

FEES

FIELD TRIPS

FIFTH AMENDMENT AND SELF-INCRIMINATION

Non-tenured janitor's Fifth Amendment rights not violated when provided with opportunity to make statement during closed portion of board meeting regarding his continued employment prior to municipal court proceedings on criminal charge of harassment (94 N.J.A.R.2d (EDU) 279, Hugg)

FIREARMS

FIREMAN

FIRST AMENDMENT RIGHTS

(See also "Religion" this index)

Junior high school officials violated student's First Amendment rights by excluding from extracurricular school newspaper student's review of R-rated movies; school policy was vaguely defined and loosely applied (Desilets v. Clearview Regional Bd. of Ed., 266 N.J. Super. 531 (App. Div. 1993), aff'd 137 N.J. 585 (1994))

Non-renewal of lunch aide's employment contract because of her exercise of permissible free speech under First Amendment was null and void (94 N.J.A.R.2d (EDU) 352, Parente, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 500)

FIRST AMENDMENT RIGHTS

Ohio statute banning anonymous political campaign literature violated First Amendment. McIntyre v. Ohio Elections, 115 S.Ct. 1511 (1995) See also Pleasantville, 95 N.J.A.R.2d (EDU) 576.

Student's first amendment rights of free speech and religious exercise were not violated by refusal to allow student to read Beginner's Bible to class. Student failed to state First Amendment claim based on incident where student's poster of Jesus was removed in hallway absent showing of involvement by defendants. Case remanded to allow student opportunity to amend complaint to state claim regarding poster incident. C.H. v. Oliva, 226 F.3d 198 (3d Cir. CA 2000), certif. den. 121 S.Ct. 2519 (2000)

Teacher's derogatory remarks about African history, made to radio call-in show, protected by First Amendment (95 N.J.A.R.2d (EDU) 164, Clark, aff'd St. Bd. 95 N.J.A.R.2d (EDU) 190)

Where it is clear school district would have made the decision to not renew regardless of whether teacher's political affiliation amounted to a protected affiliation, there is no First Amendment violation (97 N.J.A.R.2d (EDU) 289, Young, aff'd St. Bd. 97 N.J.A.R.2d (EDU) 555, aff'd App. Div. unpub. op. Dkt. No. A-6496-96T5, May 28, 1998)

FISCAL MONITOR

Authority of fiscal monitor to abolish position discussed by ALJ but not passed on by Commissioner or State Board (96 N.J.A.R.2d (EDU) 321, Dearden, aff'd St. Bd. 96 N.J.A.R.2d (EDU) 331, aff'd App. Div. 97 N.J.A.R.2d (EDU) 318)

Commissioner had power to appoint Fiscal Monitor to oversee and control board's fiscal operations; however, the terms of the order appointing the monitor did not authorize the monitor to abolish staff positions without the board's approval (98:Jan. 7, Wollman, St. Bd. rev'g 96 N.J.A.R.2d (EDU) 20)

Fiscal Monitor, like a board, cannot disregard the tenure laws if he or she wishes to terminate a [tenured employee] (96 N.J.A.R.2d (EDU) 20, Wollman, rev'd on other grounds St. Bd. 98:Jan. 7)

When Fiscal Monitor is appointed, board and administration remain in their positions and board retains control over non-fiscal matters (96 N.J.A.R.2d (EDU) 20, Wollman, rev'd on other grounds St. Bd. 98:Jan. 7)

FLAG

FORFEITURE

(See also "Tenure - Criminal conduct" this index)

Board candidates not convicted of offense, 2A:170-77 statute of forfeiture did not apply (96 N.J.A.R.2d (EDU) 10, New Providence)

Federal conviction for shoplifting requires automatic forfeiture and precludes need to certify tenure charges (90:505, Peterson)

Forfeiture: Commissioner of Education does not have jurisdiction to enter order of forfeiture of public employment upon conviction; Only the sentencing court can do that. Remanded to OAL for further proceedings on tenure charges and increment withholding (98:June 25, Ercolano) (See subsequent Commissioner decisions at 00:April 17, 00:May 1 and St. Bd. Dismissal 01:June 6)

Forfeiture of position by operation of law precludes tenure charges - Teaching staff member pled guilty to 1st degree sexual assault (97 N.J.A.R.2d (EDU) 7, Thomassen)

Forfeiture pursuant to N.J.S.A. 2C:51-2, as amended in 1995, not within the jurisdiction of Commissioner of Education (97 N.J.A.R.2d (EDU) 449, Vitacco)

SBA's criminal matters warranted forfeiture of position (97 N.J.A.R.2d (EDU) 361, Marano)

Tenured custodian's guilty plea to criminal sexual conduct with his mentally retarded stepdaughter did not result in automatic forfeiture because the offense did not touch and concern his employment; however, it is conduct unbecoming and termination is appropriate penalty (95 N.J.A.R.2d (EDU) 457, Efferen, aff'g 95 N.J.A.R.2d 304, see 96 N.J.A.R.2d (EDU) 842, for 90-day rule opinion, aff'd St. Bd. 12/4/96, award of back pay aff'd App. Div. unpublished op. A-2680-96T5, Oct. 6, 1997)

FRATERNITIES

FUEL OIL PURCHASE

(See "Bidding" and "Budgets" this index)

FUNDING

Federal; non-supporting requirement does not bar the use of federal Part B funds to finance supplemental summer enrichment program even though program had previously been funded through improper expenditure of state and local funds (91:412, Newark)

Grant funds were not expended or "committed" by date established by terms of grant when they were simply "reserved" or "pledged"; recoupment of grant monies ordered through adjustments in state aid (95:July 12, Jersey City)