

DAVID E. SNIFFEN, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF PASCACK :
VALLEY REGIONAL HIGH SCHOOL : DECISION
DISTRICT, BERGEN COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner alleged the Board failed to renew his employment as a school psychologist due to his raising a concern over the District's failure to meet monitoring and compliance requirements for triennial evaluations for special education students. The Board contended the petition was filed untimely.

The ALJ concluded that the 90-day period contemplated by *N.J.A.C.* 6A:3-1.3(d) commenced on May 1, 2001 the date on which petitioner was put on notice that his contract would not be renewed for the 2001-02 school year. Since petitioner did not file his petition until October 2001, his appeal was filed well beyond the timeframe established by the regulation. Moreover, because petitioner served on an emergency certificate and the Board hired a properly certificated school psychologist for the 2001-02 school year, there was no position to be offered to petitioner. The ALJ dismissed the petition.

The Commissioner adopted the findings and determination in the Initial Decision as his own.

<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>

October 7, 2002

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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 are duly noted as submitted in accordance with *N.J.A.C.* 1:1-18.4, and were considered by the Commissioner in reaching his decision.¹

Upon careful and independent review of the record of this matter, the Commissioner concurs that the Board's Motion for Summary Decision is properly granted for the reasons set forth in the Initial Decision. The Commissioner additionally finds that there is nothing in this matter which justifies relaxation of the filing requirement set forth at *N.J.A.C.* 6A:3-1.3(d).

Accordingly, the Initial Decision is affirmed for the reasons expressed therein and the Petition of Appeal is dismissed.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: October 7, 2002

Date of Mailing: October 7, 2002

¹ Both the exceptions and the reply thereto essentially reiterate arguments which were presented in papers previously considered by the Administrative Law Judge.

² 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.