

#247-15

(OAL Decision: <http://www.nj.gov/education/legal/commissioner/2015/jul/OAL/247-15ID.pdf>)

IN THE MATTER OF THE SUSPENSION OF THE :

CERTIFICATE(S) OF JACQUELINE BORDON, : COMMISSIONER OF EDUCATION

SCHOOL DISTRICT OF THE TOWNSHIP : DECISION

OF EDISON, MIDDLESEX COUNTY. :

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### SYNOPSIS

The Edison school district filed a petition requesting that the teaching certificate(s) 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 September 2014, 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 World Languages without providing adequate notice. The respondent contended that she only resigned because an injury prevented her from performing the duties required by her teaching assignment for the 2014-2015 school year.

The ALJ found, *inter alia*, that: the respondent herein suffered a debilitating injury to her right leg when she was chased by goats while on a trip in May 2014; medical records support respondent's contention that her injury left her unable to drive or climb stairs; the central 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 contract, thereby allowing the district time to arrange for a suitable replacement without adversely impacting students; the decision to suspend a teaching certificate pursuant to *N.J.S.A. 18A:26-10* is discretionary and the Commissioner has historically evaluated all circumstances specific to each case; here, although petitioner did leave her contracted teaching position to accept another at a school closer to her home; she did not change jobs for a salary increase; rather, the new job resolved problems related to her reduced mobility; nonetheless, her abrupt departure in August 2014 was unprofessional conduct within the meaning of *N.J.S.A. 18A:26-10*. The ALJ concluded that petitioner's conduct was not motivated by personal gain, but rather by a medical crisis, and – under the circumstances – the Board had an obligation to discuss accommodations with petitioner and should have shown her a modicum of compassion. Accordingly, the ALJ ordered that petitioner's teaching certificate(s) be suspended for a period of three months.

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 three months 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 29, 2015

OAL DKT. NO. EDU 12810-14  
AGENCY DKT NO. 281-9/14

IN THE MATTER OF THE SUSPENSION OF THE :  
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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner concurs with the Administrative Law Judge (ALJ) – for the reasons outlined in the Initial Decision – that the respondent’s certificate(s) should be suspended pursuant to *N.J.S.A.* 18A:26-10 because she resigned without providing the Board with the requisite notice required by her contract. The Commissioner is also in accord with the ALJ’s determination that – based on the mitigating circumstances in this case – a three month suspension of the respondent’s certificate(s) is the appropriate penalty.

Accordingly, the Initial Decision is adopted as the final decision in this matter. The respondent’s teaching certificate(s) is suspended for a period of three months from the filing date of this decision, a copy of which shall be forwarded to the State Board of Examiners for implementation of the suspension.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: July 29, 2015  
Date of Mailing: July 30, 2015

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\* 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).