

**New Jersey Commissioner of Education****Final Decision**

In the Matter of the Suspension of the Teaching Certificate of Jorge Castro, Board of Education of the Borough of East Newark, Hudson County.

**Synopsis**

This matter was opened before the Commissioner of Education on December 6, 2022, by way of an Order to Show Cause served by the petitioner, the East Newark Board of Education (Board), upon the respondent, Jorge Castro, a Teacher of Social Studies, requiring respondent to show cause why an order should not be entered suspending his teaching certificate for unprofessional conduct pursuant to *N.J.S.A. 18A:26-10* after he resigned his position without giving the sixty-day (60) notice required by his contract with the petitioner. Respondent was duly advised that – pursuant to *N.J.A.C. 6A:3-1.5(e)* – failure to respond would cause each allegation raised by the Board to be deemed admitted and might result in summary decision by the Commissioner. The respondent failed to answer the order.

Upon review, the Commissioner found that, although respondent resigned without providing 60-days' notice, the circumstances in this matter do not warrant suspension of his teaching certificate. Respondent was hired to teach middle school social studies. A short time after he signed a contract with the Board as a Teacher of Social Studies, petitioner informed respondent that he was expected to become certified in science through a pilot program, and to teach science as well as social studies. Subsequently, several weeks prior to the start of the school year, respondent resigned because he did not want to teach science. The Commissioner noted that respondent was hired with the understanding that he would teach social studies, was later informed that he would be expected to teach science (a subject he was not certified to teach) and thereafter resigned prior to the start of the school year. As such, the Commissioner found that a suspension of respondent's teaching certificate is unjustified. Accordingly, the Commissioner declined to exercise her discretion to suspend respondent's certificate and granted summary decision in his favor. The petition was dismissed.

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.

## New Jersey Commissioner of Education

### Decision

In the Matter of the Suspension of the Teaching Certificates of Jorge Castro, Board of Education of the Borough of East Newark, Hudson County.

For petitioner, Frances L. Febres, Esq.

No appearance by or on behalf of respondent

This matter was opened before the Commissioner of Education on December 6, 2022, by way of an Order to Show Cause served by petitioner (East Newark Board of Education) upon respondent (Jorge Castro), requiring respondent to show cause why an order should not be entered suspending his teaching certificate pursuant to *N.J.S.A. 18A:26-10* for resigning without giving the notice required by his teaching contract. By notice dated December 9, 2022, the Office of Controversies and Disputes (Office) acknowledged proof that the Order to Show Cause had been served upon respondent and directed respondent to answer within 20 days.

No answer having yet been received, on January 18, 2023, the Office sent respondent a second and final notice – via certified, regular, and electronic mail – directing that he file an answer within ten days. The notice advised that, pursuant to *N.J.A.C. 6A:3-1.5(e)*, failure to answer would cause each allegation in petitioner’s papers to be deemed admitted and might result in summary decision by the Commissioner. The certified mail tracking indicates that the

notice was left with an individual on January 21, 2023. No answer to the Order to Show Cause has been filed as of this date.

The following facts are demonstrated by the petition and supporting exhibits submitted by petitioner in this matter. Respondent is a certified social studies teacher who entered into a contract to teach at the East Newark Middle School for the 2022-23 school year. On July 10, 2022, the superintendent informed respondent that social studies teachers at East Newark Middle School are traditionally certified in both social studies and science. The superintendent then offered to have respondent certified to teach middle school science as part of a state pilot program if he agreed to take the Praxis, which he indicated that he would. On August 10, 2022, respondent submitted a letter to the Board resigning from the social studies teacher position, effective that day. The letter indicated, in part: "This was a difficult decision to make, but I believe it is what is best for the students and myself. I am passionate about teaching social studies. I cannot say that I am passionate about teaching science, and this position was going to require me to teach science, a subject that I am not strong in." Thereafter, the superintendent informed respondent that he was contractually obligated to provide 60-days' notice of his resignation, or else a petition for suspension of his certificates would be filed. On September 2, 2022, respondent did not show up for the start of the school year. Respondent received a text that day indicating that he was expected at school and he replied reiterating that he had resigned, effective August 10, 2022. Respondent has not submitted a response to these allegations; therefore, the Commissioner deems such allegations to be admitted pursuant to *N.J.A.C. 6A:3-1.5(e)*.

Upon review, the Commissioner finds that, while respondent resigned without providing 60-days' notice, the circumstances in this matter do not warrant suspension of his teaching certificates. *N.J.S.A. 18A:26-10* provides:

Any teaching staff member employed by a board of education or an approved private school for the disabled, who shall, without the consent of the board . . . cease to perform his duties before the expiration of the term of his employment, shall be deemed guilty of unprofessional conduct, and the commissioner may, upon receiving notice thereof, suspend his certificate for a period not exceeding one year.

According to the statute, the Commissioner has the discretion to suspend a teacher's certificates for a year when a teaching staff member resigns without providing the notice required under his teaching contract. In this matter, it is clear that respondent was hired to teach middle school social studies, as evidenced by his certification in social studies. Only a short time after he signed the contract – not before – did petitioner inform respondent that he was expected to become certified in science through a pilot program and teach science.<sup>1</sup> Thereafter, several weeks prior to the start of the school year, respondent resigned because he did not want to teach science. The Commissioner notes that, given that respondent was hired with the understanding that he would teach social studies, was later informed that he would be expected to teach science (a subject he was not even certified to teach at that time), and resigned prior to the start of the school year, the Commissioner finds that a suspension of his teaching certificates is unjustified. As such, the Commissioner declines to exercise her discretion to suspend respondent's teaching certificates.

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<sup>1</sup> It does not appear that that respondent ever took the Praxis and obtained his certification in science.

Accordingly, summary decision is entered in favor of respondent. The petition is hereby dismissed.

IT IS SO ORDERED.<sup>2</sup>

  
ANGELINA ALLEN McMILLAN, J.D. S.  
ACTING COMMISSIONER OF EDUCATION

Date of Decision: May 25, 2023  
Date of Mailing: May 25, 2023

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<sup>2</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.