

New Jersey Commissioner of Education
Final Decision

Carmen Thomas-Henderson,

Petitioner,

v.

New Jersey State Board of Examiners,

Respondent.

Synopsis

Pro-se petitioner appealed the determination of the respondent – the State Board of Examiners (SBE) – that she had not met the requirements for issuance of a Supervisor Certificate. The SBE denied petitioner’s application for certification due to her failure to complete the required number of credits in curriculum design and development pursuant to *N.J.A.C.* 6A:9B-12.6(a)(2)(ii)(2). A hearing was held in this matter on January 8, 2020.

The ALJ found, *inter alia*, that: Pursuant to *N.J.A.C.* 6A:9B-3.2, the New Jersey State Board of Examiners is responsible for issuing appropriate certificates to teach or to administer, direct, or supervise, the teaching, instruction, or educational guidance of pupils in public schools operated by district boards of education; here, the SBE determined that petitioner fell short of completing all requirements for the Supervisor Certificate because she is missing three credits in curriculum design and development required pursuant to *N.J.A.C.* 6A:9B-12.6(a)(2)(ii)(2); petitioner holds both a master’s and a doctorate degree in education; petitioner provided testimony as to the education that she completed and why she believes that her coursework meets the requirement of the regulations; petitioner provided a syllabus of several courses she completed at Gwynedd Mercy University, which she claimed involved curriculum development in preschool through grade 12; petitioner was not able to indicate where in any of the detailed syllabus there was mention of curriculum development, but argued that program development, planning, evaluations, and placement were words synonymous with curriculum; the SBE maintained that the coursework completed by petitioner did not satisfy the requirement for three graduate elective credits in curriculum design and development, and pointed to a description for a course in the same program at Gwynedd Mercy University that petitioner had completed, entitled “Curriculum and Instructional Supervision”; petitioner did not take this course, which would have counted towards the requirement. The ALJ concluded that petitioner had not met her burden by a preponderance of evidence, and the SBE’s denial of petitioner’s application for the Supervisor Certificate was appropriate. Accordingly, the ALJ affirmed the SBE’s decision to deny the issuance of the certificate.

The Commissioner concurred with the findings and determination of the ALJ herein; accordingly, the Initial Decision of the OAL was adopted as the final decision in this matter. The petition was 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.

February 20, 2020

New Jersey Commissioner of Education

Final Decision

Carmen Thomas-Henderson,

Petitioner,

v.

New Jersey Department of Education,
State Board of Examiners,

Respondent.

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.

Upon such review, the Commissioner agrees with the Administrative Law Judge (ALJ) that the New Jersey State Board of Examiners did not act in an arbitrary, capricious, or unreasonable manner when it denied petitioner's application for a Supervisor Certificate. The Commissioner further concurs with the ALJ that petitioner did not meet the requirements for a Supervisor Certificate because she failed to complete the required number of credits in curriculum design and development pursuant to *N.J.A.C. 6A:9B-12.6(a)(2)(ii)(2)*.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter and the petition is hereby dismissed.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: February 20, 2020
Date of Mailing: February 20, 2020

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)*.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. EDU 09021-19

AGENCY DKT. NO. 104-5/19

CARMEN THOMAS-HENDERSON,

Petitioner,

v.

**NEW JERSEY DEPARTMENT OF
EDUCATION, STATE BOARD OF
EXAMINERS,**

Respondent.

Carmen Thomas-Henderson, petitioner, pro se

Michal Czarnecki, Deputy Attorney General, for respondent (Gurbir S. Grewal,
Attorney General of New Jersey, attorney)

Record Closed: January 8, 2020

Decided: January 21, 2020

BEFORE **SARAH G. CROWLEY**, ALJ:

STATEMENT OF THE CASE

The petitioner appeals the denial of her request for the issuance of a Supervisor Certificate by the respondent, New Jersey Department of Education, State Board of Examiners (Board) because the petitioner did not satisfy the requirement of three

graduate elective credits in general principles of curriculum design and development for preschool through grade twelve, pursuant to N.J.A.C. 6A:9B-12.6(a)(2)(ii). The petitioner asserts that she is qualified for certification based upon master course work equivalent to the deficiencies stated by the Board.

PROCEDURAL HISTORY

The petitioner filed an appeal of the denial of her request for the issuance of a Supervisor Certificate and requested a hearing before the Office of Administrative Law (OAL). The matter was transmitted to the OAL, where it was filed on July 5, 2019, as a contested case. N.J.S.A. 52:14B-1 to 15 and N.J.S.A. 52:14F-1 to 13.

The respondent filed a Motion for Summary Decision on July 1, 2019, and due to the failure of the pro se petitioner responding and the scheduling of the hearing, the motion was not ruled on until January 8, 2020. The undersigned denied the motion and ruled that a factual question as to the sufficiency of the coursework to satisfy the requirement of the regulations existed and a hearing was necessary to determine this factual issue. The fair hearing was conducted on January 8, 2020, and the record closed at that time.

FACTUAL DISCUSSION AND FINDINGS

The petitioner filed an application for Supervisor Certificate with the New Jersey Department of Education, State Board of Examiners (Board). The Board reviewed the petitioner's application and determined that the petitioner had not completed the required three graduate level elective credits in staff supervision and three credits in curriculum design and development. Upon reconsideration of certain coursework, the Board approved the course work in the staff supervision. However, the Board maintained the petitioner had not completed three credits of graduate course work in the area of curriculum design and development.

Testimony

For petitioner:

Carmen Thomas-Henderson, Ph.D. is employed as an education consultant. She also teaches at Rowan University. She has received her masters as well as her doctorate in education. She provided testimony as to the education that she has completed and why she believes that the coursework that she has successfully completed meets the requirement of the regulations. Specifically, she provided a syllabus of several courses that she completed at Gwynedd Mercy University, which she claims involved curriculum development in the preschool through grade 12. Specifically, she produced and testified about the following courses:

EDU 844: The Neuroscience of Learning: A re-examination of programs and services for diverse learning from the viewpoint of cognitive neuroscience of learning. Viewing learning as essentially a process of neurological change, neurological research about learning offers practicum and a policy makers insights and perspectives to change educational practice. (P-1.)

EDU 841: Designing intervention and assessment: Through a review of research and local practices, this course offers an in-depth study, analysis, and discussion of intervention programs and outcomes for students with special needs. Students will examine the organization and administration of special education programs with emphasis on the role of the special education leader within the local agency. A review of the development, implementation and evaluation of effective program designs will prepare students to make recommendations for future practice. (P-2.)

EDU 808: Technology, Data & Program Evaluation: Further focused exploration of learning technology, gathering and using data to drive instructional improvement, and evaluation of educational programs. (P-3.)

EDU 801: Educational Policy in Research & Practice in the US: The course provides an analysis of educational programs and research as it relates to the organizing,

governance, and delivery of educational services in the US. Students shall examine the role of the federal government, state department of education, intermediate education units, local school districts, charter schools, private schools, higher education, nonprofit organizations and schools for profit with an emphasis on identifying the underlying influence that drive them. Models for the organization and delivery of educational services will be analyzed. Major issues explored and analyzed in this course include school finance and equitable school funding, trends in Pre-K -12 and higher education policy and practice, and the changing role of large and small school districts, private schools, charter schools, colleges and universities and educational providers of all sorts. (P-4.)

EDU 848: Special Education Practicum 1: The course provides field experience in a school setting to perform the function required of a special education supervisor in local education agencies (LEAs) including charter schools, private schools, and intermediate units. The student enrolled in this course will be supervised by/or by and approved mentor. The students will be provided with experience in the self-evaluations and reflection, administrative shadowing, departmental and school improvement plans, student evaluation and placement process in special education, staff observation and supervision, clinical supervision of a peer and development and planning for staff professional development. (P-5.)

The petitioner testified that all of these classes involve general curriculum development. However, she could not indicate in any of the detailed syllabus where there was a mention of curriculum development. She argued that program development, planning, evaluations, and placement were words that were synonymous with curriculum. The petitioner also provided a letter from the Program Director for Graduate Education at Gwynedd Mercy University which indicated that she has successfully completed the Ed Leadership program, and that same follows standards and is aligned with NJAC 6A:9-3.4. The final exhibit entered into evidence was the petitioner's transcript indicating her classes from Gwynedd Mercy University.

For respondent:

The respondent did not provide any direct witnesses but submitted R-1 through R-5 into evidence without objection. The documents were the departments file in connection with the application for supervisors' certificate. The final document which was entered into evidence during the petitioner's case as R-5, was a list of Classes at Gwynedd Mercy University. The petitioner was questioned about EDU 572, which was entitled "Curriculum and Instructional Supervision." The Course description is as follows: "instructional leadership is critical to school success. It includes curriculum development and implementing, staff development and instruction supervision. The course will deal with curriculum trends, new approaches to organizing schools, professional learning communities, instructional methodologies, and research on improving student performance." (20 hours embedded field experience required.) (R-5.)

The Board determined that the petitioner had satisfied all requirements toward certification except for three graduate elective credits in curriculum design and development. They maintain that the coursework provided including the foregoing P-1 through P-5 did not satisfy the requirements of curriculum development. Accordingly, the denial of the Supervisor Certificate was proper.

The foregoing is found as **FACT**.

LEGAL ANALYSIS AND CONCLUSION

Pursuant to N.J.A.C. 6A:9B-3.2, the New Jersey State Board of Examiners is responsible for issuing appropriate certificates to teach or to administer, direct, or supervise, the teaching, instruction, or educational guidance of pupils in public schools operated by district boards of education.

N.J.A.C. 6A:9B-12.6(a) provides, in pertinent part, to be eligible for the standard administrative certificate with a supervisor endorsement, a candidate shall:

1. Hold a master's or higher degree from a regionally accredited college or university;

2. Successfully complete one of the following:
 - i. A Commissioner-approved college curriculum that specifically prepares the candidate for the endorsement;
 - ii. Twelve graduate-level semester-hour credits, including the following:
 - (1) Three credits in general principles of instructional staff supervision in preschool through grade 12;
 - (2) Three credits in general principles of curriculum design and development for preschool through grade 12;
 - (3) Three elective credits in curriculum design and development; and
 - (4) Three elective credits in instructional staff supervision and/or curriculum design and development; or
 - iii. A Commissioner-approved training program that is implemented by a Commissioner-approved provider and specifically prepares the candidate for the endorsement; and
3. Hold a standard New Jersey instructional or educational services certificate, or its out-of-State equivalent, and complete three years of successful, full-time teaching and/or educational services experience. Teaching and/or educational services experience completed in a New Jersey school district must have been under an appropriate New Jersey certificate.

Here, the Board determined that the petitioner did not satisfy the requirement for three graduate elective credits in principles of curriculum design and development for pre-school through grade 12, pursuant to N.J.A.C. 6A:9B-12.6(a)(2)(ii)(2). The petitioner has argued that certain courses that she took at a Gwynedd University satisfy the requirement for certification. There was no expert testimony on the definition of the term curriculum. However, the term did not appear anywhere in the lengthy course descriptions of the courses which petitioner argues satisfy this requirement. Moreover,

there is a course taught by Gwynedd in the same program for which petitioner was enrolled in which is described as “curriculum instruction” and contains the term “Curriculum” in its title as well as throughout the course description. Accordingly, I am not satisfied that the courses for which the petitioner refers to in P-1 through P-5, include curriculum development or satisfy the New Jersey State requirements for curriculum development. Moreover, I must defer to the expertise of the Board, and there was no evidence that the decision was arbitrary, capricious or unreasonable.

Accordingly, I **CONCLUDE** that the petitioner has not met her burden by a preponderance of the evidence, and I **CONCLUDE** that the Board’s denial of the petitioner’s request for the issuance of a Supervisor Certificate was appropriate.

ORDER

It is hereby **ORDERED** that the Board’s denial of the petitioner’s request for the issuance of a Supervisor Certificate be **AFFIRMED**.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



January 21, 2020 _____

DATE

SARAH G. CROWLEY, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

SGC/cb

APPENDIX

WITNESSES

For petitioner:

Carmen Thomas-Henderson

For respondent:

None

EXHIBITS

For petitioner:

- P-1 EDU 844: The Neuroscience of Learning, Summer 2017 - Syllabus
- P-2 EDU 841: Designing Interventions and Assessments, Faculty Instructional Guide
- P-3 EDU 808: Technology, Data, & Program Evaluation, Course Syllabus
- P-4 EDU 801: Educational Policy in Research & Practice in the US, Faculty Instructional Guide
- P-5 EDU 848: Special Education Practicum I, Faculty Instructional Guide
- P-6 Letter from Dr. Carol Etlén, Confirmation of Ed Leadership Program Completion, dated October 3, 2018
- P-7 Transcript, dated August 16, 2018

For respondent:

- R-1 Re-evaluation of Credentials, dated September 28, 2018
- R-2 Credentials Review Summary
- R-3 State Board of Examiners Consideration, dated April 16, 2019
- R-4 Gwynedd Mercy University Faculty Guide, September 2016
- R-5 Gwynedd Mercy University Graduate Catalog, page 73