

CAROLYN IRAGGI, :

PETITIONER, :

V. : COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE : DECISION

BOROUGH OF BRADLEY BEACH, :

MONMOUTH COUNTY, :

RESPONDENT. :

SYNOPSIS

Petitioner alleged that the Board violated her tenure rights by assigning her to a teaching position while retaining or hiring nontenured or less senior individuals in Learning Disability Teacher-Consultant (LDTC) positions to which petitioner asserted she had a superior right.

The ALJ concluded that the Board violated petitioner’s tenure and seniority rights by assigning her to a teaching position while retaining or hiring nontenured or less senior individuals in LDTC capacities. The ALJ ordered the Board to recognize petitioner’s rights to a full-time LDTC position or, in the alternative, if no full-time position exists, to whatever part-time assignments, positions or work as an LDTC might exist, along with such other assignment or position as is necessary to provide petitioner with a full-time position in recognition of her tenure status both under an instructional certificate and a special services certificate. The ALJ ordered such assignment be made immediately.

The Commissioner concurred with the ALJ’s conclusion that petitioner’s rights were denied. The Commissioner ordered the Board to assign petitioner any duties of an LDTC, either full-time or part-time as the District’s needs warrant, along with such other assignments as may be necessary to recognize petitioner’s tenure status under her instructional and educational services certificates, unless the Board were to join with one or more boards of education or State agencies to provide for basic child study team services under *N.J.S.A.* 18A:46-5.1.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

OAL DKT. NO. EDU 584-01
AGENCY DKT. NO. 21-1/01

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The record and Initial Decision issued by the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon review of the record, the Commissioner agrees with the conclusion of the Administrative Law Judge (ALJ) that petitioner's tenure rights acquired under her educational services certificate were denied by the Board when it retained or hired nontenured or less senior individuals as LDTCs. Consequently, for the reasons set forth in the Initial Decision, the Board is ordered to assign to petitioner any duties of an LDTC, either full-time or part-time as the District's needs warrant, along with such other assignments as may be necessary to recognize petitioner's tenure status under her instructional and educational services certificates, unless the Board were to join with one or more boards of education or State agencies to provide for basic child study team services under *N.J.S.A. 18A:46-5.1. Vicenzino, supra. See also Anders et al. v. Board of Education of the Township of Lakewood*, decided by the Commissioner January 2, 2001.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 3, 2002
Date of Mailing: July 3, 2002

* This decision 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. 6A:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.