

201-26  
OAL Dkt. No. EDU 02386-26  
Agency Dkt. No. 003-01-26

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

Christian Carrasco,

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 challenges respondent Board of Examiners' (Board) denial of his application for a Teacher of Physical Education Certificate of Eligibility (CE) for failure to satisfy the cumulative GPA requirement set forth at *N.J.A.C. 6A:9B-8.3*. The Board moved to dismiss the matter, claiming that petitioner did not allege that the denial was contrary to applicable statutory or regulatory provisions. Although given the opportunity to do so, petitioner did not oppose the motion to dismiss. The Administrative Law Judge (ALJ) concluded that the denial of petitioner's application was required by the regulations because he failed to satisfy either the cumulative GPA requirement or an exception thereto, and that the decision was not arbitrary, capricious, or unreasonable.

As a threshold matter, a discussion of the applicable standard of review for petitions of appeal filed under *N.J.A.C. 6A:3* is necessary. When there is a challenge to a determination made by an office within the Department of Education (Department), the Commissioner is not required to give deference to her staff but instead determines if the finding was legally appropriate. See *Nimczyk v. Dep't of Educ., State Bd. of Exam'rs*, Comm'r Decision No. 98-22 (May 16, 2022) and *Travisano v. Dept. of Educ., State Bd. of Exam'rs*, Comm'r Decision No. 190-22 (Aug. 8, 2022) (detailing the appropriate standard of review to be applied in matters filed against the Board pursuant to *N.J.A.C. 6A:3*). Moreover, where the Department has limited the scope of review of a subordinate office or division, it has done so by regulation, *i.e.* appeals filed under *N.J.A.C. 6A:4* challenging a decision of the Board revoking or suspending a certificate, or a decision of the School Ethics Commission.

In the Initial Decision, the ALJ framed the central legal issue as “whether Carrasco is entitled to an evidentiary hearing to show that the respondent acted arbitrarily, capriciously or unreasonably.” Initial Decision, at 3. However, a decision by the Board denying an application for a certificate is not entitled to the arbitrary, capricious or unreasonable standard of review afforded to appeals filed under *N.J.A.C. 6A:4*. See *Walder v. N.J. Dep't of Educ., State Bd. of Exam'rs*, Comm'r Decision No. 503-14 (Dec. 29, 2014) (finding that the Commissioner does not give deference to a Board decision denying a request for a certificate). The petition of appeal in this matter was filed in accordance with *N.J.A.C. 6A:3*, which consists of completely different regulatory provisions than *N.J.A.C. 6A:4*; these two Administrative Code Sections should never be conflated. *Nimczyk*, at 2. The appropriate standard of review of the Board’s decision in this case is whether the decision is consistent with the applicable statutory and regulatory provisions.

Upon review of the record and application of the appropriate standard of review, the Commissioner finds that the Board’s decision was consistent with the applicable statutory and regulatory provisions. *N.J.A.C. 6A:9B-8.3* sets forth the requirements for obtaining a CE in instructional areas, which include achievement of “a cumulative GPA of at least 3.00 when a GPA of 4.00 equals an A grade for candidates graduating on or after September 1, 2016 . . .” *N.J.A.C. 6A:9B-8.3(a)(3)*. Here, it is undisputed that petitioner graduated from a bachelor’s degree program in 2024 with a cumulative GPA of 2.97. Thus, he has not satisfied the cumulative GPA requirement. Moreover, the exceptions to the cumulative GPA requirement found at *N.J.A.C. 6A:9B-8.3(b)* are not applicable because petitioner did not exceed the passing score on the Praxis subject matter test by 10 percent or more, and he does not claim to be sponsored by a CE educator preparation program. Finally, the regulations prohibit the Board from either waiving a GPA requirement or substituting education and/or experience for a GPA requirement. *N.J.A.C. 6A:9B-4.12(c)*.

Accordingly, the Initial Decision, as modified with respect to the appropriate standard of review, is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed.

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

  
COMMISSIONER OF EDUCATION

Date of Decision: June 10, 2026  
Date of Mailing: June 10, 2026

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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**

**DISMISSAL**

OAL DKT. NO. EDU 02386-26

AGENCY DKT NO. 003-01-26

**CHRISTIAN CARRASCO,**

Petitioner,

v.

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

Respondent.

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**Christian Carrasco**, petitioner, pro se

**Kevin Milton**, Deputy Attorney General, for respondent (Jennifer Davenport,  
Attorney General of New Jersey, attorney)

Record Closed: April 9, 2026

Decided: April 24, 2026

BEFORE **PATRICE E. HOBBS**, ALJ:

**STATEMENT OF THE CASE**

Christian Carrasco, applied for a Teacher of Physical Education Certificate and was denied because he did not meet the requirement of a cumulative GPA of 3.0 or

higher and did not qualify for any of the exceptions to that requirement. Must the New Jersey Department of Education, State Board of Examiners (respondent) issue the certificate? No. A teaching certificate can only be issued if the applicant meets the requirements enumerated or qualifies for an exception and the respondent cannot waive those requirements. N.J.A.C. 6A:9B-4.12(c)(1).

### **PROCEDURAL HISTORY**

On April 2, 2025, Carrasco filed an application for a Teacher of Physical Education Certificate of Eligibility. On May 20, 2025, the Office of Recruitment, Preparation and Certification denied his application. On August 5, Carrasco filed an appeal with the respondent. On September 19, 2025, the respondent met and reviewed Carrasco's application, denial and request for appeal. On October 30, 2025, respondent denied his appeal because he did not meet the requirements under N.J.A.C. 6A:9B-8.3 (a) and he did not qualify for any of the exceptions under N.J.A.C. 6A:9B-8.3(b). Specifically, Carrasco did not have a cumulative GPA of 3.0 or higher and did not exceed the passing score by ten percent on the state test on the subject matter.

On January 7, 2026, Carrasco filed a timely appeal. On February 5 2026, respondent filed a Motion to Dismiss in Lieu of an Answer because Carrasco did not meet the requirements for a Certificate of Eligibility. On February 10, 2026 , the case was transmitted from the Department of Education to the Office of Administrative Law (OAL) under N.J.S.A. 52:14B-1 to-15 and the act establishing the OAL, N.J.S.A. 52:14F-1 to-13, for a hearing as a contested case under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1to 21.6 and N.J.S.A. 52:14B-1 to-15 and N.J.S.A. 52:14F-1 to-13. On March 6, 2026, I held a status conference and directed Carrasco to file a response to the motion by April 6, 2026, allowing Carrasco who is appearing pro se sufficient time to file a response given the pending holidays. Respondent had no objections to the enlarged time for Carrasco to file his response. On April 6, 2026, Carrasco failed to file any response. An email was sent to Carrasco requesting a response to the motion by the close of business on April 9, 2026, and no papers were filed. On April 9, 2026, I closed the record.

### **FINDINGS OF FACT**

Based upon the documents the parties submitted, and my assessment of their sufficiency, I **FIND** the following **FACTS**:

In August 2024, Christian Carrasco graduated from Montclair State University with a Bachelor of Science in Physical Education. (Cert. of Milton, Ex. A.) His cumulative GPA was 2.97. Carrasco completed the Praxis II 5091 Physical Education with a score of 151. Praxis II 5091 Physical Education passing score is 148. A score of ten percent more than the passing score is 163. There are no limitations on how many times the Praxis II can be taken.

### **CONCLUSIONS OF LAW**

The central issue is whether the respondent's motion to dismiss should be granted or whether Carrasco is entitled to an evidentiary hearing to show that the respondent acted arbitrarily, capriciously or unreasonably and his application for employment should be considered by respondent.

Summary decision "may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law." N.J.A.C. 1:1-12.5(b). This rule is substantially like the summary judgment rule embodied in the N.J. Court Rules, R. 4:46-2. See Judson v. Peoples Bank & Trust Co. of Westfield, 17 N.J. 67, 74 (1954). All inferences of doubt are drawn against the party filing the motion and in favor of the party against whom the motion is directed. Id. at 75. The judge's function is to determine whether there are genuine issues of fact to be adjudicated. Brill v. Guardian Life Ins. Co., 142 N.J. 520 (1995).

Having read the briefs and certifications and having reviewed the exhibits, I **CONCLUDE** that no issues of material fact exist and that the case is ripe for summary decision.

When a local board of education acts within its discretionary authority, its decision is entitled to a presumption of correctness and will not be disturbed unless there is an affirmative showing that the decision was “patently arbitrary, without rational basis or induced by improper motives.” Kopera v. W. Orange Bd. of Educ., 60 N.J. Super. 288, 294 (App. Div. 1960). Furthermore, “where there is room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due consideration,” and the commissioner will not substitute his judgment for that of the board. Bayshore Sewerage Co. v. Dep’t of Env’t. Prot., 122 N.J. Super. 184, 199 (Ch. Div. 1973).

A candidate must have a bachelor’s degree from an accredited college or university, with a cumulative GPA of 3.00 when a GPA of 4.00 equals an A grade, to meet the requirements of N.J.A.C. 6A:9B-5, and the candidate must have a passing score of the appropriate state test of subject matter knowledge. N.J.A.C. 6A:9B-8.3(a).

If a candidate does not have a 3.00 GPA, but equal to or higher than 2.75 GPA, the candidate can be exempted from this requirement if, on the state test of the subject matter, the candidate exceeds the passing score by ten percent. N.J.A.C. 6A:9B-8.3(b).

A candidate can appeal their denial to the Board of Examiners. N.J.A.C. 6A:9B-4.12. The candidate can request to substitute alternate education and/or experience in areas of deficiency. N.J.A.C. 6A:9B-4.12(b). The Board of Examiners cannot waive the GPA requirement. N.J.A.C. 6A:9B-4.12(c)(1). The Board cannot substitute education for the GPA requirement. N.J.A.C. 6A:9B-4.12(c)(2).

Here, Carrasco does not have a 3.00 GPA but does have a GPA higher than 2.75. To qualify for a waiver, Carrasco must score 163 on the Praxis II 5091. He scored 148. His GPA and Praxis scores do not fall within any exception. Respondent must comply with the regulations. Respondent cannot waive the GPA requirement, nor is there any additional substitute for the test score. There are no limitations to the number of times an applicant can retake the Praxis II 5091. If Carrasco retakes the examination, and scores 163 or higher, he will qualify for the exemption to the GPA requirement.

Based on the foregoing, I **CONCLUDE** that the respondent's decision to deny Carrasco's Teacher of Physical Education Certificate was required by the regulation, was not arbitrary, capricious or unreasonable and the appeal must be **DISMISSED**.

**ORDER**


I **ORDER** that respondent's motion to dismiss in lieu of an answer is **GRANTED**, and the 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**. Exceptions may be filed by email to [ControversiesDisputesFilings@doe.nj.gov](mailto:ControversiesDisputesFilings@doe.nj.gov) or by mail to **Office of Controversies and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**. A copy of any exceptions must be sent to the judge and to the other parties.

April 24, 2026  
\_\_\_\_\_  
DATE

  
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**PATRICE E. HOBBS, ALJ**

Date Received at Agency: April 24, 2026  
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Date Mailed to Parties: April 24, 2026  
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**APPENDIX**

Moving papers for petitioner:

None

Moving papers for respondent:

Motion to Dismiss In Lieu of an Answer dated February 5, 2026

**EXHIBITS**

For Petitioner:

None

For Respondent:

R-A Decision from State Board of Examiners dated October 30, 2025