

BERLINDA LOVE, :  
 :  
 PETITIONER, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
 :  
 BOARD OF EDUCATION OF THE : DECISION  
 CITY OF TRENTON, MERCER COUNTY, :  
 :  
 RESPONDENT. :  
 \_\_\_\_\_ :

SYNOPSIS

Petitioner claimed entitlement to a vice principal position.

The ALJ concluded that petitioner was required to file her claim with the Commissioner that she was entitled to a vice principal position within the 90-day period following notice of the reduction in force when she knew she was not placed on a preferred eligibility list for the position or, at the very least, within the 90 days following the appointment of the first nontenured individual to a vice principal position. Although the ALJ concluded that the petition should be dismissed as untimely, she nevertheless determined that the positions of assistant principal and vice principal are specifically enumerated in statute as separately tenurable positions; therefore, achieving tenure in the position of assistant principal did not entitle petitioner to the position of vice principal over incumbent vice principals who had not yet acquired tenure in that position.

The Commissioner adopted the findings and determination in the Initial Decision as his own.

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.

July 26, 2002

OAL DKT. NO. EDU 60-01  
AGENCY DKT. NO. 408-11/00

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

Upon careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge that this matter is properly dismissed. Accordingly, the Initial Decision is affirmed for the reasons set forth in the Initial Decision.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: July 26, 2002

Date of Mailing: July 29, 2002

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\* 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.* 6A:4-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.