

EDU #10411-00
C # 379-01
SB # 42-01

STEPHANIE I. RYAN,	:	STATE BOARD OF EDUCATION
PETITIONER-APPELLANT,	:	DECISION
V.	:	
NEW JERSEY STATE DEPARTMENT OF EDUCATION, DR. THOMAS J. RUBINO, COUNTY SUPERINTENDENT, DAVID HESPE, COMMISSIONER, ELLEN SCHECHTER, ASSISTANT COMMISSIONER,	:	
RESPONDENTS-RESPONDENTS.	:	

Decided by the Commissioner of Education, October 15, 2001

For the Petitioner-Appellant, Stephanie I. Ryan, pro se

For the Respondents-Respondents, Michael Lombardi, Deputy Attorney
General (David Samson, Attorney General of New Jersey)

Petitioner in this case is a retired teacher who filed a petition with the Commissioner of Education, alleging that the New Jersey State Department of Education and the State respondents had failed to enforce State mandates by permitting the Trenton Board of Education to avoid compliance with the Special Review Assessment II (“SRA”) guidelines.

The Administrative Law Judge (“ALJ”) recommended that the petition be dismissed, finding that petitioner did not have the requisite standing to prosecute the

matter and that, even if she did, there was no relief that could be afforded her. In coming to this conclusion, the ALJ stressed that petitioner had not alleged that there was a substantial likelihood that some harm would befall her in the event of an unfavorable decision.

The Commissioner concurred with the ALJ and adopted his recommendation to dismiss the petition. In doing so, the Commissioner denied petitioner's request to amend her pleadings, finding that the interests of efficiency, expediency, and the prevention of undue prejudice justified such denial.

Petitioner appealed to the State Board, renewing her request to amend her pleadings and arguing that both her interests and those of the public school children of Trenton warrant granting her request.

After reviewing the decisions of the ALJ and the Commissioner, we agree that petitioner lacks the standing to prosecute the action she initiated by her petition to the Commissioner. Further, while we find that the Commissioner of Education has the authority to permit the pleadings in a contested case to be amended after the ALJ has issued his or her initial decision in a given case, we conclude that the Commissioner properly denied petitioner's request in this case. We therefore affirm his determination to dismiss the petition. In doing so, we note that petitioner's proposed amendment centers on her status as a retired teacher who had taught in the Trenton School District and alleges that she was forced to retire earlier than she had planned because of respondents' actions in relation to the SRA. Such amendment would not have cured the defects in her petition that were identified by the ALJ and would not have established sufficient standing for her to pursue the action she had initiated. In this

respect, we stress that even if petitioner's allegations that respondents' actions were the cause of her decision to retire earlier than she had planned were true, such allegations do not present a claim upon which relief can be afforded under the education laws.

Therefore, for the reasons stated, as well as those set forth in the decisions of the ALJ and the Commissioner, the State Board of Education affirms the Commissioner's decision in this matter.

March 6, 2002

Date of mailing _____