

159-18

AGENCY DKT. NO. 22-1/18

IN THE MATTER OF THE SUSPENSION :  
OF THE TEACHING CERTIFICATE : COMMISSIONER OF EDUCATION  
OF PAOLA GROLLI-COLE, SCHOOL DISTRICT : DECISION  
OF THE TOWNSHIP OF FRANKLIN, :  
SOMERSET COUNTY. :

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For Petitioner, Andrew W. Li, Esq.

No appearance by or on behalf of Respondent

This matter was opened before the Commissioner of Education on February 28, 2018, by way of an Order to Show Cause (OTSC) filed by petitioner, School District of the Township of Franklin, and duly served upon respondent, Paola Grolli-Cole, requiring respondent to show cause as to why an order should not be entered suspending her teaching certificate pursuant to *N.J.S.A.* 18A:26-10, *N.J.S.A.* 18A:28-8, and *N.J.A.C.* 6A:9B-4.8<sup>1</sup>. Petitioner alleges that respondent failed to provide the requisite sixty (60) day notice of intent to resign pursuant to *N.J.S.A.* 18A:28-8, and requests that the Commissioner suspend respondent's teaching certificate for up to one (1) year.

By notice dated February 28, 2018, the Bureau of Controversies and Disputes (Bureau) acknowledged receipt of proof that the OTSC had been served upon respondent, and directed respondent to answer within twenty (20) days. On March 26, 2018, upon not having received an answer to the OTSC, the Bureau sent respondent a second and final notice – via regular and certified mail – directing that she file an answer within ten (10) days. The notice further advised that petitioner's allegations would be deemed admitted if respondent failed to file an answer; whereupon, the matter would be summarily decided by the

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<sup>1</sup> The Commissioner notes that the petition in support of the OTSC correctly quotes *N.J.A.C.* 6A:9B-4.8 but incorrectly cites *N.J.A.C.* 6A:9-17.9 (the former subchapter, prior to its recodification to subchapter 9B-4 *et seq.*, in 2014); however, the error is *de minimis*, as content and applicability of the provision remains the same.

Commissioner pursuant to *N.J.A.C.* 6A:3-1.5(e). The certified mail was returned as “unclaimed,” but the regular mail was not returned. For sake of diligence, the Bureau sent another notice on April 24, 2018, advising respondent of her rights, and reminding her to file an answer within ten (10) days following receipt of the letter. Neither the regular mail nor the certified mail has been returned. To date, no answer to the OTSC has been filed.

The certification submitted by petitioner in support of the OTSC alleges that: respondent – a tenured teaching staff member in the District – was employed as a French Language teacher for the 2017-2018 school year, during which time she took a leave of absence scheduled from September 11, 2017 to December 22, 2017; respondent was expected to return to her teaching duties on January 2, 2018; while on leave, however, respondent sent a letter to the District on November 29, 2017, tendering her resignation from her teaching position in the District; this date fell short of the requisite sixty (60) day notice. Respondent has not denied these allegations, despite having had the opportunity to do so. Therefore, the Commissioner deems such allegations to be admitted pursuant to *N.J.A.C.* 6A:3-1.5(e), and further deems them sufficient to justify suspension of respondent’s teaching certification pursuant to *N.J.S.A.* 18A:26-10, *N.J.S.A.* 18A:28-8, and *N.J.A.C.* 6A:9B-4.8.

Accordingly, summary decision is hereby granted to petitioner, and respondent’s teaching certification is suspended for a period of one year 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.<sup>2</sup>

ASSISTANT COMMISSIONER OF EDUCATION<sup>3</sup>

Date of Decision: May 23, 2018

Date of Mailing: May 23, 2018

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<sup>2</sup> 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)

<sup>3</sup> This matter has been delegated to the undersigned Assistant Commissioner pursuant to *N.J.S.A.* 18A:4-34.