

**MATERNITY LEAVE**

(See "Leaves of Absence" this index)

**MATRON**

(See "Janitors" and "Tenure" this index)

**MEDICAL INSPECTOR**

(See "Physical and Psychiatric Examinations" this index)

#### **MEGAN'S LAW**

Attorney General guidelines were not subject to rulemaking requirements of APA. Doe v. Poritz, 283 N.J. Super. 372 (Law Div. 1995), aff'd as modified 142 N.J. 1 (1995)

Offender had protectible due process liberty interest in nondisclosure and reputation requiring hearing before notification. Doe v. Poritz, 283 N.J. Super. 372 (Law Div. 1995), aff'd as modified 142 N.J. 1 (1995)

Statutes requiring registration and community notification of convicted sex offenders were constitutional. Doe v. Poritz, 283 N.J. Super. 372 (Law Div. 1995), aff'd as modified 142 N.J. 1 (1995)

Statutory registration and community notification of convicted sex offender was not punishment for past crimes, double jeopardy, invasion of privacy, or violation of equal protection. Doe v. Poritz, 283 N.J. Super. 372 (Law Div. 1995), aff'd as modified 142 N.J. 1 (1995)

#### **MILITARY LEAVE OR SERVICE**

Board did not abuse its discretion by compressing military service credit and teaching experience on salary guide (97 N.J.A.R.2d (EDU) 324, Wurster)

N.J.S.A. 18A:28-11.1, granting seniority credit for military service, applies to teachers in Department of Human Services (95 N.J.A.R.2d (EDU) 364, Sparacio)

Petitioner was given proper credit for his military service when initially placed on salary guide (97 N.J.A.R.2d (EDU) 324, Wurster)

Teacher has responsibility of documenting claimed military service for purpose of seniority credit; failure to do so prior to RIF defeats instant tenure claim but board directed to credit teacher for military service in all future determinations (94 N.J.A.R.2d (EDU) 45, Jabour, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 319, aff'd App. Div. 95 N.J.A.R.2d (EDU) 492)

#### **MILK CONTRACTS**

(See "Bidding" this index)

#### **MITIGATION**

Reinstatement, compensation, related emoluments and seniority remedy for improper RIF. Duty to mitigate compensation (97 N.J.A.R.2d (EDU) 283, Brueck and Fochesato, dismissed St. Bd. 97 N.J.A.R.2d (EDU) 555)

## MOOT ISSUES OR QUESTIONS

- Challenge to denial of admission into gifted and talented program dismissed as moot when student moved out of district (97 N.J.A.R.2d (EDU) 270, Spivak)
- Challenge to reprimand was rendered moot by board's removal from personnel file (90:47, Page, appeal dismissed for failure to perfect, 91:2580)
- Commissioner remanded matter to OAL to determine whether board acted within its authority in creating and rescinding a policy to confer tenure upon the position of principal after a period of 24 months continuous employment, notwithstanding the fact that the individuals in question achieved tenure under the three-year statutory period during the pendency of the matter because the issues involved here are of public importance and are "capable of repetition while evading review (97:March 7, Swaim)
- Complaint dismissed where tenured teacher was reinstated to position without loss of pay, benefits or seniority (96 N.J.A.R.2d (EDU) 839, Sheffield)
- Inquiry into alleged irregularities in election for one year term rendered moot by passage of time (93:Sept. 8, Lakewood)
- Petition by school no longer in operation for Department approval of courses no longer offered dismissed as moot (91:1093, First School for Careers)
- Petition seeking injunctive relief against expenditure of public funds for publication of newsletters by board rendered moot since election conducted (94 N.J.A.R.2d (EDU) 367, Mercer)
- Petitioner's request to have candidate's name removed from the ballot is moot because the election had already taken place and elections are no longer under the jurisdiction of the Commissioner of Education (97:April 7, Ridgefield Park)
- Pupil charges of illegal search, harassment and improper suspension moot where student left district and did not serve suspension (90:Aug. 30, G.A.C.)
- Question of whether board must pay salary increments according to schedule in expired agreement during negotiations is not moot; is novel question of education law implicating matters of substantial public interest (93 N.J.A.R.2d (EDU) 178, Neptune Twp. Education Assoc., aff'd St. Bd. 93 N.J.A.R.2d (EDU) 791, aff'd App. Div. unpub. op. (Dkt. No. A-1184-93T2, May 15, 1995), aff'd in part, rev'd in part 144 N.J. 16 (1996))

## **MOOT ISSUES OR QUESTIONS**

- Request to participate in graduation ceremonies rendered moot once ceremony over (92:Aug. 10, E.M.) (92:Aug. 10, Katona)
- Resolution of grievance was dependent on determination of tenure charges; therefore, tenure charges not moot despite teacher's resignation (96:May 1, Barshatky, St. Bd. rev'g 95 N.J.A.R.2d (EDU) 71)
- Tenure charge of inefficiency not moot even where elderly teacher resigns; Commissioner must review settlements or withdrawals (96:May 1, Barshatky, St. Bd. rev'g 95 N.J.A.R.2d (EDU) 71)
- Tenure charges dismissed without prejudice based on automatic forfeiture of position due to criminal conviction (93:Dec. 23, Campbell)
- Tenure charges dismissed without prejudice following principal's automatic forfeiture of position due to criminal conviction and subsequent resignation (93:June 28, Bracigliano)
- Tuition performance bond dispute rendered moot when petitioner ceased operation as private vocational school (91:1300, Computer Processing Institute)

## **MUNICIPALITIES**

(See "Budgets" and "Governing Body" this index)

## **MUSEUMS**