

EDU #4968-01
C # 93-06
SB # 15-06

DANIEL MC HARRIS, :
PETITIONER-CROSS APPELLANT, :
V. : STATE BOARD OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF NORTH BRUNSWICK,
MIDDLESEX COUNTY, :
RESPONDENT-APPELLANT. :

Decided by the Acting Commissioner of Education, March 7, 2006

For the Petitioner-Cross Appellant, Montenegro, Thompson, Montenegro
& Genz (Ben A. Montenegro, Esq., of Counsel)

For the Respondent-Appellant, Borrus, Goldin, Foley, Vignuolo, Hyman &
Stahl (Anthony B. Vignuolo, Esq., of Counsel)

The petitioner, a former In-School Suspension supervisor with the North Brunswick Township Board of Education, filed a petition with the Commissioner of Education claiming entitlement to indemnification pursuant to N.J.S.A. 18A:16-6.1 for his costs incurred in defending against criminal charges, of which he was acquitted, of official misconduct and sexual harassment relating to four high school students. On March 7, 2006, the Acting Commissioner¹ concluded that the petitioner was entitled to reimbursement and awarded him \$174,593 in legal fees and \$9,103.05 in costs.

¹ We note that on October 16, 2006, Acting Commissioner Lucille E. Davy was confirmed as the Commissioner of Education.

The North Brunswick Board filed an appeal to the State Board, and the petitioner filed a cross appeal.

On August 2, 2006, the parties submitted a proposed settlement agreement to the State Board. In the proposed agreement, the North Brunswick Board agrees to pay petitioner \$150,000 in legal fees and \$9,103.05 in costs in full settlement of this matter.

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. Therefore, we approve the settlement in this matter.

November 1, 2006

Date of mailing _____