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ORIGINAL

No.

IN THE SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

JUL 30 2025

OFFICE OF THE CLERK

PETITIONER

Magdoulén A. Sawires

vs.

RESPONDENT(S)

Elizabeth Board Of Education , et al.

“ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT
OF NEW JERSEY - APPELLATE DIVISION”

PETITION FOR WRIT OF CERTIORARI

Magdoulén A. Sawires
1010 Morning Glory Dr.
Monroe TWP, NJ 08831

QUESTIONS PRESENTED

Teacher wrongfully dismissed, according to New Jersey Statutes Title 18A. Education 18A § 17-47, for school employees in New Jersey" When the dismissal of any teaching staff member before the expiration of his/her contract with the board of education shall be decided, upon appeal and investigation to separate the school member with a good cause."On the other hand, according to New Jersey Conscientious Employee Protection Act (CEPA) CEPA, known as the "whistleblower law," makes it illegal for boards of education to fire or discriminate against an employee, Employees who face discrimination.18A:6-30, firing employment without prior knowledge or investigation. In this case "Sawires Vs. Elizabeth BOE", the plaintiff got dismissed without prior knowledge or investigation before the end of her contact.

PETITION FOR WRIT OF CERTIORARI

Magdoulén A. Sawires, respectfully petitions for a writ of certiorari to review the Opinion of the New Jersey Superior Court – Appellate Division, which was denied certification by the New Jersey Supreme Court.

PARTIES TO THE PROCEEDING

Petitioner Magdoulén A. Sawires initiated legal proceedings challenging her alleged wrongful termination from employment in New Jersey. She pursued her case before

the New Jersey Superior Court, the New Jersey Superior Court – Appellate Division, and ultimately the New Jersey Supreme Court.

The Respondents, the Elizabeth Board of Education and the New Jersey Department of Labor, appeared as opposing parties in each of these proceedings before the aforementioned courts.

RELATED CASES

Sawires v. Elizabeth Board of Education
Docket No.: UNN-L-1760-23
Appeal 00071-23

MAGDOULEN A. SAWIRES v. BOARD OF REVIEW, DEPARTMENT OF LABOR
AND ELIZABETH BOARD OF EDUCATION,
SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION DOCKET NO. A-0956-23

Sawires v. Elizabeth Board of Education
Agency Docket No.: 176-6/24
OAL Docket No.: EDU 08315-24
SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-000599-24

TABLE OF CONTENTS

QUESTIONS PRESENTED	1
PARTIES TO THE PROCEEDING	2

RELATED CASES	2
TABLE OF CONTENTS.....	2
PETITION FOR WRIT OF CERTIORARI	3
INTRODUCTION	4
OPINIONS BELOW	5
JURISDICTION	5
Constitutional and Statutory Provisions Involved ..	6
STATEMENT OF THE CASE.....	7
REASONS FOR GRANTING THE PETITION ...	8-11
CONCLUSION.....	11

Appendix

- Appendix A Decision of State Trial Court of dismissed UNN-L-1760-23 a (A1-2)
- Appendix B Decision of State Appellate Court of Affirm A- 00071-23...a (B1-9)
- Appendix C Order of State Supreme Court Denying review a (C 1-1)
- Appendix D Department of Education Decision a (D 1 - 6)
- Appendix E Decision of State Appellate Court of dismissed A-000599-24. a (E 1-1)
- Appendix F Labor Department confirmation claims last day of work.

INTRODUCTION

Petitioner, Magdoulén A. Sawires, respectfully petitions this Court for a writ of certiorari to review the decision of the New Jersey Superior Court – Appellate Division, which dismissed the case of the petitioner and was subsequently denied certification by the New Jersey Supreme Court. This case presents important legal questions that implicate the New Jersey Conscientious Employee Protection Act (CEPA), New Jersey Statutes Title 18A (Education), and related laws governing the employment rights of public-school employees. Specifically, this case involves the wrongful termination of a public-school teacher, in violation of statutory protections under CEPA and Title 18A, without due process or proper notice.

On June 26, 2022, the petitioner was terminated from her teaching position at the Elizabeth Board of Education, despite her entitlement to a 60-day notice under her contract, and in direct contravention of New Jersey law. The failure of the school district to follow established procedures, along with a series of procedural irregularities in the handling of her termination, has resulted in multiple violations of her rights. The petitioner has faced similar wrongful dismissals in prior years, including incidents at the Paterson Board of Education and East Newark School District, underscoring a troubling pattern of disregard for employees' legal protections and anti-discrimination.

The Appellate Division's affirmation of the dismissal of the petitioner's claims, without a thorough examination of these critical legal issues, has deprived the petitioner of due process and her right to challenge her unlawful termination. Given the nature of the constitutional and statutory rights at stake, as well as the broader

implications for public employees, this Court's review is urgently required to address the significant legal questions presented, resolve conflicts in the lower court's rulings, and ensure the protection of fundamental rights for all public sector employees in New Jersey.

The petition for a writ of certiorari is submitted with the sincere request for this Court's intervention to clarify and uphold the legal rights of public employees, ensure uniformity in the interpretation of state labor laws, and provide due process protections to individuals like the petitioner.

OPINIONS BELOW

The judgment of the court of appeals was entered on July 11, 2024. A petition of certificate for rehearing was denied by New Jersey supreme court on May 27, 2025 (App, a (C1-1)). The opinion of the court of appeals" Affirm" 00071-23 (App, a(B1-9). An order of the Department of Education Commissioner (App. a (, D1-6), The appeal "ORDER DISMISSING" NO. A-000599-24 a (E1-1).

JURISDICTION

- Appeal Submitted April 29, 2024 – Decided June 3, 2024 Before Judges DeAlmeida and Jacobs. On appeal from the Superior Court of New Jersey, Law Division, Union County, Docket No. L-1760-23.

- Department of Education Commissioner Opinion 10.2.2023, SUPERIOR COURT OF NEW JERSEY APPELLATE DIVISION DOCKET NO. A-000599-24 ORDER DISMISSING APPEAL EDU 08315-24 STATEWIDE.

Constitutional and Statutory Provisions Involved

New Jersey Conscientious Employee Protection Act (CEPA), N.J. Stat. Ann. § 34:19-1 et seq., Title 18A - Education, N.J. Stat. Ann. § 18A:17-47 "No board of education shall dismiss, suspend, or take any adverse action against an employee without just cause, and any employee facing such action shall be provided with a full and fair hearing."

Elizabeth Board of Education Policy on Teacher Dismissal and Resignation "In accordance with board policy, no teacher shall be terminated without proper notice and a full hearing. Teachers also have the right to submit a resignation with proper notice."

STATEMENT

The decision significantly impairs the plaintiff's rights and access to due process in resolving her employment situation. This case involves discrimination, and it is evident upon review of the circumstances.

On June 26, 2022, Ms. Sawires was terminated from her position as a teacher without prior notice or explanation or even knowledge and terminated her contract without providing a clear reason or following proper legal procedure. On June 27,

2022, Ms. Sawires attempted to resign following the non - renewal contract rules which she received but resignation got rejected by the acting school Principal, who sign the final evaluation, inform her that she does not need to resign and the school district would locate her in a different location; he asks her to fill out the unemployment from July 1st for layoff reasons. On July, 6 the plaintiff found herself terminated from the school on 06/26/2022 without prior knowledge. Despite Ms. Sawires's repeated requests for the Acting Principal to show as a witness in related matters, he has declined to appear or provide testimony. Even Ms. Sawires seeking the justify through the Office of Administrative Law (OAL) even though the Commissioner of Education transmitted the case to the Office of Administrative Law (OAL) on June 14, 2024 before passing two years, still the case got dismissed by (OAL)Judge and got confirmed by Department of Education commissioner Judge a (E 1-6). However, no transcript or audio recording of the hearing has been made available for investigative purposes or to appeal the decision. Ms. Sawires initiated legal proceedings before the expiration of the two-year statute of limitations through the civil case, still the case was dismissed with no clear justification explained. There is no way to return or solve the work case than this civil case.

Second, this is not the first time the plaintiff received the same behavior for the department of education during her work. The plaintiff got terminated from the Paterson Board of education even though she submitted the resignation letter on time, same as she got terminated from East Newark after the school forgot to send the adjusted annual contract which is not the plaintiff's problem. The Supreme Court

has sealed records associated with this matter and may be the only authority capable of issuing a binding and comprehensive ruling. Ms. Sawires notes that the Appellate Division has twice dismissed her appeal in the same case, and that no further actions can be taken by lower courts until directed by the Supreme Court.

Moreover, according to the Elizabeth Board of Education policy, the employees have the right to speak in front of the board members after receiving a non-renewal contract, and the plaintiff requests that no one allow me to attend the board meeting. According to the Elizabeth School district, each new teacher supports having a mentor Teacher to direct the new teacher, which does not happen. Hence, as the plaintiff starts the job, she tries to follow up with other teachers as the district coach directs the plaintiff.

REASONS FOR GRANTING THE PETITION

This case raises important questions of law regarding the interpretation and application of the New Jersey Conscientious Employee Protection Act (CEPA), New Jersey Statutes Title 18A (Education), and teacher dismissal procedures under state law. Despite the repeated wrongful terminations of the petitioner, the lower courts' rulings have not adequately addressed these significant legal issues that affect not just the petitioner but potentially other employees in the public-school system. The Supreme Court's intervention is necessary to clarify how these laws should be applied to ensure due process protections for employees.

Inconsistent Legal Precedent:

The lower courts' failure to properly resolve the issues of wrongful termination under both CEPA and Title 18A § 17-47 reflects an inconsistency in applying state labor laws and education regulations. This lack of consistent interpretation leaves open critical questions about employee rights and protections in the public sector. The New Jersey Supreme Court is best positioned to establish uniform legal standards for such cases.

Violation of Due Process:

The petitioner was terminated from her teaching position without proper notice, investigation, or justification, as required by New Jersey state law. Despite the clear procedural violations, the lower courts have dismissed the appeal, denying the petitioner the opportunity to challenge the unlawful termination. By dismissing the case, the courts have effectively denied the petitioner's right to a fair hearing on her claims. The New Jersey Supreme Court should intervene to ensure due process is respected in employment disputes.

Repeated Discriminatory Treatment:

The petitioner has faced similar wrongful terminations in the past, including terminations from both the Paterson Board of Education and the East Newark School District under similarly questionable circumstances. The persistent nature of the

unlawful conduct warrants the Supreme Court's review, not only to correct the current case but to prevent continued discrimination against the petitioner and potentially other employees subjected to similar treatment.

Lack of Administrative Accountability:

The failure of the acting Principal to provide testimony or cooperate with the legal process is a crucial factor in this case. The school district's non-compliance with discovery requests and its failure to provide proper documentation further complicate the case.

Impact on the Public:

As an educator, the petitioner's wrongful termination affects not only her career but also her future and professional life. The failure of the lower courts to adequately address this case deprives the public of a clear legal precedent that could help ensure fair treatment for school employees across New Jersey. The Supreme Court's involvement is necessary to uphold principles of justice in public employment.

Finality and Legal Clarity:

The repeated dismissals of the petitioner's case by the Appellate Division, and the lack of a clear and comprehensive ruling, have left the case in legal limbo. The petitioner's rights are being disregarded without sufficient legal clarity or resolution. The New Jersey Supreme Court's review would provide finality, offering a binding

legal framework for similar future cases, ensuring that such employees' rights are protected in the future.

Conclusion

Given the complexity of the legal issues involved, the procedural violations, and the broader implications for public employees' rights under CEPA and related laws, the petition for a writ of certiorari should be granted. This case presents an ideal opportunity for the US Supreme Court to clarify critical issues related to employment protections for school employees and to rectify the violations of the petitioner's rights under the law.

Thank you,

Magdalen H. Davires