

RANDY PRATT,	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE	:	DECISION
BOROUGH OF BUTLER, MORRIS	:	
COUNTY,	:	
RESPONDENT.	:	

SYNOPSIS

Petitioning principal challenged the nonrenewal of his contract for the 1996-97 school year as arbitrary and capricious and sought reinstatement to his former position and/or award of economic damages. Superintendent had not recommended petitioner for reemployment or tenure.

In light of testimony of numerous witnesses and review of evaluations, the ALJ concluded that the determination not to renew petitioner's contract was not arbitrary and capricious, but was a proper exercise of the Board's discretionary authority in regard to the granting of tenure. (*Donaldson*) ALJ found, contrary to petitioner's advanced arguments, that the Superintendent had disregarded lies, rumors and innuendo about petitioner, and, rather, based the nonrenewal on specific incidents that demonstrated the need for improvement in the area of petitioner's interpersonal skills as there was a negative atmosphere and division at the Aaron Decker School. Petition was dismissed.

Commissioner adopted the findings and determination in the initial decision as his own.

AUGUST 17, 1998

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The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner's exceptions and the Board's reply thereto were timely filed pursuant to *N.J.A.C. 1:1-18.4*, and were duly considered by the Commissioner in making the within determination.¹

Upon careful and independent review of the record, and determining that petitioner's exception arguments are without merit, the Commissioner concurs with the findings and conclusion of the Administrative Law Judge that petitioner has not met his burden of establishing that the Board's action in not renewing his contract was arbitrary, capricious or unreasonable. Therefore, such action must be upheld as a valid exercise of that body's discretionary authority.

¹ The Commissioner finds that the parties' exceptions essentially recast and reiterate arguments advanced below which were fully addressed in the initial decision.

Accordingly, the initial decision of the OAL is affirmed for the reasons expressed therein and the instant Petition of Appeal is hereby dismissed.²

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

AUGUST 17, 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.