

EDITH MELIE, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 STATE-OPERATED SCHOOL DISTRICT :
 OF THE CITY OF NEWARK, ESSEX : DECISION
 COUNTY, :
 :
 RESPONDENT. :
 :
 _____ :

SYNOPSIS

Petitioning teacher challenged the withholding of her increment for the 1999-2000 school year.

After hearing testimony and receiving evidence, the ALJ determined that the District properly withheld petitioner's increment based, *inter alia*, on her failure to use effective instructional methods, establish and maintain discipline and failure to appraise the effectiveness of her own instructional program and methods.

The Commissioner affirmed the decision of the ALJ and dismissed the petition.

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.

March 11, 2002

OAL DKT. NO. EDU 10217-00
AGENCY DKT. NO. 410-11/00

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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 includes transcripts of the hearings conducted at the OAL on October 22 and October 23, 2001, the Commissioner determines to affirm the Initial Decision. As noted, it is petitioner's burden to prove, by a preponderance of the credible evidence, that the District's decision to withhold her increment was arbitrary, capricious or unreasonable, based on the facts. *See 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: 3/11/02

Date of Mailing: 3/11/02

* 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.