

IN THE MATTER OF THE SUSPENSION :
OF THE TEACHING CERTIFICATE OF : COMMISSIONER OF EDUCATION
MONICA SCHVAMBERG, SCHOOL :
DISTRICT OF THE TOWNSHIP OF : DECISION
PISCATAWAY, MIDDLESEX COUNTY. :

SYNOPSIS

In May 2013, the Piscataway School District filed a petition requesting that the teaching certificate of respondent be suspended for unprofessional conduct in accordance with *N.J.S.A.* 18A:26-10 for failure to honor the terms of her employment agreement with the district. In June 2013, 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 learning disability teaching consultant six weeks after she began working in the district.

The ALJ found, *inter alia*, 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 certificate.

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.

March 5, 2014

OAL DKT. NO. EDU 9828-13
AGENCY DKT. NO. 135-6/13

IN THE MATTER OF THE SUSPENSION :
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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, the Commissioner is persuaded that the Initial Decision of the Office of Administrative Law¹ should be adopted as the final decision in this case, for the reasons articulated by the Administrative Law Judge.

IT IS SO ORDERED.^{2 3}

COMMISSIONER OF EDUCATION

Date of Decision: March 5, 2014
Date of Mailing: March 6, 2014

¹ Neither party filed exceptions to the Initial Decision.

² A copy of this decision shall be forwarded to the New Jersey Board of Examiners for their review and action.

³ 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)*.