

January 13, 2006

Ms. Johanna Widuch

Re: In the Matter of the Application of Johanna Widuch for Certification
Docket No. 0506-190

Dear Ms. Widuch:

At its last meeting, the State Board of Examiners considered the appeal that you filed, in which you were seeking the Teacher of Elementary School in Grades K-8 certificate. For the following reasons, the State Board of Examiners denied your appeal.

The new certification regulations became effective January 20, 2004. Any applications received by the Office of Licensure and Credentials prior to that date were evaluated under the former regulations, which authorized certification as a Teacher of Elementary School in Grades K-8. Applications received on or after the effective date of the regulations are governed by the new regulations. Since January 20, 2004, all Teacher of Elementary School certificates are applicable only in grades K-5. Indeed, since the K-8 certificate does not exist in the new regulations, the former Teacher of Elementary School in Grades K-8 is no longer issued. As your application was not submitted prior to January 20, 2004, it was evaluated pursuant to the regulations in effect on the date that it was received, and they limit the Teacher of Elementary School to K-5.

In your appeal you indicated that your application was signed and notarized on January 20, 2004, so that you should come under the former regulations. However, even if your application was filed on that date, January 20, 2004 was the effective date of the new regulations, so your application will be governed by the current requirements. Moreover, the copy of your application on file in the Ocean County Office of Education is stamped "Received 2004 January 22 A 10:29," which is after the new regulations went into effect. While you contend that you filed it before that date, the State Board of Examiners is extremely reluctant to issue a certificate based solely on an applicant's contention that it was filed prior to that date, particularly when the documentary evidence

shows otherwise. Accordingly, the Office of Licensure and Credentials correctly issued a Teacher of Elementary School Grades K-5 to you.

Sincerely,

Robert R. Higgins, Acting Secretary
State Board of Examiners

RRH/AGL/widuchjohanna-appeal k-5

Date of mailing:

By certified and regular mail

This matter may be appealed to the Commissioner of Education pursuant to *N.J.A.C.*6A-3.