

RAYMOND RUIZ, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 NEW JERSEY STATE BOARD OF : DECISION
 EXAMINERS, :
 :
 RESPONDENT. :
 _____ :

SYNOPSIS

Petitioner challenged the action of the respondent in denying his application for the Substance Awareness Coordinator (SAC) endorsement to his Educational Services certificate. The State Board of Examiners (Examinters) contended that petitioner failed to meet the course requirements for issuance of the SAC endorsement as required in *N.J.A.C.* 6A:9-13.2(e). The parties filed cross motions for summary decision.

The ALJ found, *inter alia*, that: there are no material facts in dispute, and the matter is ripe for summary judgment; petitioner holds a SAC Certificate of Eligibility, issued in 2002; petitioner was hired as a substance awareness counselor by the Fort Lee Public Schools in 2006, and acquired a provisional certificate as a SAC; thereafter, petitioner completed a residency in accordance with *N.J.A.C.* 6A:9-13.2(e), and his residency supervisor recommended him as “approved” for standard certification as a SAC; however, the petitioner failed to satisfy the third requirement of *N.J.A.C.* 6A:9-13.2(e), i.e., completion of a graduate curriculum approved by the Department of Education; petitioner is two courses short of completing the graduate training required to obtain standard certification as a SAC. Accordingly, the ALJ: concluded that the Examiners determination in this case was not arbitrary or capricious; granted the respondent’s motion for summary judgment; denied petitioner’s appeal; and dismissed the case.

Upon a thorough and independent review of the record, the Commissioner concurred with the ALJ’s findings and conclusions. Accordingly, the Commissioner adopted the Initial Decision as the final decision in this case, for the reasons well set forth by the ALJ. 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 12754-10
AGENCY DKT. NO. 616-10/10

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Upon review of the Initial Decision of the Office of Administrative Law, the cross-motions for summary decision and the record,¹ the Commissioner adopts the Initial Decision as the final decision in this case for the reasons set forth by the Administrative Law Judge (ALJ). He agrees with the ALJ's conclusions that the Board's actions were not arbitrary, capricious or unreasonable in denying petitioner a standard certification and that the Examiners are entitled to a judgment as a matter of law.

Accordingly, summary disposition is granted to respondent and the petition is dismissed.

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 23, 2011

Date of Mailing: December 23, 2011

¹ Neither party filed exceptions.

² This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36* (*N.J.S.A. 18A:6-9.1*).