

EDU #7906-96  
C # 403-97  
SB # 77-97

SUSAN ALBERT, :  
PETITIONER-RESPONDENT, :  
V. : STATE BOARD OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
SCOTCH PLAINS-FANWOOD :  
REGIONAL HIGH SCHOOL DISTRICT, :  
UNION COUNTY, :  
RESPONDENT-APPELLANT. :  
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Decided by the Commissioner of Education, August 6, 1997

For the Petitioner-Respondent, Bucceri & Pincus (Louis P. Bucceri, Esq., of Counsel)

For the Respondent-Appellant, Casper P. Boehm, Jr., Esq.

The decision of the Commissioner of Education is affirmed for the reasons expressed therein. We stress in so doing that our determination is predicated on the specific facts in the record of this case, which indicates that petitioner had satisfied the qualifications for an elementary education endorsement and submitted an application for such certification to the Department of Education prior to the Board's action to reduce its staff, and that the Board was aware of such circumstances at the time of its action.<sup>1</sup>

December 3, 1997

Date of mailing \_\_\_\_\_

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<sup>1</sup> Contrast *Johnstone and Heberley v. Board of Education of the Township of Cinnaminson*, decided by the State Board of Education, October 5, 1994, *aff'd*, Docket #A-1271-94T2 (App. Div. 1996), in which a petitioning staff member had received an additional endorsement on her instructional certificate prior to the effective date of the reduction in force, but had not yet qualified for such certification at the time of the district board's action to reduce its staff.