

EDU # 7553-00 and 9906-00 (consolidated)
C # 176-01
SB # 20-01

JOHN HOWARD, JR.,	:	
	:	
PETITIONER-RESPONDENT,	:	STATE BOARD OF EDUCATION
	:	
V.	:	DECISION ON MOTION
	:	
BOARD OF EDUCATION OF THE CITY	:	
OF EAST ORANGE, ESSEX COUNTY,	:	
	:	
RESPONDENT-APPELLANT.	:	
_____	:	

Decided by the Commissioner of Education, June 5, 2001

Decided by the State Board of Education, November 7, 2001

For the Respondent-Appellant, Schwartz, Simon, Edelstein, Celso &
Kessler (Stefani C. Schwartz, Esq., of Counsel)

For the Petitioner-Respondent, Andrew Babiak, Esq.

On November 7, 2001, the State Board of Education affirmed the decision of the Commissioner of Education to grant summary decision to the petitioner, the superintendent of schools in East Orange, agreeing that the East Orange Board had rescinded the petitioner's contract in 1995 and reappointed him to a new five-year term commencing on June 1, 1995. We further agreed that as a result of the East Orange Board's failure to provide the petitioner with notice of nonrenewal at least one year prior to the expiration of that contract on June 30, 2000, he was deemed reappointed for another five-year term beginning on July 1, 2000 by operation of N.J.S.A. 18A:17-20.1.

The East Orange Board filed an appeal to the Appellate Division and also filed a motion with the State Board for a stay of our decision. The Board contends that it is likely to succeed on the merits of its appeal and that it will suffer irreparable harm if a stay is not granted. The petitioner filed a brief in opposition to that motion.

After a careful review of the parties' submissions, we find that the application of the East Orange Board fails to meet the standards that would entitle it to relief under Crowe v. De Gioia, 90 N.J. 126 (1982). We therefore deny its motion for a stay.

Debra Casha recused herself.

February 6, 2002

Date of mailing _____