

MIDDLETOWN TOWNSHIP EDUCATION :  
ASSOCIATION, ON BEHALF OF :  
THERESA KWIAKOWSKI, LINDA PIRO, :  
EILEEN KORZ AND :  
JACQUELINE CALANDRIELLO, :  
PETITIONERS, :

V. : COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE : DECISION  
TOWNSHIP OF MIDDLETOWN, :  
MONMOUTH COUNTY, :

RESPONDENT. :

---

### SYNOPSIS

Petitioners alleged that respondent Board’s policy regarding the preparation of annual written performance reports (AWPR) for teaching staff members does not comply with *N.J.A.C. 6A:32-4.4(f)*, which states that the report “shall be prepared by a certified supervisor who has participated in the evaluation of the teaching staff member.” Petitioners contended that this regulation requires the individual who performs the end of year performance report to be the same individual who participated in the mid-year, in-class observation of the teacher. The Board argued that the regulation permits different administrators to conduct the mid-year observation and the AWPR, so long as they are properly certified. Both parties submitted motions for summary decision.

The ALJ found that: there are no material facts in dispute, and the matter is ripe for summary decision; the evaluation of a teacher’s performance involves a process that is broader in scope than the annual, in-class observation, and the regulation only mandates that the preparer of the AWPR be a certified participant in the evaluation process; and the Board’s practice of having a building principal or assistant principal complete the AWPR does not, on its face, violate the dictates of *N.J.A.C.6A:32-4.4(f)*. Accordingly, the ALJ granted the respondent’s motion for summary decision and dismissed the petition.

The Commissioner concurred with the ALJ, and adopted the Initial Decision as the final decision in this matter.

<p>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.</p>
---

OAL DKT. NO. EDU 9224-10  
AGENCY DKT. NO. 150-7/10

MIDDLETOWN TOWNSHIP EDUCATION ASSOCIATION, ON BEHALF OF THERESA KWIAKOWSKI, LINDA PIRO, EILEEN KORZ AND JACQUELINE CALANDRIELLO,	:	
	:	
PETITIONERS,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE TOWNSHIP OF MIDDLETOWN, MONMOUTH COUNTY,	:	DECISION
	:	
RESPONDENT.	:	

---

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

Upon full consideration, the Commissioner concurs with the Administrative Law Judge – for the reasons presented on pages 5-6 of his decision – that summary decision is appropriately granted to the Board in this matter.

Accordingly, the recommended decision of the OAL is adopted and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.\*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: February 18, 2011

Date of Mailing: February 22, 2011

---

\* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1).