

JOANNE ALESSIO, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 STATE-OPERATED SCHOOL DISTRICT : DECISION
 OF THE CITY OF JERSEY CITY, HUDSON :
 COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

Petitioning teaching staff member alleged the District improperly withheld her salary increment for the 1997-98 school year based on evaluations of her teaching performance wherein she received unsatisfactory ratings.

The ALJ determined that the District had demonstrated that petitioner, among other things, utilized improper instructional techniques, did not maintain accurate and complete records and did not properly assess her students' needs or evaluate their progress. The ALJ determined that the withholding of petitioner's increment was appropriate and so concluded in her recommended decision.

The Commissioner adopted findings and determination in Initial Decision as his own. Petition was dismissed.

OAL DKT. NO. EDU 9812-98
AGENCY DKT. NO. 399-9/98

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

Upon careful and independent review of the record, which included transcripts of the hearing conducted at the OAL on November 22 and 23, 1999, the Commissioner determines to affirm the Initial Decision. As noted, it is petitioner's burden to prove, by a preponderance of credible evidence, that the District's decision to withhold her increment was arbitrary, capricious or unreasonable, based on the facts. *Kopera, supra*. Finding no cause to disturb the findings, credibility determinations and conclusions of the ALJ, the Commissioner concurs that petitioner has failed to meet her burden.

Accordingly, the within Petition of Appeal is dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: August 18, 2000

Date of Mailing: August 21, 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. 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.