

#350-10 (OAL Decision: Not available online)

LITTLE FALLS EDUCATION ASSOCIATION, :
ON BEHALF OF ITSELF, ITS MEMBERS, :
AND DEBORAH CAPUTO, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION
OF LITTLE FALLS, PASSAIC COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioners asserted that the Board’s failure to renew the contract of Deborah Caputo – a member of the Education Association – after the superintendent of schools had recommended that her employment be renewed for the 2009-2010 school year was arbitrary and capricious. Petitioners demanded Caputo’s reinstatement as a teaching staff member, together with full back pay and emoluments. The Board moved to dismiss the petition, contending that the only basis upon which petitioner’s claim could move forward is an allegation of a violation of constitutional or legislatively conferred rights.

The ALJ found that: there is a clear distinction between a probationary teacher employed on a year to year contract and a teacher who has acquired the legislative status of tenure; a tenured teacher has an expectation of continued employment, while a non-tenured teacher must rely upon an offer of continued employment by the board – which must be approved by a recorded roll-call vote of the full membership of the board, pursuant to *N.J.S.A. 18A:27-1*; and petitioner failed to allege any violation by the Board of her constitutional or legislatively conferred rights. Accordingly, the ALJ granted the Board’s motion to dismiss the petition.

Upon full consideration, the Commissioner concurred with the ALJ for the reasons comprehensively presented in his recommended decision, and adopted the Initial Decision of the OAL as the final decision in this matter.

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.

August 26, 2010

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: August 26, 2010

Date of Mailing: August 30, 2010

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36* (*N.J.S.A. 18A:6-9.1*).