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RICHARD CROMWELL, :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
TOWNSHIP OF RIVER VALE,  
BERGEN COUNTY, :  
RESPONDENT. :

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SYNOPSIS

Petitioning custodian contended that he was a tenured employed whose rights were violated when the Board did not renew his employment. The Board contended that petitioner was hired for fixed terms of employment.

ALJ found that petitioner was clearly appointed to a series of one-year, fixed term contracts for the eleven years between November 15, 1984 and June 30, 1995. Thereafter, the Board minutes revealed that the Board continued renewing petitioner's one-year fixed terms. Thus, petitioner's rights were not violated when the Board did not renew his employment for the 1998-99 school year. Summary decision was granted to the Board. Petition was dismissed.

The Commissioner concurred with the ALJ that, notwithstanding the Board's discontinuing the practice of executing formal employment contracts subsequent to the 1994-95 school year, the Board minutes revealed that petitioner was hired for fixed terms. Summary decision was granted to the Board. Petition was dismissed.

January 6, 2000

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner's exceptions and the Board's reply thereto were filed in accordance with *N.J.A.C. 1:1-18.4*.

Petitioner's exceptions essentially recast and reiterate his arguments advanced below. In that all material aspects of petitioner's exceptions have been fully addressed and resolved in the Initial Decision, such exceptions will not be revisited here.

Upon his careful and independent review of the record, the Commissioner concurs with the ALJ that, notwithstanding that the Board discontinued the practice of executing formal employment contracts subsequent to the 1994-95 school year, the Board minutes clearly reveal that petitioner was continued in his employment for successive fixed terms and, therefore, he did not acquire tenure as a school custodian. As such, petitioner's rights were not violated when the Board determined not to renew his employment for the 1998-99 school year.

Accordingly, the Initial Decision of the OAL is affirmed for the reasons stated therein. Summary decision is granted to the Board and the within Petition of Appeal is hereby dismissed.\*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

January 6, 2000

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\* This decision, as the Commissioner's final determination in the instant matter, 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. 6:2-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.