

New Jersey Commissioner of Education
Final Decision

Askiaa J. Nash,

Petitioner,

v.

Board of Education of the Paterson Public
Schools, Passaic County, and Laurie W. Newell,
Superintendent,

Respondent.

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

Upon review, the Commissioner concurs with the Administrative Law Judge that petitioner's appeal was untimely pursuant to *N.J.A.C. 6A:3-1.3(i)*.

Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.¹



COMMISSIONER OF EDUCATION

Date of Decision: August 6, 2026

Date of Mailing: August 6, 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

DISMISSAL

OAL DKT. NO. EDU 02375-26

AGENCY DKT. NO. 443-12/25

ASKIAA NASH,

Petitioner,

v.

PATERSON BOARD OF EDUCATION,

PASSAIC COUNTY, AND LAURIE W.

NEWELL, SUPERINTENDENT

Respondent.

Askiaa Nash, petitioner, pro se

Courtney M. Gaccione, Esq., for respondent (Chiesa, Shahinian & Giantomasi,
P.C., attorneys)

Record Closed: May 28, 2026

Decided: June 1, 2026

BEFORE **ANDREA PERRY VILLANI**, ALJ:

STATEMENT OF THE CASE

Respondent, Paterson Board of Education, notified petitioner, Askiaa Nash, on May 15, 2025, that it would not rehire him as Media Specialist for the next school year.

Seven months later, on December 15, 2025, Nash appealed the Board's decision not to rehire him. Is his appeal time barred? Yes. Under N.J.A.C. 6A:3-1.3(d), a petitioner must appeal a Board's decision no later than ninety days after receiving notice of the decision.

PROCEDURAL HISTORY

On May 15, 2025, Paterson Board of Education (Board) notified petitioner that it was not rehiring him for the 2025-2026 school year and that his employment would end on June 30, 2025.

On December 15, 2025, petitioner filed an appeal seeking re-employment with the Board.

On February 10, 2026, the Office of Controversies and Disputes transmitted the case to the Office of Administrative Law (OAL) as a contested case under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23.

On March 10, 2026, I conducted a prehearing conference, the Board asked to file a motion to dismiss, and I set a briefing schedule. On April 10, 2026, the Board filed its motion. On May 13, 2026, petitioner filed his response. On May 22, 2026, the Board filed its reply, and I closed the record.

On May 28, 2026, I reopened the record because petitioner filed a reply to the Board's reply. I did not authorize petitioner to file this reply, and it was not part of the briefing schedule. However, I did consider it. It did not change my decision, and I closed the record again the same day.

FINDINGS OF FACT

Based on the parties' briefs and supporting documents, I **FIND** the following as **FACT** for purposes of this motion only:

The Board hired petitioner as an Educational Media Specialist on September 1, 2024. During the 2024-2025 school year, the Board allegedly failed to assign the petitioner a mentor and did not properly train or supervise him. On May 15, 2025, the Board notified petitioner that it was not rehiring him for the 2025-2026 school year and that his employment would end on June 30, 2025. On December 15, 2025, petitioner filed his appeal.

CONCLUSIONS OF LAW

Under N.J.A.C. 6A:3-1.10, the Commissioner of Education (Commissioner) may dismiss a petition on the grounds that the petitioner has advanced no cause of action even if the petitioner's factual allegations are accepted as true. See Sloan v. Klagholtz, 342 N.J. Super. 385, 394 (App. Div. 2001). The inquiry is limited to examining the legal sufficiency of the facts alleged on the face of the complaint. Printing Mart-Morristown v. Sharp Elecs. Corp., 116 N.J. 739, 746 (1989). In other words, "[t]he legal requisites for [the petitioner's] claim must be apparent from the complaint itself." Edwards v. Prudential Prop. & Cas. Co., 357 N.J. Super. 196, 202 (App Div.), certif. denied, 176 N.J. 278 (2003).

Under N.J.A.C. 6A:3-1.3(d), a party must file an appeal with the Commissioner "no later than the 90th day from the date of receipt of the notice of a final order, ruling, or other action by the district board of education, individual party, or agency, that is the subject of the requested contested case hearing." This rule "provides a measure of repose, an essential element in the proper and efficient administration of the school laws," giving school districts the "security of knowing" that an aggrieved party cannot challenge its actions after ninety days. Kaprow v. Board of Educ. of Berkeley Twp., 131 N.J. 572, 582 (1993).

Courts strictly construe and consistently apply the ninety-day limitation period. Kaprow, 131 N.J. at 588-89; Nissman v. Bd. of Educ., 272 N.J. Super 373, 380-81, (App. Div. 1994); Riely v. Bd. of Educ., 173 N.J. Super. 109, 112-14, (App. Div. 1980). The period begins to run when the petitioner "learn[s] from the Local Board the existence of the state of facts that would enable him to file a timely claim." Kaprow, 131 N.J. at 588-89. The "notice of a final order, ruling or other action" is "sufficient to inform an individual

of some fact that he or she has a right to know and that the communicating party has a duty to communicate." Id. at 587. Notably, a petitioner does not receive official and formal notification that they may have a valid claim to begin the ninety days. Id. at 588. The ninety-day filing period is a jurisdictional limitation, which the courts and the Commissioner strictly enforce and is typically not equitably relaxed absent fraud, defective notice, or misleading conduct by the school district. Riely, 173 N.J. Super. at 113.

In this case, petitioner does not assert fraud, defective notice, or misleading conduct; to the contrary, he acknowledges that he received notice from the Board on May 15, 2025. Thus, even accepting his position that the Board should not have terminated his employment and instead should rehire him because he was not given proper training, he still needed to file a petition asserting that position within ninety days of May 15th. Ninety days from May 15, 2025 was August 13, 2025. Petitioner did not file until December 15, 2025.

Still, the Commissioner may exercise his authority under N.J.A.C. 6A:3-1.1.6 to relax the application of the ninety-day rule "where strict adherence thereto may be deemed inappropriate or unnecessary or may result in injustice." However, exceptions to the ninety-day rule are only appropriate where compelling circumstances exist to justify the enlargement or relaxation of the time limit. See Kaprow, 131 N.J. at 590; DeMaio v. New Providence Bd. of Educ., 96 N.J.A.R.2d (EDU) 449, 453. Indeed, this extraordinary relief is usually reserved only for situations where the party presents a substantial constitutional issue or a matter of significant public interest beyond concern only to the parties. Portee v. Bd. of Educ. of Newark, 94 N.J.A.R.2d (EDU) 381, 384; Wise v. Trenton Bd. of Educ., EDU 160-00, Initial Decision (July 25, 2000), adopted, Comm'r Decision (September 11, 2000), aff'd, St. Bd. (January 3, 2001), <http://njlaw.rutgers.edu/collections/oal/>.

In this case, petitioner's claim has only personal significance, making relaxation of the rule inappropriate. Furthermore, petitioner has given no reason at all for his late filing. Therefore, I **CONCLUDE** that there's no exceptional circumstance or compelling reason

warranting relaxation of the ninety-day rule; and, as petitioner's appeal was filed well beyond ninety days, it must be dismissed.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that the Board's motion to dismiss is **GRANTED** and the petition of appeal is **DISMISSED**.

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, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

June 1, 2026



DATE

ANDREA PERRY VILLANI, ALJ

Date Received at Agency:

June 1, 2026

Date Mailed to Parties:
sej

June 1, 2026

DOCUMENTS RELIED ON

Respondent's April 10, 2026 Motion to Dismiss

Exhibit A Pro Se Petition of Appeal

Exhibit B Respondent's Answer

Petitioner's May 13, 2026 Brief in Opposition to Motion to Dismiss

Respondent's May 22, 2026 Reply Brief

Petitioner's May 28, 2026 Reply to Respondent's Reply