

EDU # 104-04
C # 378-01
SB # 43-01

STEPHANIE I. RYAN, :
 :
 PETITIONER-APPELLANT, :
 : STATE BOARD OF EDUCATION
 V. :
 : DECISION
 BOARD OF EDUCATION OF THE CITY OF :
 TRENTON, MERCER COUNTY, DR. JAMES :
 LYTLE, SUPERINTENDENT OF SCHOOLS, :
 PRISCILLA DAWSON, PRINCIPAL, TRENTON :
 CENTRAL HIGH SCHOOL, AND WILLIAM :
 TRACY, :
 :
 RESPONDENTS-RESPONDENTS. :
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Decided by the Commissioner of Education, October 15, 2001

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

For the Respondents-Respondents, Sharon D. Larmore, Esq.

Petitioner in this case is a retired teacher who filed a petition with the Commissioner of Education, alleging that the Board of Education of the City of Trenton had failed to follow State guidelines in its implementation of the Special Review Assessment II (“SRA”).

The Administrative Law Judge (“ALJ”) recommended that the petition be dismissed, finding that petitioner did not have the requisite standing to prosecute the matter. In coming to this conclusion, the ALJ stressed that in order to have standing to be a party to a contested case, an individual must show a personal stake in a matter

such that he or she will be substantially, specifically, and directly affected by its outcome. The ALJ found that petitioner in this case had failed to make such a showing.

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 warranted 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 and alleges that she retired 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 her 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 awarded under the education laws.

Therefore, for the reasons stated, as well as those expressed 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 _____