



July 24, 2013

PLAY BALL!

**NEW JERSEY SCHOOL DISTRICTS ARE NOW FREE TO HIRE
SUBSTITUTES AS THEIR FIRST CHOICE TO FILL COACHING POSITIONS**

Earlier this month, the Department of Education amended the regulations governing the hiring of individuals to fill coaching positions within the District. In a significant change, school districts are now permitted to appoint any individual to fill an athletic coaching position, provided the candidate possesses either a standard teaching certificate or a substitute credential.

Prior to the regulation's amendment, school districts seeking to fill an athletic coaching position were first required to offer the position to any qualified candidate holding a standard New Jersey teaching certificate, pursuant to N.J.A.C. 6A:9-5.19. In the event that no qualified, certified teacher could be found, the district could then offer the coaching position to the holder of a substitute credential. Prior to doing so, districts were required to obtain the county superintendent's approval for the appointment of the substitute, which could only be given after the district superintendent or chief school administrator sent a letter to the county superintendent attesting to the fact that no qualified and certified individual, who also holds a teaching certificate, could be found. The superintendent or chief school administrator was also required to attest to the substitute's experience and knowledge in the sport in which he or she would be hired to coach.

However, the Department of Education has now recodified N.J.A.C. 6A:9-5.19 to 6A:9-5.18, and has removed the requirement that a school district must first seek out a qualified, certified teacher to fill an available athletic coaching position. Rather, districts are now permitted to offer the position to any qualified individual, provided that the position is posted and that the successful candidate holds either a standard teaching certificate or a substitute credential.

The revisions to the Administrative Code became effective as of July 1, 2013. These relaxed hiring requirements provide New Jersey school districts with significant discretion when it comes to hiring athletic coaches and may actually increase the available pool of candidates for each position. However, prior to hiring any coach, you should always check your Board policy and collective negotiations agreements to ensure that the language contained therein is consistent with the revised regulation.

If you have any questions regarding the implementation or effect of the Department of Education's action, including what effect it may have on your district's hiring decisions for the upcoming athletic season or the relationship between the new regulation and any provision contained within a collective negotiations agreement covering your district's employees, please do not hesitate to contact the school law attorneys at SPSK.

DISCLAIMER: This Legal Alert is designed to keep you aware of recent developments in the law. It is not intended to be legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of the client. If someone you know would like to receive this Legal Alert, please send a message to Marc H. Zitomer, Esq. at mhz@spsk.com. Mr. Zitomer is co-chair of the School Law Practice Group as well as a member of the Labor and Employment Practice Group at Schenck, Price, Smith & King, LLP.

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