

FRANKLIN LAKES EDUCATION ASSOCIATION,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE BOROUGH OF FRANKLIN LAKES, BERGEN COUNTY,	:	DECISION
	:	
RESPONDENT.	:	
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SYNOPSIS

Petitioning Education Association alleged that the Board assigned the duties of a certified school nurse to an unqualified and uncertified person, now acting in the position of a certified school nurse.

The ALJ determined that the Association conceded that the school health aide was not performing the duties specifically reserved to the certified school nurse. The Association, however, alleged that the Board did not provide adequate school nursing services to the school in question. The ALJ determined that that was not an issue raised in the verified petition and no amended petition was submitted. Therefore, based on the Association's concession that the school health aide was not performing the duties of a school nurse and, further, based on statement of a supervisor that the health aide was supervised by a certified school nurse and himself, the ALJ found that there were no genuine issues of material fact to be resolved. The ALJ granted summary decision to the Board. The petition was dismissed.

The Commissioner adopted the Initial Decision as his own.

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.
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January 6, 2003

OAL DKT. NO. EDU 1596-02  
AGENCY DKT. NO. 498-12/01

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

Upon careful and independent review of the record in this matter, the Commissioner determines to affirm the Initial Decision of the Administrative Law Judge, for the reasons set forth therein. Accordingly, the Petition of Appeal is dismissed.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision:     January 6, 2003

Date of Mailing:     January 6, 2003

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\* This decision, as the Commissioner's final determination, 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.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.