOOL :
DISTRICT OF THE CITY OF ELIZABETH, : DECISION
UNION COUNTY. :

SYNOPSIS

In November 2008, the Elizabeth School District filed a petition requesting that the teaching certificate of respondent be suspended pursuant to *N.J.S.A. 18A:26-10* for failure to honor the terms of her employment agreement with the district. In December 2008, 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 resigning her position as a teacher of mathematics less than 10 days before the start of the 2008-2009 school year, and less than three days before the district’s new teacher orientation.

The ALJ found that: the purpose of *N.J.S.A. 18A:26-10* is to provide notice to the school district that a member of its teaching staff will not complete the terms of his or her teaching agreement, thereby allowing the district time to arrange for a suitable replacement without adversely impacting students; at no time in this matter did the district consent to relieving respondent of her contractual duties; and, accordingly, the respondent unilaterally breached her employment contract with the district. The ALJ concluded that this action constitutes unprofessional conduct warranting a one-year suspension of respondent’s teaching certificates.

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 was suspended for a period of one year from the date of the filing of this decision – a copy of which was forwarded to the State Board of Examiners for the purpose of effectuating this order.

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.
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July 14, 2011

OAL DKT. NO. EDU 1031-09
AGENCY DKT. NO. 354-12/08

IN THE MATTER OF THE SUSPENSION :
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Review of the record of this matter and Initial Decision of the Office of Administrative Law¹ reveals that respondent failed to honor the contract into which she entered to teach mathematics in petitioner's district during the 2008-2009 school year. It was stipulated that respondent executed the contract on July 26, 2008 and that she was to report for new-teacher orientation on August 28, 2008. On August 25, 2008 respondent advised petitioner that she would not report for duty, and refused to teach for sixty days or until such time as a replacement could be secured. The parties agree that summary disposition is appropriate.

The Commissioner concurs with the determination of the Administrative Law Judge that respondent violated *N.J.S.A.* 18A:26-10, and that the circumstances warrant suspension of her teaching certificate for one year. Accordingly the Commissioner adopts the Initial Decision as the final decision in this case and herewith forwards same to the State Board of Examiners for implementation of the suspension.

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 14, 2011
Date of Mailing: July 15, 2011

¹ No exceptions were filed by the parties.

² 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)