

New Jersey Commissioner of Education

Final Decision

Camden Vocational Education Association,

Petitioner,

v.

Board of Education of Camden County Technical Schools,
Camden County,

Respondent.

Synopsis

The Camden Vocational Education Association (Association) contended that the respondent, Board of Education of Camden County Technical Schools (Board), improperly provides the financial literacy instruction required under *N.J.S.A. 18A:35-4.34*. Successful completion of this instruction is a graduation requirement. Pursuant to *N.J.A.C. 6A:8-5.1*, such requirement may be met through courses designed to meet the New Jersey Student Learning Standards (NJSLS) (“Option 1”) or through individualized student learning opportunities that meet or exceed the NJSLS (“Option 2”). The Board determined to approve the teaching of financial literacy through Option 2. The Association argued that the Board’s assignment of technical and vocational teachers to provide financial literacy lessons as part of other classroom instruction violates *N.J.S.A. 18A:26-2*, which requires teachers to possess valid and appropriate teaching certificates; the teachers assigned to instruct financial literacy under Option 2 do not hold certification to teach this subject matter as a standalone course.

The ALJ found, *inter alia*, that: Option 2 is an acceptable means for the Board to address the financial literacy requirement; an individual providing instruction in financial literacy pursuant to an Option 2 program is not required to hold the certification required to teach the subject as a standalone course; the Board’s program is consistent with the requirements of Option 2 and is an appropriate means of providing financial literacy instruction; and the Board’s offering of the program is not arbitrary, capricious, or unreasonable. Accordingly, the ALJ dismissed the petition.

Upon review, the Commissioner concurred with the ALJ that the Board’s program to teach financial literacy is appropriate even though it may not precisely fit into the categories of Option 2 student learning opportunities listed in *N.J.A.C. 6A:8-5.1(a)(2)(i)*, which also specifically provides that student learning opportunities “include but are not limited to” the listed items. The Commissioner concluded, *inter alia*, that the type of interdisciplinary learning offered by the Board for financial literacy comports with the regulatory intent to allow districts flexibility to approve alternatives to traditional instruction; further, Option 2 does not require that student learning opportunities be facilitated by certificated teachers. Accordingly, 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.

213-22

OAL Dkt. No. EDU 00026-18

Agency Dkt. No. 274-11/17

New Jersey Commissioner of Education

Final Decision

Camden Vocational Education Association,

Petitioners,

v.

Camden County Technical Schools Board of
Education, Camden County,

Respondent.

The record of this matter, the Initial Decision of the Office of Administrative Law (OAL), and the exceptions filed by petitioner pursuant to *N.J.A.C. 1:1-18.4* have been reviewed and considered.¹

This matter involves the requirement that all districts provide financial literacy instruction. *N.J.S.A. 18A:35-4.34*. Pursuant to *N.J.A.C. 6A:8-5.1*, graduation requirements may be met through the awarding of credits² in courses designed to meet the New Jersey Student Learning Standards (NJSLS) (colloquially referred to as “Option 1”) or through individualized student learning opportunities that meet or exceed the NJSLS, such as independent study, online learning, or structured learning experiences (“Option 2”). Here, the Board approved the teaching of financial literacy through the use of Option 2. Under this approval, teachers who

¹ The Board filed a reply to petitioner’s exceptions, which was untimely pursuant to *N.J.A.C. 1:1-18.4(d)* and therefore was not considered herein.

² The number of credits is based on the amount of the time spent in class.

are certified to teach technical and vocational skills courses, such as welding and carpentry, provide financial literacy lessons as a part of their other classroom instruction; however, these teachers do not hold the certificate that would be required for them to teach financial literacy as a standalone course.

The Camden Vocational Education Association filed a petition of appeal, alleging that the Board's use of Option 2 in this manner does not qualify as an Option 2 program and violates *N.J.S.A. 18A:26-2*, which requires teachers to possess valid and appropriate teaching certificates to teach. Following a hearing, the Administrative Law Judge (ALJ) concluded that Option 2 is an acceptable means for the Board to address the financial literacy requirement. The ALJ further concluded that an individual providing instruction in financial literacy pursuant to an Option 2 program is not required to hold the certification required to teach it as a standalone course. Finally, the ALJ concluded that the Board's program is an appropriate method to provide financial literacy instruction, consistent with the requirements of Option 2, and that its program is not arbitrary, capricious, or unreasonable. Accordingly, the ALJ dismissed the petition of appeal.

In its exceptions, petitioner argues that Option 2 does not permit teaching staff members to provide classroom-based instruction in a subject area for which they are not properly certificated. Petitioner contends that the financial literacy classes taught by career teachers are not independent study, online learning, study abroad programs, student exchange programs, or a service learning experience, and thus they are not a proper application of Option 2. Petitioner also argues that the Board has violated the teachers' tenure and seniority rights

by involuntarily assigning them to teach a subject in which they can never become tenured or accrue seniority because they do not have the appropriate certification for the position.

Upon review, the Commissioner concurs with the ALJ that the Board's use of Option 2 to provide financial literacy instruction is appropriate. While the incorporation of financial literacy lessons into technical and vocational courses may not precisely fit into the categories of Option 2 student learning opportunities listed in *N.J.A.C. 6A:8-5.1(a)(2)(i)*, that provision specifically provides that student learning opportunities "include, but are not limited to" the listed items. The Commissioner concludes that the type of interdisciplinary learning offered by the Board for financial literacy comports with the regulatory intent to allow districts flexibility to approve alternatives to traditional instruction.

Furthermore, Option 2 does not require that student learning opportunities be facilitated by certificated teachers. In many cases, such as with internships, students are supervised by individuals who are not teachers at all. Accordingly, there is nothing inappropriate about Option 2 financial literacy lessons being incorporated into career courses by teachers who do not hold certificates in the areas that would authorize them to teach financial literacy as a standalone course.³ The Commissioner notes that the Board still bears responsibility to ensure that students are meeting or exceeding the NJSLs and demonstrating competency, but there is no indication in the record that the Board is failing to meet those requirements.

³ While petitioner argues that this manner of instruction conflicts with *N.J.S.A. 18A:26-2* and *N.J.A.C. 6A:9B-5*, the Commissioner finds no such conflict because the requirements of Option 2 are distinct from those for traditional, credit-based instruction.

Regarding petitioner's arguments that the Board has violated their tenure and seniority rights, the Commissioner finds that these arguments are entirely speculative and not appropriate for adjudication at this time. The petition contains no facts demonstrating that the Board has taken any action which may implicate any teacher's tenure or seniority rights, such as a reduction in force. While the Commissioner was not provided with a transcript of the hearing, it also does not appear that any testimony indicated that the Board had taken such action.⁴ Should the Board attempt to limit any of its employees' tenure or seniority rights due to the time they spend providing financial literacy instruction in their career courses, those employees are free to file a new petition of appeal based on that Board action.

Accordingly, the petition of appeal is hereby dismissed.

IT IS SO ORDERED.⁵



ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 19, 2022
Date of Mailing: August 19, 2022

⁴ Petitioner's post-hearing brief, which summarizes the testimony, does include a statement that one of the witnesses testified that he could not earn tenure or seniority teaching financial literacy. A witness does not have the authority to make a legal conclusion. Furthermore, this statement suffers from the same problem as petitioner's arguments in its exceptions – it is purely speculative and not based on any action by the Board.

⁵ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. EDU 00026-18

AGENCY DKT. NO. 274-11/17

**CAMDEN VOCATIONAL EDUCATION
ASSOCIATION, ON BEHALF OF A CLASS OF
MEMBERS IT REPRESENTS, AND THE
INDIVIDUAL PETITIONERS INCLUDING
BRUCE BERGEN, WILLIAM CANTIELLO,
TERRY LEE, RN, JEFFREY MERZ, JAMES MORTON,
DOUG SELFRIDGE, CHARLES SIEDLECKI
AND RICHARD ZADROGA,**

Petitioners,

v.

**CAMDEN COUNTY TECHNICAL
SCHOOLS BOARD OF EDUCATION,
COUNTY OF CAMDEN,**

Respondent.

Keith Waldman, Esq., for petitioners (Selikoff & Cohen , P.A., attorneys)

David C. Patterson, Esq., for respondent (Maressa Patterson, LLC, attorneys)

Record Closed: May 18, 2019

Decided: June 2, 2022

BEFORE **ELIA A. PELIOS**, ALJ:

STATEMENT OF THE CASE

Petitioners Camden Vocational Education Association (CNEA) and a group of petitioners it represents seek a determination that the use by respondent Camden County Technical Schools Board of Education (Board or CCTS) of Option 2 to utilize teachers not certificated to teach financial literacy to do so violates the State's education laws and regulations. Respondent argues that its program is an appropriate use of Option 2 and that the teachers do not require the certificates petitioners claim.

PROCEDURAL HISTORY

The matter was transmitted to the Office of Administrative Law (OAL) for a hearing on January 2, 2018, where it was filed as a contested matter. N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. The matter was scheduled for a hearing on January 23, 2019. The matter was heard on that date and the record was held open to allow for post-hearing submissions after the parties received the transcript. The record was closed on May 18, 2019.

FACTUAL DISCUSSION

All school districts in New Jersey are required to provide the teaching of Financial Literacy. Passing this class is a graduation requirement.

In the fall of 2017, respondent approved the teaching of Financial Literacy at its Pennsauken Campus by Career teachers using Option 2, a Regulation (N.J.A.C. 6A:8-5.1(a)2) adopted by the Department of Education allowing graduation requirements to be met through program completion of a range of experiences that enable students to pursue a variety of individualized learning opportunities. Previously, the course had been taught as a stand-alone class by teachers with a Teaching Business Certificate, which is not held by the teachers identified in the petition.

The preceding statements are not in dispute and are hereby **FOUND** as **FACT**.

Petitioners presented testimony of Richard Zadroga, Charles Siedlecki and Doug Selfridge. Respondent offered the testimony of Patricia Fitzgerald and Karen DiGiacobbe.

SUMMARY OF TESTIMONY

Richard Zadroga

Richard Zadroga testified on behalf of petitioners. He has been employed by the respondent for eighteen years. He is a welding teacher and is a member of the petitioning Association. He does not hold an executive office with the Association. Zadroga is a certified teacher of welding. He reviewed his estate license. (P-1.) He has taught welding for eighteen years and has been teaching financial literacy since November 2017. He did not previously teach financial literacy and states that he does not have the proper endorsement. He read the certification requirements for himself on the State website (P-2.), which answered frequently asked questions of financial literacy from the Department of Education. He particularly noted page 3 which indicated that a business education certificate is needed, one for family and consumer science, or math or social studies. He feels that his lack of appropriate certifications for financial literacy is problem for the students.

Zadroga is familiar with Option 2. He believes it's due to a cooperative program. He offered as an example that his students would go to a welding shop to learn in the field outside of the school. He disagrees with respondent's citing Option 2 as the basis for financial literacy as an in-classroom option. Traditional courses such as math and English etc. lend themselves better to in-classroom learning. Students do not have to take welding. They could take other trades. He describes his classroom education setting. He teaches in the front of the classroom. In the back of the classroom is a welding section. It is an active and dangerous setting. There are flames. There is compressed gas. Temperatures involved reach 11,000 degrees, which he notes is hotter than the outer layer of the sun. Protective gear is needed.

Zadroga knows that the State does mandate financial literacy. He was told in September 2017 about the need for him to teach the class. There was one meeting for a few hours which he says constituted his "training" in the subject. He was not comfortable with the material. He spoke to his union representative and his principal to express his concerns. His principal said that was not up to him. No one has told Zadroga that he needs to obtain a financial literacy certificate.

Zadroga teaches the financial literacy portion in the classroom setting, reading from the instructional manual while the students write answers in their workbooks. He believes the classroom portion of his class time should be spent teaching and training in welding before the students go back to the workshop for hands-on work. He has read and reviewed and proceeded to discuss the regulation requirements for the Board of Education's business education and family consumer certification. (P-3.) He does not meet those requirements. He reviewed additional business education certifications. (P-4.) He had also seen these requirements before and believes he does not meet the requirements, as he does not have the math preparation requirements. He did similarly review the requirements for the family and consumer science certification noting again that he does not meet the requirements for the substantive math preparation. He has not applied for any of the certificates although based on the Option 2 requirements, he believes he needs one of them to teach financial literacy.

Zadroga reviewed the Financial Literacy Curriculum. (P-7.) He has seen it before. He noted his name on the last row—column five—business credits. He received experience as a previous or current owner or operator of a business. He does not believe that this qualifies him to teach financial literacy. In running his own business, he hired a bookkeeper who did the finances. He has no credits in accounting, business law, economics or finance. He does not believe he is qualified to teach financial literacy any more than he is qualified to teach math or carpentry.

On cross-examination Zadroga acknowledges that he understood how to run his business. He believes Option 2 requires outside of the school setting. He does not know how it presents in school settings. On redirect Zadroga states he is not certified to teach financial literacy even though he ran a business.

Charles Siedlecki

Charles Siedlecki testified on behalf of petitioners. He lives in Pittsgrove, New Jersey. He has been employed by the respondent for eighteen years. He is a member of the petitioning Association and is not a member of its executive board. He is a carpentry and construction tech teacher. Siedlecki reviewed his certification. (P-10.) He also has taught financial literacy since the 2017-2018 school year. He did not ask to teach financial literacy and notes that he does not have the proper certifications to do so. He reviewed the subject matter preparation noted in Exhibits P-3 through P-6. He does not have the required credits for the certificate and does not feel qualified to teach financial literacy. He did not go to school for it and he does not have the certifications. Siedlecki always assumed that his teachers were certified to teach him what they taught him. He is not qualified to teach financial literacy in his opinion according to the requirements.

Siedlecki is familiar with Option 2. He believes it applies to a cooperative setting for on-the-job training. He does not believe the implementation of teaching financial literacy is consistent with the intention of Option 2. He does not have to teach carpentry. He can teach other classes. His classroom is a carpentry shop. He has a homeroom class in the morning and after homeroom, they discuss the day, specifically, what they're going to do in the shop area. Teachers and students are issued a manual for financial literacy. Teachers were told they could ask for assistance.

Siedlecki does not feel comfortable teaching financial literacy. He raised his concern with his union representative. He asked in a meeting why a shop teacher would have to teach the class, since the Board employed teachers who meet the qualifications. He was told that the assistant superintendent said that they presented the plan to the State who said that it was okay to implement in this way. No one has told him he needs to obtain the certificate. He teaches financial literacy in his classroom right after homeroom. He teaches eleventh and twelfth graders. Financial literacy is supposed to be taught during eleventh grade. His twelfth grade students had financial literacy the prior year, so they have to participate in the class again because he cannot release students to work in the shop if he is not available to supervise them.

After Siedlecki reviewed the requirements and the courses that he has taken (P-7), he states that is not qualified to teach financial literacy. He did have previous experience in a business—a construction company—but he had a bookkeeper and accountant to handle financial matters. All he did was estimate material and labor needs for the job. His experience as a carpenter does not provide him with the tools he needs to teach financial literacy. He never is asked to teach math or a foreign language or welding as he is not certified for any of those subjects. He is not the only teacher that teaches financial literacy. Other teachers are there who are qualified.

On cross-examination he acknowledged that the Board of Education has approved the utilization of Option 2 for the teaching of financial literacy.

Doug Selfridge

Doug Selfridge also testified on behalf of petitioners. He lives in Turnersville, New Jersey, and has worked for the respondent for ten years. He only teaches social studies. Selfridge is familiar with CNEA. At the time of the hearing he was serving in his second year as the president of the Association. He spent some time describing the role of association president and then went on to discuss his familiarity with “Option 2.” His understanding is that Option 2 is intended to facilitate a cooperative setting for alternate route students. It is not offered in social studies. Students are given a choice as to whether or not to take social studies.

Financial literacy was added to the curriculum pursuant to State mandate. To his understanding, he does not have the qualifications to teach financial literacy. Members of the Association came to him and raised concerns. He relayed those concerns to the assistant superintendent who assured him that Option 2 covers respondent’s form of implementation. Selfridge asked to be provided with proof. He felt that what he was provided with did not suffice or satisfy him so he went to the NJEA. Sometimes teachers coordinate with other disciplines but they are not responsible for teaching the other area that they coordinate with.

Patricia Fitzgerald

Patricia Fitzgerald testified on behalf of respondent. She lives in Haddonfield, New Jersey. She has been employed by the respondent for thirty-three years. At the time of the hearing, she was in her sixth year as the superintendent of schools. The Camden Voc-Tech has two campuses but the issues raised in the present matter stem only from the Pennsauken campus. As superintendent she makes recommendations to the Board of Education as does the assistant superintendent.

Financial literacy is now required and needed to graduate. It was formerly offered as a two and a half credit class taught by a variety of certified teachers. The Board of Education ultimately approved the policy and teachers were left to implement it. In 2017 there was a change in how financial literacy was taught. She reviewed a document entitled "Financial Literacy Redesign". (R-1.) This plan was developed by the assistant superintendent. It discusses offering financial literacy through Option 2. It was a move to have career teachers teaching financial literacy.

In 2015 both Fitzgerald and the former assistant superintendent attended a workshop for technical schools. Representatives of the Department of Education were present. Career teachers presented on how they were fusing financial literacy with teaching in performing arts. The Department of Education endorsed what was discussed. The former assistant superintendent was very enthusiastic and her replacement, the current assistant superintendent, took the matter on and followed through. The proposal was presented to the Board. Fitzgerald reviewed the minutes of the September 20, 2017, Board of Education meeting (R-3) noting that item D was for the purpose of discussing the approval for revising curriculum for financial literacy and implementation. Fitzgerald indicated that the assistant superintendent was better situated than she to discuss implementation.

On cross-examination Fitzgerald discussed the difference between experiential learning and classroom learning. Experiential learning is a hands-on experience similar to workforce experience. She acknowledged that Option 2 can in fact be an experience-based program. She knows that some work-based education can occur in the shop and

can occur in a classroom setting. Other core curriculum can also be accessed through Option 2; particularly math, science and English. Regarding the Career program Teacher Spreadsheet (P-7), Fitzgerald states it was prepared by her secretary. She did not create it herself. Fitzgerald believes that Option 2 can be taught in a classroom setting as indicated by the agreement of the County executive superintendent. Respondent also received authority from the Department of Education.

On redirect she stated that she is not required to get authorization of the county superintendent to utilize Option 2. She is not required to get State authorization either. Option 2 has been implemented in social studies and has been utilized in other workplace apprenticeships.

Karen DiGiacobbe

Karen DiGiacobbe also testified for respondent. She has been employed by the respondent for thirty years. She is the assistant superintendent for curriculum and instruction and administrative grants. DiGiacobbe explained that the Option 2 regulation provides alternative programs for students to get required credits for graduation through work experiences. She reviewed a guide for the use of Option 2 (R-3) from the Department of Education website. The purpose is to maximize student achievement. DiGiacobbe believes Option 2 can be used inside the school setting and that that decision is up to the local board. In reading through the guidance documents, she felt Option 2 was a perfect fit for financial literacy. The plan involved embedded learning and structured learning. Entrepreneurship can also be embedded in one's progress. Items are more likely to be retained than when financial literacy used to be a standalone class. At that time, it was required to be taught by certified teachers.

DiGiacobbe reviewed a list of career teachers (P-7) and noted a mix of certifications among them. The use of career teachers is permitted under New Jersey Department of Education guidelines. She reviewed the clarification statement (R-4) and states that the financial literacy requirement can be met through Option 2 as is being done in the current situation. She also reviewed the NJ Student Learning Standards Standard 9 (R-5) which says the same thing and also says it may include but is not limited to independent study,

online learning and structured learning experiences. DiGiacobbe believes that their method is a structured learning experience. She states that Department of Education is aware that respondent addresses the financial literacy requirement in this manner. She knows this because she has had discussions with the Department. DiGiacobbe reviewed an email with Christopher Cox at the Department of Education (R-6) and notes that she has received no email, phone call or other communication that says they cannot teach financial literacy in the way that respondent is doing.

In the summer of 2016 DiGiacobbe met with the union president, Mr. Selfridge's predecessor. She has also spoken with the executive county superintendent and representatives from the Department of Education (DOE) and has received feedback from all parties. A DOE representative told her this could be a model for the State.

During the February 2017 faculty meeting the curriculum supervisor briefed the teachers on fusing financial literacy with career training for the 2017-2018 school year. They began to develop the curriculum. Teachers are given flexibility in how to instruct in financial literacy. DiGiacobbe reviewed the financial literacy curriculum (R-7) which was given to the teachers. She believes that their method comports with and is consistent with the standards that are issued. She reviewed the financial literacy student portfolio or workbook (R-8) and believes that teachers teach in accordance with it. She does not believe that any have asked for assistance. She notes that financial literacy is still taught in the same way and the method is also used at the Gloucester campus.

On cross-examination DiGiacobbe acknowledges that merely reading the book in the class setting is not what was intended by the program. Structured learning is work based—it is not an internship; it is not an apprenticeship. It is a form of service learning. This is the basis for the Department of Education's understanding of the program.

Upon consideration of the witness testimony and documents placed in evidence, and in addition to **FACTS** previously found, I further **FIND** that the individual petitioners are technical/vocational skills teachers who do not possess the certificates required to teach financial literacy as a standalone course. Respondent provided the individual petitioners a training workshop to prepare them to teach financial literacy within the

context of its Option 2 program. Zadroga's and Siedlecki's financial literacy instruction is delivered in the classroom portion of their workshop settings. Respondent did inform individuals with the NJDOE to apprise them of the program. The DOE issued guidance which clarified the provision of financial literacy instruction and addressed its use through Option 2. (R-4.)

CONCLUSIONS OF LAW

Effective with 2010-2011 grade nine class, district boards of education are required to develop, adopt, and implement local graduation requirements that include at least 2.5 credits in financial, economic, business, and entrepreneurial literacy. N.J.A.C. 6A:8-5.1(a)1v. The record reflects that in the fall of 2017, respondent approved the teaching of Financial Literacy at its Pennsauken Campus by Career teachers through the use of Option 2, a regulation (N.J.A.C. 6A:8-5.1(a)2) adopted by the Department of Education allowing graduation requirements to be met through program completion of a range of experiences that enable students to pursue a variety of individualized learning opportunities.

Petitioners asserts that respondent's use of Option 2 in this manner violates the State's education laws and regulations. Specifically, petitioners assert that pursuant to N.J.S.A. 18A:26-2, teachers must possess valid and appropriate teaching certificates to teach; that the Board's contention of what constitutes an appropriate Option 2 "service learning program" or "work-based program" is contrary to the education laws; and, that Option 2 is supposed to be an alternative to "seat time" instruction and respondent's instruction in financial literacy is undeniably "seat time."

Respondent argues that the manner by which the Camden County Technical Schools Board of Education has determined to teach Financial Literacy is an appropriate and acceptable method under Option 2 and that by the use of the Structured Learning Alternative in Option 2, the teachers who are teaching Financial Literacy are not required to have the Certifications identified by petitioners' two witnesses at the hearing.

N.J.A.C. 6A:8-5.1(a)2, commonly referred to as "Option Two" provides:

2. The 120-credit requirement set forth in (a)1 above may be met in whole or in part through program completion of a range of experiences that enable students to pursue a variety of individualized learning opportunities, as follows:

i. District boards of education shall establish a process to approve individualized student learning opportunities that meet or exceed the NJSLS.

(1) Individualized student learning opportunities in all NJSLS areas include, but are not limited to, the following:

(A) Independent study;

(B) Online learning;

(C) Study abroad programs;

(D) Student exchange programs; and

(E) Structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences.

(2) Individualized student learning opportunities based upon specific instructional objectives aimed at meeting or exceeding the NJSLS shall:

(A) Be based on student interest and career goals as reflected in the Personalized Student Learning Plans;

(B) Include demonstration of student competency;

(C) Be certified for completion based on the district process adopted according to (a)2ii below; and

(D) Be on file in the school district and subject to review by the Commissioner or his or her designee.

(3) Group programs based upon specific instructional objectives aimed at meeting or exceeding the NJSLS shall be permitted under this section and shall be approved in the same manner as other approved courses.

ii. District boards of education shall establish a process for granting of credits through successful completion of assessments that verify student achievement in meeting or exceeding the NJSLS at the high school level, including standards achieved by means of the individualized student learning opportunities enumerated at (a)2 above. Such programs or assessments may occur all or in part prior to a student's high school enrollment; no such locally administered assessments shall preclude or exempt student participation in applicable Statewide assessments at grades three through 12.

(1) District boards of education shall choose assessments that are aligned with or exceed the NJSLS and may include locally designed assessments.

(2) District boards of education shall choose from among the following assessment options to determine if students have achieved the level of language proficiency designated as

Novice-High as defined by the ACTFL and recognized as fulfilling the world languages requirement of the NJSLS:

- (A) The STAMP online assessment;
- (B) The OPI or MOPI; or
- (C) Department-approved locally designed competency-based assessments;

iii. District boards of education shall establish a process to approve post-secondary learning opportunities that may consist of Advanced Placement (AP) courses, CLEP, or concurrent/dual enrollment at accredited higher education institutions.

- (1) District boards of education shall award credit for successful completion of an approved, accredited college course that assures achievement of knowledge and skills that meets or exceeds the NJSLS.

Considering the foregoing, the regulation explicitly states that the graduation requirement may be met in whole or in part through the use of Option 2. No exclusion or exception is noted for the financial literacy requirement, and Department of Education guidance (R-4) specifically states that Option 2 may be utilized for completion of the financial literacy requirement. Accordingly, I **CONCLUDE** that Option 2 is an acceptable means for respondent to address the financial literacy requirement.

Additionally, based on the testimony of the witnesses and documents in the record, specifically guidance regarding the use of Option 2, it is clear that instruction pursuant to Option 2 is often delivered by individuals who are not certified teachers in the specific subject areas, or even any area. The fact that an instructor in an Option 2 setting may be certified as a teacher in a different subject area than those required by one to teach financial literacy as a standalone course does not render them ineligible to provide instruction in an Option 2 setting that an individual who is not a certified teacher would otherwise be able to. I **CONCLUDE** that an individual, including petitioners, who is providing instruction in financial literacy pursuant to an Option 2 program is not required to hold the certifications required to teach it as a standalone course. To the extent that petitioners argue that Option 2 is meant to be an alternative to seat time instruction, such argument relies heavily on a reiteration of their arguments that financial literacy must be taught as a standalone course. These arguments have already been addressed.

Finally, considering the credible testimony of Patricia Fitzgerald and particularly Karen DiGiacobbe along with the documents in the record, I **CONCLUDE** that respondent's Program to teach Financial Literacy as part of its Core Curriculum through the Career Teachers is an appropriate method consistent with the permitted requirements and stated objectives permitted by Option 2, and that its program is not arbitrary, capricious and unreasonable.

ORDER

Petitioners' assertion that respondent's implementation of the financial literacy graduation requirement through the use of Option 2 should be halted and deemed arbitrary capricious and unreasonable is **DENIED**. Petitioners' appeal is **DISMISSED**.

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.



June 2, 2022
DATE

ELIA A. PELIOS, ALJ

Date Received at Agency:

June 2, 2022

Date Mailed to Parties:

June 2, 2022

EAP:as

APPENDIX

WITNESSES

For Petitioners:

Richard Zadroga

Charles Siedlecki

Doug Selfridge

For Respondent:

Patricia Fitzgerald

Karen DiGiacobbe

EXHIBITS

For Petitioners:

- P-1 Richard Zadroga Teacher of Welding Certificate
- P-2 NJ Student Learning Standards Standard 9:1 Personal Financial Literacy
- P-3 Teacher of Comprehensive Business Standard Certificate
- P-4 Teacher of Business: Accounting Certificate of Eligibility
- P-5 Teacher of Business: Finance/Economics/Law Certificate of Eligibility
- P-6 Comprehensive Family and Consumer Sciences Certificate of Eligibility with
Advanced Standing
- P-7 Spreadsheet: PC Career Program Teachers
- P-8 Petitioner's First Set of Interrogatories
- P-9 Answers to Interrogatories

For Respondent:

- R-1 Financial Literacy Redesign
- R-2 Board Minutes September 20, 2017
- R-3 A Guide to the Use of Option Two
- R-4 2.5 Credit Graduation Requirement for Financial, Economic, Business and Entrepreneurial Literacy Clarification Statement
- R-5 NJ Student Learning Standards Standard 9: 21st Century Life and Careers
- R-6 Email Between Karen DiGiacobbe and Christopher Cox of DOE
- R-7 Financial Literacy Curriculum
- R-8 Financial Literacy Curriculum Student Portfolio