

MICHELLE T. CLANTON, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 STATE-OPERATED SCHOOL DISTRICT OF THE : DECISION
 CITY OF NEWARK, ESSEX COUNTY, :
 :
 RESPONDENT. :
 _____ :

SYNOPSIS

Petitioner claims tenure in the position of vice-principal and contends that the Board terminated her employment in violation of the law. Respondent Board filed a motion for summary decision, based on petitioner’s failure to timely file her petition.

The ALJ found, *inter alia*, that: petitioner’s appeal, filed in May 2005, is time barred by *N.J.A.C. 6A:3-1.3(i)*; an August 2004 letter from the Board rescinding petitioner’s contract provided adequate notice to petitioner that her right to tenure as a vice-principal was in dispute; petitioner offered no reasonable explanation why her appeal was untimely filed. Further, the ALJ found that petitioner did not hold the appropriate certification, during the time that she worked as a vice-principal, to obtain tenure in that position. The ALJ concluded that there is no material issue of fact that would require a hearing in this matter, and granted the respondent’s motion to dismiss the petition.

Upon a full and independent review, the Commissioner concurs with the Administrative Law Judge – for the reasons clearly presented in her decision – that petitioner’s claim is time-barred, and that petitioner did not at any time during her service as vice-principal possess the requisite certification “in full force and effect” to obtain tenure in that position. The Initial Decision of the OAL is adopted as the final decision in this matter.

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.

March 12, 2007

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

Upon an independent and comprehensive review, the Commissioner concurs with the Administrative Law Judge – for the reasons presented in her decision – that petitioner’s claim here is time-barred pursuant to *N.J.A.C. 6A:3-1.3(i)*. She further agrees with the ALJ that even assuming, *arguendo*, that the instant Petition of Appeal had been timely filed, at no time during her service as a vice-principal in various District schools from September 18, 2000 through June 30, 2004 – the last day she served as an administrator in the District – did petitioner possess the requisite certification “in full force and effect” to achieve credit towards tenure in that position.¹ (*N.J.S.A. 18A:28-5*)

Accordingly, the recommended decision of the OAL granting summary decision to the District is adopted as the final decision in this matter and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: March 12, 2007

Date of Mailing: March 13, 2007

¹ It is noted that the Commissioner has previously specifically held that an individual’s time served under a Certificate of Eligibility to seek provisional employment cannot be tacked and counted towards tenure accrual. *See William Davis v. Board of Education of the City of Englewood, Bergen County*, decided by the Commissioner December 8, 2006.

² 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.*