

IN THE MATTER OF THE TENURE :
HEARING OF LORRAINE WILLIAMS : COMMISSIONER OF EDUCATION
STATE-OPERATED SCHOOL DISTRICT OF : DECISION
THE CITY OF NEWARK, ESSEX COUNTY. :

For Petitioner: Theresa L. Moore, Esq.

For Respondent: Samuel Wenocur, Esq.

The tenure charges at issue in this matter are actually the second set of inefficiency tenure charges filed against respondent regarding her performance during the 2012-2013 and 2013-2014 school years. On December 20, 2014, Arbitrator David Gregory granted respondent's motion to dismiss the first set of charges as premature under *N.J.S.A.18A:6-17.3* (Section 25 of TEACHNJ – the Teacher Effectiveness and Accountability for the Children of New Jersey Act – P.L. 2012, c.26.) because petitioner had used respondent's 2012-2013 annual summative evaluation. Petitioner then filed the charges again, but this time pursuant to *N.J.S.A.18A:6-16* (Section 8 of P.L. 2012, c. 26), the statutory section in effect and governing inefficiency charges prior to the enactment of TEACHNJ in August 2012. The second set of charges was also assigned to Arbitrator Gregory, with a sufficiency determination which read in pertinent part:

. . . (P)lease be advised that, following receipt of respondent's answer on March 31, 2015, the above-captioned tenure charges – which have been docketed as new charges and which are being processed with respect to Section 8 inefficiency charges only – were reviewed and deemed sufficient, if true, to warrant dismissal or reduction in salary, subject to determination by the arbitrator of respondent's defenses and any motions which may be filed with the arbitrator. The arbitrator shall review those charges – which are not dismissed as the result of a motion – under the preponderance of the evidence standard.

Accordingly, the charges have been referred to Arbitrator David L. Gregory pursuant to *N.J.S.A. 18A:6-16* as amended by *P.L. 2012, c. 26*.

Petitioner appealed the assignment of the matter to Arbitrator Gregory and the sufficiency determination to the Appellate Division of the Superior Court, and Arbitrator Gregory issued an order placing the matter before him in abeyance pending a determination from the Appellate Division.

On February 9, 2018, the Appellate Division issued a decision dismissing the appeal, and thereafter petitioner's attorney advised that the District had learned that respondent is now deceased. Petitioner's attorney further advised that petitioner consequently wished to withdraw the pending tenure charges.

In view of the foregoing, the Commissioner concludes that this matter is moot and no further proceedings are necessary in regard to the pending tenure charges. This matter is therefore dismissed with prejudice.

IT IS SO ORDERED.

ACTING COMMISSIONER OF EDUCATION

Date of Decision: March 6, 2018

Date of Mailing: March 6, 2018