

#308-12 (OAL Decision: Not yet available online)

MAUREEN MEADE, :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
CITY OF ELIZABETH, UNION COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

### SYNOPSIS

Petitioner, who holds an instructional certificate with an endorsement as a teacher of social studies, appealed the decision of the respondent Board to terminate her employment through a reduction in force (RIF) at the end of the 2010-2011 school year. Petitioner was continuously employed by the Board from 2004 through June 2011. Petitioner contended that the Board offered employment for which she was qualified to other teachers who were untenured or had less seniority, in violation of her rights pursuant to *N.J.S.A. 18A:28-5 et seq.* Petitioner filed a motion for summary decision.

The ALJ found, *inter alia*, that: there are no material facts at issue, and the matter is ripe for summary decision; petitioner was employed under tenure at the time of the RIF and plainly met the requirements of *N.J.S.A. 18A:28-5*; the Board gave no consideration whatsoever to the requirements of *N.J.S.A. 18A:28-5* and *N.J.S.A. 18A:28-10* prior to terminating petitioner's employment; and upon petitioner's termination, the Board retained teachers of social studies with no prior experience in the district. The ALJ concluded that petitioner must be immediately reinstated to her position of employment, and must be compensated for all lost salary, benefits and emoluments, less mitigation, retroactive to the date of her termination.

Upon careful and independent review, the Deputy Commissioner – to whom this matter was delegated pursuant to *N.J.S.A. 18A:4-33* – concurred with the ALJ's findings and conclusions and, accordingly, adopted the Initial Decision of the OAL granting summary decision to petitioner. The Deputy Commissioner ordered the Board to reinstate petitioner as an elementary school teacher with salary and all benefits retroactive to June 30, 2011, less any mitigation.

<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>
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August 3, 2012

OAL DKT. NO. EDU 14385-11  
AGENCY DKT. NO. 322-10/11

MAUREEN MEADE, :  
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 PETITIONER, :  
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 V. : COMMISSIONER OF EDUCATION  
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 BOARD OF EDUCATION OF THE : DECISION  
 CITY OF ELIZABETH, UNION COUNTY, :  
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 RESPONDENT. :  
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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 to the Initial Decision.<sup>1</sup>

Upon such review, the Deputy Commissioner – to whom this matter was delegated pursuant to *N.J.S.A. 18A:4-33* – concurs with the Administrative Law Judge that the petitioner, Maureen Meade, is entitled to summary decision. Accordingly, respondent shall reinstate petitioner with salary and all benefits retroactive to June 30, 2011, minus any mitigation.

IT IS SO ORDERED.<sup>2</sup>

DEPUTY COMMISSIONER OF EDUCATION

Date of Decision: August 3, 2012

Date of Mailing: August 6, 2012

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<sup>1</sup> The Elizabeth City Board of Education was granted an extension of time to file exceptions; however, the Board never submitted exceptions.

<sup>2</sup> 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*).