

BOARD OF EDUCATION OF THE :  
BOROUGH OF RIDGEFIELD, :  
BERGEN COUNTY, :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
SCOTT RIXFORD, INTERIM EXECUTIVE : DECISION  
COUNTY SUPERINTENDENT, :  
BERGEN COUNTY, :  
RESPONDENT. :

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#### SYNOPSIS

Petitioning Board of Education (Board) challenged the respondent Bergen County Interim Executive County Superintendent's (ECS) denial of its application for a waiver of the maximum salary amount for superintendents established pursuant to *N.J.A.C.* 6A:23A-1.2 and *N.J.S.A.* 18A:17-24.1. The ECS determined that the Learning Center – a magnet school program operated by the Board and overseen by the district superintendent – did not constitute “an additional school district” within the intent of applicable regulations; accordingly, the Board’s request for waiver was disallowed.

The ALJ found, *inter alia*, that: *N.J.S.A.* 18A:7-8(j) directs each ECS to review and approve all superintendent employment contracts in their county; at issue here is the applicability of the “additional district salary increment,” defined by regulation as “\$10,000 for each additional district served by a superintendent pursuant to *N.J.S.A.* 18A:17-24.1”; the ECS was correct in his contention that the word “district” means a school district duly constituted in accordance with Title 18A; the Learning Center is clearly not a local school district established pursuant to chapters 8 or 13 of Title 18A, and nowhere does the Board so allege. The ALJ concluded that the ECS correctly determined that the statutory and regulatory scheme offered him no leeway to grant the salary adjustment sought by the Board, and dismissed the petition.

Upon comprehensive review, the Commissioner concurred with the findings and conclusions of the ALJ, and adopted the Initial Decision as the final decision in this matter. The petition was dismissed.

<p>This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.</p>
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OAL DKT. NO. EDU 03919-14  
AGENCY DKT. NO. 23-1/14

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon a comprehensive review of the record, the Commissioner concurs with the Administrative Law Judge's (ALJ) determination – for the reasons expressed in the Initial Decision – that the respondent properly concluded that the superintendant was not eligible for the \$10,000 additional district salary increment under *N.J.A.C. 6A:23A-1.2* and *N.J.S.A. 18A:17-24.1*. Accordingly, the recommended decision of the ALJ is adopted as the final decision in this matter and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.\*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 8, 2014  
Date of Mailing: August 12, 2014

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\* This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36 (N.J.S.A. 8A:6-9.1)*.