

## New Jersey Commissioner of Education

### Final Decision

In the Matter of the Suspension of the  
Teaching Certificate of Stephanie Beal,  
Board of Education of the Township of  
Piscataway, Middlesex County.

### Synopsis

This matter was opened before the Commissioner of Education on October 12, 2023, by way of an Order to Show Cause served by the petitioner, Board of Education of the Township of South Brunswick, upon respondent Stephanie Beal, requiring her to show cause why an order should not be entered suspending her teaching certificate 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. Petitioner initially participated in two pre-hearing telephone conferences in the matter before advising that she no longer wished to contest the suspension of her teaching certificate.

Upon review, the Commissioner concluded that the allegations, which respondent has chosen not to deny, may be deemed admitted and justify suspension of respondent's certificates. Accordingly, summary decision was granted to the Board, and respondent's certificates were suspended for a period of one year 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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of the Township of Piscataway, Middlesex County

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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 no 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 Initial Decision is adopted as the final decision in this matter. 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>

  
ACTING COMMISSIONER OF EDUCATION

Date of Decision: September 6, 2024  
Date of Mailing: September 9, 2024

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<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 12782-23

AGENCY DKT. NO. 258-9/23

**TOWNSHIP OF PISCATAWAY BOARD OF  
EDUCATION, MIDDLESEX COUNTY,**

Petitioner,

v.

**STEPHANIE BEAL,**

Respondent.

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**David B. Rubin, Esq.,** for petitioner

**Stephanie Beal,** respondent, pro se

Record Closed: June 18, 2024

Decided: July 31, 2024

BEFORE **MICHAEL R. STANZIONE, ALJ:**

**STATEMENT OF THE CASE**

Petitioner, Township of Piscataway Board of Education (Board), seeks the suspension of respondent's teaching certificate for one year for failing to comply with the requirement that she continue her employment during a sixty-day-notice period pursuant to N.J.S.A. 18A:26-10.

### **PROCEDURAL HISTORY**

Respondent filed an order to show cause and affidavit on October 12, 2023. The Board filed an answer on November 15, 2023. The matter was transmitted to the Office of Administrative Law, where on November 16, 2023, it was filed as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13.

A prehearing telephone conference was scheduled for December 21, 2023, and both parties appeared and agreed to schedule another conference. A prehearing telephone conference was scheduled for February 28, 2024; both parties appeared and agreed to schedule another conference to permit them time to work on discovery. A prehearing telephone conference was scheduled for March 26, 2024. Prior to the conference, respondent emailed the OAL to advise that she no longer contested the suspension of her teaching certificate and did not intend to participate in further discussions about this matter. Respondent failed to appear for the March 26, 2024, telephone conference. A Zoom conference was scheduled for April 23, 2024, but respondent failed to appear. A hearing was scheduled to be conducted via Zoom on June 14, 2024; respondent again failed to appear. The Board presented its proof, and the record remained open for respondent to explain her non-appearance and for the Board to provide additional information. When no explanation was received from respondent regarding her failure to appear, the record closed on June 18, 2024.

### **FACTUAL DISCUSSION**

Based on the presentation and submission of evidence by petitioner, I **FIND** the following as **FACTS**:

1. Respondent was hired by the Board and began her employment as a teacher on October 3, 2022.
2. Her employment contract required sixty days' advance notice of any resignation.

3. On August 14, 2023, respondent submitted her resignation effective immediately and indicated that she would not return to work for the upcoming 2023–2024 school year.
4. The first day for her to report for the 2023–2024 school year was September 5, 2023. R-2 at 3.
5. The Board reminded respondent of the requirement to continue her employment for the sixty-day notice period. On August 29, 2023, respondent acknowledged receipt of this information via email. R-2 at 1.
6. In her August 29, 2023, email, respondent confirmed that she did not intend to work during the sixty-day-notice period and that she understood the Board could act against her teaching certificate. Id.

### **LEGAL DISCUSSION AND CONCLUSIONS OF LAW**

N.J.S.A. 18A:26-10, applicable to non-tenured certificated staff, states in pertinent part: “Any 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, and the commissioner may . . . suspend his certificate for a period not exceeding one year.” See also N.J.A.C. 6A:9B-4.8. The purpose of the statute is “to provide notice to the school so that a suitable replacement can be hired without adversely impacting students.” Penns Grove-Carneys Point Bd. of Educ. v. Leinen, 94 N.J.A.R. 2d (EDU) 405, 407.

As the Commissioner has recognized, N.J.S.A. 18A:26-10 “is clear and explicit as to the requisite conditions for a cause of action to arise under its terms, namely, 1) a teaching staff member ceases to perform his [or her] duties before the expiration of the term of his [or her] employment, and 2) the board does not consent to the teaching staff member's action.” In re Suspension of the Teaching Certificate of Fesolowich, OAL Dkt. No. EDU 11608-05, Comm'r (September 14, 2006). Non-tenured teachers who violate

the notice requirements in their employment contracts will generally be found guilty of “unprofessional conduct” under N.J.S.A. 18A:26-10, warranting suspension of their teaching certificate. See In re Suspension of the Teaching Certificate of Creekmur, OAL Dkt. No. EDU 4041-11, Initial Decision (November 21, 2011), adopted, Comm'r (January 4, 2012).

The Commissioner of Education has established a one-year suspension as the presumptive consequence for failing to fulfill the required notice-of-resignation requirement. “Generally, the Commissioner has imposed the full one-year suspension of a teaching certificate for leaving a district without adequate notice. . . . In rare circumstances in which the Commissioner has seen fit to lessen the suspension period, it was for compelling reasons.” (Citation omitted.) Board of Educ. of Borough of Alpine v. Leonid Yuz, OAL Dkt. No. EDU 1116-06, Initial Decision (July 17, 2008), adopted, Comm'r (September 23, 2008). See also Penns Grove-Carneys Point Bd. of Educ. v. Leinen, observing that “[m]ost cases have resulted in the suspension of any and all teaching certificates for the maximum, one-year permitted if the Commissioner finds the teacher guilty of violating N.J.S.A. 18A:26-10.”

These principles were applied in the In re Suspension of the Teaching Certificate of Schvamberg, EDU 09828-13, adopted, Comm'r (March 5, 2014), involving another non-tenured teacher in the Piscataway School District who received a one-year suspension of her certificate for failing to honor her sixty-day notice obligation. In that case, when respondent accepted employment with the school district, she knew that personal issues would likely affect her ability to serve out her contract term yet failed to advise the district.

Here, respondent by submitting her resignation on August 14, 2023, did not give the requisite sixty-day notice. Accordingly, I **CONCLUDE** that respondent failed to give sixty-day notice to the Board that she was terminating her employment, and thus she violated N.J.S.A. 18A:26-10. Respondent’s teaching certificate shall be suspended for one year.

**ORDER**

Based on the foregoing findings of fact and conclusion of law, it is **ORDERED** that the decision of the Township of Piscataway Board of Education is **AFFIRMED**. It is further **ORDERED** that respondent's teaching certificate will be suspended for 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.

July 31, 2024  
DATE

  
MICHAEL R. STANZIONE, ALD

Date Received at Agency: \_\_\_\_\_

Date Mailed to Parties: \_\_\_\_\_

**APPENDIX**

**WITNESSES**

**For petitioner:**

None

**For respondent:**

None

**EXHIBITS**

**For petitioner:**

R-1 Certification of Colleen Pongratz

R-2 Emails attached to the Certification of Colleen Pongratz

**For respondent:**

None