

EDU #2892-03
C # 215-05
SB # 30-05

CHARLOTTE KLUMB, :
PETITIONER-RESPONDENT, :
V. : STATE BOARD OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION ON MOTION
MANALAPAN-ENGLISHTOWN REGIONAL :
SCHOOL DISTRICT, MONMOUTH COUNTY, :
RESPONDENT-APPELLANT. :

Decided by the Commissioner of Education, June 16, 2005

Decision on motion by the Commissioner of Education, August 15, 2005

For the Petitioner-Respondent, Richard C. Swarbrick, Esq.

For the Respondent-Appellant, Law Offices of Stephen E. Gertler, P.C.
(Cynthia A. Satter, Esq., of Counsel)

The petitioner, Charlotte Klumb, a tenured teacher with the Manalapan-Englishtown Regional Board who had retired in 1988 on a disability retirement and who subsequently was determined by the Teacher's Pension and Annuity Fund to be able to return to work, filed a petition of appeal with the Commissioner of Education claiming that she was entitled to reinstatement by the Regional Board. In a decision issued on June 16, 2005, the Commissioner granted summary decision to the petitioner and directed the Regional Board to reinstate her to her former tenured position as an elementary teacher as of March 1, 1999, with back pay and emoluments.

On July 18, 2005, the Regional Board filed an appeal to the State Board. The Regional Board also filed a motion for a stay with the Commissioner, which he denied on August 15. On September 15, 2005, the petitioner filed the instant motion to supplement the record on appeal. The petitioner seeks to supplement the record with a letter dated September 9, 2005 from the counsel for the Regional Board to the Director of the State Board Appeals Office, along with attachments. The attachments include a letter to the petitioner dated September 8, 2005 from the Regional Board's Interim Director of Human Resources enclosing an employment contract for the 2005-06 school year. The petitioner contends that the proposed exhibit demonstrates that the Regional Board failed to reinstate her at the proper salary guide step in violation of the Commissioner's decision.

After a review of the papers filed, we deny the petitioner's motion. We find that the proposed exhibit is not material to the issue on appeal, i.e., whether the petitioner was entitled to reinstatement. N.J.A.C. 6A:4-1.9(b). To the extent that the petitioner seeks enforcement of the Commissioner's decision of June 16, the proper forum for such an action would be the Superior Court.

November 2, 2005

Date of mailing _____