

#406-04

OAL DKT. NO. EDU. 6349-04 (http://lawlibrary.rutgers.edu/oal/html/initial/edu06349-04_1.html)
AGENCY DKT. NO. 173-5/03(b)

YARA MARTIN, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE CITY OF : DECISION
 ASBURY PARK, MONMOUTH COUNTY, :
 :
 RESPONDENT. :
 _____ :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner filed timely exceptions,¹ which were fully considered by the Commissioner in his determination in this matter.

Upon his full and independent review,² the Commissioner concurs with the ALJ, for the reasons comprehensively detailed in his decision, that the within petition is properly dismissed since petitioner has failed to meet the limited standard entitling non-tenured, non-renewed teaching staff members to relief, as established by the Appellate Division in *Dore* and *Kopera, supra*.

¹ Petitioner Yara Martin and petitioner George Watson, Jr., OAL Dkt. No. EDU 4990-03, Agency Dkt. No. 173-5/03(a), filed joint exceptions to the Initial Decision. It is noted that there is no indication that such exceptions were copied to Board counsel or the Administrative Law Judge (ALJ) as required by *N.J.A.C.* 1:1-18.4.

² The record of this matter includes transcripts of the hearing conducted at the OAL on June 11, 14, 18 and 30, and July 2 and 8, 2004.

Accordingly, the Initial Decision of the OAL is adopted and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.³

COMMISSIONER OF EDUCATION

Date of Decision: October 15, 2004

Date of Mailing: October 15, 2004

³ This decision 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.*