

MYLES HART, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
NEW JERSEY STATE BOARD OF EXAMINERS, : DECISION
RESPONDENT. :

SYNOPSIS

Pro-se petitioner challenged the determination of the respondent that he had not satisfied the requirements for a Teacher of Students with Disabilities endorsement to his Instructional Certificate as required under current regulations. Petitioner began his efforts to become certified in the area of special education instruction in 2003 by taking courses at Rutgers University (Rutgers), with the intent of earning an endorsement as a Teacher of the Handicapped. Subsequently, amendments to the regulations have replaced that endorsement with the Teacher of Students with Disabilities endorsement, and the requirements were changed. Candidates who had begun their course of study under the old regulations were “grandfathered-in”, so long as they completed a certificate program of study no later than March 1, 2009. Petitioner in the instant matter did not complete coursework within the regulatory timelines. The Board of Examiners (Examiners) filed a motion to dismiss in lieu of an answer, alleging that petitioner had failed to meet regulatory requirements for issuance of the requested endorsement pursuant to *N.J.A.C.* 6A:9-11.3.

The ALJ found, *inter alia*, that: petitioner bears the burden of demonstrating by a preponderance of the credible evidence that he is entitled to the certifications he seeks; it is uncontroverted that petitioner earned less than the requisite number of credits needed for issuance of the certification he seeks; Rutgers accordingly would not issue a Verification of Program Completion (VOPC) form; and the regulations are not flexible enough to permit petitioner to attain the certification he seeks despite his lack of adequate credits. The ALJ concluded that: petitioner has failed to show that the decision of the Examiners was arbitrary, capricious and unreasonable; the Examiners’ determination that petitioner remains ineligible for standard certification is consistent with the regulatory scheme and must be upheld; and, despite petitioner’s credibility and passion for working with children with special needs, it cannot be found that the Examiners have acted in a manner that is arbitrary, capricious or unreasonable. Accordingly, the ALJ granted the Examiners’ motion to dismiss the petition.

Upon a comprehensive review, the Commissioner concurred with the ALJ’s findings and determinations, and adopted the Initial Decision of the OAL as the final decision in this matter.

<p>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.</p>

July 29, 2014

OAL DKT. NO. EDU 17942-13
AGENCY DKT. NO. 263-10/13

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon a comprehensive review of the record in this matter, the Commissioner concurs with the Administrative Law Judge that Board's Motion to Dismiss is appropriately granted. Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter for the reasons stated therein and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 29, 2014

Date of Mailing: July 29, 2014

¹ 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*)