

KELLY LACIK, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF EDISON, :
MIDDLESEX COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner, a non-tenured teacher formerly employed by respondent's school district, appealed the Board's determination not to offer her a teaching contract for the 2011-2012 school year. Petitioner asserted that the actions of the respondent Board were arbitrary, capricious and taken in bad faith, arguing that she had favorable performance evaluations during her final year with the school district. The respondent Board contended that petitioner was not offered a contract for a fourth year of employment because of performance issues in her first three years with the school district.

The ALJ found, *inter alia*, that: petitioner worked in respondent's school district for three years, but had not acquired tenure; local boards of education have virtually unlimited discretion to terminate the services of a non-tenured teacher; petitioner's well-documented performance record, which repeatedly identified ongoing deficiencies in various areas, is plainly more than sufficient to show that the Board's decision not to renew petitioner's contract was not arbitrary, capricious or unreasonable; and the district superintendent had ample grounds to determine that petitioner's nonrenewal was appropriate. The ALJ concluded that the petitioner failed to demonstrate that the Board's actions in terminating her employment were arbitrary, capricious, unreasonable, or taken in bad faith and, accordingly, there is no basis for the Commissioner to interfere with the Board's vast discretion in this matter. The ALJ ordered the petitioner's appeal dismissed.

Upon a full and independent review, the Commissioner concurred with the Administrative Law Judge that petitioner failed to meet her burden to show that respondent acted in an arbitrary, capricious or unreasonable manner, and dismissed the petition.

<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>

May 27, 2014

OAL DKT. NO. EDU 8821-11
AGENCY DKT. NO. 181-7/11

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed, as have the exceptions filed pursuant to *N.J.A.C. 1:1-18.4* by the petitioner, Kelly Lacik, and the Board of Education’s (Board) reply thereto.

Upon a comprehensive review of the record in this matter, the Commissioner concurs with the ALJ – for the reasons thoroughly set forth in the Initial Decision – that the Board’s decision to non-renew the petitioner for the 2011-2012 school year was not arbitrary, capricious or unreasonable. The Commissioner also finds the exceptions submitted by the petitioner to be unpersuasive, as they largely replicate arguments advanced at the OAL which were fully considered and appropriately addressed by the ALJ in the Initial Decision. Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: May 27, 2014
Date of Mailing: May 29, 2014

¹ Pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*, Commissioner decisions are appealable to the Superior Court, Appellate Division.