

MARY MC EWAN, :  
 :  
 PETITIONER, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
 :  
 BOARD OF EDUCATION OF THE : DECISION  
 BOROUGH OF BLOOMINGDALE, :  
 PASSAIC COUNTY, :  
 :  
 RESPONDENT. :

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SYNOPSIS

Petitioning nontenured teacher challenged the Board's determination not to renew her employment contract for the 1998-1999 school year, arguing that the determination was contrary to the recommendation of the superintendent, and arbitrary and capricious because it was motivated by a dispute between petitioner and a neighbor who was a Board member, as well as incidents involving petitioner and members of the community, rather than being based on petitioner's job performance.

The ALJ determined that the Board had a reasonable basis for denying petitioner tenure based on her conduct in the community and at school, and did not do so as reprisal for her dispute with a former Board member.

The Commissioner agreed with the ALJ that petitioner failed to demonstrate that the Board denied renewal of her employment contract for arbitrary reasons in violation of *N.J.S.A.* 18A:27-4.1(b), and also noted that petitioner failed to meet the limited standards for awarding relief to nontenured teachers whose employment is not renewed. The matter was dismissed.

<p>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.</p>
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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 did not file exceptions.

Upon careful and independent review of the record in this matter, including transcripts of the hearings conducted at the OAL on February 23 and February 24, 2001, the Commissioner concurs with the Administrative Law Judge (ALJ) that the within petition is properly dismissed. Petitioner failed to demonstrate that the Board denied renewal of an employment contract for the 1998-99 school year for arbitrary and capricious reasons, notwithstanding a recommendation from the superintendent, in violation of *N.J.S.A. 18A:27-4.1(b)*. Neither has petitioner met the limited standard entitling nontenured, nonrenewed teachers to relief, as established by the Appellate Division in *Dore, supra*, and recognized by the State Board of Education in *John Kufel, Jr. v. Board of Education of the Union County Vocational-Technical School District, Union County*, decided by the State Board February 7, 1996, and *Randy Pratt v. Board of Education of the Borough of Butler, Morris County*, decided by the State Board January 6, 1999.

Accordingly, the Initial Decision is affirmed, and the within petition is dismissed.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: 3/11/02

Date of Mailing: 3/13/02

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\* This decision, as the Commissioner's final determination, 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.