

GRETA WILLIAMS, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE CITY OF : DECISION
PLAINFIELD, UNION COUNTY, NEW JERSEY :
STATE DEPARTMENT OF EDUCATION :
AND CALLA CHARTER SCHOOL, :
RESPONDENTS. :
_____ :

SYNOPSIS

Petitioner sought tenure as an elementary school teacher at Plainfield School District retroactive to 1996-97 school year and reinstatement to employment at Calla Charter School. She had been terminated from her principal position at the charter school for failure to obtain the necessary Supervisor's Certificate.

The ALJ determined that petitioner was eligible for the standard certificate following successful completion of the provisional teacher program in 1993-1994 and she would have attained tenure after the completion of the 1995-96 school year. The ALJ noted that it is the "primary responsibility" of the teacher to obtain appropriate certification, however, it was only due to the failure of the school district in processing her paperwork that petitioner did not receive her standard certificate. Thus, the ALJ concluded that petitioner did attain tenure. The ALJ further found that petitioner, though tenured, relinquished her tenure rights in June 2001 when she voluntarily resigned her position. Conversations that she had with school officials, which led her to believe that she could return to Plainfield if the charter school did not work out, could not overcome her voluntary resignation. Petition was dismissed.

The Commissioner agreed with the ALJ's conclusion that petitioner's voluntary, unequivocal resignation terminated any employment rights she may have had in the District. The Commissioner declined to reach to the ALJ's discussion as to whether petitioner acquired tenure status in the District, as resolution of this issue has no bearing on the compelled outcome in this matter. Petition was dismissed.

<p>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.</p>

January 30, 2004

GRETA WILLIAMS, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE CITY OF : DECISION
 PLAINFIELD, UNION COUNTY, NEW JERSEY :
 STATE DEPARTMENT OF EDUCATION :
 AND CALLA CHARTER SCHOOL, :
 :
 RESPONDENTS. :
 _____ :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner’s exceptions and the Plainfield Board’s reply thereto were filed in accordance with *N.J.A.C. 1:1-18.4*.

Petitioners exceptions essentially recast and reiterate arguments advanced before the Administrative Law Judge (ALJ) below. In that it is determined that such arguments were fully considered and addressed in the Initial Decision, they will not be revisited herein.

Upon his full and independent consideration of the record,¹ the Commissioner agrees with the conclusion of the ALJ that petitioner’s voluntary, unequivocal resignation (*see* letter dated June 15, 2001 from Greta Grace Williams to Dr. Larry Leverett, Superintendent of Schools, Exhibit 1, Board’s Letter Memorandum, September 18, 2003), which was subsequently accepted by the Board, terminated any employment rights she may have had in the Plainfield School District. In so determining, the Commissioner declines to reach to the ALJ’s discussion

¹ It is noted that the record did not contain transcripts of the hearing conducted at the OAL.

as to whether petitioner acquired tenure status in the District, as resolution of this issue has no bearing on the compelled outcome in this matter.

Accordingly, the Initial Decision of the OAL is adopted, as modified above, and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: January 30, 2004

Date of Mailing: January 30, 2004

² This decision 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.*