

LORAIN GAMMARO, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF BELLEVILLE, ESSEX :
COUNTY, JOHN DOES 3-10 AND :
JAN DOES 11-20, :
RESPONDENTS. :
_____ :

SYNOPSIS

Petitioner – formerly employed by the respondent’s school district as a non-tenured building principal – alleged that she received insufficient and untimely notice of the non-renewal of her employment at the end of the 2013-2014 school year and that, accordingly, her employment contract as a principal was automatically renewed pursuant to *N.J.S.A. 18A:27-11*. Petitioner asserted, *inter alia*, that after she received a May 15, 2014 non-renewal letter – which was signed by the district superintendent – she spoke directly with the superintendent, who purportedly advised her that the non-renewal letter had been sent to petitioner in error, and that she should disregard it. The Board contended that petitioner’s appeal was untimely filed, and submitted a motion to dismiss; the Board further claimed that the non-renewal notice received by petitioner on May 15, 2014 fully satisfied the requirements of *N.J.S.A. 18A:27-10*. The ALJ denied the motion to dismiss prior to the hearing, based upon petitioner’s claims that she was misled by information from the superintendent, and that she did not fully understand that she had been non-renewed until sometime in July 2014.

The ALJ found, *inter alia*, that: petitioner received a letter of nonrenewal for her position as a principal on May 15, 2014; petitioner was non-renewed because of a fiscal crisis in the school district; at the time of her nonrenewal, the school district was under the financial oversight of a State monitor pursuant to *N.J.S.A. 18A:7A-55*; the nonrenewal letter was signed by the district superintendent; the State monitor made the recommendation to non-renew all non-tenured staff members by May 15, 2014, which district staff then implemented; in addition to the nonrenewal letter, petitioner received a “Rice Notice” on June 20, 2014 which advised her that her employment status would be discussed at the June 23, 2014 school board meeting; despite petitioner’s confusion about her employment status resulting from the superintendent’s alleged statement that petitioner’s nonrenewal letter was sent in error, the nonrenewal of petitioner’s employment was valid as it was never rescinded in writing; petitioner’s contention that she failed to receive proper notice under *N.J.S.A. 18A:27-11* was based solely upon verbal exchanges in which the superintendent purportedly advised petitioner that her nonrenewal letter was sent in error and should be disregarded. The ALJ concluded that rescission of the written notice of nonrenewal could have only occurred in one legally valid manner: via another written document. Accordingly, the ALJ denied petitioner’s appeal and ordered that the petition be dismissed.

Upon review, the Commissioner concurred with the ALJ that petitioner failed to meet her burden to show that the Board acted in an arbitrary, capricious or unreasonable manner in non-renewing her employment. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this matter, and the petition was dismissed.

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.

April 25, 2016

OAL DKT. NO. EDU 77-15
AGENCY DKT. NO. 353-12/14

LORAINÉ GAMMARO, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE : DECISION
 TOWNSHIP OF BELLEVILLE, ESSEX :
 COUNTY, JOHN DOES 3-10 AND :
 JAN DOES 11-20, :
 :
 RESPONDENTS. :
 _____ :

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.

Upon a comprehensive review of the record in this matter, the Commissioner concurs with the Administrative Law Judge (ALJ) – for the reasons thoroughly set forth in the Initial Decision – that the Board’s decision to non-renew the petitioner as a non-tenured principal for the 2014-2015 school year was not arbitrary, capricious or unreasonable. Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: April 25, 2016

Date of Mailing: April 25, 2016

* Pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*, Commissioner decisions are appealable to the Superior Court, Appellate Division.