

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

SYNOPSIS

Petitioner challenged the denial of her application for certification as a Learning Disabilities Teacher-Consultant. Petitioner holds Certificates of Eligibility with Advanced Standing (CEAS) as both a Teacher of Students with Disabilities and Teacher of Elementary School, but holds neither provisional nor standard certification. Petitioner contended that the New Jersey State Board of Examiners' (Examiners) refusal to substitute her experience as a teacher for the requisite standard instructional certification was arbitrary, capricious and unreasonable. The Examiners argued that petitioner has never participated in the Provisional Teacher Program, successful completion of which is required pursuant to *N.J.A.C. 6A:9-8.3 et seq* in order to obtain standard certification in New Jersey. The parties filed cross motions for summary decision.

The ALJ found, *inter alia*, that: there are no material facts at issue here, and the matter is ripe for summary decision; petitioner bears the burden of proving that she is entitled to the certification she seeks; to be eligible for standard certification in any instructional area, a candidate must possess a provisional certificate and successfully complete a State-approved district training program while employed provisionally in a position requiring the appropriate instructional certificate; *N.J.A.C. 6A:9-17.13* allows an applicant to provide the Examiners with evidence of alternative education and/or experience that the applicant believes is equivalent to areas of deficiency in an application for certification; the Examiners were more than reasonable in their determination that petitioner's private school teaching experience is not a substitute for the training program required to achieve standard certification; formal certification is not necessarily required in a private school; and petitioner's argument that her failure to receive provisional certification was the private school's fault is without merit. The ALJ concluded that the Examiner's determination that petitioner was ineligible for certification should be affirmed.

Upon review, the Commissioner concurred with the findings and conclusions of the ALJ, and adopted the Initial Decision of the OAL 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.

June 25, 2014

OAL DKT. NO. EDU 14828-13
AGENCY DKT. NO. 224-9/13

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This case was initiated by petitioner when the respondent State Board of Examiners denied her application for certification as a learning disabilities teacher-consultant. Upon review of the record and the Initial Decision of the Office of Administrative Law,¹ the Commissioner concurs with the determination of the Administrative Law Judge that the Board of Examiner's decision to deny petitioner's application was neither arbitrary, capricious nor unreasonable.

Accordingly, the Initial Decision is adopted as the final decision in this matter, summary decision is granted to respondent, and petitioner's cross-motion for summary decision is denied. The petition is herewith dismissed.

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 25, 2014
Date of Mailing: June 27, 2014

¹ Neither party filed exceptions to the Initial Decision.

² This decision may be appealed to the Superior Court, Appellate Division, pursuant to *N.J.S.A.* 18A:18A:6-9.1.