

EDU #160-00
C #301-00
SB # 58-00

CORDELL WISE, :
PETITIONER-APPELLANT, :
V. : STATE BOARD OF EDUCATION
BOARD OF EDUCATION OF THE CITY: DECISION
OF TRENTON, MERCER COUNTY, :
RESPONDENT-RESPONDENT. :
_____ :

Decided by the Commissioner of Education, September 11, 2000

For the Petitioner-Appellant, Joseph F. Polino, Esq.

For the Respondent-Respondent, Sumners, George & Dortch (Thomas W. Sumners, Jr., Esq., of Counsel)

The decision of the Commissioner of Education to dismiss the petition in this matter as untimely pursuant to N.J.A.C. 6:24-1.2(c) [now codified at N.J.A.C. 6A:3-1.3(d)] is affirmed for the reasons expressed therein.

We stress, in addition, that a district board has virtually unlimited discretion in hiring or renewing non-tenured teachers. Dore v. Bedminster Twp. Bd. of Ed., 185 N.J. Super. 447 (App. Div. 1982). “[A]bsent constitutional constraints or legislation affecting the tenure rights of teachers, local boards of education have an almost complete right to terminate the services of a teacher who has no tenure and is regarded as undesirable by the local board.” Id. at 456. Thus, where a non-tenured teacher challenges a district

board's decision to terminate his employment on the grounds that the reasons provided by the board are not supported by the facts, he is entitled to litigate that question only if the facts he alleges, if true, would constitute a violation of constitutional or legislatively-conferred rights. Guerrero v. Board of Education of the Borough of Glen Rock, decided by the State Board of Education, February 5, 1986, aff'd, Docket #A-3316-85T6 (App. Div. 1986).

January 3, 2001

Date of mailing _____