

## New Jersey Commissioner of Education

### Final Decision

In the Matter of the Suspension of the Teaching Certificates of Stephanie Sullivan, Board of Education of the Township of Franklin, Somerset County.

### Synopsis

The petitioning Board sought the suspension of the teaching certificates of respondent – a non-tenured special education teacher – following her resignation without providing the notice required under *N.J.S.A. 18A:28-8*. Respondent submitted a letter on January 10, 2022, informing the Board that she would resign from her position on January 21, 2022 – eleven days from the date of the letter – to accept a non-teaching position.

The ALJ found, *inter alia*, that: although the respondent made efforts to assure a smooth transition before leaving the school, the Board was not able to fill her position for the remainder of the school year; the abrupt nature of respondent’s resignation impacted the classroom experience for her students and caused the school district difficulty in providing coverage for her in-class responsibilities as well as her out-of-class administrative duties, including but not limited to the development of IEPs for students eligible for special education services; under *N.J.S.A. 18A:26-10*, any teaching staff member employed by a board of education who ceases to perform his or her duties before the expiration of their term of employment, without the consent of the board, shall be deemed guilty of unprofessional conduct and the Commissioner may thereafter suspend his or her teaching certificate for a period not to exceed one year. Accordingly, the ALJ ordered that respondent’s certificates be suspended for a period of one year.

Upon review, the Commissioner concurred with the ALJ’s findings and conclusion for the reasons outlined in the Initial Decision. Accordingly, the Commissioner adopted the Initial Decision as the final decision in this matter. Respondent’s certificates were suspended for one year from the filing date of this 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.

31-23  
OAL Dkt. No. 01767-22  
Agency Dkt. No. 33-3/22

## New Jersey Commissioner of Education

### Final Decision

In the Matter of the Suspension of the  
Teaching Certificates of Stephanie Sullivan,  
Board of Education of the Township of  
Franklin, Somerset County.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed and considered. The parties did not file exceptions.

Upon review, the Commissioner concurs with the Administrative Law Judge that respondent's resignation from employment with only eleven days' notice justifies 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 Board's motion for summary decision is granted, 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.<sup>1</sup>

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

Date of Decision: February 2, 2023  
Date of Mailing: February 6, 2023

---

<sup>1</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.



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. EDU 01767-22

AGENCY DKT. NO. 33-3/22

**IN THE MATTER OF THE SUSPENSION  
OF THE TEACHING CERTIFICATES OF  
STEPHANIE SULLIVAN, FRANKLIN  
TOWNSHIP BOARD OF EDUCATION,  
SOMERSET COUNTY**

---

**Geoffrey N. Stark**, Esq., for petitioner (Capehart Scatchard, P.A., attorneys)

**Stephanie Sullivan**, respondent, pro se

Record Closed: September 13, 2022

Decided: December 13, 2022

BEFORE **ELIA A. PELIOS**, ALJ:

**STATEMENT OF THE CASE**

The Franklin Township (Somerset County) Board of Education (Board or petitioner) seeks to suspend the teaching certificates of Stephanie Sullivan (respondent) for resigning her position having provided less than sixty days' notice, pursuant to N.J.S.A. 18A:26-10.

## **PROCEDURAL HISTORY**

The matter was transmitted the matter to the Office of Administrative Law on March 10, 2022. An evidentiary hearing was held on August 11, 2022. The record was held open to permit written closing arguments and closed on September 13, 2022.

## **FACTUAL DISCUSSION**

An evidentiary hearing was held on August 11, 2022. The Board presented testimony from Evelyn Rutledge, the principal of Franklin Middle School, and Jackie Schneider, the District's assistant manager for Human Resources and Personnel Services. Respondent testified on her own behalf. Having considered the testimony presented and the documentary evidence entered into the record (P-1 through P-5), I make the following **FINDINGS of FACT**:

Respondent was previously employed by the board as a special education teacher at the Sampson G. Smith School. She worked for the board for approximately three and a half years and was not tenured in the position. She was under an employment contract for the 2021-2022 school year and the District requires the staff to provide sixty days' notice before resigning their position.

Respondent submitted a resignation letter after close of business on January 10, 2022, and her last day was January 21, 2022, eleven days later. At that point she ceased to perform her job duties prior to the expiration of her contract. The Board did not consent to a shorter notice provision and was unable to fill respondent's position for the remainder of the year. The abrupt nature of respondent's resignation impacted the classroom experience for her students and cause the district difficulty in providing coverage for her in-class responsibilities as well as her out-of-class administrative duties, including but not limited to the development of IEPs for students eligible for special education services. Substitutes were frequently required for instruction and other employees had to help manage the administrative details, beyond the scope of their own regular duties.

Respondent left to accept another position outside of the teaching profession. Respondent struggled with what she perceived to be changes in the teaching profession before ultimately determining not to continue. Had she waited, the opportunity she was accepting would not have been available. She was well regarded by colleagues and superiors and was considered to be a good teacher. She worked to lessen the impact of her departure during her brief transition period.

Respondent holds the following teaching certificates:

Teacher of Elementary School, grades Kindergarten (K)-6 Certificate of Eligibility with Advanced Standing, issued in January 2017;

Teacher of Elementary School in grades 5-8, with Mathematics Specialization Certificate of Eligibility with Advanced Standing, issued in January 2017;

Teacher of Students with Disabilities Certificate of Eligibility, issued in January 2017;

Teacher of Elementary School in grades K-6 Certificate, issued in November 2020;

Teacher of Elementary School in grades 5-8, with Mathematics Specialization, Certificate, issued in November 2020; and

Teacher of Students with Disabilities Provisional Certificate, issued in August 2020.

### **CONCLUSIONS OF LAW**

N.J.S.A. 18A:26-10 provides that (“[A]ny teaching staff member **employed by a board of education** . . . 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 . . .” In order to sustain the charge of unprofessional conduct pursuant to N.J.S.A. § 18A:26-10, the petitioner must demonstrate that respondent: 1)

was a teaching staff member employed by a board of education who; 2) ceased to perform her duties before the expiration of the term of her employment; 3) without consent of the board. The underlying purpose of N.J.S.A. 18A:26-10 is “to protect pupils from the disruption caused by ‘[s]taff members who leave before the expiration of their contracts.’” Ibid. (citation omitted.)

In the present matter, the record reflects that none of the required criteria are in dispute and that all are present. The District’s contract specifically requires sixty days’ notice unless the board consents to a shorter period, which it did not. Accordingly, I **CONCLUDE** that petitioning Board has met its burden by demonstrating by a preponderance of credible evidence that respondent is guilty of unprofessional conduct, and that the charge of such must be **SUSTAINED**.

### **PENALTY**

The charge of unprofessional conduct pursuant to N.J.S.A. 18A:26-10 having been sustained; we now turn to the appropriate penalty to be imposed. N.J.S.A. 18A:26-10 and N.J.A.C. 6A:9B-4.8(b) both provide that the once they receive notice of a teacher leaving their position prior to the term of employment as contemplated by N.J.S.A. 18A:26-10, the commissioner may suspend the certificates held by that teacher for a period not to exceed one year.

While the language clearly indicates that this is a maximum penalty, and that its imposition is permissive rather than mandatory, it is clear from a review of relevant case law that the one-year suspension is issued unless the mitigating circumstances present compel otherwise.

In the present matter, the record reflects that respondent left her position prior to the ending of the employment term. She did not give sixty days’ notice, and the Board did not approve a shorter period. In fact, she gave approximately eleven days’ notice, less than twenty percent of what is customarily considered sufficient and what is required by the contract. The record also reflects that respondent was well liked by her colleagues and superiors and acquitted herself quite well in the classroom. She also worked during

the time leading up to her departure to try to create as smooth a transition as possible and was frank and candid about her struggles contending with changes in the teaching profession.

While certainly commendable and sincere, these actions do not rise to the significant level of mitigating circumstances that historically have given basis to deviate from the norm of imposing the maximum one-year suspension. Her position went unfilled for the remainder of the school year – nearly five months. Significant substitute assignment was required. Disruption to the educational experience of her students did occur. Accordingly, I am compelled to **CONCLUDE** that the imposition of the one-year suspension is appropriate.

### **ORDER**

The charge of unprofessional conduct against respondent is hereby **SUSTAINED**. Further, it is **ORDERED** that respondent's teaching certificates be **SUSPENDED** for a period of one year.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



December 13, 2022 \_\_\_\_\_

DATE

\_\_\_\_\_  
**ELIA A. PELIOS, ALJ**

Date Received at Agency:

\_\_\_\_\_

Date Mailed to Parties:

\_\_\_\_\_

EAP/tat



**APPENDIX**  
**WITNESSES**

**For Petitioner:**

Evelyn Rutledge, Principal, Franklin Middle School

Jackie Schneider, Assistant Manager for Human Resources and Personnel Services

**For Respondent:**

Stephanie Sullivan

**EXHIBITS**

**For Petitioner:**

P-1 Listing of respondent's teaching certificates

P-2 Respondent's 2018-2019 employment contract

P-3 Respondent's 2021-2022 employment contract

P-4 Respondent's January 10, 2022, letter of resignation

P-5 Email correspondence between respondent and Jackie Schneider and Evelyn Rutledge, dated January 10, 2022, through January 11, 2022

**For Respondent:**

None