

EDU # 5952-03
C# 194-05
SB # 28-05

GAIL SARCONE, :
PETITIONER-APPELLANT, : STATE BOARD OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE TOWN OF :
HACKETTSTOWN, WARREN COUNTY, :
RESPONDENT-RESPONDENT. :
_____ :

Decided by the Commissioner of Education, May 26, 2005

For the Petitioner-Appellant, Oxfeld Cohen, P.C. (Sanford R. Oxfeld, Esq.,
of Counsel)

For the Respondent-Respondent, Apruzzese, McDermott, Mastro &
Murphy (James L. Plosia, Jr., Esq., of Counsel)

The petitioner, a tenured school psychologist, filed a petition of appeal with the Commissioner of Education alleging that the Hackettstown Board had violated her tenure rights by freezing her salary in order to recoup overpayments. On May 26, 2005, the Commissioner upheld the Board's action to recoup overpayments from the petitioner for the 1994-95 and 1995-96 school years, and he dismissed the petitioner's contractual claims for lack of jurisdiction.

The petitioner filed the instant appeal to the State Board.

On January 19, 2006, the parties submitted a proposed settlement agreement. In the proposed agreement, the petitioner agrees that the Board may retain \$5,000 of the \$10,104 withheld as of the end of the 2004-05 school year, and the Board agrees to

return \$5,104 to the petitioner. For the 2005-06 school year and for each year thereafter, the parties agree that the petitioner's salary would be based on her salary as reflected in the district's 1996-99 collective bargaining agreement.

We have reviewed the proposed settlement and find it to be in accord with the principles expressed in In re Cardonick, decided by the State Board of Education, April 6, 1983. We therefore approve the settlement in this matter.

March 1, 2006

Date of mailing _____