

#34-12 (OAL Decision: Not yet available online)

CHRISTINE MCQUILKEN, :  
PETITIONER, : COMMISSIONER OF EDUCATION  
V. : DECISION  
NEW JERSEY STATE BOARD :  
OF EXAMINERS, :  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

Pro-se petitioner – who holds a standard instructional certificate with endorsements as a Teacher of Social Studies and Elementary School Teacher – appealed the respondent’s denial of an additional endorsement as a Teacher of Students with Disabilities (TSD). Petitioner sought the TSD endorsement through the alternate route program, which required that she receive a certificate of eligibility (CE) to become a provisional teacher while still working on the requirements to earn the TSD endorsement. Petitioner contends that the respondent should have counted the courses taken for her CE toward the credit total that is required for completion of the Department of Education-approved college program for special education teacher endorsements. Respondent moved to dismiss the appeal in lieu of filing an answer to the petition, arguing that the regulations require that an applicant for the TSD endorsement receive a verification of program completion from an institution of higher education, and petitioner had not met this requirement.

The ALJ found, *inter alia*, that: pursuant to *N.J.A.C.* 6A:9-11.3(n), petitioner must complete a Department-approved college special education program, completion of which must be verified by the institution; petitioner completed six credit hours at the University of Phoenix in order to receive her CE as a Teacher of Students with Disabilities; petitioner subsequently transferred to Centenary College, where she completed 15 credit hours, but not the 21 hours required to complete Centenary’s special education program; Centenary College refused to issue petitioner a certificate of completion of her TSD program; respondent required verification of program completion from the college or university where petitioner’s course of study was undertaken, which she was unable to obtain because she had not completed the full program of study required at Centenary College. The ALJ concluded that, pursuant *N.J.A.C.* 6A:9-11.3(n), petitioner had not satisfied the prerequisite to complete a Department-approved program, and had not shown that respondent’s decision in this matter was arbitrary, capricious or contrary to law. Accordingly, the ALJ recommended dismissal of the petition.

Upon review, the Deputy Commissioner – to whom this matter has been delegated pursuant to *N.J.S.A.* 18A:4-33 – adopted the Initial Decision of the OAL as the final decision in this matter and dismissed the petition. In so doing, the Deputy Commissioner noted that petitioner’s letter of December 28, 2011 – in which she requests, *inter alia*, that she not be required to pay another application fee when she reapplies for the TSD endorsement – will be forwarded to respondent with the instant decision.

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.

January 30, 2012

OAL DKT. NO. EDU 8375-11  
AGENCY DKT. NO. 167-6/11

CHRISTINE MCQUILKEN, :  
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 PETITIONER, : COMMISSIONER OF EDUCATION  
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Upon review of the record and Initial Decision of the Office of Administrative Law concerning petitioner’s challenge to respondent’s determination that she has not met the requirements for a “Teacher of Students with Disabilities” endorsement to her instructional certificate, the Deputy Commissioner – to whom this matter has been delegated pursuant to *N.J.S.A.* 18A:4-33 – adopts the Initial Decision as the final decision for the reasons articulated by the Administrative Law Judge.

Accordingly, respondent’s motion for summary disposition is granted and the petition is dismissed.<sup>1</sup>

IT IS SO ORDERED.<sup>2</sup>

DEPUTY COMMISSIONER OF EDUCATION

Date of Decision: January 27, 2012  
Date of Mailing: January 30, 2012

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<sup>1</sup> Petitioner filed a letter dated December 28, 2011 bearing the heading “Exceptions.” In the letter, petitioner indicated that after she completes the remaining six credits required by the Centenary College program in which she is enrolled, she will reapply for a “Teacher of Students with Disabilities” endorsement. She requests that she not be required to pay another application fee. She further requests that the State “review its policies and process (or in some ways, clarify the gaps), so that future situations similar to my case, may be judged on the facts submitted, as opposed to case law . . . .” There is no indication that petitioner served a copy of this letter upon respondent. Consequently, the Commissioner shall forward same to respondent as an attachment to the instant decision.

<sup>2</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, *c.* 36. (*N.J.S.A.* 18A:6-9.1)