

DARREN RESSLER, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION ON REMAND
TOWNSHIP OF SADDLE BROOK,
BERGEN COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner, tenured physical education teacher who was rified and awarded compensation by the Commissioner in June 1994 when it was found that he was entitled to 1992-93 employment, claimed entitlement to 1993-94 employment based on endorsement as an elementary school teacher acquired in June 1992, after the date of the RIF. Petitioner contended that if the Board had properly employed him for 1992-93, he would have been protected by his elementary endorsement issued prior to the commencement of that academic year. Respondent Board sought motion seeking dismissal on two grounds: that the petition was untimely pursuant to *N.J.A.C. 6:24-1.2(c)* and that any tenure rights were fixed as of the date when the Board abolished his position on April 4, 1992.

State Board remanded for further proceedings in order to determine whether the Board had employed any nontenured individuals within the scope of petitioner's elementary education certification in the 1993-94 school year and for a resultant determination of petitioner's claim in accordance with the terms of the State Board's decision.

On remand, the Commissioner found no cause to disturb the initial decision and, thus, affirmed the ALJ's initial decision.

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The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. Upon such review, the Commissioner notes that the sole purpose of the State Board of Education's remand of this matter was

for further proceedings in order to determine whether the Board had employed any non-tenured individuals within the scope of petitioner's elementary education certification in the 1993-94 school year and for a resultant determination of petitioner's claim in accordance with the terms of our decision herein. (*Darren Ressler v. Board of Education of the Township of Saddle Brook, Bergen County*, February 4, 1998, Slip Opinion at p. 4)

In that the parties have stipulated to the material facts, and said facts establish that petitioner, in accordance with the State Board's decision, *supra*, is entitled to compensation for back salary and related emoluments for the 1993-94 school year, the Commissioner finds no cause to disturb the initial decision.

Accordingly, the initial decision of the Administrative Law Judge is affirmed.*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

FEBRUARY 5, 1999

* This decision, as the Commissioner's final determination in the instant matter, 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. 6:2-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.