

EDU #9878-94
C # 78-97
SB # 29-97

LOUISE V. O'DONNELL, :
 :
 PETITIONER-APPELLANT, :
 :
 V. :
 : STATE BOARD OF EDUCATION
 :
 BOARD OF EDUCATION OF THE TOWN- :
 SHIP OF HANOVER, MORRIS COUNTY, : DECISION
 HANOVER TOWNSHIP EDUCATION :
 ASSOCIATION AND NEW JERSEY EDUCA- :
 TION ASSOCIATION, :
 :
 RESPONDENTS-RESPONDENTS. :

Decided by the Commissioner of Education, February 19, 1997

For the Petitioner-Appellant, Crowley & Crowley (Noel C. Crowley, Esq., of Counsel)

For the Respondent-Respondent Board of Education of the Township of Hanover, Schwartz, Simon, Edelstein, Celso & Kessler (Andrew B. Brown, Esq., of Counsel)

For the Respondents-Respondents Hanover Township Education Association and New Jersey Education Association, Zazzali, Zazzali, Fagella & Nowak (Robert A. Fagella, Esq., of Counsel)

The decision of the Commissioner of Education dismissing the petition filed in this matter is affirmed substantially for the reasons expressed therein. In so doing, we reject the contention of petitioner's counsel that the Commissioner had "refused to recognize the true nature of [petitioner's] claim." Brief in support of appeal, at 7. Counsel for petitioner maintains that the claim herein "is based solely and exclusively

on the Board's 1994 refusal to grant [petitioner] the benefit of a newly adopted policy respecting the allowance of credit of supplemental teaching experience in the assignment of salary grades," Id. at 8, and that petitioner's claim "has nothing to do with the events surrounding [her] hiring in 1984." Id. at 9.

However, a review of the petition of appeal filed with the Commissioner reveals that petitioner made express allegations relating back to her initial placement on the salary guide in 1984. Petitioner claimed therein that she had been fraudulently induced to accept her initial placement in reliance upon "intentionally false statements" made to her by the former superintendent of schools that it was the Board's policy and practice not to give credit for supplemental teaching experience upon conversion to full-time employment. She further alleged that at the time of this purported misrepresentation, another supplemental teacher in the district had been granted full credit for all of her supplemental teaching experience when she was converted to full-time employment.

Consequently, we find it disingenuous for petitioner's counsel to now argue that it is "absurd" to consider her claim as involving a loss of salary resulting from improper initial placement on the salary guide. Id. at 8.

August 6, 1997

Date of mailing _____