

DANIEL J. FARRAR, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
NEW JERSEY STATE BOARD : DECISION
OF EXAMINERS, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner appealed the determination of the State Board of Examiners (Board) to deny him a social studies endorsement to his instructional certificate. Petitioner contends that he is entitled to the endorsement because: he has taught middle school social studies for twelve years; he received a passing score on the PRAXIS exam for Social Studies Content Knowledge; and his college major – psychology – is considered a social science. Respondent denied the endorsement on the basis that petitioner did not satisfy the academic requirements for the social studies endorsement, and filed a motion for summary decision.

The ALJ found that: petitioner’s response to the motion for summary decision failed to set forth specific facts showing that there is a genuine issue of material fact which would require an evidentiary proceeding; petitioner failed to show that the actions of the Board in denying him the social studies endorsement were arbitrary, capricious and unreasonable; and summary disposition in favor of respondent was appropriate.

The Commissioner found that: petitioner has no academic training or practical experience in six of the ten subject areas about which high school social studies teachers are expected to be knowledgeable, pursuant to *N.J.A.C. 6A:9-9.2(a)(6)(ii)*: world history, economics, government, political science, geography, and anthropology; the PRAXIS score alone cannot form the basis for the social studies endorsement; and petitioner’s experience teaching middle school does not signify that he possesses the expertise and depth of knowledge that is required to teach upper level courses in high school. The Commissioner concluded that petitioner has not met his burden to prove that he is qualified to receive a social studies endorsement, and adopted the ALJ’s recommendation that the petition be 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.

July 26, 2010

OAL DKT. NO. EDU 13763-08
AGENCY DKT. NO. 292-10/08

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In this case, the petitioning teacher asks the Commissioner of Education to reverse the denial, by respondent State Board of Examiners, of his application for a Social Studies (K-12) endorsement to his instructional certificate. Petitioner’s undergraduate degree is a Bachelor of Science with a major in Psychology. He attained his instructional certificate and elementary education endorsement via the alternate route, and has been teaching social studies at the elementary level in the Carteret School District, Middlesex County.

Petitioner argues, in his petition and subsequent papers, that he is entitled to a social studies endorsement because 1) he has taught middle school social studies for twelve years, 2) he received the score of 172 on the PRAXIS Social Studies Content Knowledge exam, and 3) because his college major, psychology, is considered a social science. Respondent urges the Commissioner to uphold its denial of the endorsement, which denial was based on its determinations that 1) petitioner’s experience teaching at the elementary level cannot substitute for the training required to teach at the high school level, 2) a PRAXIS test score, alone, cannot be grounds for the issuance of a subject matter endorsement, and 3) petitioner’s college studies

did not include sufficient credit hours in the disciplines which comprise the ‘subject’ of social studies. Since none of the material facts in this case are disputed, summary disposition is appropriate.

The petitioner bears the burden of establishing – by a preponderance of the competent and credible evidence – that he is entitled to issuance of the social studies endorsement. [*In re Masiello*, 25 N.J. 590 \(1958\)](#). The Board of Examiners – which is the body statutorily mandated to determine whether applicants for endorsements to instructional certificates have met the relevant requirements, *see*, N.J.S.A. 18A:6-38 – found that petitioner did not meet that burden. The Initial Decision of the Office of Administrative Law recommends that the Board of Examiners’ determination be upheld.¹

In most decisions wherein the Commissioner has reviewed determinations by the Board of Examiners, the articulated standard of review has been an assessment of whether the Board’s ruling was reasonable, or whether it was arbitrary and capricious. *See, e.g.* [*Fisher v. State Bd. of Examiners*, 96 N.J.A.R.2d \(EDU\) 561](#) (Comm'r April 8, 1996); [*Williams v. State Bd. of Examiners*, 95 N.J.A.R.2d \(EDU\) 58](#) (Comm'r Oct. 12, 1994). There have, however, been cases in which the utilized standard of review appeared to contemplate that the Commissioner's function was to make an independent determination concerning whether the petitioner had met his or her burden under the rules and whether certification was proper. *See, e.g.* *Linda J. Avellino v. New Jersey State Board of Examiners*, Commissioner’s Decision No. 332-00, decided October 2, 2000, at 34-35. The Commissioner finds that in the instant case, under either standard of review, the Board of Examiner’s decision must be affirmed.

¹ No exceptions to that decision were filed by petitioner.

At the time that petitioner applied for the social studies endorsement, general requirements for subject matter endorsements were set forth in *N.J.A.C.* 6A:9-8.1(a)(3), which states in pertinent part:

Except as indicated in *N.J.A.C.* 6A:9-11..., to be eligible for a CE in instructional areas, the candidate shall...

Until October 30, 2009, for subject area endorsements, complete a major in the subject area or at least 30 credits in a coherent sequence of courses appropriate to the instructional area. At least 12 semester-hour credits must be at the advanced level of study, including the junior, senior or graduate level study...

In addition, *N.J.A.C.* 6A:9-9.2(a)(6) instructed that two social studies endorsements were available: Psychology and Social Studies – the latter of which “includes American history, European history, world history, government, political science, sociology, geography, anthropology and economics.” *Ibid.* Effective January 7, 2008, the regulations concerning subject matter endorsements were supplemented. *N.J.A.C.* 6A:9-11.16 now expressly requires that, in addition to complying with *N.J.A.C.* 6A:9-8.1(a)(3), social studies teachers must have completed fifteen credits in history – to include courses in American history and World history – to obtain a social studies endorsement.

Apart from the thirty or more credit hours that petitioner completed in psychology, his college transcript shows that he completed two history and three sociology courses, for a total of fifteen credit hours. (Respondent’s Brief in support of motion for summary decision, Exhibit C) Only one of those courses – “Social Problems in the United States” – was above the beginning level of study. (*Ibid.*) Respondent found that those fifteen credits were insufficient to serve as the basis for K-12 social studies instruction. In objecting to that finding, petitioner appears to contend that since psychology is considered a social science, his psychology

credits should be added to the fifteen history and sociology credits he earned in college, to satisfy the above referenced thirty credit requirement.

Neither *N.J.A.C.* 6A:9-8.1 nor *N.J.A.C.* 6A:9-9.2(a)(6) provides an itemized list of courses required for a social studies endorsement. However, construing the two regulations *in pari materia* leads to two logical conclusions. First, interpreting the regulations in the way that petitioner urges, *i.e.*, allowing a candidate to use psychology courses to satisfy the requirements for a social studies endorsement, would render superfluous the psychology endorsement memorialized in *N.J.A.C.* 6A:9-9.2(a)(6)(i). Statutory construction and common sense preclude such an interpretation. *See, e.g., State v. Reynolds*, 124 *N.J.* 559, 564 (1991).

Second, to grant petitioner's wish and issue him a social studies endorsement based upon his psychology classes, simply because psychology is regarded as one of the social sciences, would appear to be ignoring the purpose of both *N.J.A.C.* 6A:9-8.1 and *N.J.A.C.* 6A:9-9.2(a)(6)(ii). The latter regulation identifies the disciplines that an instructor of social studies is expected to teach, over half of which are nowhere in petitioner's academic or experiential background. The former regulation, *N.J.A.C.* 6A:9-8.1, instructs that a candidate for a K-12 endorsement for a specific subject area – in this case social studies – must have taken a minimum of 30 credits in the disciplines that the candidate plans to teach, with twelve at an advanced level. There can be no other purpose behind these requirements than to ensure that the State's students receive quality instruction in the core curriculum. That purpose would be undermined by issuing a social studies endorsement to a teacher who has taken two beginning level history courses, three sociology courses (two of which were at the beginning level), and no courses whatsoever in the remaining seven disciplines set forth in *N.J.A.C.* 6A:9-9.2(a)(6)(ii).

In summary, the Commissioner cannot conclude that petitioner has met his burden to prove that he is qualified to receive a social studies endorsement when the record shows that he has had no academic training or practical experience in six of the ten subject areas in which a high school social studies teacher is expected to be knowledgeable. More specifically, the only college transcript provided by petitioner reveals that of the ten subjects subsumed under the social studies endorsement, petitioner took no courses in world history, economics, government, political science, geography or anthropology. (Respondent's Brief in support of motion for summary decision, Exhibit C) All but one of the history and sociology courses that he did take were at the beginning level of study. (*Ibid.*)

Similarly, the Commissioner is not persuaded that a social studies endorsement can be properly issued based solely upon a PRAXIS score, in the absence of proof of academic and practical training in the disciplines required for the teaching of social studies. Finally, in the Commissioner's view, the fact that petitioner taught social studies on an elementary level does not signify that he possesses the expertise and depth of knowledge that is required to teach upper level social studies courses in high school – including honors and AP courses.

Accordingly, the Commissioner adopts the recommendation in the Initial Decision that the petition be dismissed.

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 26, 2010

Date of Mailing: July 27, 2010

² This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36*.