

OAL DKT. NO. EDU 6584-03

Link to OAL Decision: http://lawlibrary.rutgers.edu/oal/html/initial/edu06584-03_1.html

AGENCY DKT. NO. 279-8/03

CATHI SMITH,	:	
	:	
PETITIONER,	:	COMMISSIONER OF EDUCATION
	:	
V.	:	DECISION
	:	
BOARD OF EDUCATION OF	:	
THE TOWNSHIP OF BERLIN,	:	
CAMDEN COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon review, the Commissioner fully concurs with the Administrative Law Judge (ALJ) that, although the respondent Board of Education (Board) did not act in bad faith, its decision to reduce petitioner's position to 4/5, rather than maintain her at full-time status while reducing the position of a less senior teaching staff member to 3/5, was not made for educational reasons shown to have been sufficiently compelling to take precedence over petitioner's tenure rights.

Accordingly, for the reasons well expressed therein, the Initial Decision of the OAL, directing the Board to compensate petitioner for the period of her improper reduction as set forth by the ALJ, is adopted as the final decision in this matter.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: September 17, 2004

Date of Mailing: September 17, 2004

* This decision 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.*