

TREVOR CARTER-HARRIS, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
STATE-OPERATED SCHOOL DISTRICT : DECISION
OF THE CITY OF PATERSON, PASSAIC :
COUNTY, ANNA ADAMS, MICHELLE :
HOWE, ZATITTI MOODY AND :
JUAN GRILES, :
RESPONDENTS. :

SYNOPSIS

Petitioner contended that was recruited and hired in the fall of 2014 by the respondent school district (District) to serve as an assistant varsity basketball coach. Petitioner asserted that he was promised \$6,000 for the coaching assignment, which was to be paid at the close of the season. Additionally, petitioner claimed that he was independently and solely responsible for coaching the junior varsity basketball team during the same time period. Petitioner held no teaching certificate at the time he began to coach in Paterson; however, he began to complete the steps needed to obtain a county substitute certificate. Petitioner claims that, through no fault of his own, the certificate was not issued until April 20, 2015 – which was after the end of the basketball season. The District maintained that petitioner could not be compensated for his work because he lacked the teaching credential or substitute certificate necessary to be employed as a coach, and further contended that petitioner made the decision to stay with the basketball program on a voluntary basis despite his lack of the required certificate.

The ALJ found, *inter alia*, that: the Commissioner’s jurisdiction is defined by statute and limited to controversies and disputes arising under the school laws, *N.J.S.A.* 18A:6-9; the Commissioner has no jurisdiction over contractual claims by non-tenured school employees, as these claims do not require an interpretation of the school laws; petitioner’s claims in the instant matter are contractual in nature; the only school law issue even tangentially raised herein is the propriety of the District retaining a coach who was not properly credentialed; fundamentally, however, the dispute here is not whether petitioner should have coached, but rather whether he should have been paid for his services; petitioner’s claims are viable, but they fall outside of the Commissioner’s jurisdiction; petitioner’s claims should be filed in Superior Court. Accordingly, the ALJ dismissed the petition for lack of jurisdiction.

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

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.

OAL DKT. NO. EDU 3163-16
AGENCY DKT. NO. 6-1/16

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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 review, the Commissioner concurs with the Administrative Law Judge's (ALJ) determination – for the reasons stated in the Initial Decision – that the petition of appeal must be dismissed for lack of jurisdiction. Accordingly, the Initial Decision is adopted as the final decision in this matter and the petition of appeal is dismissed.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: May 20, 2016
Date of Mailing: May 23, 2016

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*).