

EDU# 9192-04
C # 380-06
SB # 49-06

DAVID A. SMITH, :
PETITIONER-RESPONDENT, : STATE BOARD OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE GREAT :
MEADOWS REGIONAL SCHOOL DISTRICT, :
WARREN COUNTY, :
RESPONDENT-APPELLANT. :

Decided by the Commissioner of Education, November 2, 2006

For the Petitioner-Respondent, Wayne J. Oppito, Esq.

For the Respondent-Appellant, Courter, Kobert & Cohen
(Jason P. Gratt, Esq. of Counsel)

The petitioner, a former principal and assistant principal in the Great Meadows regional school district, filed a petition of appeal with the Commissioner claiming that the Regional Board had violated his tenure rights when it failed to offer him employment as an assistant principal for the 2004-2005 school year while retaining a non-tenured individual in that position. The Commissioner agreed with the petitioner that he had achieved tenure in the district as an assistant principal under the tacking provision of N.J.S.A. 18A:28-6, and she ordered the Regional Board to compensate the petitioner for salary and benefits retroactive to July 1, 2004, subject to appropriate mitigation.

The Regional Board filed an appeal to the State Board.

On July 2, 2007, the parties submitted a proposed settlement agreement to the State Board. In the proposed agreement, the Regional Board agrees to pay petitioner \$46,870.34 in back pay and \$18,129.66 for health and dental benefits, totaling \$65,000, in full settlement of this matter, and the petitioner agrees to waive his entitlement to be placed on the district's preferred eligibility list.

We have reviewed the proposed settlement agreement 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.

Arnold Hyndman abstained.

August 1, 2007

Date of mailing _____