

20-26

OAL Dkt. No. EDU 06016-25 (EDU 12760-23 on remand)

Agency Dkt. No. 266-10/23

New Jersey Commissioner of Education

Final Decision

Robbinsville Education Association and Danielle
Saddock,

Petitioners,

v.

Board of Education of the Township of
Robbinsville, Mercer County,

Respondent.

The record of this matter and the Initial Decision issued by the Office of Administrative Law (OAL) have been reviewed and considered. The parties did not file exceptions.

In March 2025, the Commissioner adopted the recommendation of the Administrative Law Judge (ALJ) to dismiss Counts IX and X of the petition, but remanded the matter so that discovery could take place regarding the issues raised in the remaining Counts.

In October 2025, respondent Board of Education of the Township of Robbinsville (Board) moved for summary decision on grounds that the remaining issues were moot. Educere, which participated in the matter with the parties' consent, joined in the Board's motion. Petitioners did not oppose the Board's motion and did not object to dismissal of the petition as moot. Thereafter, the ALJ granted the Board's motion and dismissed the petition as moot because the Board no longer had a contract for virtual instruction with Educere or Michigan Virtual.

Upon review, the Commissioner adopts the Initial Decision, for the reasons stated therein, as the final decision in this matter. Accordingly, the Board's motion for summary decision is granted and the petition of appeal is hereby dismissed as moot.

IT IS SO ORDERED.¹



COMMISSIONER OF EDUCATION

Date of Decision: January 23, 2026
Date of Mailing: January 27, 2026

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SUMMARY DECISION

OAL DKT. NO. EDU 06016-25

AGENCY DKT. NO. 266-10/23

(ON REMAND: EDU 12760-23)

**ROBBINSVILLE EDUCATION ASSOCIATION
AND DANIELLE SADDOCK,**

Petitioners,

v.

**BOARD OF EDUCATION OF THE
TOWNSHIP OF ROBBINSVILLE,
MERCER COUNTY**

Respondent.

Richard A. Friedman, Esq., and **Sheila Murugan**, Esq., for petitioners (Zazzali,
P.C., attorneys)

Regina M. Phillips, Esq., for respondent (Madden and Madden, attorneys)

Vito A Gagliardi, Esq., for intervenor, Educere (Porzio, Bromberg & Newman,
P.C., attorneys)

Record Closed: November 14, 2025

Decided: December 16, 2025

BEFORE **JOAN M. BURKE**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

On September 7, 2023, Tiffany Strauss (Ms. Strauss) appealed to the New Jersey Department of Education (DOE) pursuant to N.J.A.C. 18A:6-9, challenging the Robbinsville Board of Education's (Board or BOE) actions regarding the employment of athletic trainers. On October 11, 2023, the DOE transmitted this matter to the Office of Administrative Law (OAL) for plenary hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13. The case was docketed as EDU 10708-23.

On October 2, 2023, petitioners Robbinsville Education Association (the Association) and Danielle Saddock (Ms. Saddock) appealed to the DOE pursuant to N.J.A.C. 18A:6-9, challenging the Board's use of private entities to provide instruction. The Board filed a motion to dismiss in lieu of answer. On November 16, 2023, the DOE transmitted this matter to the Office of Administrative Law for plenary hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13. The case was docketed as EDU 12760-23 and was assigned to the Honorable Kim Belin, ALJ. Because the undersigned had the older docket number, the matter was transferred to the undersigned for further handling on May 10, 2024.

On May 10, 2024, a motion to consolidate the cases was submitted by petitioners' counsels. I entered an Order of Consolidation on August 23, 2024. Respondent Board renewed its request to have the motion to dismiss addressed by this tribunal. Petitioners raised an issue that discovery must be completed before the motion can be considered. The parties submitted position papers regarding the discovery issue. On November 21, 2024, I decided that discovery need not be completed before the motion can be considered. A scheduling order for the motion was completed, and thereafter the parties submitted briefs on the motion. An Order was entered on the Motion to Dismiss on February 5, 2025, along with an Order to Sever. The Commissioner adopted the recommendation to dismiss Counts IX and X for different reasons and rejected the dismissal of the remaining counts. The matter was remanded to the OAL and docketed as EDU 06016-25 for further proceedings so that discovery could take place regarding the applicability of Option 2.

It was determined that Educere was important to the underlying issues, and a request was made for it to intervene in the matter. On August 28, 2025, Educere intervened in the case. On June 13, 2025, the matters (EDU 10708-23 and EDU 06016-25) were consolidated. On October 3, 2025, the parties in EDU 10708-23 notified the tribunal that petitioner Ms. Strauss was withdrawing her petition as the parties had settled the matter. On October 7, 2025, an Order to Sever was entered. On October 24, 2025, respondent submitted a motion for summary decision on the grounds of mootness. On October 30, 2025, Educere joined in respondent's motion for summary decision. On November 13, 2025, the tribunal received a letter from petitioners stating that petitioners do not oppose the Board's Motion to Dismiss and have no objection with this tribunal issuing an order to dismiss the petition as moot.

FACTUAL DISCUSSION AND FINDINGS

By the motion and joinder for summary decision, and with no objection from petitioners, the parties agree that there are no material facts in dispute. I therefore **FIND** as **FACT** the statements of undisputed fact as set forth in Respondent's Brief replicated below:

1. For the 2023–2024 school year, the Board faced a substantial budget deficit. (See the October 17, 2025 Certification of Nick Mackres ("Mackres Cert."), Board CFO, Assistant Superintendent, and School Business Administrator, ¶¶1–2, attached to the Certification of Regina M. Philipps ("Philipps Cert.") as Exhibit "A"; please also see the Board's April 2023 Budget Presentation (the "Budget Presentation"), attached to the Philipps Cert. as Exhibit "B").
2. In addressing the deficit, the Board prioritized the preservation of its staff. (Exh. B, Budget Presentation, p.2).
3. However, to cover the shortfall, the Board was forced to engage in a substantial reduction in force ("RIF") that resulted in the elimination of 27.5 positions, including

one physics teacher position. (Id. at p.7; Exh. A, Mackres Cert., at ¶3).

4. Specifically, the teaching position for the only AP Physics-C class for the 2023–2024 school year was eliminated. (Exh. A, Mackres Cert., at ¶ 4).
5. This AP Physics-C teaching position was offered to the remaining certified physics teacher during the seventh teaching period; however, she declined¹. (Id. at ¶5; please also see the October 16, 2023, email correspondence from Robbinsville High School (“RHS”) Principal, Molly Avery, to RHS teacher, Shannon Wesley, attached to the Philipps Cert. as Exhibit “C”).
6. On July 20, 2023, the Board posted a part-time position for an AP Physics-C teacher. However, there were no applicants for this position. (Exh. A, Mackres Cert., at ¶ 6).
7. To ensure that students could receive instruction in AP Physics-C until a permanent part-time teacher could be identified, and in lieu of a long-term substitute, the Board utilized the Option 2 method for students to earn credits through online learning by contracting with Michigan Virtual to provide AP Physics-C instruction for the 2023–2024 school year, and the Board authorized the Purchase Order for Michigan Virtual’s instruction on August 17, 2023. (Id. at ¶¶ 7-8).
8. The Board’s RIF also eliminated the Board’s only teacher for advanced Italian classes, AP Italian and Italian III. (Id. at ¶ 9).
9. On or about July 20, 2023, the Board posted a part-time position for an advanced Italian teacher. However, there were no applicants for this position. (Id. at ¶ 10).
10. To ensure that students could receive instruction in Italian IV until a permanent part-time teacher could be identified, and in lieu of a long-term substitute, the Board utilized the Option 2 method for students to earn credits through online learning by contracting with

¹ According to the contract with the Robbinsville Education Association, Article 5.1.1g, teachers may only be assigned a seventh teaching period if they volunteer to do so. As such, the Board could not assign AP Physics-C to the teacher without her consent.

Educere to provide Italian IV instruction for the 2023–2024 school year, and the Board authorized the Purchase Order for Educere’s instruction on October 2, 2023. (Id. at ¶¶ 11,13).

11. For the 2023–2024 school year, there were three students enrolled in AP Italian and fifteen students enrolled in Italian III. The decision to contract with Educere was made to allow these students to continue their World Language coursework in Italian, as many students seeking enrollment in a competitive college must have taken four years in a single World Language. (Id. at ¶ 12).
12. The Board no longer has a contract with Michigan Virtual or Educere to provide any virtual instruction for the present 2025–2026 school year. (Id. at ¶¶ 15-16).

[Respondent’s Brief in Support of Summary Decision, at 2-4.]

LEGAL ANALYSIS

Under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, which govern the conduct of contested cases before the OAL, a party may file a motion for summary decision on substantive issues in a contested case. N.J.A.C. 1:1-12.5(a). The motion “shall be served with briefs and with or without supporting affidavits.” N.J.A.C. 1:1-12.5(b). The regulations provide that, “the determination [of] whether there exists a genuine issue with respect to a material fact challenged requires the motion judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party in consideration of the applicable evidentiary standard, are sufficient to permit a rational fact finder to resolve the alleged disputed issue in favor of the non-moving party.” Brill v. Guardian Life Ins. Co., 142 N.J. 520, 523 (1995). In making this determination, the analysis is “whether the evidence presents a sufficient disagreement to require submission to a [fact finder] or whether it is so one-sided that one party must prevail as a matter of law.” Id. at 533 (quoting Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 251–52 (1986)). Summary decision is also proper when the opposing party “points only to disputed issues of fact that are ‘of an insubstantial nature.’” Id. at 529. If the non-moving party’s evidence is “merely colorable or is not significantly

probative,” the judge should not deny summary judgment. Bowles v. City of Camden, 993 F. Supp. 255, 261 (D.N.J. 1998).

Here there are no facts in dispute, and I therefore **CONCLUDE** that this matter is ripe for summary decision.

Review of Mootness Claim

An action is moot when the decision sought “can have no practical effect on the existing controversy.” Redd v. Bowman, 223 N.J. 87, 104 (2015). For reasons of judicial economy and restraint, it is appropriate to refrain from decision-making when an issue presented is hypothetical, judgment cannot grant effective relief, or the parties do not have a concrete adversity of interest. Anderson v. Sills, 143 N.J. Super. 432, 437 (Ch. Div. 1976); Fox v. Twp. of E. Brunswick Bd. of Educ., EDU 10067-98, Initial Decision (March 19, 1999), aff’d, Comm’r (May 3, 1999), <https://njlaw.rutgers.edu/collections/oal/>; J.L. and K.D. ex rel. J.L. v. Harrison Twp. Bd. of Educ., OAL Dkt. No. EDS 13858-13, Final Decision (January 28, 2014).

A review of the facts here leads to the conclusion that no issue remains as to which judgment can grant effective relief. Respondent posits that “the Board has no contract with Educere or Michigan Virtual for any virtual instruction in the District, including but not limited to Italian and Physics Thus, any alleged violations by the Board in connection with the virtual instruction provided by these entities during the 2023–2024 school year that are at issue in the Petition have been rendered moot.” (Respondent’s Brief in support of Summary Decision at page 7.) I agree. Petitioners also agree as they have no opposition to the granting of the motion for summary decision on mootness. (Letter from the Petitioners.)

Based on the foregoing, I **CONCLUDE** that the petition should be dismissed with prejudice as moot because judgment for petitioners cannot grant effective relief.

ORDER

It is hereby **ORDERED** that the motion of respondent, Robbinsville Board of Education, Mercer County, for summary decision dismissing the petition of Robbinsville Education Association and Danielle Saddock on the grounds that the petition is moot is **GRANTED** and the petition is **DISMISSED** with prejudice.


I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify, or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**. Exceptions may be filed by email to ControversiesDisputesFilings@doe.nj.gov or by mail to Office of Controversies and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500. A copy of any exceptions must be sent to the judge and to the other parties.

December 16, 2025

DATE



JOAN M. BURKE, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

JMB/sa/jm

APPENDIX

Exhibits

For petitioner:

Letter Response, November 13, 2025

For respondent:

Motion for Summary Decision, October 24, 2025

For intervenor:

Letter Joining the Respondent's Motion, October 28, 2025