

RAYMOND E. BAUER,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	DECISION
BOROUGH OF MAYWOOD,	:	
BERGEN COUNTY,	:	
	:	
RESPONDENT.	:	
	:	
_____	:	

SYNOPSIS

Petitioning principal alleged that the Board's establishment of his salary for the 1996-97 school year was arbitrary and capricious and further alleged that the Board violated *N.J.S.A.* 18A:29-4.1 and 4.3, due to the lack of a salary schedule. Board contended the matter was moot.

ALJ found that the principals' salary schedule was adopted on February 20, 1997, in conformance with statutory requirements. ALJ further concluded that there was no genuine issue as to any material fact in this matter as petitioner did not challenge any specific fact set forth by the Board or advance any evidential material to suggest that the factors considered in establishing the salary schedule were not reasonable and appropriate, that he was not placed on the appropriate step on the salary schedule, or paid in accordance with this schedule. He, therefore, concluded that petitioner's salary for the 1996-97 school year was not arbitrary, capricious and unreasonable, and granted summary decision to the Board.

Commissioner adopted findings and determination in initial decision as his own. Commissioner concurred with the ALJ that petitioner did not advance any genuine issue as to any material fact in this matter and the grant of summary decision to the Board was warranted. Petition was dismissed.

JULY 22, 1998

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The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. Petitioner's exceptions and the Board's reply thereto were filed within the time prescribed by *N.J.A.C.* 1:1-18.4, and these submissions were duly considered by the Commissioner in reaching his determination herein.

Upon careful and independent review of the record in this matter, the Commissioner finds petitioner's exception arguments, which essentially reiterate those advanced below, unpersuasive. Rather, he determines to affirm the initial decision of the Administrative Law Judge (ALJ). In reaching his determination, the Commissioner observes that it is uncontroverted that the within Board adopted a salary schedule February 20, 1997, thereby rendering it in conformance with *N.J.S.A.* 18A:29-4.1 and 18A:29-4.3.¹ Moreover, the within record establishes that petitioner has not set forth any competent evidence to suggest that the factors utilized by the Board in establishing the salary schedule were not reasonable and appropriate or that petitioner was not placed on the appropriate step on the schedule. Neither

¹ It is noted that these statutory provisions impose no specific timeframe for the establishment of salary schedules.

does petitioner dispute that he received his full salary for the 1996-97 school year in accordance with this schedule. As such, the Commissioner agrees with the ALJ that summary decision is appropriately granted to the Board.

Accordingly, the Commissioner adopts the initial decision for the reasons expressed by the ALJ therein, and the instant Petition of Appeal is hereby dismissed.²

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

JULY 22, 1998

² This decision, as the Commissioner's final determination in the instant matter, 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.