

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

SYNOPSIS

Petitioner challenged respondent's determination to convert her position from full-time to part-time for the 1998-1999 academic year, and its failure to offer her the position of Technology Coordinator, which was awarded to a teacher with fewer years of experience.

The ALJ determined that petitioner was not entitled to the Technology Coordinator position because she lacked seniority in the appropriate category. The ALJ also determined that the Board was entitled to exercise its discretion in denying petitioner the position.

The Commissioner concluded that the record is insufficient to determine the appropriate certification required for the position of Technology Coordinator, or to evaluate respondent's contentions as to the requirements of the position. (*Adler* State Board decision) In addition, the Commissioner determined that the record contains insufficient information as to the endorsements held by the person who was appointed to the position of Technology Coordinator and his work history so as to enable him to appropriately consider petitioner's claims. The Commissioner therefore remanded the case to the OAL for additional fact finding.

July 27, 2000

OAL DKT. NO. EDU 7411-98
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 (OAL) 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 record in this matter, the Commissioner cannot, at this time, accept the findings and conclusions of the ALJ. Rather, the Commissioner finds that, based on a recent decision of the State Board of Education, it is necessary to remand this matter to determine the appropriate endorsement, if any, for the position of Technology Coordinator; an assignment which petitioner contends she should have been offered by virtue of her seniority in the District.

In *Florence Adler v. Board of Education of the Township of Shamong, Burlington County*, decided by the State Board of Education July 7, 2000, the State Board reviewed the curriculum guide relative to the Computers/Technology Course to which the petitioner therein claimed an entitlement. The Board noted:

Given the character of the computer course designed by the district, elementary certification was appropriate for this assignment. In so concluding, we stress that the fact that there is no specific endorsement for computer courses does not mean that any instructional certification will qualify an individual to teach such courses in all cases. Rather, individuals must possess certification that is appropriate to the assignment and, as here, that certification must be determined by careful reference to the particular curriculum that the district has adopted in a given case.

(Slip Opinion at 4-5)

In the instant matter, the record does not include substantive information about the district's curriculum, such as a curriculum guide; it merely includes a "job description" for the position of technology coordinator which does not specify needed credentials or job experience and lists eight duties "[i]n addition to other duties enumerated in the Saddle River Board of Education's policy manual" which will be performed by the Technology Coordinator.¹ (Exhibit J-4) Thus, the Commissioner can neither assess the certification required for the disputed issue, nor evaluate the Board's claim that the position of Technology Coordinator requires "the ability to integrate computer technology with substantive instructional academic subject areas in order to teach teachers how to perform these tasks in their own classrooms." (Board's Proposed Findings of Fact and Conclusions of Law at 4, ¶ 13)²

¹ Those duties are:

1. Train staff members on computer hardware and software.
2. Develop lessons that integrate classroom curriculum with technology.
3. Oversee the technology budget.
4. Preview new software and hardware.
5. Attend technology conferences and workshops with the support of the Board of Education.
6. Troubleshoot problems with lab and classroom computers.
7. Keep administrators informed about technology activities and problems.
8. Create long-term and short-term technology plans and goals for the school with the help and support of the administration. (Exhibit J-4)

² The Commissioner also notes that the Board apparently did *not* require the holder of the position to possess an elementary education endorsement, and that the record contains no evidence that the Technology Coordinator position, an unrecognized title, was approved by the County Superintendent of Schools, as per *N.J.A.C. 6:11-3.3*. That approval process would include submission of a detailed job description and a determination of the appropriate certification and title for the position. *N.J.A.C. 6:11-3.3*.

Additionally, the record provides an inadequate account of James Furno's endorsements and work history prior to the date of the reduction in force. Specifically, the Commissioner seeks clarification as to the reading endorsement Furno holds.³ The record on remand should identify: 1) the title of the endorsement and, if no longer recognized, what it authorized the holder to teach; 2) what grade levels Furno was actually teaching under that endorsement as an "elementary teacher of secondary reading," (Exhibit J-3); and 3) what years he taught under that endorsement.

Accordingly, in order to fairly consider petitioner's claim, the Commissioner remands this matter to OAL for expansion of the record and additional fact finding in accordance herewith.

IT IS SO ORDERED.⁴

COMMISSIONER OF EDUCATION

Date of Decision: July 27, 2000

Date of Mailing: July 27, 2000

³ Although the ALJ identifies it as a "secondary reading" endorsement (initial decision at 4), the Board refers to it simply as an endorsement in "Reading." (Board's Proposed Findings of Fact and Conclusions of Law at 19)

⁴ 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.