

EDU # 6329-99 and 6330-99
C # 2-01
SB # 2-01

EARLENE ANDERS, ET AL., :
PETITIONERS-APPELLANTS, :
V. :
BOARD OF EDUCATION OF THE :
TOWNSHIP OF LAKEWOOD, OCEAN :
COUNTY, : STATE BOARD OF EDUCATION
RESPONDENT-RESPONDENT, : DECISION
AND :
EARLENE ANDERS, ET AL., :
PETITIONERS-APPELLANTS, :
V. :
MONMOUTH-OCEAN EDUCATIONAL :
SERVICES COMMISSION, MONMOUTH :
AND OCEAN COUNTIES, :
RESPONDENT-RESPONDENT. :

Decided by the Commissioner of Education, January 2, 2000

For the Petitioners-Appellants, Klausner & Hunter (Stephen B. Hunter,
Esq., of Counsel)

For the Respondent-Respondent Board of Education of the Township of
Lakewood, Gilmore & Monahan (Thomas E. Monahan, Esq., of
Counsel)

For the Respondent-Respondent Monmouth-Ocean Educational Services
Commission, McOmber & McOmber (J. Peter Sokol, Esq., of
Counsel)

The appellants, child study team members, alleged, inter alia, that the Board of Education of the Township of Lakewood (hereinafter “Board”) and the Monmouth-Ocean Educational Services Commission (hereinafter “ESC”) had violated their tenure and seniority rights when the Board eliminated their positions and entered into a contract with the ESC in June 1999 to provide basic child study team services to the district’s students. On January 2, 2000, the Commissioner of Education adopted the Administrative Law Judge’s “Partial Decision” and dismissed the appellants’ claim that their tenure and seniority rights had been violated.

The appellants filed the instant appeal from that determination to the State Board.

On November 21, 2001, the counsel for the appellants submitted a “Memorandum of Agreement for Recall of Child Study Teams,” which was signed by representatives of the Board and the Lakewood Education Association, as a proposed settlement of this matter. Counsel indicated that, consistent with that agreement, the appellants were “withdraw[ing] the pending appeal in the above-captioned consolidated matters.” The agreement provides that the Board would attempt to recall members of the child study team whose positions had been abolished in 1999 when it contracted with the ESC.

We have reviewed the proposed settlement and find it to be in accord with the principles expressed in Cardonick v. Board of Education of the Borough of Brooklawn, decided by the State Board of Education, April 6, 1983. Accordingly, we approve the proposed settlement in this matter to the extent that it represents a settlement of the

appellants' claims against the Board. Although the ESC is not a party to the proposed settlement, we note that the appellants have requested to withdraw their appeal in its entirety. The appellants' appeal against the ESC is therefore withdrawn, and the record in this matter is closed.

Kathleen A. Dietz abstained.

January 2, 2002

Date of mailing _____