

#167-15 (OAL Decision: Not yet available online)

NEWARK TEACHERS UNION, LOCAL 481, :
AMERICAN FEDERATION OF TEACHERS, :
AFL-CIO AND JOHN ABEIGON, :

PETITIONERS, : COMMISSIONER OF EDUCATION

V. : DECISION

STATE-OPERATED SCHOOL DISTRICT :
OF THE CITY OF NEWARK, ESSEX :
COUNTY AND CAMI ANDERSON, :

RESPONDENTS. :

SYNOPSIS

Petitioning Education Association (Association) sought declaratory and injunctive relief to compel respondent Cami Anderson – Superintendent of the State-Operated School District of the City of Newark – to attend all Newark Public Schools Advisory Board (SAB) meetings in order to comply with her obligations pursuant to *N.J.S.A. 18A:7A-47(b)*. An emergent relief hearing was held on May 21, 2014 in the Office of Administrative Law (OAL), and petitioners’ request for emergent relief was subsequently denied by the Commissioner on July 23, 2014. Respondents filed a motion for summary decision, which was opposed by the petitioners.

The ALJ found, *inter alia*, that: there are no material facts at issue, and the matter is ripe for summary decision; contrary to petitioners’ assertions, *N.J.S.A. 18A:7A-47(a)* and (b) do not clearly state that a State-Operated School District Superintendent is required to appear at board meetings; rather, the statute states that the superintendent **may** meet with the board as frequently as necessary; there is no statutory requirement that the superintendent meet with the board; meetings are entirely within the discretion of the State-appointed superintendent; there is no dispute that reports to the board have been made by Superintendent Anderson or by some individual acting in that capacity; the petitioners’ attempt to require the superintendent to attend SAB meetings is misplaced as the statute clearly does not mandate that the superintendent personally attend each SAB meeting; and the superintendent has fulfilled all of her requirements under *N.J.S.A. 18A:7A-47(a)* and (b). The ALJ concluded that the respondents are entitled to summary decision, and ordered the petition dismissed.

Upon comprehensive review, the Commissioner concurred with the findings and conclusions of the ALJ and adopted the Initial Decision as the final decision in this matter. The petition was dismissed.

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.

May 21, 2015

OAL DKT. NO. EDU 6177-14
AGENCY DKT. NO. 125-5/14

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed, as have the exceptions filed pursuant to *N.J.A.C. 1:1-18.4* by the petitioners and the District's reply thereto.

Upon a comprehensive review of the record in this matter, the Commissioner concurs with the Administrative Law Judge (ALJ) – for the reasons outlined in the Initial Decision – that the petitioners' application for injunctive relief to compel the Superintendent to attend all School Advisory Board meetings should be dismissed. Moreover, the Commissioner finds the petitioners' exceptions unpersuasive, largely reflecting arguments and objections previously raised before the ALJ and clearly taken into account by him in granting summary decision in favor of the District. Accordingly, for the reasons expressed therein, the Initial Decision is adopted as the final decision in this matter.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 21, 2015

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* 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*).