

WAYNE E. RULON, :
 :
 PETITIONER, :
 : COMMISSIONER OF EDUCATION
 V. :
 :
 : DECISION
 BOARD OF EDUCATION OF THE :
 BOROUGH OF GLASSBORO, :
 GLOUCESTER COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

Petitioner, a tenured teaching staff member employed by the respondent Board since 2005, appealed respondent’s decision not to re-hire him as the Glassboro High School boys’ tennis coach for the 2010-2011 school year – a position he had held for the three previous school years. Petitioner asserted that he met all of the district’s qualifications for the position, as well as those set forth in *N.J.A.C.* 6A:9-5.19, but that the person appointed to the position for 2010-2011 was not appropriately credentialed as she possessed only a Certificate of Eligibility with Advanced Standing (CEAS). The Board contended that it properly used its discretion in hiring an athletic coach with “superior qualifications”. The parties jointly stipulated to the facts in this matter, and both filed motions for summary decision.

The ALJ found, *inter alia*, that: there are no material facts in dispute, and the matter is ripe for summary decision; the issue in this case is whether the Board’s actions in hiring for the tennis coach position were in compliance with *N.J.A.C.* 6A:9-5.19, the controlling regulation at the time; a plain reading of *N.J.A.C.* 6A:9-5.19 prescribes that a board of education must hire a qualified and certificated applicant for a coaching position unless such a person does not exist; the Board erred in hiring an applicant who was not fully certified, but instead possessed only a CEAS; petitioner was the only qualified and certified applicant for the position. Accordingly, the ALJ concluded that the Board should have hired the petitioner for the coaching position, granted petitioner’s motion for summary decision, and ordered that the petitioner be compensated for the stipend he would have received had he been hired as coach for the 2010-2011 school year.

Upon review and consideration, the Assistant Commissioner – to whom this matter was delegated pursuant to *N.J.S.A.* 18A:4-34 – concurred with the findings of ALJ and adopted the Initial Decision of the OAL as the final decision in this matter.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.
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October 7, 2013

OAL DKT. NO EDU 7304-11
AGENCY DKT. NO. 127-5/11

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The Commissioner¹ has reviewed the record of this employment dispute and the Initial Decision of the Office of Administrative Law,² and determines after consideration of same to adopt the Initial Decision as the final decision in this case. Accordingly, petitioner's motion for summary disposition is granted, respondent's motion for summary disposition is denied, and respondent is liable to petitioner for the stipend he would have received had he been hired as the boys' tennis coach for the 2011 season.

IT IS SO ORDERED.³

ASSISTANT COMMISSIONER OF EDUCATION

Date of Decision: October 7, 2013

Date of Mailing: October 8, 2013

¹ This matter has been delegated to the undersigned Assistant Commissioner pursuant to *N.J.S.A. 18A:4-34*.

² No exceptions were filed by the parties.

³ This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*.