

**New Jersey Commissioner of Education**  
**Final Decision**

Julie Witkowski,

Petitioner,

v.

New Jersey State Board of Examiners,

Respondent.

**Synopsis**

*Pro-se* petitioner appealed the determination of the respondent New Jersey State Board of Examiners (SBE) that she had not met the requirements for issuance of a Teacher of Art Certificate of Eligibility (CE) because she failed to attain the required grade point average (GPA) mandated by *N.J.A.C. 6A:9B-8.3(b)*. Petitioner did not dispute the fact that she fell short of the required 2.75 GPA required by regulations but argued that an exception should be made because of difficult personal circumstances she faced in college. The SBE filed a motion for summary decision.

The ALJ found, *inter alia*, that: an applicant for a certificate to teach Art must meet the requirements set forth in *N.J.A.C. 6A:9B-8.3(b)*; pursuant to the plain language of the regulations, an applicant who graduates prior to September 1, 2016, must have a cumulative GPA of 2.75; petitioner only attained a 2.74 cumulative GPA; the regulations do not allow for any exceptions to this requirement; petitioner did not dispute the facts herein, but argued that she struggled for two semesters in college because of having been on her own for the first time; petitioner has the burden of demonstrating by a preponderance of the credible evidence that she is entitled to the certification she seeks; petitioner did not deny that she failed to meet the minimum GPA requirement; the decision by the Board in this matter was consistent with the applicable statutory and regulatory provisions; and unfortunately there are no exceptions allowed to the applicable licensing requirements. The ALJ concluded that the petitioner failed to meet her burden in this matter; accordingly, the SBE's decision denying petitioner the CE that she sought was upheld.

Upon review, the Commissioner concurred with the ALJ that the petitioner did not satisfy the requirements necessary to qualify for a CE and the Board's decision to deny petitioner's application was correct. Accordingly, the Board's motion for summary decision was granted, and the petition of appeal 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.

146-22  
OAL Dkt. No. EDU 00812-22  
Agency Dkt. No. 247-12/21

**New Jersey Commissioner of Education**  
**Final Decision**

Julie Witkowski,  
  
Petitioner,  
  
v.  
  
New Jersey Department of Education,  
State Board of Examiners,  
  
Respondent.

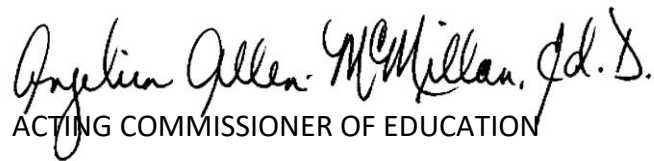
The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed and considered. The parties did not file exceptions.

Petitioner challenged the State Board of Examiners’ (Board) decision denying her application for a Teacher of Art Certificate of Eligibility (CE). Following the Board’s motion for summary decision, the Administrative Law Judge (ALJ) determined that petitioner did not satisfy the requirements necessary to obtain a CE because she had not attained the required grade point average (GPA) mandated by *N.J.A.C. 6A:9B-8.3(b)*.

Upon review, the Commissioner concurs with the ALJ that the petitioner did not satisfy the requirements necessary to qualify for a CE. *N.J.A.C. 6A:9B-8.3(b)* requires a GPA of at least 2.75, which petitioner did not achieve, and *N.J.A.C. 6A:9B-4.12(c)* prohibits the Board from waiving any GPA requirement. Therefore, the Board’s decision to deny petitioner’s application was consistent with the applicable regulatory provisions.

Accordingly, the Board's motion for summary decision is granted, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.<sup>1</sup>

  
ANGELICA ALLEN McMILLAN, Ed.D.  
ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 30, 2022  
Date of Mailing: July 1, 2022

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<sup>1</sup> 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 00812-22

AGENCY DKT. NO. 247-12/21

**JULIE WITKOWSKI,**

Petitioner,

v.

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

Respondent.

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**Julie Witkowski**, petitioner pro se

**Michal Czarnecki**, Deputy Attorney General, for respondent (Matthew J. Platkin,  
Acting Attorney General of New Jersey, attorney)

Record Closed: April 5, 2022

Decided: May 18, 2022

BEFORE **EDWARD J. DELANOY, JR.**, Deputy Director and ALAJ:

**STATEMENT OF THE CASE**

Petitioner Julie Witkowski challenges the State Board of Examiners' decision denying her application for a Teacher of Art Certificate of Eligibility. The denial was issued because Witkowski failed to meet the regulatory requirements for issuance of this

certificate as set forth in N.J.A.C. 6A:9B-8.3 and N.J.A.C. 6A:8B-10.3(a)(1). The reason for the denial was that she lacked the requisite cumulative grade point average (GPA) requirements in the regulations.

### **PROCEDURAL HISTORY**

At its meeting on October 28, 2021, the State Board of Examiners (Board) voted to deny Witkowski's request for issuance of a Teacher of Art Certificate of Eligibility (CE) pursuant to N.J.A.C. 6A:9B-8.3(b). Petitioner filed a pro se petition of appeal on December 30, 2021. Respondent filed a motion to dismiss, consisting of a letter brief, on January 6, 2022. The Department of Education, Office of Controversies and Disputes, transmitted the matter to the Office of Administrative Law (OAL), where it was filed on February 1, 2022, for determination as a contested case.

Respondent's January 6, 2022, letter brief requested that if the matter were transmitted to the OAL, the motion to dismiss be converted to a motion for summary decision. Petitioner's opposition to the motion for summary decision was filed on March 30, 2022, and respondent's letter reply was filed on April 5, 2022. The record closed on that date.

### **FACTUAL DISCUSSION AND FINDINGS**

The facts of this matter are not in dispute, and accordingly, I **FIND** the following **FACTS**: Witkowski graduated college with a Bachelor of Fine Arts degree with a concentration in painting in 2014. Thereafter, Witkowski sought to obtain a CE as a Teacher of Art. The required grade point average (GPA) to receive a CE is 2.75. Witkowski achieved a GPA of 2.74. Because she has graduated college, there is no opportunity for her to improve the 0.01 difference in the required GPA.

### **LEGAL ANALYSIS AND CONCLUSION**

An applicant for a certificate to teach Art must meet the requirements set for in N.J.A.C. 6A:9B-8.3(b). Pursuant to the plain language of these regulations, an applicant who graduates

prior to September 1, 2016, must have a cumulative GPA of 2.75 and have received course or experiences in certain areas. The petitioner had only a 2.74 cumulative GPA. The regulations do not allow for any exceptions to this requirement. The petitioner does not dispute the facts herein. She argues that she struggled for two semesters in college, because of having been on her own for the first time. She was harassed by other students, which harassment involved not only destruction of her projects, but also threats to her safety. The stress of dealing with these situations heavily affected the results of her grades. Not knowing how to advocate for herself led to a slip in grades. She is currently working at Edison High School, after having passed a rigorous interview process. Pulling her out of the classroom would affect her students and hurt the school district. Denial of the CE would permanently exclude her from her career and change the course of her life.

Unfortunately, while I wholeheartedly understand the plight of petitioner, and wish there were some remedy for her, she has not demonstrated that she met the requirements of the regulations, or that there was anything improper about the Board's decision. The decision by the Board in this matter was consistent with the applicable statutory and regulatory provisions. The petitioner has the burden of demonstrating by a preponderance of the credible evidence that she is entitled to the certification she seeks. Farrar v. State Bd. of Exam'rs, EDU 13763-08, Initial Decision (April 27, 2010), aff'd, Comm'r (July 26, 2010), <<http://njlaw.rutgers.edu/collections/oal/>>. Moreover, an administrative agency's interpretation of its own regulations is entitled to substantial weight. Allen v. PFRS, 233 N.J. Super. 197, 207 (App. Div. 1989). There are no exceptions allowed to these requirements, and I am not permitted to make an exception in this matter. Therefore, the petitioner has failed to meet this burden.

I, therefore, **CONCLUDE** that the Board's decision was consistent with applicable law and thus, must be upheld.

### **ORDER**

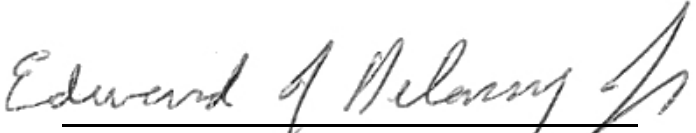
It is hereby **ORDERED** that Witkowski's request for issuance of a Teacher of Art CE is **DENIED** and her petition is **DISMISSED**.

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.

May 18, 2022  
DATE

  
**EDWARD J. DELANOY, JR.**, Deputy  
Director and ALAJ

Date Received at Agency: \_\_\_\_\_

Date Mailed to Parties: \_\_\_\_\_

mph

**WITNESS LIST**

**For petitioner:**

None

**For respondent:**

00812-2022None

**EXHIBIT LIST**

**For petitioner:**

None

**For respondent:**

Letter brief in support of motion to dismiss