

100-00

JOHN COX, :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF :
THE TOWNSHIP OF HAMILTON, :
MERCER COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioning nontenured teacher alleged the Board's decision not to renew his teaching contract was arbitrary, capricious and unreasonable.

The ALJ found that the Board's action in deciding not to renew petitioner's contract was not arbitrary, but was based upon a valid reason – petitioner had independent cause to suspect that a pupil had been subjected to sexual harassment and he failed to comply with the requirement of respondent's Sexual Harassment Policy Number 5751 that he provide prompt notification of this to his building principal. Moreover, he had not been forthcoming when he was questioned about the matter. Citing *Kufel*, the ALJ noted dismissal of a nontenured teacher is only limited by violations of constitutional or legislatively conferred rights. The ALJ found that the facts alleged by petitioner did not constitute a violation of his constitutional or legislatively conferred rights. Petition was dismissed.

The Commissioner concurred with the ALJ that the within petition was properly dismissed since petitioner failed to meet the limited standard entitling nontenured, nonrenewed teachers to relief.

March 27, 2000

OAL DKT. NO. EDU 10118-98
AGENCY DKT. NO. 429-9/98

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner's exceptions are duly noted as submitted in accordance with *N.J.A.C.* 1:1-18.4, and were considered by the Commissioner in reaching his decision.

Upon careful and independent review of the record in this matter, which included a transcript of the hearing conducted at the OAL on July 6, 1999, the Commissioner concurs with the Administrative Law Judge that the within petition is properly dismissed since petitioner fails to meet the limited standard entitling nontenured, nonrenewed teachers to relief, as established by the Appellate Division in *Dore, supra*, and recognized by the State Board of Education in *Kufel, supra*, and *Randy Pratt v. Board of Education of the Borough of Butler, Morris County*, decided by the State Board January 6, 1999.

Accordingly, the Initial Decision is affirmed, and the within petition is dismissed.
IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: March 27, 2000

* This decision, as the Commissioner's final determination, may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6:2-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.