439-26
OAL Dkt. No. EDU 16135-25
Agency Dkt. No. 271-8/25

New Jersey Commissioner of Education

Final Decision

Eric Boateng,

Petitioner,

v.

Board of Education of the City of Hackensack, Bergen County,

Respondent.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed and considered. The parties did not file exceptions.

Upon review, the Commissioner concurs with the Administrative Law Judge (ALJ) that the petition of appeal was untimely pursuant to *N.J.A.C.* 6A:3-1.3(i) and must therefore be dismissed.

Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.[1]

COMMISSIONER OF EDUCATION

Date of Decision: October 29, 2026
Date of Mailing: October 30, 2026

[1] This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
SUMMARY DECISION
OAL DKT. NO. EDU 16135-25
AGENCY DKT. NO. 271-8/25

ERIC BOATENG,
Petitioner,
v.
CITY OF HACKENSACK BOARD OF EDUCATION BERGEN COUNTY,
Respondent.

Raymond L. Hamlin, Esq., for petitioner (Hunt, Hamlin & Ridley, attorneys)

Jason S. Nunnermacker, Esq., for respondent (DeCotiis, FitzPatrick, & Cole, attorneys)

Record Closed: September 22, 2026 Decided: September 25, 2026

BEFORE **ANDREW M. BARON**, ALJ

BACKGROUND

Eric Boateng (petitioner) appeals from a determination that his employment as a principal of the Fairmont School should not be renewed. The Board of Education of the

City of Hackensack (the Board) contends that, for a provisional employee such as petitioner, they have the absolute right under the law to not renew.

Further, in this case, petitioner's appeal was filed ninety-three days after he received notice of the non-renewal, when the law requires such appeals to be filed within ninety days, unless there are "exceptional circumstances" to justify a late filing.

DISCUSSION

Petitioner was provisionally employed as a principal in the Hackensack School District, from January 2022 through June 2025.

When his contract came up for renewal, it was apparently recommended that his contract be renewed, only to have the Board reject this recommendation and deny the renewal and reappointment.

Petitioner was offered the opportunity to appear at a Board meeting to inquire into and discuss the circumstances as to why his contract was not being renewed.

That, in and of itself, is not fatal to his appeal, though for reasons unknown, he waived the right to an informal hearing before the same individuals who determined his contract would end. Had he done so, he would have immediately heard the reasons for the decision, which may or may not have put him in a better position to either fight the decision or move on.

But the underlying issue before me is the late filing of the appeal. There was a loose explanation put forth by petitioner's counsel that due to the stress and anxiety of losing his position, petitioner was under great strain. No certification was submitted by petitioner to that effect, nor was there any medical documentation or doctor's statement supporting that position.

Thus, without something more concrete to overcome the strict compliance criteria for the 90-day filing requirement, there does not seem to be a basis to apply the "extraordinary circumstances" standard.

LEGAL ANALYSIS AND CONCLUSIONS

Pursuant to N.J.A.C. 6A:3-1.3 (i), petitions shall be filed "no later than the 90th day from the date of receipt of the notice of a final order, ruling, or other action by the district board of education." The ninety-day limitation period "represents a fair and reasonably-necessary requirement for the proper and efficient resolution of disputes under the school laws." Kaprow v. Bd. of Educ. of Berkeley Twp., 131 N.J. 572, 582 (1993). It provides a measure of repose and "gives school districts the security of knowing that administrative decisions regarding the operation of the school cannot be challenged after ninety days." Ibid.

Courts strictly construe and consistently apply the 90-day limitation period. Id. at 588-89; Nissman v. Bd. of Educ., 272 N.J. Super. 373, 380-81 (App. Div. 1984.). The purpose of the ninety-day limitation is to "stimulate litigants to pursue a right of action within a reasonable time so that the opposing party may have a fair opportunity to defend, thus preventing the litigation of stale claims." Ochs v. Federal Ins. Co., 90 N.J.108, 112 (1982). The second function is to "penalize dilatoriness and serve as a measure of repose." Farrell v. Votator Div. of Chemetron Corp., 62 N.J. 111, 115 (1973). "When a plaintiff knows or has reason to know that he has a cause of action against an identifiable defendant and voluntarily sleeps on his rights" so long as to permit the period of limitations to expire, "the pertinent considerations of individual justice" should bar his action. Ibid.

Here, petitioner knew about the action and failed to exercise his right to discuss the action. He indicated he was "surprised" since up to the time of meeting, there was no one on the list who was not being renewed.

Despite his claim that mental health, stress, and anxiety caused him to lose time of the deadline, there is no affidavit from petitioner, nor is there medical proof he was

going through some type of trauma that prevented him from filing the appeal in a timely manner.

There are a multitude of cases that discuss and uphold the right of a government entity to discharge/terminate an employee pursuant to N.J.A.C. 4A:2-2.2. In re Overton, OAL Dkt. No. 8542-07, 2008 N.J. AGEN. LEXIS 525, Final Decision (April 23, 2008) involved a building maintenance worker who was removed from his position due to being convicted of driving a township vehicle while under the influence of alcohol, and where the employee had received several accommodations for alcoholism prior to the termination. See also: In re Dakalis, OAL Dkt. No. CSV 6744-07 2008, NJ AGEN. LEXIS 717 Merit System Board Decision (June 11, 2008) and See: In re Griffin-Staples, Dept. of Children & Families, OAL Dkt. No. CSV 8810-07, 2008 N.J. AGEN. LEXIS, 1513 Initial Decision (May 27, 2008), wherein a worker at a residential treatment center was removed for being found to have engaged in inappropriate physical contact with a patient, but since there was no showing that the worker intended to harm the patient, the penalty of removal was determined to be too harsh, and a sixty-day suspension imposed instead.

ORDER

Here, having **CONCLUDED** that petitioner failed to file his appeal within the mandatory ninety-day period, without evidence to consider the "extraordinary circumstances" standard that can sometimes broaden the timeframe, it is **ORDERED** that the Board's motion for dismissal is **GRANTED** on procedural grounds and this matter should be **DISMISSED.**

I **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION,** who by law is authorized to make a final decision in this case. If the Commissioner of the Department of Education does not adopt, modify, or reject this decision within forty-five days and unless such time

limit is otherwise extended, this recommended decision becomes a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION. Exceptions may be filed by email to ControversiesDisputesFilings@doe.nj.gov or by mail to Office of Controversies and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**. A copy of any exceptions must be sent to the judge and to the other parties.

September 25, 2026
DATE



ANDREW M. BARON, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

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