

EDWARD J. FLAHERTY, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
NEW JERSEY STATE DEPARTMENT : DECISION
OF EDUCATION, STATE BOARD OF :
EXAMINERS, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner appealed respondent's denial of his application for a school administrator license.

The ALJ denied petitioner's request for relief, concluding that petitioner did not meet the requirements for issuance of a certificate of eligibility since he does not hold the master's degree in one of the recognized fields of leadership or management and does not possess the level of education or experience equal to graduate study in communications or law.

The Commissioner concurred with the determination of the ALJ that the State Board of Examiners' decision denying petitioner's application for issuance of a School Administrator Certificate of Eligibility was not arbitrary, capricious or unreasonable and dismissed the petition.

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The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner’s exceptions were timely filed pursuant to *N.J.A.C. 1:1-18.4* and duly considered by the Commissioner in reaching his determination herein.

Petitioner’s exceptions assert that “[t]he OAL-DECISION seems incomplete, and/or unbalanced in several respects, and lacking the needed recommended study of PETITIONER’S submittal [sic] material; much of this material cannot be comprehended by mere casual-reading or skimming.” (Petitioner’s Exceptions at p. 1) In support of this contention, petitioner presents a page-by-page dissection of the initial decision, noting areas where the ALJ makes no mention of, and/or elaboration on, certain specific materials advanced in petitioner’s submissions below which, in his opinion, are significant and relevant to this matter. Some of the materials referenced include petitioner’s Brief dated March 3, 1999, wherein he provides comments on previous State Board of Examiner cases; statistical data contained in Appendices

A, B and C of his Petition of Appeal dated February 9, 1999; information with respect to petitioner's organization and building of "the VOLUNTEERS IN SERVICE TO EDUCATION (VISTE)-Program to provide *** tutoring for local Montclair-area students"; petitioner's organization and building of the Montclair Tax Union "which publishes yearly performance/cost-data allowing local citizens if interested, to understand where their tax money goes"; and petitioner's work with the Essex County Alternate Dispute Resolution Procedures Committee. (*Id.* at pp. 2-4) Petitioner, apparently, takes the position that, since these pieces of information and the others outlined in his exceptions were not detailed in the initial decision, they were not adequately considered by the ALJ.

Upon his review and independent consideration of the full record in this matter, the Commissioner concurs with the determination of the ALJ that the State Board of Examiners' decision denying petitioner's application for issuance of a School Administrator Certificate of Eligibility was not arbitrary, capricious, or unreasonable and is, therefore, appropriately upheld.¹

Accordingly, the initial decision of the OAL is affirmed for the reasons stated therein and the instant Petition of Appeal is hereby dismissed.²

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

June 30, 1999

¹The Commissioner clarifies that *Dr. Columbus Salley and the Board of Education of the City of Orange Township, Essex County v. Board of Examiners, Department of Education, State of New Jersey*, 97 N.J.A.R. 2d (EDU) 257, referenced on page 7 of the initial decision, was decided by the Commissioner utilizing the arbitrary, capricious and unreasonable standard.

² This decision, as the Commissioner's final determination in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6:2-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.