

November 4, 2006

Ms. Susan Dougherty

Re: In the Matter of the Application for Certification of Susan Dougherty
Docket No. 0607-115

Dear Mr. Dougherty:

As you are aware, you have appealed the determination that you are ineligible for the Teacher of English as a Second Language (ESL) certification. Your application was denied because you did not take and pass the Written Proficiency Test in English, a requirement for the certificate. In your appeal you argue that you should be "grandfathered in" for certification because you began taking courses for the certificate before the regulations changed in January 2004. At its meeting of September 21, 2006, the State Board of Examiners reviewed the information that you provided in support of your appeal. After careful consideration, and determining that your appeal was timely, at its November 2, 2006 meeting, the Board voted to deny your appeal because the documentation that you submitted failed to prove that you are entitled to the requested certificate.

Although you began your coursework for the certificate before the regulations were amended, you did not apply for certification until after January 2004. Therefore, according to *N.J.A.C. 6A:9-5.16(a)*, you are subject to all the requirements in effect at the time your application was received by the Department. The regulation in effect at the time you submitted your completed application, *N.J.A.C. 6A:9-11.5*, mandates that you pass an oral and written English language proficiency test. Because our records show that you did not take the written English language proficiency test, you are not eligible for an ESL Certificate of Eligibility. Furthermore, even had you taken and passed the test, you have not completed a Department-approved college ESL program; rather you have only taken ESL courses. Consequently, pursuant to *N.J.A.C. 6A:9-11.5(g)*, you are not eligible for a standard ESL endorsement. Once you take and pass the written language proficiency test, you will be eligible for a Certificate of Eligibility in

ESL. Accordingly, your appeal of the determination of the Office of Licensure and Credentials regarding your application for a Teacher of English as a Second Language standard certificate is denied.

Sincerely,

Robert R. Higgins, Acting Secretary
State Board of Examiners

RRH/MZ/doughertydenyappeal

By certified and regular mail

Date of mailing: November , 2006

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