

KAREN R. SPRINGER, :

PETITIONER, :

V. : COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE : DECISION

TOWNSHIP OF MOUNT HOLLY, :

BURLINGTON COUNTY, :

RESPONDENT. :

SYNOPSIS

Petitioner, former principal, alleged the Board violated her tenure and seniority rights. Petitioner sought adjustment to her salary for the 1997-98 school year.

ALJ found that the Board failed to comply with the command of *N.J.S.A. 18A:28-2* treating dismissal and recall of teaching staff members following a RIF. ALJ found that the remedy was to credit petitioner, for seniority purposes, with the time between the point at which she could and should have been recalled and the point at which she resumed service in the District. ALJ also ordered the recalculation of petitioner's accrued sick leave for the 1997-98 school year. Board was ordered to comply with *N.J.S.A. 18A:28-12* and *29-4.3* and to consult with the County Office to secure any guidance needed to comply with this order.

Commissioner concurred with ALJ's order that the Board adjust petitioner's salary to \$70,909 for 1997-98 and that her salary for 1998-99 be calculated upon that base and in the same manner as all other principals' salaries on the salary schedule to be adopted for that school year, which schedule is to be adopted within 90 days of this decision. Commissioner directed a copy of this decision be forwarded to the County Superintendent for review and assurance of compliance with *N.J.S.A. 18A:28-12* and *29-4.3*.

JUNE 25, 1998

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The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions.

Upon careful and independent review of the record in this matter, the Commissioner concurs that summary judgment must be granted to petitioner in this matter, based on the facts as stipulated by the parties.¹ The Commissioner further notes his agreement with the Administrative Law Judge's (ALJ) calculation of salary and sick leave benefits due petitioner.

Accordingly, the Commissioner adopts the initial decision for the reasons expressed by the ALJ, and herein clarified. The Board is hereby directed to adjust petitioner's salary to \$70,909 for the 1997-98 school year, said adjustment to include compensation for back pay and emoluments representing the difference between her actual salary for the 1997-98 school year, and what she should have been paid, as determined herein. Further, the Board is directed to adopt, within 90 days of the date of this decision, a salary schedule for principals for the 1998-99 school year in accordance with *N.J.S.A.* 18A:29-4.3 and to base petitioner's future salary upon

¹ The Commissioner notes that, notwithstanding the parties' stipulations, petitioner was not eligible for the vice principal positions which became vacant after 1988, in that these positions are separately tenurable under *N.J.S.A.* 18A:28-5. Since petitioner did not serve for the statutorily required period of time as a vice principal, she was not entitled to claim any of those vacated positions. This finding, however, does not alter the outcome of this matter.

said schedule, in recognition of her salary as set for 1997-98. The Commissioner directs that a copy of this decision be forwarded to the Burlington County Superintendent of Schools for review, and to assure compliance with *N.J.S.A.* 18A:28-12 and 18A:29-4.3.²

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

JUNE 25, 1998

² This decision, as the Commissioner's final determination in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6:2-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.