

New Jersey Commissioner of Education

Final Decision

In the Matter of the Suspension of the Teaching Certificate of Jessica Ryan, Board of Education of the Township of Piscataway, Middlesex County.

Synopsis

The petitioning Board sought the suspension of the teaching certificate of respondent – a non-tenured English teacher – following her resignation without providing the notice required under *N.J.S.A. 18A:28-8*. Respondent sent a letter to the Board on July 14, 2022, indicating that she was resigning and was providing her 60 days' notice but was also requesting an early release from her contract for the 2022-2023 school year. Respondent was advised by district staff that if a replacement could be found within 60 days, she would be provided early release, but otherwise she should expect to be held to her contractual obligations. When the district was unable to hire a replacement before the start of the school year, the respondent refused to report to work on September 1, 2022. Respondent did not deny these allegations but attempted to explain her early resignation by citing to alleged harassment and other difficulties with her work environment.

Respondent failed to appear at an OAL hearing in this matter scheduled for April 11, 2023, and the case was returned to the DOE without the issuance of a decision. As the party that failed to appear in this case was the respondent – not the petitioner – the Board is entitled to a decision on the merits. The Commissioner therefore deems the allegations contained in the order to show cause to be admitted and further deems them sufficient to justify suspension of respondent's teaching certificates pursuant to *N.J.S.A. 18A:26-10* and *N.J.S.A. 18A:28-8*.

Accordingly, the Commissioner granted summary decision to the petitioner, and respondent's teaching certificates were suspended for a period of one year from the filing date of the decision, a copy of which has been forwarded to the State Board of Examiners for implementation of the suspension.

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.

165-23

OAL Dkt. No. EDU 10878-22

Agency Dkt. No. 261-9/22

New Jersey Commissioner of Education

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In the Matter of the Suspension of the Teaching Certificate of Jessica Ryan, Board of Education of the Township of Piscataway, Middlesex County.

This matter was opened before the Commissioner of Education on September 22, 2022, by way of an Order to Show Cause served by petitioner Piscataway Township Board of Education (Board) upon respondent Jessica Ryan, requiring respondent to show cause why an order should not be entered suspending her teaching certificates pursuant to *N.J.S.A. 18A:26-10* and *N.J.S.A. 18A:28-8* for resigning without giving the notice required by law. On November 29, 2022, the Department of Education (DOE) received respondent's answer. The case was transmitted to the Office of Administrative Law on December 6, 2022.

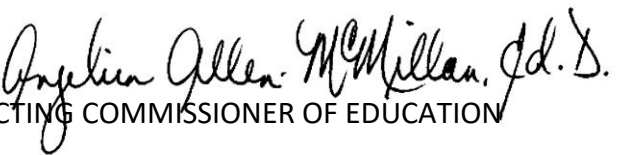
By notice dated April 19, 2022, and received by the DOE on April 24, 2022, the Administrative Law Judge (ALJ) advised of respondent's failure to appear at a scheduled hearing in the OAL on April 11, 2023, and indicated that the case was being returned to the DOE. The party that failed to appear in this case, however, was the respondent – not the petitioner. Accordingly, the petitioner remains entitled to a decision on the merits.

The petition and supporting exhibits submitted by petitioner in this matter indicate that: respondent entered into a contract to work as a teacher for the 2022-23 school year; the contract provides that it can be terminated by either party upon sixty days' written notice; on

July 14, 2022, respondent sent correspondence indicating that she was resigning and was providing her 60 days' notice but was requesting an early release from her contract; district staff indicated that if a replacement could be found within 60 days, respondent would be provided early release, but otherwise she should expect to be held to her contractual obligation; the district was unable to hire a replacement before the start of the school year; and on August 31, 2022, respondent refused to report to work on September 1, 2022. In her answer, the respondent does not deny these allegations, but only attempts to explain her early resignation by citing to alleged harassment and other difficulties with her work environment. Therefore, the Commissioner deems such allegations to be admitted and further deems them sufficient to justify suspension of respondent's teaching certificates pursuant to *N.J.S.A. 18A:26-10* and *N.J.S.A. 18A:28-8*.

Accordingly, summary decision is hereby granted to petitioner, and respondent's teaching certificates are 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.¹


ANGELINA ALLEN McMILLAN, Jd.D.
ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 5, 2023
Date of Mailing: June 7, 2023

¹ 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.