

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
DANA CLARK :
_____ : DOCKET NO: 574-09/99-260

At its meeting of September 23, 1999, the State Board of Examiners reviewed information it had received from the State Board of Education regarding Dana Clark's completion of the Provisional Teacher Program at the Englewood on the Palisades Charter School (hereafter Palisades). The State Board had been adjudicating certain issues (which are irrelevant here) related to the validity of Palisades' charter. In the course of that review, the State Board had questions regarding Clark's participation in the Provisional Teacher Program and asked the Board of Examiners to resolve whether Clark was properly certified. In the Matter of the Final Grant for the Englewood on the Palisades Charter School, Docket # 89-98 (State Bd. June 2, 1999).

After reviewing the State Board's decision as well as records previously on file in the Office of Licensing and Credentials concerning Clark, the Board of Examiners voted unanimously at that meeting to take no action to revoke Clark's Teacher of Elementary School certificate. The Board of Examiners concluded that the circumstances at the charter school were outside Clark's control and that she was unaware that her supervisor was not appropriately certified. The Board further found that when looking at the totality of Clark's induction year, she had substantially complied with the requirements of the Provisional Teacher Program/Alternate Route.

In a decision dated December 3, 1999, the State Board of Education granted final approval for Palisades' charter. In that decision, the State Board opined, however, that the Board of Examiners had not fully answered the questions regarding Clark's supervision during her

provisional year. The State Board therefore remanded the case to the Board of Examiners for that limited purpose. In the Matter of the Final Grant of a Charter for the Englewood on the Palisades Charter School, Docket #89-98 (State Bd. December 1, 1999). In the interim, other non-certification issues in the case had been appealed to the Appellate Division of the Superior Court of New Jersey. On May 23, 2001, the court affirmed the validity of Palisades' charter and remanded to the State Board only the issue of Clark's certification. In the Matter of the Final Grant of a Charter to Englewood on the Palisades Charter School, A-2692-99T1 (App. Div. May 23, 2001).

The State Board of Examiners reconsidered Clark's status at its meeting of October 1, 2001. In addition to reviewing the materials it had had before it previously, the Board of Examiners also considered material submitted by Clark's current principal relative to her job performance as a teacher.

After a thorough review of all documents submitted and mindful of the questions posed by the State Board of Education, the Board of Examiners has decided to take no action against Dana Clark's Teacher of Elementary School certificate. The Board's investigation has determined that over the last two years Clark has been properly supervised and had excellent evaluations consistent with the requirements of the Provisional Teacher Program/Alternate Route. N.J.A.C. 6:11-5.3. All of Clark's numerous evaluations have been conducted by an appropriately certified individual, N.J.A.C. 6:11-5.3(f), and she has fulfilled all three phases of her training as provided in N.J.A.C. 6:11-5.3(f)1-3. She has also attended the 200 hours of formal instruction mandated of all provisional teacher candidates who possess a Certificate of Eligibility. N.J.A.C. 6:11-5.3(g).

Furthermore, the Board of Examiners wants to reiterate that as the only administrative body authorized to issue and revoke teacher certificates, it originally made the determination that Clark was properly certified because the errors in oversight she experienced in her first provisional year were not of her doing or to her knowledge. Notwithstanding the State Board's contention that Clark's initial provisional year was so fundamentally flawed as to negate the validity of her credential, she has subsequently fulfilled all requirements of the Provisional Teacher Program. Thus even assuming *arguendo* that the Board of Examiners' initial determination was in error, it now finds that the appropriateness of Clark's certificate issuance is beyond question.

Accordingly, for the above-mentioned reasons, the State Board of Examiners determines on this first day of October 2001, that Dana Clark's Teacher of Elementary School certificate was issued appropriately. The Board further determines to take no action against Clark's certificate.

Secretary
State Board of Examiners

Date of Mailing: March 21, 2002

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

IBG:MZ:kb:Dana Clark