

460-01R (242-00)

JOYCE HOLLOWAY, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE : DECISION ON REMAND
 BOROUGH OF SADDLE RIVER, :
 BERGEN COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

Petitioner challenged the Board's determination to convert her position from full-time to part-time for the 1998-1999 school year and failure to offer her the position of Technology Coordinator. Following hearing and issuance of an Initial Decision by the ALJ, the Commissioner remanded the matter for additional proceedings to determine, in accordance with recent State Board precedent, the appropriate endorsement for the holder of the position of Technology Coordinator.

After remand, the ALJ determined that an endorsement in elementary education is the appropriate requirement for the position of Technology coordinator. Petitioner did not possess an elementary endorsement at the time of the reduction in force. The ALJ recommended dismissal of the appeal.

The Commissioner affirmed the ALJ's decision.

November 26, 2001

OAL DKT. NOS. EDU 9958-00 AND EDU 7411-98 (ON REMAND)
AGENCY DKT. NO. 342-7/98

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. Petitioner's exceptions and the Board's reply thereto are duly noted as submitted in accordance with *N.J.A.C.* 1:1-18.4, and were considered by the Commissioner in reaching his decision.

Upon careful and independent review of the within record, which has been supplemented on remand, the Commissioner adopts the factual findings in the Initial Decisions issued on June 8, 2000 and October 4, 2001, which are summarized below.

Petitioner began her employment for the Saddle River School District in September 1967. When hired, petitioner held an instructional certificate with an endorsement in art, and throughout her career, her only assignment in the District was as a teacher of art. (Initial Decision, June 8, 2000, at 2-3) Petitioner took graduate-level computer courses at the New York Institute of Technology and received a Master's of Science Degree in Instructional Technology on June 19, 1996. (*Id.* at 3) The Board voted on June 16, 1998 to reduce petitioner's

employment to a 4/10 position for the 1998-99 school year. (*Ibid.*) At the time of the reduction in force (RIF), petitioner had 31 years of service in the District as an art teacher. (*Ibid.*) The Board placed her on a preferred eligibility list for rehire as an art teacher. (*Ibid.*) In or about August 1998, petitioner obtained an endorsement in elementary education, but never taught under her elementary endorsement. (*Id.* at 3-4)

A preexisting position known as “technology coordinator” became vacant in September 1998. (*Id.* at 4) Prior holders of the title were elementary classroom teachers holding endorsements in substantive academic subjects. (*Ibid.*) A written job description for technology coordinator specifies that its duties include: training staff members on computer hardware and software; developing lessons that integrate classroom curriculum with technology; overseeing the technology budget; and troubleshooting problems with lab and classroom computers. (*Ibid.*)

The Board hired James Furno to fill the vacancy. (*Ibid.*) Furno holds four endorsements: secondary school teacher of social studies (1965); teacher of English (1977); teacher of psychology (1977); and elementary school teacher (1992). (Initial Decision, October 4, 2001 at 2-3) Furno was employed during 1977-94 as a social studies teacher in grades 6, 7 and 8; during 1994-95 as a fifth grade teacher; during 1995-96 as a language arts teacher in grade 5; during 1996-97 as a fifth grade teacher; during 1997-98 as a third grade teacher; and from 1998-2000 as the technology coordinator. (*Id.* at 3)

Based on the Administrative Law Judges’s (ALJ) findings on remand with respect to the character of the Board’s computer curriculum, the Commissioner concurs with the ALJ that, pursuant to *Adler, supra*, an endorsement in elementary education is the appropriate requirement for the position of technology coordinator. Since petitioner undisputedly did not

hold such an endorsement at the time of the RIF, the Commissioner concludes that the Board's appointment of Furno to the position in question was not improper.

Accordingly, the Petition of Appeal is dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: November 26, 2001

Date of Mailing: November 26, 2001

* This decision, as the Commissioner's final determination, may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.