JAMES TAYLOR,	:	
PETITIONER,		:
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP OF HARDYSTON,	:	DECISION
SUSSEX COUNTY,	:	
RESPONDENT.	:	

SYNOPSIS

Petitioning riffed principal claimed entitlement to vice principal position following District's reorganization in which the duties of chief school administrator and principal were consolidated into a single position and the position of principal was abolished. Petitioner alleged that as principal he performed duties of vice principal during 1989-90 school year, prior to the creation of the vice principal position.

ALJ found that since principal and vice principal are separately tenurable positions and petitioner served exclusively as a principal, he did not qualify for tenure as a vice principal. ALJ found that because petitioner never served as a vice principal, he had no right to seniority in that category. Petition was dismissed.

Commissioner adopted findings and determination in initial decision as his own, emphasizing that prior to the 1990-91 school year when the position of vice principal was created, the duties petitioner performed were those of his principal's position, since a vice principal position did not exist and, therefore, could not have any duties.

January 30, 1998

OAL DKT. NO. EDU 7070-96 AGENCY DKT. NO. 193-5/96

JAMES TAYLOR,	:	
PETITIONER,		:
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP OF HARDYSTON,	:	DECISION
SUSSEX COUNTY,	:	
RESPONDENT.	:	

The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner's exceptions and the Board's reply thereto were timely filed pursuant to *N.J.A.C.* 1:1-18.4, and were duly considered in the Commissioner's determination herein.

Upon careful and independent review, the Commissioner concurs with the findings and conclusion of the Administrative Law Judge (ALJ) for the reasons well expressed in his initial decision, that petitioner's tenure and seniority accrued as a principal and he, therefore, has no preferential right to the separately tenurable position of vice principal.

Notwithstanding that the within Petition of Appeal fails as a matter of law, the Commissioner's review of the essence of petitioner's claims, argued below and repeated in his exceptions, further reveals that the foundational premise of his petition is also logically flawed. The crux of petitioner's contention herein is that during the 1989-90 school term he performed all of the duties of what later became the vice principal position, with the exception of athletic scheduling, and, therefore, as of July 1, 1996, he had greater seniority and a greater entitlement than did Mr. Roney to continue his employment in the District as vice principal.^{*} The Commissioner finds that the obvious weakness of this argument is that, prior to the 1990-91 school year when the position of vice principal was created, the duties petitioner performed were those of *his principal's* position, since a vice principal position did not exist and, therefore, could not have any duties.

Accordingly, the Commissioner adopts the initial decision of the OAL and dismisses the within Petition of Appeal.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

January 30, 1998

^{*}As observed in the Board's exceptions, it should also be noted that Mr. Roney, during his service as administrative assistant, in the 1988-89 and 1989-90 school years, also performed many of the duties subsequently encompassed within the vice principal position. (Board's Reply Exceptions at p. 5)