

New Jersey Commissioner of Education

Final Decision

Stephen Spotts,

Petitioner,

v.

New Jersey State Board of Examiners,

Respondent.

Synopsis

Petitioner appealed the New Jersey State Board of Examiner’s (Board) denial of his application for a Teacher of Marketing Certificate of Eligibility (CE). The Board filed a motion to dismiss, asking that it be converted to a motion for summary decision at the Office of Administrative Law (OAL); the motion for summary decision was subsequently denied, and a hearing in the matter was held at OAL in December of 2020.

The ALJ found, *inter alia*, that: petitioner attended Lebanon Valley College in Pennsylvania from August 2006 through May 2010, and completed all program requirements for a bachelor of science degree with a major in Digital Communications and concentration in Design; petitioner also attended County College of Morris in New Jersey from February 2019 through April 2019, and completed New Pathways to Teaching in New Jersey—Stage 1; although petitioner took and passed the Marketing PRAXIS exam, a credential review conducted by the Board reflected that petitioner is short 24 semester hour credits in required Business courses, 9 of which must be at the advanced level and 12 of which must be in Marketing coursework; and the Board may not waive established requirements for certification. The ALJ concluded that petitioner failed to demonstrate that he fulfilled the endorsement requirements necessary for a Teacher of Marketing CE pursuant to *N.J.A.C. 6A:9B-9.1*. Accordingly, summary decision was granted in favor of the Board, and the petition was dismissed.

The Commissioner concurred with the findings and determination of the ALJ in this matter. Accordingly, summary decision was granted in favor of the Board and 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.

New Jersey Commissioner of Education

Final Decision

Stephen Spotts,

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) – for the reasons thoroughly expressed in the Initial Decision – that petitioner has not met the requirements necessary for a Teacher of Marketing Certificate of Eligibility pursuant to N.J.A.C. 6A:9B-9.1.¹ 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.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: January 5, 2022

Date of Mailing: January 5, 2022

¹ While the ALJ utilized an arbitrary, capricious, and unreasonable standard of review, the Commissioner notes that when there is a challenge to a finding by the Board of Examiners denying a request for the issuance of a certificate, the Commissioner is not legally mandated to give deference to her staff, but instead determines if the finding was legally appropriate. Therefore, the appropriate standard of review in this matter is whether the decision is consistent with the applicable statutory and regulatory provisions.

² 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 04807-20

AGENCY DKT. NO. 73-3/20

STEPHEN SPOTTS,

Petitioner,

v.

STATE BOARD OF EXAMINERS,

Respondent.

Stephen Spotts, pro se, petitioner

Sydney Finkelstein, Deputy Attorney General, for respondent (Andrew J. Bruck,
Acting Attorney General of New Jersey, attorney)

Record Closed: October 12, 2021

Decided: November 26, 2021

BEFORE **KELLY J. KIRK**, ALJ:

STATEMENT OF THE CASE

Petitioner Stephen Spotts challenges the State Board of Examiners' decision denying his application for a Teacher of Marketing Certificate of Eligibility.

PROCEDURAL HISTORY

By letter dated December 16, 2019, the State Board of Examiners (Board) advised petitioner that at its meeting on December 13, 2019, the Board voted to deny his request for issuance of a Teacher of Marketing Certificate of Eligibility (CE) pursuant to N.J.A.C. 6A:9B-9.1.¹ Petitioner filed a Pro Se Petition of Appeal on March 11, 2020. Respondent filed a motion to dismiss, consisting of a letter brief, on April 3, 2020. The Department of Education, Office of Controversies and Disputes, transmitted the matter to the Office of Administrative Law (OAL), where it was filed on April 7, 2020, for determination as a contested case.

Respondent's April 3, 2020, letter brief requested that if the matter were transmitted to the OAL, the motion to dismiss be converted to a motion for summary decision. Respondent's June 30, 2020, letter requested that the April 3, 2020, motion to dismiss be converted to a motion for summary decision. Petitioner's opposition to the motion for summary decision was filed on July 27, 2020, and respondent's letter reply was filed on August 6, 2020. By order dated August 27, 2020, the motion for summary decision was denied. The hearing was held on December 11, 2020, and the record closed on October 13, 2021, upon receipt of the parties' post-hearing submissions.

FACTUAL DISCUSSION AND FINDINGS

Spotts attended Lebanon Valley College in Pennsylvania from August 2006 through May 2010. He completed all the program requirements of a bachelor of science degree with a major in Digital Communications and concentration in Design. (J-2.)

Spotts also attended County College of Morris in New Jersey from February 2019 through April 2019. He completed New Pathways to Teaching in New Jersey—Stage 1 (fifty hours). (J-5.)

¹ The Board Decision reflects the correct citation, but the Board's letter reflects "69B-9.1."

On March 23, 2019, Spotts took and passed the “5561—Marketing Education” exam. (P-L.)

Spotts’ Official Academic Transcript from Lebanon Valley College reflects courses with the following prefixes: AMS, ART, BIO, CSC, DCOM (Digital Communications), ENG, HIS, MAS, MED, MSC, PHL, PSY, REL, SOC, and SPA. (J-1.) Lebanon Valley College does not offer an undergraduate degree in marketing. (J-2.)

The Digital Communications Program is described by Lebanon Valley College as follows:

The Digital Communications Program explores the fundamental elements of communication, business, design and technology. The program fosters critical reasoning and learning so graduates have the ability to evolve as quickly as current technology.

The program is interdisciplinary and combines classes from the art, business, English, and computer science departments into one degree. After graduating with a B.S. in digital communications, the student is prepared to enter a wide range of technology-related positions in marketing, public relations, information technology, journalism, graphic design, internet development, multimedia, and programming.

The creation of content, both written and visual, remains at the heart of this subject. Students will study art, writing and marketing in the context of content creation for the New Media. Students will learn the theory behind the design of effective presentations and will employ existing multimedia technologies to create them. The techniques with which content is created, processed and delivered are found in the study of programming and computer science. Students in the program will choose a discipline related to the program and complete advanced coursework to form a cognate in that area. Students will also investigate and carefully consider the social, ethical, and legal ramifications of the information technology revolution.

The program, designed to be interdisciplinary and integrative, emphasizes critical thinking, creativity and analysis, rather than specific applications and technologies. The General Education Program at the College, together

with the courses in the students' cognate areas, will expose the students to the fundamental questions of how information is created, processed, understood, and communicated to these disciplines.

[J-2.]

In 2019, Spotts applied for certification through the Teacher Certification Information System (TCIS) for a Teacher of Marketing (2560) CE.

A May 15, 2019, "Evaluation of Credentials—Marketing (#2560)" letter from the Board reflects that an evaluation was completed for the Marketing CE, but that with respect to subject-matter preparation, Spotts needed to "complete an additional 24 semester-hour credits in Business studies with 9 of those credits at the advanced level," which "credits must include 12 semester hour credits in Marketing coursework," and with respect to the physiology-and-hygiene requirement, Spotts needs to present evidence of basic military training or complete "a course such as biology, health or nutrition that appears on a regionally accredited 2 or 4 year college or university transcript," or complete "a 35 question True/False test administered in the county office of education." (J-7.)

A June 11, 2019, letter from the State Board of Examiners to Spotts provided information on the process and procedures in appealing to the Board. (J-3.) A June 17, 2019, letter from the Board to Spotts enclosed the procedures for Board review of alternative education and/or experience to complete requirements for certification, and stated, in part:

Please be advised that the State Board of Examiners does not waive requirements. It determines if the experience and/or study presented is equivalent to the required coursework. Your information packet should focus on each area of deficiency.

Official documentation of experience should include not only original letters by appropriate employers and/or those responsible for providing alternative study indicating dates of employment and job responsibilities, but should also include information relevant to the specific areas of deficiency. The

material you submit for review must include the completed summary sheet and a notarized statement that all documentation is true and accurate. It is recommended that in addition to documentation of employment and academic study, you include in your packet a narrative statement in which you clearly outline the one-to-one equivalence of your experience/coursework to the licensure deficiency.

[J-4.]

Included with the June 17, 2019, letter was a “SAMPLE” credentials-review summary and a two-page information document addressing substitution of alternative education and/or experience, requesting an individual credentials review for certification, preparation of documentation, and procedure after materials have been submitted. (P-M.) The two-page information document states, inter alia, that the Board “cannot waive any requirement and that it is your responsibility to submit documentation of experience which you believe is equivalent to licensure requirement(s) which you have not completed,” and with respect to “Preparation of Documentation” states:

A. If you are presenting job experience as an alternative to required college study or other licensure requirements, your documentation should include, but is not limited to, items such as the following:

1. Verification by your administrator/supervisor on official letterhead substantiating the dates of employment, description of job functions and other information relevant to establishing equivalency. Documentation must be official, original and signed. Testimonials and recommendation may be included, but the aforementioned information is most relevant.
2. Official job description(s) from employing agency.
3. Any evidence of work produced which demonstrates your knowledge of the content covered in required courses or shows that your experience is equivalent to other licensure requirements.
4. Job performance rating and/or evaluations demonstrating satisfactory performance.

5. Transcripts only if not previously submitted and on file with the Office of Licensure and Credentials.
6. Do not include original certificates or licenses.
7. Do not include copies of certificates related to participation in professional development workshops and activities. You may list them as part of your narrative. . . .

Additionally, the instructions state, “Include a narrative statement in your packet which gives more detail about the alternative education/experiences being submitted and the one-to-one correspondence you believe the alternative education/experience has to the deficiencies.” (P-M.)

The June 17, 2019, Credentials Review Summary reflects the “Certificate Deficiencies” as follows:

Complete the following:

- Additional 24 semester-hour credits in Business Studies with at least 9 semester-hour credits at advanced level. At least 12 of the required 24 credits must be in Marketing.
- Physiology and Hygiene Test.

[J-4.]

Spotts submitted a Credentials Review Pack to the Board on or about August 4, 2019. Spotts completed the “Alternate Education/Experience” section of the Credentials Review Summary as follows:

Education Experience

- 2016–Present Assistant Marching Band Director, Morris Hills High School
- 2013–2016 Drumline/Visual Instructor, Morris Hills High School

- 2006–2012 Indoor & Outdoor Snare Tech/Indoor Visual Coordinator, Central Dauphin High School
- 2008–2011 Head Drumline Instructor, Bishop McDevitt High School

Spotts completed the “Experience” section of the Credentials Review Summary as follows:

Corporate Marketing Experience

- 2019²–Present Service Coordinator/Project Manager, Firefighter One
- 2015–2019³ Marketing Coordinator, Firefighter One
- 2012–2015⁴ Graphic Designer/Social Media Marketer, Custom Sign Source
- 2012–2012⁵ Graphic Designer, Sign-A-Rama
- 2010–2012⁶ Marketing and Sales Consultant/Graphic Designer, Colortech Inc./The Blue Cardinal Group Inc.

Additional Experience

- 2014–Present Volunteer Firefighter Roxbury Fire Company #3 (Roxbury Twp., NJ)
 - Assistant Engineer 2016
 - Engineer 2017
 - Lieutenant 2018, 2019
- 2006–2012 Volunteer Firefighter, Friendship Fire Company (S. Lebanon Twp., PA)

² His resume reflects May 2019.

³ His resume reflects July 2015–May 2019.

⁴ His resume reflects December 2012–July 2015 and “Graphic Designer” but not “Social Media Marketer.”

⁵ His resume reflects February 2012–December 2012.

⁶ His resume reflects November 2010–February 2012.

Spotts completed the “Sources” section of the Credentials Review Summary, noting the source of the documents in the Evidence List, as follows:

- Petitioner
- Petitioner
- Supervisor, Firefighter One (Do Not Contact)
- Mr. Richard Hartsuiker, Director of Bands Morris Hills High School
- Mr. Matthew Ceresini, Teacher Hempfield High School (Formally Central Dauphin High School)
- Mr. Stephen Gugoff, Assistant Director, Central Dauphin High School Marching Band; Director, Central Dauphin School District Indoor Percussion Ensembles

[J-5.]

Spotts’ narrative statement included course descriptions,⁷ as well as his own italicized indication next to each of whether the course satisfied business or market credits (“business,” “marketing,” “business [plus] advanced level of study,” or “marketing [plus] advanced level of study”) as follows:

**DCOM 130⁸: Introduction to Digital Communications
(*Business*)**

A broad survey of the curriculum making up the Digital Communications major. This includes the authoring of content (text, visual, aural); designing presentations for that content; understanding the processes, components, and distribution of information technology; introducing the legal and ethical environments; and comprehending the integrative nature of design, business, communication and technology in society’s culture. 3 credits.

⁷ A letter from Lebanon Valley College, dated October 26, 2020 (J-2), lists the courses completed by Spotts as part of the Digital Communications major, and includes excerpts from the college catalog indicating the 2006–2007 college-catalog description for each course. Some descriptions were identical to Spotts’ narrative, but others, as hereinafter noted, differed.

⁸ This description differs entirely from the description in J-2. However, it is noted that while J-2 reflects the course as “DCOM 130: Introduction to Digital Communications,” its description reflects “130. Principles of Information Design.”

CSC 122: Programming for Applications (*Business*)

Topics include algorithms, data types, graphical user interfaces, objects, event handlers, and database programming. This course does not prepare students for more advanced computer science courses, but it does satisfy the core requirement in computer programming for Digital Communications majors. We will use Visual Basic. 3 credits.

ART 213⁹: Fundamentals of Design (*Marketing*)

An introduction to the fundamental elements of design. Students work with graphic symbols, theories of visual perception, principles of composition, and color interaction in a variety of studio projects. The emphasis of the course will be placed on the design process as students develop their ability to communicate their ideas through the use of traditional and electronic media. This course will introduce students to Adobe Photoshop 3 credits.

DCOM 230¹⁰: Information Law and Ethics (*Business*)

Students will begin with a foundation in media law and ethical reasoning and examine both legal and ethical questions surrounding the use of digital media. They will then move on to examine the ways that the Web and digital media platforms have transformed traditional understandings of concepts like intellectual property rights, privacy, and free speech. Students will work with case studies, national and international legal documents, academic research, and company guidelines in order to understand whether legal strictures or ethical reasoning should guide personal, governmental, and corporate behavior. Fulfills requirement: Writing Process, Disciplinary Perspectives, Critical Thinking through Writing. Prerequisite: ENG 112 or FYE 112, and junior or senior standing. 3 credits.

⁹ The description in J-2 is: "An introduction to the fundamental elements of art and design. Students work with graphic symbols, theories of visual perception, principles of composition, and color interaction in a variety of studio projects. [Cross-listed as Digital Communications 255.] 3 credits."

¹⁰ The description in J-2 is: "This course will examine the legal and ethical issues arising from the information age. Topics such as copyright, patent, privacy, security, libel, liability, and government regulation will be explained. 3 credits."

**CSC 245: Concepts of Network and Database
(Business)**

This course has three distinct segments: 1) principles of computer networks and the Internet, 2) database design concepts, and 3) network database applications. Hands-on. Prerequisite: CSC 122 or 144 or permission of the instructor. 3 credits.

DCOM 265: Business of Information I (Renamed: E-Commerce) (Business)

An exploration of the important technologies related to doing business on the Internet. Topics will include e-commerce, advertising, customer support, and business-to-business applications. Emphasis on how businesses implement these technologies, resource requirements, cost-to-benefit analysis. 3 credits.

DCOM 285: Writing for Digital Media (Marketing)

This course will provide students with the skills, theories of design, and experience to design viable digital media projects that meet specific goals and target specific audiences. Prerequisite: DCOM 130, or permission. Offered fall semester. Writing process. 3 credits.

DCOM 345: Digital Video (Marketing)

This course introduces students to the basic principles and practices of digital video creation and production. This course allows the students to build their digital video making skills by having them conceive, storyboard, film, edit, and author projects in DVD format. To complement their practical knowledge, the course gives the students theoretical understanding of how moving and time-based imagery function both conceptually and expressively. Corequisite: DCOM 344. 3 credits.

DCOM 355: Design II (Marketing)

The course will focus on blending the creative and technical aspects of developing electronic images. Students will apply traditional art methods and techniques to the electronic canvas. Additionally, the course will serve to provide a historical perspective of electronic imaging and examine the limitations and possibilities of working in the electronic medium. 3 credits.

DCOM 365: Business of Information II (*Business*)

An exploration of the way businesses utilize technology to operate effectively. The course will focus on how businesses generate, manage, store, and distribute information that is key to performance of business objectives. Topics will include Enterprise Resource Planning (ERP), Customer Relationship Management (CRM), Supply Chain Management (SCM), e-Marketing, and Business Intelligence. Prerequisite: DCOM 265, or permission. 3 credits.

DCOM 385: Multimedia (*Marketing + advanced level of study*)

This course will reinforce and build upon the design skills, theories, and experience from Writing for Digital Media I, and focus on the production and post-production development process. Prerequisite: DCOM 285, or permission. Corequisite: DCOM 300.¹¹ 3 credits.

DCOM 390¹²: Web TV (*Marketing + advanced level of study*)

Special Topic Course offered in 2009/2010

DCOM 390^{13, 14}: Advanced Graphic Design (*Marketing + advanced level of study*)

The course will focus on blending the creative and technical aspects of developing electronic images and layouts. Students will apply traditional design methods and techniques to the electronic canvas. Additionally, the course will serve to familiarize students with industry standard software and procedures for producing creative work for a variety of media. Work will be produced in the latest version of Adobe InDesign [and] Illustrator. Prerequisite: DCOM 150, or permission of the instructor. 3 credits.

¹¹ DCOM 300 does not appear on the Official Academic Transcript.

¹² The description in J-2 is: "The class will create a student-run 'TV show' broadcast on the web. The subject matter and theme of the show will depend on the students enrolled (possibly sketch-comedy). Students will actively develop and pitch ideas, learn basic script writing, videography, and post-production skills, and promote the program using social media. No prerequisites. Open to all majors. Any English Theater concentrator may count this course as a major (elective) requirement. Fulfills DCOM Design, Communications and Business concentrations. Cross-listed with ENG 390.)"

¹³ The description in J-2 is: "This advanced studio attempts to complete the standard form graphic design portfolio. Projects include visual identity and branding, packaging design, applied typography, and multiform layout. The course also covers industry standards, printing processes, and portfolio standards. Students will employ Adobe In Design and Illustrator.)"

¹⁴ DCOM 390 is listed as "Web TV DCOM" and "Advanced Graphic Design" by the College. (J-2.)

DCOM 430: Capstone Project Management (*Business + advanced level of study*)

This capstone course teaches the theory and application of planning projects in the field of digital communications. The course covers principles of project management, research, and project strategy. Additionally, topics of professionalism, client interface, modes of communication, and collaborative group theory and practice are explored. 3 credits. [This course is cross-listed with IEXD 410.]

DCOM 440¹⁵: Capstone Research and Development (*Business + advanced level of study*)

This course is a practicum class where students work on a project for external clients. This course simulates the collaborative and interdisciplinary environment of the field of digital communications and emphasizes usability testing in the identification of a problem, in formative testing and prototyping of potential design ideas, and summative testing of the final project. The course takes the integrative theory and skills from the areas of concentration and builds upon the theory and application explored in the first Capstone course to develop a multi-disciplinary team of students to deliver an appropriate project. 3 credits. [This course is cross-listed with IEXD 411.]

Spotts' Credential Review Summary reflects his present positions as Service Coordinator/Project Manager for employer Firefighter One, and Assistant Marching Band Director for Morris Hills High School. (J-5.) Spotts included with the completed Credentials Review Summary the following: a resume; a performance review from Firefighter One; a letter of recommendation from Richard Hartsuiker, Director of Bands at Morris Hills High School; a letter of recommendation from Matthew Ceresini, Director of Bands/General Music Teacher at Hempfield High School; and a letter of recommendation from Stephen Gugoff, Assistant Marching Band Director and Indoor Percussion Ensembles Director at Central Dauphin High School. (J-5.) His narrative statement reflects, "Because my employer is unaware of my pursuit for a Certificate of Eligibility in Marketing Education, I am unable to provide documentation from my

¹⁵ The description in J-2 differs in the final sentence and appears incomplete as follows: "The course takes the integrative theory and skills from the four areas of concentration (visual, content, commercial, and technological) and builds upon the theory and application ex-."

present career in the form of recommendation letters, as it would put my job status at risk; however, I have included my most current performance evaluation.” (J-5.) His narrative statement also reflects: “I also believe that BIO 103, found on my transcripts, should meet the requirement necessary for the Physiology and Hygiene requirement.” (J-5.)

Spotts’ resume reflects his education experience with Morris Hills High School as: Plan and teach marching and visual technique for the entire ensemble during preseason summer rehearsals; responsible for teaching proper technique for all marching percussion instruments in a competitive band atmosphere; assist in the design and development of the overall visual components of the competitive field show; and assist with planning and leading rehearsals throughout the seasons from June–November. (J-5.) Spotts’ resume reflects his education experience with Central Dauphin School District as: Interpreted proper playing technique for the snare drums in both the outdoor and indoor programs; responsible for writing the drill and overall visual design of the indoor program in 2011 and 2012; and assisted with the planning of weekly rehearsals. (J-5.) Spotts’ resume reflects his education experience with Bishop McDevitt High School as: Taught proper technique for all marching percussion instruments in a competitive band atmosphere; arranged the battery percussion music for the competitive field show; and assisted with the planning of weekly rehearsals. (J-5.)

Spotts’ resume also reflects his “relative work experience” as: Work with internal marketing team to execute service related customer facing social mediate, print and digital advertising; create graphics and marketing materials for both print and digital media; create content and manage marketing campaigns for various company social media accounts; assist with the planning and execution of all company marketing initiatives, including web site content management, print media, video, social media marketing and email marketing; assist clients to create consistent branding; prepare files for large format printing and sign construction; presenting quotes for customer projects from design to construction completion; lead implementation [and] onboarding of new software; and responsible for the maintenance and implementation of all company technology assets. (J-5.)

Spotts' Employee Assessment from Firefighter One, dated May 22, 2017, reflects his department as "Marketing" and job title as "Marketing Coordinator." (J-5.)

By letter dated August 21, 2019, Spotts was notified that the Board had received the experience he documented for review and that he would need to submit copies of his packet and his review would be scheduled. (J-6.)

A memo from Singh to the Board members, dated October 17, 2019, regarding the credentials review for a Teacher of Marketing CE, N.J.A.C. 6A:9B-9.1, reflects that Spotts "appeals the decision of the examiner and, in the alternative, seeks the review of education and/or experience he/she believes is equivalent in the area(s) of deficiency," and that he satisfies the requirements toward certification except for the following:

Needs 24 semester-hour credits in Business Studies with at least 9 semester-hour credits at the advanced level. At least 12 of the required 24 credits must be in Marketing. The physiology-and-hygiene requirement must be met as well.

[J-7.]

Spotts attended the December 13, 2019, Board meeting. The Board did not ask Spotts any questions.

A letter dated December 16, 2019, reflects that the State Board of Examiners advised petitioner that at its meeting on December 13, 2019, the Board voted to deny his request for issuance of a Teacher of Marketing CE pursuant to N.J.A.C. 6A:9B-9.1,¹⁶ and enclosed the Board's Decision.

Spotts was issued a "Teacher of Graphic Design" Certificate of Eligibility in July 2020.

¹⁶ The Board Decision reflects the correct citation, but the Board's letter reflects "69B-9.1."

Testimony

Rani Singh

Rani Singh is employed at the New Jersey Department of Education as the director of the Office of Certification and Induction and as secretary to the State Board of Examiners. Prior thereto she was the chief examiner and supervisor of all examiners in the office who review certification applications. She became director in February 2019. The Examiner Unit reviews all the applications.

The Board found that Spotts was not qualified to teach marketing and voted to deny his request for a Teacher of Marketing CE. The Board reviews alternate education and experience as part of its decision. There was alternate experience listed in his Credentials Review Summary, but no documentation was provided to verify his experience. His resume with work employment history and assessment review were not sufficient documentation of the experience listed on his Credentials Review Summary. Official documentation from an employer to document the experience is required. J-2 was not provided with his appeal. The course descriptions in his narrative statement were not official course descriptions from Lebanon Valley College. The Board does not accept unofficial course descriptions. One-to-one correspondence has to do with whether an individual's experience has a significant relation to the type of experience that the certificate requires, and not to do with a comparison of classes offered at different institutions. Spotts' representation that other universities provided courses similar to Lebanon Valley College has no bearing on whether he qualifies for the Teacher of Marketing CE.

The candidate's packet is reviewed for completeness, in that it must contain the notarized oath and all the information required, but it is up to the candidate to submit all the documentation verifying what is on the Credentials Review Summary. The Board only reviews information submitted by the candidate. If the Board has any questions relevant to the documentation submitted, the Board will ask questions at the meeting. The Board does not request documentation from the candidate if the Board feels there is documentation missing to support information.

BIO 103, environmental science, is not an appropriate course to fulfill the physiology-and-hygiene requirement, as environmental science is not accepted. However, physiology and hygiene did not have a significant bearing on why the CE was denied for marketing.

Stephen Spotts

Spotts followed the template he received with the June 17, 2019, letter, and he was provided a sample Credentials Review Summary. He received the document about alternate education and experience, but the Credentials Review Summary was the only sample document provided as a guide. The document did not really explain anything, it just had an area to list experience. The only experience referenced in the Board's letter was the music teaching experience and supplemental experience working with students, but the Board did not reference the corporate marketing and business experience that he listed in his Credentials Review Summary. The corporate marketing experience on his resume and evaluation confirm his real-world marketing experience. He passed the marketing PRAXIS exam.

After the initial submission for a marketing CE, he also submitted an application for a graphic-design CE. The graphic-design CE was approved, and his BIO 103 course was accepted for the graphic-design CE. He does not know why it would be accepted for graphic design, but not for marketing. He has never completed the physiology-and-hygiene test.

His coursework in DCOM does show a one-to-one correlation between marketing and business coursework that is available at other state universities. He provided course descriptions taken from the official college course descriptions in his packet to the Board. The descriptions match the ones in the Lebanon Valley College official letter he received. He did not make up any course description with his own words to try to make it appear that they meet the requirements.

Perhaps there was some clerical paperwork missing from his application as far as official documentation from employers, but the office or Board should have advised him that additional documentation was necessary. If there was a clerical issue that caused the denial, he wishes the Board would have asked questions about that and provided him an opportunity to submit additional documentation to support the marketing and corporate experience listed on his Credentials Review Summary.

LEGAL ANALYSIS AND CONCLUSION

The Board may issue and revoke three categories of educational certificates: Instructional, Administrative, and Educational Services. N.J.S.A. 18A:6-38; N.J.A.C. 6A:9B-5.3(a). In determining appeals from decisions of the Board, the Commissioner must ascertain whether the decision is supported by sufficient credible evidence in the record and shall not disturb the decision unless the appellant has demonstrated that the Board acted in a manner that was arbitrary, capricious, or contrary to law. N.J.A.C. 6A:4-4.1(a).

Pursuant to N.J.A.C. 6A:9B-9.1:

(a.) To fulfill the endorsement requirements necessary for instructional certification pursuant to N.J.A.C. 6A:9B-8, the candidate shall:

1. Complete one or more of the following coursework requirements for the subject area in which the candidate is seeking the endorsement:
 - i. Complete an undergraduate major in the subject area as documented by an official transcript from a regionally accredited four-year college or university;
 - ii. Hold a graduate degree in the subject area; or
 - iii. Complete at least 30 credits in a coherent sequence of courses appropriate to the subject area as documented by an official transcript from a regionally accredited college

or university, of which 12 semester-hour credits must be at the advanced level of study, including junior-, senior-, or graduate-level study as documented by the official transcript of a four-year, regionally accredited college or university;

2. Pass the appropriate State test(s) of subject matter knowledge. However, if a candidate's score on the appropriate State test(s) of subject matter knowledge falls below the passing score by five percent or less, but the candidate has a GPA of 3.50 or higher when a GPA of 4.00 equals an A grade, he or she shall meet this paragraph's requirements. This alternative requirement shall not be construed as a waiver under N.J.A.C. 6A:9B-4.12(c). . .; and

3. When applicable, complete additional requirements or exceptions pursuant to N.J.A.C. 6A:9B-11.

(b) Except if certified in an experience-based career and technical education endorsement pursuant to N.J.A.C. 6A:9-11.3 or military science pursuant to N.J.A.C. 6A:9-11.8, holders of a CE, CEAS, or standard instructional certificate in one endorsement may obtain the corresponding CE, CEAS, or standard instructional certificate in a different endorsement upon completion of the academic and test requirements listed in (a) above and any additional requirement(s) or exception(s) in N.J.A.C. 6A:9B-10 or 11.

A candidate for certification may appeal to the Board of Examiners an adverse decision regarding his or her certification eligibility. N.J.A.C. 6A:9B-4.12(a). If a candidate receives an evaluation pursuant to N.J.A.C. 6A:9B-5.3(c) that identifies areas of deficiency in the certification requirements, the candidate may provide the Board with evidence of alternative education and/or experience that he or she believes is equivalent to the area(s) of deficiency. N.J.A.C. 6A:9B-4.12(b). However, the Board may not: (1) waive any test, GPA, degree completion, or approved educator preparation program completion requirements; (2) permit a candidate to substitute education and/or experience for any test, GPA, degree, or approved educator preparation program completion requirements; or (3) issue a certificate that is expired and/or is not a type of certificate endorsement pursuant to N.J.A.C. 6A:9B-9 through 11. N.J.A.C. 6A:9B-

4.12(c). The candidate is responsible for demonstrating by clear and convincing evidence that he or she is eligible for the requested certificate. N.J.A.C. 6A:9B-4.12(d).

“Business education/business-related technologies” endorsements authorize the holder to teach business education and business-related technologies in all public schools, in kindergarten through grade 12, including approved career and technical education programs in grades nine through 12 in all public schools. N.J.A.C. 6A:9B-9.4(a)(1). A “marketing education” endorsement authorizes the holder to teach marketing occupations including sales, advertising and retailing, global marketing, entrepreneurship, and exploration of related business occupations. N.J.A.C. 6A:9B-9.4(a)(1)(vii); see also <https://nj.gov/education/license/endorsements/2560S.pdf>. Specific career and technical education endorsements are based on the candidate’s Department-approved employment or self-employment experience, bachelor’s degree, and/or associate degree. N.J.A.C. 6A:9B-9.4(c). Endorsements are organized under sixteen different career clusters, including “marketing,” and are listed on the Department’s website. Ibid. Endorsements are authorized under the “marketing” career cluster for career and technical education programs that prepare students for careers related to the planning, management, and performance of marketing activities to reach organizational objectives. N.J.A.C. 6A:9B-9.4(c)(14).

Spotts submitted six documents with the completed Credentials Review Summary: a narrative statement regarding his education/experience; his resume; a Firefighter One performance evaluation from 2017; and three letters of recommendation from band directors. His narrative statement included course descriptions noted therein to be from the Lebanon Valley College course catalog. However, the instructions from the Board reflect that official documentation is required. That said, it is observed that Spotts later obtained the October 26, 2020, letter from Lebanon Valley College, which for the most part corroborates his earlier descriptions. However, the alternative education/experience must have a one-to-one correspondence with the deficiencies. (P-M.) Petitioner argues that he should be issued a Marketing CE because the coursework to obtain his degree in digital communications shows a one-to-one correlation between the marketing and business coursework at other New Jersey State universities and the coursework satisfies the requirement of thirty credits in business

with twelve specifically in marketing, and because of his years of corporate marketing experience as evidenced in his Credentials Review Summary, resume, and employee assessment. However, the instructions from the Board were clear that documentation should include “verification by your administrator/supervisor on official letterhead substantiating the dates of employment, the description of job functions, and other information relevant to establishing equivalency,” “official job description(s) from the employing agency,” “evidence of work produced which demonstrates . . . knowledge of the content covered in required courses or shows . . . experience equivalent to other licensure requirements,” and “job performance rating and/or evaluations demonstrating satisfactory performance.” Although Spotts argues that his resume reflects “corporate marketing experience,” he provided no “official” documentation from Colorless, Inc./The Blue Cardinal Group, Inc., Sign-A-Rama, or Custom Sign Source and the only documentation provided from Firefighter One was a 2017 Employee Assessment that was not signed by Spotts or his manager. Additionally, it is noted that in response to “in what areas can the employee stand to improve,” it states, “[u]nderstand job responsibilities and priorities in marketing.”

Spotts also provided course descriptions in his narrative statement. Spotts cited the “Lebanon Valley College 2009–2010 Course Catalog,” available online and accessed June 4, 2019, as the source of the descriptions. However, he did not provide to the Board “official” descriptions from Lebanon Valley College. While it is observed that the course descriptions for most courses matched the official October 26, 2020, Lebanon Valley College letter Spotts later obtained, the course descriptions for some courses did not match. Nevertheless, even if the course descriptions and comparisons between Lebanon Valley College courses and various New Jersey college/university courses (P-F) were acceptable evidence, I disagree that all the courses are business and marketing courses, as some are clearly focused on art and graphic design or show no specific relation to marketing or business as is required for the credentials review.

In view of the foregoing, I **CONCLUDE** that Spotts did not demonstrate by clear and convincing evidence that he fulfilled the endorsement requirements necessary for a Teacher of Marketing CE pursuant to N.J.A.C. 6A:9B-8. Thus, I further **CONCLUDE**

that the Board’s decision was supported by sufficient credible evidence in the record and was not arbitrary, capricious, or contrary to law.

ORDER

It is hereby **ORDERED** that Spotts’ request for issuance of a Teacher of Marketing CE is **DENIED** and his petition 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.



November 26, 2021

DATE

KELLY J. KIRK, ALJ

Date Received at Agency:

Date Mailed to Parties:

WITNESS LIST

For Petitioner:

Stephen Spotts

For Respondent:

Rani Singh

EXHIBIT LIST

Joint:

- J-1 Official Academic Transcript
- J-2 October 26, 2020, letter from Lebanon Valley College
- J-3 June 11, 2019, letter from the Board
- J-4 June 17, 2019, letter form the Board
- J-5 Credentials Review Summary
- J-6 August 21, 2019, letter from the Board
- J-7 October 17, 2019, letter from the Board and Attachments
- J-8 December 16, 2019, letter from the Board
- J-9 Board Decision, dated December 17, 2019

For Petitioner:

- P-A (Not in evidence)
- P-B (Not in evidence)
- P-C (Not in evidence)
- P-D (Not in evidence)
- P-E Statement of Spotts
- P-F Comparison Chart
- P-G (Not in evidence)
- P-H (Not in evidence)
- P-I (Not in evidence)

P-J (Not in evidence)

P-K (Not in evidence)

P-L Praxis Scores

P-M Form Samples

For Respondent:

None