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**EDUCATION**

44 N.J.R. 1796(a)

**STATE BOARD OF EDUCATION**

**Notice of Receipt of Petition for Rulemaking**

**N.J.A.C. 6A:3-5.1 Filing of written charges and certificate of determination**

**N.J.A.C. 6A:3-5.2 Format of certificate of determination**

Petitioner: Christine Gillespie

**Take notice** that on May 2, 2012, the New Jersey State Board of Education received a petition for rulemaking from the above petitioner requesting that the State Board of Education repeal the rules pertaining to the Charges Under Tenure Employees Hearing Act, pursuant to N.J.A.C. 6A:3-5.1(b)4 and 6 and (c)8 and 9, and N.J.A.C. 6A:3-5.2(a)1 and 3, as a result of numerous alleged violations of State, Federal, and constitutional law. The petitioner is requesting that the State Board of Education fulfill its responsibility under N.J.S.A. 18A:4-15 to implement the Tenure Employees Hearing Law set forth at N.J.S.A. 18A:6-11 as written and mandated by the New Jersey Legislature and repeal the *ultra vires*, unconstitutional, and void *ab initio* agency rules, and enforce the legislative rules. The petitioner also requests that the legislative rules which have implemented N.J.S.A. 18A:6-11 for several decades, as it applies to all tenured employees, be set free of *ultra vires* interpretive rules which ride "piggy-back" on these legislative rules to allow discriminatory, illegal denial of tenure rights of tenured employees in State-operated school districts. The petitioner states that there is no authority granted in the identified statutes that permits tenure due process rights to be denied tenured employees of State-operated school districts. The petitioner also states that the Department of Education's failure to be able to identify any specific authority for its rulemaking rendered its action void *ab initio* and a violation of the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-4(a)(2), which requires the specific legal authority under which the rule adoption is authorized.

The petitioner further states that the agency rules violate nearly a dozen statutes in Title 18A, the United States and the New Jersey Constitutions, the Administrative Procedure Act, and the Employer-Employee Relations Act, N.J.S.A. 34:13A-1 to 30.

In accordance with applicable law N.J.A.C. 1:30-4.2, the Department shall subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.