

MATTHEW MIGNANELLI, :
Petitioner, : COMMISSIONER OF EDUCATION
V. : DECISION
NEW JERSEY STATE BOARD OF :
EXAMINERS, :
Respondent. :
_____ :

SYNOPSIS

Petitioner appealed the respondent State Board of Examiners (SBE) determination that he had not met the requirements for issuance of a certificate of eligibility (CE) for the position of school principal. The SBE contended that petitioner failed to complete five years of successful educational experience under a valid provisional or standard New Jersey or equivalent out-of-state certificate pursuant to *N.J.A.C. 6A:9-12.5(a)*. The petitioner asserted this regulation does not state that his teaching experience in private schools in New York State bars him from eligibility for the Principal CE in New Jersey. The respondent filed a motion for summary decision.

The ALJ found, *inter alia*, that: there are no material facts at issue herein, and the matter is ripe for summary decision; *N.J.A.C. 6A:9-12.5(a)* states that an applicant for the Principal CE must “provide documentation evidencing completion of five years of successful educational experience under a valid provisional or standard New Jersey or equivalent out-of-State certificate.”; petitioner worked for approximately eight years as a teacher at two different private schools in Westchester County, New York, but held no teaching certificate during this period; petitioner then relocated to New Jersey, where he has completed four years of teaching under a valid Provisional Teacher Certificate at Wayne Valley High School in Wayne, NJ. The ALJ concluded that petitioner has not fulfilled the requirements set forth under *N.J.A.C. 6A:9-12.5(a)* for issuance of the Principal CE since he lacks the required five years of teaching experience under an appropriate certificate. Accordingly, the ALJ granted respondent’s motion for summary decision and dismissed the petition.

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

October 29, 2014

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Before the Commissioner is petitioner’s challenge to respondent’s determination that he has not yet met the regulatory requirements for issuance to him of a certificate of eligibility (CE) for the position of school principal. Upon review of the record,¹ the Commissioner concurs with the Administrative Law Judge that because petitioner indisputably did not accrue five years of educational service under a provisional or standard certificate – either in New York or in New Jersey – he did not meet the condition set forth in *N.J.A.C. 6A:9-12.5(a)(5)* for securing a Principal CE, and was properly denied same by respondent.

Accordingly, the Commissioner adopts the Initial Decision of the Office of Administrative Law as the final decision in this matter and dismisses the petition.

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: October 29, 2014

Date of Mailing: October 29, 2014

¹ Neither party filed exceptions to the Initial Decision.

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)*.