

LAW FIRM OF WILLIAM KOY
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PAULA SANTANA

Petitioner,

—vs—

BEFORE THE COMMISSIONER OF
EDUCATION OF NEW JERSEY

PATERSON BOARD OF EDUCATION

PETITION

Respondent.

Petitioner, **Paula Santana**, residing at 68 E 20th Street, Paterson, New Jersey, hereby requests the Commissioner of Education to consider a controversy which has arisen between the Petitioner and Respondent whose address is 90 Delaware Ave., Paterson, 07503 New Jersey, pursuant to the authority of the Commissioner to hear and determine controversies under the school law (*N.J.S.A.* 18A:6-9), by reason of the following facts:

FIRST COUNT

1. Petitioner is a citizen and resident of the State of New Jersey, residing in the Township of Paterson, County of Passaic, State of New Jersey.
2. Petitioner has been employed as a teaching staff member and administrator at the Paterson Township Board of Education for over thirty years without issue.
3. Since 1989, Petitioner's specific assignment was Principal at School 11, Paterson, New Jersey.
4. Petitioner suffers from disabilities which includes COPD, a respiratory disorder which

requires her to use and carry oxygen tanks.

5. With minimal reasonable accommodation Petitioner has performed all of her job duties for years without issue. .
6. In August 2011, Petitioner met Dr. Donnie Evans, State District Superintendent, for a principal's meeting at 90 Delaware Avenue. At this meeting, Petitioner had a breathing incident that forced her to leave the meeting. This incident took some time to resolve itself and, as a result, Petitioner was not available for immediate follow up meetings with Dr. Evans.
7. After this incident, a pattern of harassment and retaliation began against Petitioner. She received a substandard evaluation for the first time in her career from Aubrey Johnson. Petitioner filed a formal rebuttal to this "contrived" evaluation
8. On June 15, 2012, Petitioner was informed that she was to be removed from her position as Principal of School 11 and given the position of "Principal on Assignment - compliance reporting" She was notified of this transfer by letter on June 18, 2012. The transfer officially took effect on July 1, 2012.
9. Petitioner objected to this new position as she has never had any compliance training in her career. She also requested why a job description which was never given to her.
10. Upon Petitioner commencing this new position, it became clear that she was simply being placed "out of the way" as the new position has absolutely no duties or functions. While struggling to find productivity, the position is essentially to be away from the public eye. This transfer is clearly a demotion in responsibilities and an adverse action affecting the terms and conditions of Petitioner's employment.
11. This position is an insult to Petitioner and clear retaliation and discrimination for her

disabilities and missing meetings with Dr. Evans. The individual assuming Petitioner's job duties is woefully unqualified nor has any experience that the position requires. Petitioner's multiple requests to be returned to her prior position have been ignored.

12. The actions of the Respondent, including Dr. Evans and Aubrey Johnson are *discriminatory, retaliatory, arbitrary and capricious* in its transfer ("demotion") of Petitioner.
13. The actions of the Respondent indicate a showing of *bad faith*.

WHEREFORE, Petitioner requests that she immediately be reinstated to her position as Principal of School 11 in Paterson along with reasonable attorneys fees and costs, and any other further relief deemed appropriate by the Commissioner

LAW FIRM OF WILLIAM KOY

Attorneys for Petitioner

BY: _____

WILLIAM J. KOY

Dated: September 12, 2012

CERTIFICATION PURSUANT TO R. 1:4-4(c)

This foregoing certification of Robert Skiba contains a facsimile signature. Ms. Santana was not available to sign it. I certify that Paula Santana acknowledged the genuineness of her signature, and that the document or a copy with an original signature affixed will be filed if requested by the Court or any party.



ROBERT C. SKIBA, ESQ.

Dated: September 12, 2012