

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JOY NORTHROP-DEVINCENZI : DECISION ON MOTION
_____ : DOCKET NO. 478-06/98-205M

At its meeting of November 4, 1999, the State Board of Examiners voted to suspend Joy Northrop-DeVincenzi's administrative certificates for a period of 5 years, effective July 1, 2000 through June 30, 2005. The suspension was based upon DeVincenzi's actions as superintendent of Boonton while she was overseeing the principal selection process for Boonton High School. See I/M/O the Certificates of Joy Northrop-Devincenzi, Docket No. 478-06/98-205 (November 4, 1999). DeVincenzi is appealing the Board of Examiners' decision to the State Board of Education.

While that appeal is pending, DeVincenzi has moved for a stay of the Board of Examiners' decision pursuant to N.J.A.C. 6:2-2.2. The Board of Examiners considered DeVincenzi's motion at its meeting of June 15, 2000. In her motion, DeVincenzi argues that she fully meets the standards for a stay set forth in Crowe v. DeGioia, 90 N.J. 126 (1982). According to the court in Crowe, a party seeking a stay must demonstrate a clear probability of success on the merits, that the stay is necessary to prevent irreparable harm, that the probability of harm to others is outweighed by the harm to the movant if a stay is not granted and that the public interest will not be adversely affected by such a stay. Id. at 132-34.

The burden is on the applicant to establish the right to a stay and "to doubt is to deny." Harrison v. Floyd, 26 N.J. Super. 333, 347 (Chan. Div. 1953). Here, DeVincenzi argues that she will be irreparably harmed if her administrative certificates are suspended pending appeal because she will lose her livelihood. She also claims that her actions with regard to the principal

selection process are not in dispute, and that she acted pursuant to law at all times. Furthermore, DeVincenzi states that there would be no hardship to the State or educational community if she continued to hold her administrative certificates pending the State Board of Education's decision-making process.

After a thorough review of the papers submitted in support of the motion as well as the reply thereto, the Board of Examiners denies DeVincenzi's motion for a stay of its previous decision. The Board of Examiners finds that DeVincenzi does not satisfy the criteria for obtaining a stay. She has not demonstrated a likelihood that she will prevail on the merits before the State Board of Education. Crowe v. DeGioia at 133. Moreover, there is no irreparable harm to her livelihood as she claims, because the Board of Examiners did not suspend her teaching certificates, thus allowing her to pursue her teaching career. Finally, DeVincenzi's interest in continuing to work as an administrator is far outweighed by the harm to the public in allowing an individual, whose tactics as a superintendent were found to be improper by an Administrative Law Judge, to continue to function in a leadership role.

Accordingly, it is on this 15th day of June, 2000 ORDERED that Joy Northrop-DeVincenzi's Motion for a Stay of the Board of Examiners' decision suspending her administrative certificates be denied.

Secretary
State Board of Examiners

Date of Mailing: June 20, 2000