

New Jersey Commissioner of Education
Decision

Lynda Auxter and Darcy Boyle,

Petitioners,

v.

Board of Education of the Township of Wyckoff,
Bergen County,

Respondent.

The record of this matter, the Initial Decision of the Office of Administrative Law (OAL), the exceptions filed by the Wyckoff Board of Education (Board) pursuant to *N.J.A.C. 1:1-18.4*, and petitioners' reply thereto, have been reviewed and considered.

Petitioners, who are teachers employed by the Board, requested to use sick time to attend their children's school events, including a class presentation and a holiday music concert. The Board denied the requests, and petitioners appealed. Following cross-motions for summary decision, the Administrative Law Judge (ALJ) concluded that petitioners should have been permitted to use their accrued sick time to attend their children's school-related events.

The ALJ reviewed *N.J.S.A. 18A:30-1(a)(6)*, which defines sick leave as, among other things, an absence "to attend a child's school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education." The ALJ analyzed the statute in two parts. First, the ALJ rejected the Board's argument that "function or other event" must be limited to functions and

events that share common characteristics with conferences and meetings, such as two-way communication about the child's individual educational needs, active parental participation rather than passive observation, and parental engagement that is necessary to the child's educational progress. Instead, the ALJ found that standard principles of statutory interpretation require the words in a statute to be given their generally accepted meaning unless it is inconsistent with the manifest intent of the legislature or another meaning is expressly indicated. The ALJ noted, "Functions are, broadly, official social events; they are so distinct from meetings and conferences, which are generally not social events, that the combination suggests a relatively expansive reading of 'other events.'" Initial Decision, at 6. The ALJ indicated that finding that "function or other events" means something else "would mean imposing restrictions that do not exist in the statute." *Id.* at 7.

Next, the ALJ addressed the requirement that the parent or guardian's presence be "requested or required." The ALJ rejected the Board's argument that a request is only valid in the case of events that would benefit from the parent's attendance, such that their presence is required or desired. The ALJ found that the Board's interpretation was "a deeply arbitrary reading of the statute. A parent's presence is not made less 'desirable' or 'beneficial' simply because they attend an event as a passive observer; the point of their attendance at such passive events . . . is to provide support and encouragement to their child." Initial Decision, at 7. The ALJ also noted that nothing in the text of the statute places a restriction on the request, and an "invitation is transparently a request to attend an event." *Ibid.*

In its exceptions, the Board argues that the events at issue here are not the type of school-related events the Legislature intended to be covered by the sick leave law. According to the

Board, sick leave is intended to allow employees to address critical issues, and the other types of absences in the sick leave statute are all consistent with that purpose, while attendance at a child's school event like a concert or presentation is not.¹ The Board contends that the ALJ failed to consider whether the events at issue were school-related and his interpretation of the statute was therefore too expansive. The Board argues that an invitation providing notice of a performance or informing a parent that they may attend an event is not the same thing as requesting or requiring the person's attendance. The Board contends that the ALJ failed to analyze the substance of the invitations to petitioners, which were general invitations to all parents, did not specify the sender, and did not specifically identify petitioners' children. In the Board's view, the Legislature did not intend to allow employees to use sick leave to attend an event that is essentially open to anyone; personal days are available to employees for such events. The Board reiterates that the Legislature's deliberate enumeration of "conference, meeting, [and] function" before "other events" establishes a boundary, and that qualifying events must share the formal, structured, participatory, and education-focused characteristics of conferences and meetings.²

¹ The Board bases this argument on a press release from the time the sick leave statute was passed, citing the source of the statement as "*Governor Murphy Signs Legislation Expanding Eligible Uses of Sick Leave for School Employees*, Press Release, July 3, 2023." The Board does not provide a link for this press release or a copy of it. However, a copy of what appears to be the same release is available through the New Jersey State Library at <https://dspace.njstatelib.org/bitstreams/57f963dd-5f33-46e5-89a3-b997f0b41d43/download> (last visited July 20, 2026). The Board did not submit this evidence during the proceedings below and, therefore, its inclusion in the Board's exceptions was improper pursuant to N.J.A.C. 1:1-18.4(c). While the Commissioner did not consider the press release itself, the Commissioner will consider the Board's argument that sick leave can only be used for "critical issues" more generally, as it is consistent with the arguments that the Board did make during the proceedings below.

² The Board also takes issue with the ALJ's statement that IEP meetings, 504 meetings, and child study team meetings are covered by the second half of the statute as meetings "regarding care provided to the child in connection with the child's health conditions or disability." The application of the sick leave

In response, petitioners argue that the ALJ's decision was well-reasoned and based on the plain language of the statute. According to petitioners, the Board is asking the Commissioner to ignore the plain text of the statute in favor of a speculative theory of legislative intent for which the Board did not provide reliable evidence; in fact, petitioners note that the Board argued below that the ALJ should only look to the statute and not extraneous material, including evidence of legislative intent that petitioners filed in support of their position.

Upon review, the Commissioner concurs with the Administrative Law Judge that the sick leave statute can apply to allow an employee's attendance at a school-related event like a student presentation or concert. When interpreting a statute, "words and phrases shall be read and construed with their context, and shall, unless inconsistent with the manifest intent of the legislature or unless another or different meaning is expressly indicated, be given their generally accepted meaning, according to the approved usage of the language." *N.J.S.A. 1:1-1*. Furthermore, a court or agency head must "endeavor to give meaning to all words and to avoid an interpretation that reduces specific language to mere surplusage." *DKM Residential Props. Corp. v. Twp. of Montgomery*, 182 N.J. 296, 307 (2005).

Initially, the Commissioner notes that while the ALJ focused his analysis in two parts – what is a qualifying type of activity, and whether the employee's presence was requested or required – the ALJ did not, as the Board argues in its exceptions, disregard the requirement that the activity be school-related. Instead, he specifically classified the presentation and concert at

statute to IEP meetings, 504 meetings, and child study team meetings is not at issue in this matter, and it is not necessary for the Commissioner to address this portion of the Initial Decision when the parties clearly agree that this type of meeting is a proper use of employee sick leave.

issue as “school-related functions or events.” Initial Decision, at 7. The Board did not argue at any point in the proceedings that petitioners were prohibited from using sick leave because the presentation and concert were not “school-related,” and indeed there can be no real dispute that a student presentation regarding coursework, and a concert of music learned during music class, are school-related.

Regarding the type of activity that qualifies for use of sick leave, the Board’s interpretation that a qualifying activity must share the “formal, structured, participatory, and education-focused characteristics of conferences and meetings” renders the terms “function” and “other events” superfluous. Under this interpretation, every qualifying activity could already be considered a “conference” or “meeting,” and the inclusion of “function” and “other events” would be unnecessary. The Commissioner cannot agree with an interpretation that disregards these terms that the Legislature expressly chose to include. While conferences, meetings, functions, and events are activities that share similarities, there are distinctions among them. Meetings and conferences are commonly understood to be activities in which people gather to engage in discussion or otherwise work toward a common purpose.³ On the other hand, functions and events are more commonly understood to be social activities.⁴ There is no basis

³ “Conference” is defined as “a meeting of two or more persons for discussing matters of common concern.” See <https://www.merriam-webster.com/dictionary/conference> (last visited July 20, 2026). See also <https://www.dictionary.com/browse/conference> (last visited July 20, 2026) (defining “conference” as “a meeting for consultation or discussion”). “Meeting” is defined as “a gathering of people for a common purpose.” See <https://www.merriam-webster.com/dictionary/meeting> (last visited July 20, 2026). See also <https://www.dictionary.com/browse/meeting> (last visited July 20, 2026) (defining “meeting” as “an assembly or conference of persons for a specific purpose”).

⁴ “Function” is defined as “an official or formal ceremony or social gathering.” See <https://www.merriam-webster.com/dictionary/function> (last visited July 20, 2026). See also <https://www.dictionary.com/browse/function> (last visited July 20, 2026) (defining “function” as “any ceremonious public or social gathering or occasion”). While “event” can be broadly defined as “something

in the statute to impose the restrictions the Board proposes when its plain language demonstrates that both discussion-based activities and social activities are qualifying activities.

Notably, when *N.J.S.A. 18A:30-1* was amended in 2023, it mirrored language found in the Earned Sick Leave law, which applies broadly to employees throughout New Jersey, albeit with some exceptions for employees in certain fields. Specifically, the Earned Sick Leave law provides that an employer shall permit an employee to use accrued sick leave “to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child’s education.” *N.J.S.A. 34:11D-3(a)(5)*. The New Jersey Department of Labor (NJDOLE) was charged with adopting rules and regulations to effectuate the purposes of the Earned Sick Leave law. *N.J.S.A. 34:11D-11*. In doing so, the NJDOLE promulgated *N.J.A.C. 12:69-3.5(a)(5)*, which contains language identical to *N.J.S.A. 34:11D-3(a)(5)*. In 2020, in response to public comment regarding the proposed rule, the NJDOLE indicated that a “school sporting event, play, or similar activity may, under certain circumstances, constitute a permitted reason to use sick leave” because these activities “could reasonably be characterized as a ‘function or other event.’” 20 N.J.R. 20(a) (Response to Comments 3 and 4). The NJDOLE also declined a request to change the language to expressly exclude “school plays, recitals, parties, or other non-educational events.” *Ibid.* While the

that happens,” that definition would render the term so broad as to be meaningless. To be more consistent with the other terms included in the statute, an event is better viewed as “a *noteworthy* happening” (emphasis added) or “a social occasion or activity.” See <https://www.merriam-webster.com/dictionary/event> (last visited July 20, 2026). See also <https://www.dictionary.com/browse/event> (last visited July 20, 2026) (defining “event” as “an occurrence, especially one of some importance”). For this reason, the Commissioner rejects the Board’s argument that the ALJ’s interpretation leads to a slippery slope wherein everyday occurrences, such as student dropoff or pickup, would be permissible uses of sick leave.

NJDOL's interpretation of the Earned Sick Leave Law is not binding on the Commissioner in interpreting *N.J.S.A. 18A:30-1*, the Commissioner does find it informative, given that three years after the NJDOL advanced this interpretation of *N.J.S.A. 34:11D-3(a)(5)*, the Legislature chose to use identical language in *N.J.S.A. 18A:30-1*.

The statute also requires that the employee's attendance at the school-related activity be requested or required. The Commissioner agrees with the ALJ that the Board's interpretation of this portion of the statute is too narrow. When a person is invited to attend an activity, their presence is requested. If the Legislature had intended that the parent must participate in the activity, it could have specified that, but it did not. Furthermore, even if the Board's assertion that the parent's attendance must be "desired" were accepted, the Commissioner concurs with the ALJ that a parent's attendance at a school-related activity is no less desirable when they are an observer rather than a participant.

Turning to the specific application of the sick leave statute to the events at issue in this case, the Commissioner concurs with the ALJ that petitioner Auxter should have been permitted to use sick leave. Auxter received an email from her child's teacher that begins with a description of the students' "Interview Narrative Project," and continues, "We would like to invite parents and Interviewees to join us for an 'Interview Breakfast' where you can listen to your child's work as well as that of other students." Petition, Exhibit A. The presentation meets the plain language definition of an event, as explained herein. It is also clearly a school-related event, as it involves a presentation of work done by the students for a school project. Furthermore, petitioner Auxter's presence was requested, as the email indicates that it is an invitation – a request for parents' presence. Finally, there is no dispute that the email was sent by her daughter's teacher.

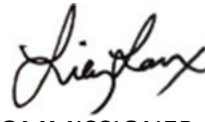
Accordingly, the presentation meets all the necessary criteria to be a proper use of sick leave, and the petition of appeal is granted as to Auxter.

The details surrounding petitioner Boyle's event are somewhat less clear. The petition includes a photograph of what appears to be a paper flyer that states, "Concert for Parents" (emphasis in original), along with scheduling details. Petition, Exhibit B. The flyer also states, "Due to limited space, please ONLY attend the concert designated by your child's grade," and "We look forward to sharing the magical concert experience with everyone." *Ibid.* A concert meets the definition of an event, as described herein. The Commissioner concludes that it constitutes a school-related event, as the culmination of music learned by the students in their music class. While the flyer does not include the words "required" or "requested," or even "invited," the Commissioner does not find that omission fatal. Viewing the flyer in its entirety, the Commissioner concludes that it is an invitation to the concert, such that the parents' presence was requested. However, the flyer does not indicate who is issuing the invitation. The Board argues that without an identified sender, Boyle cannot meet the requirement that the request be made by a school administrator, teacher, or other professional staff member responsible for the child's education. The Commissioner does not agree that it is necessary for the sender to be identified on the flyer itself, but the identity of the sender is relevant to the analysis. Here, petitioners indicated in the list of undisputed facts submitted with their motion for summary decision that Boyle received the invitation from her child's teacher. The Board's summary decision brief notes that Boyle did not provide the name of the teacher, but does not otherwise dispute the fact that the teacher issued the invitation. As such, the Commissioner

concludes that the concert meets all the necessary criteria to be a proper use of sick leave, and the petition of appeal is granted as to Boyle.

Accordingly, the Initial Decision is adopted as the final decision in this matter. The Board shall adjust petitioners' leave time records to reflect their absences for the concert and presentation as sick leave time.

IT IS SO ORDERED.⁵



COMMISSIONER OF EDUCATION

Date of Decision: July 29, 2026
Date of Mailing: July 29, 2026

⁵ 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

GRANTING PETITIONER'S MOTION

FOR SUMMARY DECISION

OAL DKT. NO. EDU 10415-25

AGENCY DKT. NO. 123-4/25

LYNDA AUXTER AND DARCY BOYLE,

Petitioners,

v.

**TOWNSHIP OF WYCKOFF, BOARD OF
EDUCATION, BERGEN COUNTY.**

Respondent.

Daniel R. Dowdy, Esq., for petitioners (Selikoff & Cohen, P.A., attorneys)

Vittorio LaPira, Esq., for respondent (Fogarty, Ohara, LaPira & Cherry, LLC
attorneys)

Record Closed: January 31, 2025

Decided: March 30, 2026

BEFORE **WILLIAM COURTNEY, ALJ:**

STATEMENT OF THE CASE

Petitioners Lynda Auxter and Darcy Boyle, who are teachers employed by respondent Wyckoff Board of Education, requested the use of their accrued sick time to

attend their children's school events. Their requests were rejected by their employer, which claimed that this use of sick time was not permitted under N.J.S.A. 18A:30-1(a)(6). A plain reading of the statute dictates that Auxter and Boyle should have been granted use of their accrued sick time to attend their children's school-related events.

PROCEDURAL HISTORY

The Collectively Negotiated Agreement (CNA) between the parties requires that any grievances be submitted to the Superintendent before the Board. On December 18, 2024, Wyckoff Education Association (WEA) Vice President Jeanine Perrotta sent a letter to Superintendent Kerry Postma asserting that Auxter and Boyle should have been allowed to use their sick leave to attend their children's school events. On January 21, 2025, Postma responded, stating that, "neither event meets the statutory requirement of being "requested or required" by a school administrator, teacher, or other professional staff member."

On January 23, 2025, Perrotta sent a letter to the Board President, Louis Cicerchia, again asserting that Auxter and Boyle were wrongly denied use of their sick leave and requesting the Board issue a final ruling on the matter. On February 25, 2025, the Board responded with the final ruling, once again denying that Auxter and Boyle had the right to use sick time to attend their children's events.

On April 30, 2025, Auxter and Boyle filed an appeal with the Commissioner of Education. It was transmitted to the Office of Administrative Law (OAL) on June 6, 2025. The parties have filed cross-motions for summary decision.

FACTUAL DISCUSSION AND FINDINGS OF FACT

I FIND the following as FACT:

1. Petitioners Lynda Auxter and Darcy Boyle are teachers employed by the Wyckoff Board of Education (Board).

2. Auxter received an email on December 2, 2024, from her daughter's teacher inviting her to attend her daughter's "legacy presentation" on December 18, 2024.
3. The legacy presentation involved the students interviewing family members or family friends and crafting narratives about the lives of the people they interviewed, and then presenting their writing in a video production.
4. The event featured the opportunity to listen to the children's work and attend breakfast.
5. The December 2, 2024 email stated that "[w]e would like to invite parents and interviewees to join us for an "Interview Breakfast" where you can listen to your child's work as well as that of other students." The invitation provided the time and location, noted the family could join at any point during the celebration, and invited the families to bring a dish for the meal.
6. Auxter requested to use her accrued sick leave on December 18, 2024, to attend the legacy presentation.
7. Sometime before December 18, 2024, Boyle received an invitation from her child's music teacher to attend a "School Holiday Sing" on December 18, 2024.
8. The invitation received by Boyle stated that it was a "concert for parents," requested the parents only attend the concert of their child's grade, and noted that two guests per child were permitted. The invitation contained a form that the guests were to fill out and bring to the event, to ensure the school knew who was in attendance.
9. Boyle and Auxter requested to use their accrued sick time to attend their respective events. Both requests were rejected, and they were instead allowed to use personal time to attend the events.

LEGAL ANALYSIS

Summary decision is appropriate where the papers and discovery, together with the affidavits, if any, show there is no genuine issue as to any material fact and that the moving party is entitled to prevail as a matter of law, when the evidence is viewed in the

light most favorable to the nonmoving party. N.J.A.C. 1:1-12.5(b). The primary consideration is “whether [the evidence] is so one-sided that one party must prevail as a matter of law.” Brill v. Guardian Life Insurance Company of America, 142 N.J. 520 (1995) (quoting Anderson v. Liberty Lobby, 447 U.S. 242 (1986)).

New Jersey’s School Sick Leave Law, N.J.S.A. 18A:30-1 to -6, states, in relevant part, that school staff may use sick time to attend a child’s school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child’s education, or to attend a meeting regarding care provided to the child in connection with the child’s health conditions or disability. [N.J.S.A. 18A:30-1(a)(6).]

Whether Auxter and Boyle should have been able to use their accrued sick time to attend their children’s event is a question of pure statutory interpretation. When interpreting a statute, a court first looks to its plain meaning; it is only when the plain meaning is unclear or susceptible to multiple interpretations that a court should look to extrinsic materials for an interpretation. State v. Gelman, 195 N.J. 475, 482 (2008). Auxter and Boyle undisputably did not intend to use their sick time to attend a “conference” or “meeting,” connected to a child’s health or disabilities or otherwise. The question, then, is if the concert and presentation are “school-related . . . function[s] or other event[s]” and if their presence was “requested or required” by an administrator, teacher, or other professional staff member.

The first requirement of the statutory provision is that the school staff member must request “to attend child’s school-related conference, meeting, function or other event.” The Legacy Presentation and school concert are obviously not conferences or meetings; what remains is whether they are “function[s]” or “other event[s]” within the meaning of the statute.

Auxter and Boyle advance an expansive reading of “function or other event.” They allege that the concert and the presentation are clearly functions or events and propose that a plain reading of the statute supports their interpretation.

The Board, meanwhile, advances a very restricted reading of “function or other event.” It proposes that, because of the assumption that words in a statute are not superfluous, a definition of “other event” or “function” that renders “meeting” and “conference” irrelevant is not tenable. It proposes that, under *noscitur a sociis* – “it is known by its associates,” “function” and “other event” must be limited by certain “common characteristics” of meetings and conferences; specifically, that they “involve structured, two-way communication about the child’s individual educational needs . . . require active parental participation rather than passive observation . . . and . . . address matters where the parent’s engagement is necessary to the child’s educational progress.” *Id.* The Board also asserts that this restriction fits with the intent of the statute, which is focused primarily on what the Board characterizes as “necessities” – such as caring for a sick relative or helping a family member fleeing domestic violence. *Id.* at 10; *see* N.J.S.A. 18A:30-1(a). The Board provides as permissible uses “parents attending IEP meetings, parent-teacher conferences, academic intervention discussions, or child study team evaluations,” and suggests that a more expansive reading lends to absurd results, allowing teachers to use sick leave for “daily dismissal, morning dropoff, lunch visits, classroom parties, field days, or any other routine school activity.” *Id.* at 10-11.

The Board misapplies canons of construction to reach its result. When applying principles of *noscitur a sociis*, and to prevent “conference” and “meeting” from being rendered superfluous, the Board reads “function” and “other event” as restricted by the definitions of “meeting” and “conference.” Because this deals with a list of more specific terms, followed by a broader catch-all, this is more specifically an issue of *ejusdem generis* – “of the same kind.” When applying the principle of *ejusdem generis*, the most general term is read in a context limited by the specific terms. Restricting the reading of “function” and “other event” to readings of “conference” and “meeting” is improper use of these principles. Here, the general term is “other event”; “conference, meeting, [or] function” are the specific, qualifying terms.

When reading a statute, “words and phrases shall be read and construed with their context, and shall, unless inconsistent with the manifest intent of the legislature or unless

another or different meaning is expressly indicated, be given their generally accepted meaning.” N.J.S.A. 1:1-1. A “function” is defined as: “any ceremonious public or social gathering or occasion,” “an official or formal ceremony or social gathering,” “an official or social occasion,” “a social event or official ceremony.” Function, Dictionary.com (Feb. 17, 2026), <https://www.dictionary.com/browse/function>; Function, Merriam-Webster (February 17, 2026), <https://www.merriam-webster.com/dictionary/function>; Function, Wiktionary (February 17, 2026), <https://en.wiktionary.org/wiki/function>; Function, Oxford Learner’s Dictionary (February 17, 2026), https://www.oxfordlearnersdictionaries.com/us/definition/english/function_1?q=function#google_vignette. “Function” is a word with social, official, and ceremonial implications. It necessarily indicates the kind of “entertainment performances, celebratory gatherings, and spectator events” that the Board alleges are not applicable. Respondent’s Brief at 11.

It is certainly true that a reading of a statute should not render other terms superfluous, but the Board’s proposed reading renders “function” irrelevant. Functions are, broadly, official social events; they are so distinct from meetings and conferences, which are generally not social events, that the combination suggests a relatively expansive reading of “other events.” This does not mean that everyday occurrences are applicable for use of sick leave under the statute, but it does suggest that both social and academic events are.¹ To apply this logic to the Board’s list of potentially absurd results, school staff members would not be able to use their sick leave for “daily dismissal, morning drop-off, [and] lunch visits” unless for a special event that they were invited to. “Classroom parties” and “field days” would likely be viable events, but school staff members would still have to be invited to them. Daily dismissal, morning drop-off, lunch visits, and other routine, daily occurrences are not events and would therefore not be viable uses of sick time under the statute.

¹ Despite the Board’s suggestion to the contrary, IEP meetings and child study team meetings are affirmatively *not* the type of meetings that are encompassed by “school-related conference[s], meeting[s], function[s] or other event[s].” They are addressed in the second half of the provision as “a meeting regarding care provided to the child in connection with the child’s health conditions or disability.” N.J.S.A. 18A:30-1(a)(6).

Finding that “function[s] or other event[s] requested or required by a school administrator, teacher, or other professional staff member responsible for the child’s education” means something else would mean imposing restrictions that do not exist in the statute. A plain reading of the provision includes school-related functions or events like the Legacy presentation and the Concert.

The second statutory requirement for this use of sick leave is that the parent or guardian’s presence be “requested or required by a school administrator, teacher, or other professional staff member responsible for the child’s education.”

Once again, Auxter and Boyle advance a more expansive reading of “requested or required,” alleging that the statute necessitates nothing more than an invitation from a school professional in charge of their children’s education. The Board, however, proposes that a mere invitation is not enough to satisfy this requirement, instead suggesting that a “request” is only valid in the case of events that “would benefit” from parents attending and their presence is “required or desired, as opposed to an event where the parents are merely passive spectators.” An invitation notifying a parent that they may attend an event, according to the Board, is not the same thing as a request or a requirement.

This is a deeply arbitrary reading of the statute. A parent’s presence is not made less “desirable” or “beneficial” simply because they attend an event as a passive observer; the point of their attendance at such passive events, such as a performance, is to provide support and encouragement to their child. Furthermore, and more importantly, there is nothing in the text of the statute that suggests such a restriction on the request or requirement; it only states that the parent or guardian’s presence be “requested or required” by a school official. An invitation is transparently a request to attend an event. So long as the request was properly provided by a school staff member in charge of a child’s education, it is sufficient under the plain text of the statute.

Therefore, because the concert and legacy presentation were functions or other events for purposes of the statute and because Auxter and Boyle were properly invited

by school staff members, they were improperly denied use of their sick leave by the Board.

CONCLUSION

The plain meaning of N.J.S.A. 18A:30-1(a)(6) dictates the outcome of the competing motions for summary decision. N.J.S.A. 18A:30-1(a)(6) allows school staff to use their accrued sick leave to attend “school-related . . . function[s] and other event[s] requested or required by a school administrator, teacher, or other professional staff member responsible for the child’s education.” The petitioners must prevail on summary judgement because, under a plain reading of the law, they were allowed to use their accrued sick leave to attend their children’s school-related events. Employees of the Board who have been deprived of use of their accrued sick time to attend their children’s “meetings, conferences, functions and other events” when their presence was “requested or required” by school staff should be made whole.

ORDER

IT IS on this 27th day of March 2026 **ORDERED** that:

1. Petitioner’s motion for summary decision is **GRANTED**.
2. Respondent’s motion for summary decision is **DENIED**.
3. Respondent shall correct all employment records to reflect the petitioner Lynda Auxter’s use of accrued paid sick time for attendance at her child’s legacy presentation on December 18, 2024 and credit any of her accrued personal time utilized to attend the event.
4. Respondent shall correct all employment records to reflect the petitioner Darcy Boyle’s use of accrued paid sick time for attendance at her child’s School Holiday Sing on December 18, 2024 and credit any of her accrued personal time utilized to attend the event.

This Initial Decision resolves all outstanding issues in this case.

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.



March 30, 2026

DATE

WILLIAM J. COURTNEY, ALJ

Date Received at Agency:

Date Mailed to Parties:

db

List of Moving Papers

For Petitioner:

Petitioners' Brief in Support of Their Motion for Summary Decision

Petitioners' Brief in Opposition to Respondent's Cross-Motion for Summary Decision

For Respondent:

Brief in Support of Respondent's Motion for Summary Decision