

**New Jersey Commissioner of Education
Final Decision**

Supattra Juangian Carr,

Petitioner,

v.

New Jersey Department of Education, State Board
of Examiners, and Board of Education of the
Borough of Prospect Park, Passaic County,

Respondents.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed and considered.

After the Initial Decision was issued, the Commissioner received a stipulation of dismissal executed by counsel for petitioner and respondent State Board of Examiners (Examiners). The stipulation expressed that petitioner's claims are now moot and the matter is resolved.¹

Accordingly, the Initial Decision is rejected based on the change in circumstances.² The petition of appeal is hereby dismissed with prejudice.

IT IS SO ORDERED.³



COMMISSIONER OF EDUCATION

Date of Decision: September 15, 2026
Date of Mailing: September 15, 2026

¹ The petition did not assert any legal claims against respondent Board of Education of the Borough of Prospect Park.

² The Commissioner does not reach any conclusions regarding the legal issues in this matter.

³ 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

SUMMARY DECISION

OAL DKT. NO. EDU 02221-26

AGENCY DKT. NO. 400-11/25

SUPATTRA JUANGIAN CARR,

Petitioner,

v.

**NEW JERSEY DEPARTMENT OF EDUCATION,
STATE BOARD OF EXAMINERS, AND PROSPECT
PARK SCHOOL DISTRICT,**

Respondents.

Randi Doner April, Esq., for petitioner (Oxfeld Cohen, PC, attorneys)

Rachel B. Kristol, Deputy Attorney General, for respondent New Jersey State
Department of Education, Board of Examiners (Jennifer Davenport,
Attorney General of New Jersey, attorney)

Albert C. Buglione, Esq., for respondent Prospect Park School District (Buglione,
Hutton & DeYoe, LLC, attorneys)

Record Closed: April 23, 2026

Decided: July 8, 2026

BEFORE **BARBARA SINGER, ALJ:**

STATEMENT OF THE CASE

On September 1, 2024, petitioner Supattra Juangian Carr, a Certificate of Eligibility (CE) holder, began employment with the Prospect Park School District (Prospect Park) in a certified position, but the Department of Education (DOE) did not list September 1, 2024, as the effective date of her provisional certificate. Must the effective date be September 1, 2024? Yes. The effective date for a provisional certificate must be the date on which the CE holder begins employment with the district board of education in a certified position. N.J.A.C. 6A:9B-8.4(b).

PROCEDURAL HISTORY

On September 1, 2024, Carr began employment with Prospect Park as a teacher.

On April 11, 2025, Prospect Park applied to the DOE on Carr's behalf for two provisional certificates, a Provisional Preschool through Grade 3 Certificate of Eligibility and a Provisional Teacher of Students with Disabilities Certificate of Eligibility, each with an effective date of September 1, 2024, to coincide with the day on which Carr started her teaching job.

On April 14, 2025, the DOE denied the application because Prospect Park did not register Carr's employment within sixty days of her start date.

On April 30, 2025, Prospect Park reapplied for the provisional certificates, this time listing Carr's employment start date as March 1, 2025, a fictitious start date, to be within the sixty-day timeframe of this filing. DOE approved and issued Carr the two provisional certificates, each with an effective start date of March 1, 2025.

On June 5, 2025, Carr appealed the DOE's denial of her first application, the one dated April 11, 2025. On September 19, 2025, the DOE denied the appeal on the original basis. On November 20, 2025, Carr filed a petition of appeal with the Commissioner of Education, naming both the DOE and Prospect Park as respondents. On December 15, 2025, Prospect Park filed an answer. On January 29, 2026, the DOE filed a motion to

dismiss the case instead of an answer for failure to state a claim upon which relief can be granted.

On February 5, 2025, the DOE, Office of Controversies and Disputes, transmitted this case, with the motion to dismiss, to the Office of Administrative Law (OAL) as a contested case for a hearing under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6.

On March 16, 2026, Prospect Park submitted a letter joining in the DOE's motion. On March 24, 2026, I held a prehearing conference, set submission dates for the remainder of the motion papers, and gave counsel notice that I would convert the motion to dismiss to a motion for summary decision. On March 30, 2026, Carr submitted her opposition. On April 14, 2026, the DOE submitted its reply. At the April 23, 2026, conference, the parties stated no further submissions were needed.

FINDINGS OF FACT

Based upon a review of the papers submitted in support of and in opposition to the motion for summary decision, I **FIND** the following as **FACT** for purposes of this motion only:

Prospect Park is a district registered in the state's Provisional Teacher Process (PTP) Program, which makes it possible for the DOE to oversee the PTP of a novice teacher through the district's oversight.

On September 1, 2024, Carr began employment with Prospect Park as a novice teacher. Prospect Park advised Carr that it would support her through the PTP program. This program includes providing mentoring services and producing summative ratings each year. At the beginning of employment, Prospect Park informed Carr that the provisional certificates would be issued and that the standard certificate was anticipated for September 2026. Prospect Park was to also file a notice of hiring with the DOE within sixty days of September 1, 2024, but it did not do so due to administrative complications.

During the 2024–25 school year, participated in the PTP program. She paid \$1,000 for the cost of mentoring and participated in various program activities, including weekly meetings with her mentor, observations and evaluations. Prospect Park submitted the provisional certificate application on April 11, 2024. On April 14, 2024, the DOE denied the application based on the missing notice of hiring from Prospect Park.

In a second application dated April 30, 2025, Prospect Park changed the employment start date to March 1, 2025, which is a fictitious start date, so her start date would be within sixty days of filing. DOE issued the certificates based on this second application and listed March 1, 2025, the fictitious start date, as Carr's start date. This fictitious start date effectively documents her employment start date as six months later than the real start date.

Carr continues to work in the school district in the 2025–26 school year.

CONCLUSIONS OF LAW

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). In this case, no genuine issues of material fact exist, and petitioner is entitled to summary decision as a matter of law. In addition, for equitable considerations, I recommend that the DOE issue the provisional certificates with Carr's real start date of September 1, 2025. I believe that it is manifestly unjust for Carr to have a later issuance based on Prospect Park's failure to file a notice of hiring within the first sixty days and then to file a notice of hiring with a fictitious start date.

Novice teachers such as Carr are eligible for either a certificate of eligibility, N.J.A.C. 6A:9B-8.3, or a certificate of eligibility with advanced standing, N.J.A.C. 6A:9B-8.2. A teacher with either certificate who finds employment can then obtain a provisional certificate for teaching. The school district must immediately register the novice teacher with the DOE, request the provisional certificate, and enroll the novice teacher in the district mentoring program. N.J.S.A. 18A:26-2a(b). The law also provides

that when the provisional certificate is issued, “its effective date for all purposes shall be the date on which the novice teacher began employment with the board of education. The board of education shall also enroll the novice teacher in the provisional teacher program and comply with all responsibilities assigned to the district by the department.” Ibid. (emphasis added). The teacher is subsequently eligible to apply for a standard certificate.

The qualifying standards for the provisional certificate are listed in N.J.A.C. 6A:9B-8.4(a), which implements N.J.S.A. 18 A:26-2a. The standards require the school district to submit documents that show the candidate holds a Certificate of Eligibility or Certificate of Eligibility with Advanced Standing; accepted an offer of employment in a position that requires an instructional certificate; is registered in the district mentoring program; and for a Certificate of Eligibility candidate, is enrolled in an educator preparation program.

Start dates on a provisional certificate are important because the years of employment under the emergency or provisional certificate count toward seniority when the employee obtains a standard certificate. See N.J.A.C. 6A:32-5.1(e). Years working under a provisional certificate can count toward seniority and tenure if the teacher meets the requirements for a standard certification. Anson v. Bridgeton Bd. of Ed., 1972, S.L.D. 638; Ruiz v. Bd. of Ed. of the Borough of Fort Lee, 2011 N.J. AGEN LEXIS 775 (Aug. 17, 2011).

The procedural standards for issuing provisional certificates are set forth in N.J.A.C. 6A:9B-8.4(b). The subsection first states that “[t]he effective date of provisional certificate issuance shall be the date on which [the novice teacher] begins employment with the district board of education in a certified position in accordance with N.J.S.A. 18A:26-2.” N.J.A.C. 6A:9B-8.4(b) (emphasis added). It then states that “[t]he employing school district shall register the teacher within 60 days of the date the [novice teacher] begins employment.” N.J.A.C. 6A:9B-8.4(b). Thus, subsection (a) provides for substantive professional requirements, and subsection (b) provides for procedural record keeping requirements. The DOE added the sixty-day requirement to subsection (b) in 2023 to “ensure the Department can maintain an accurate record of educators in the

provisional teacher program by specifying that the district board of education has the responsibility for reporting newly employed CE or CEAS holders.” See 54 N.J.R. 2301(a) (Dec. 19, 2022). The sixty-day addition also furthers the legislative intent of N.J.S.A. 18A:26-2a(b), which is to avoid delays in the issuance of provisional certificates by requiring the school district to immediately start the registration process. After enrolling the teacher in the program, the district shall “. . . comply with all responsibilities assigned to the district by the department.” N.J.S.A. 18A:26-2a(b). As such, the district maintains oversight of the training throughout the PTP program.

Some requirements in the application process cannot be waived, but the sixty-day notice is not one of them. Certificate requirements include degree, assessments, fees, GPA, and all certificate rules at N.J.A.C. 6A:9B-8 through -15. An application is deemed filed when the Office receives all required supporting documentation. N.J.A.C. 6A:9B-5.3(b). The sixty-day notice is not covered in this grouping, as the notice requirement lies within N.J.A.C. 6A:9B-5.3. The Legislature could have included it here if it wanted to. Notably, this statute does not call for a blanket denial of the initial application if an item is missing but instead allows DOE to hold the file pending receipt of further supporting documentation.

Subsection (c) then provides “if the candidate is not eligible for the certificate sought, the Office shall issue a written evaluation that identifies the deficiency(ies) for certification.” Ibid. In conjunction with subsection (b) deeming an application filed when all supporting documentation is received, this gives the candidate an opportunity to correct the deficiency. If the deficiency is on the list of items that cannot be waived, such as a minimum GPA, then of course a denial would be issued. For other items, such as a sixty-day notice, there is an opportunity in this statutory scheme to correct such a deficiency as there is no instruction requiring a denial. A denial under these facts thwarts the legislative intent to expedite the provisional certification process. Requiring a second application process for a missing notice that can be easily rectified by the school system fosters delay, the very thing the requirement is seeking to avoid.

If an appeal is needed due to a denial, the Board of Examiners cannot waive certain requirements such as test scores, minimum GPA, and degree or approved

educator preparation program completion requirements. A candidate also cannot substitute education or experience for these requirements. Finally, the Board of Examiners cannot issue a certificate that is expired and/or is not a type of certificate endorsement set forth at N.J.A.C. 6A:9B-9 through -11A. These are endorsements for specific subject areas. N.J.A.C. 6A:9B-4.12(c). The list of items that cannot be waived refers to professional requirements; it does not list the sixty-day notice. The legislature could have listed the notice here too if it wanted.

Crucially, N.J.A.C. 6A:9B-8.4(b) ties the sixty-day requirement to the employee's actual start date, not the start date made up by the school district to precede an application by sixty days. Moreover, when the DOE issues a provisional certificate, "its effective date for all purposes shall be the date on which the novice teacher began employment with the board of education." N.J.S.A. 18A:26-2a(b). It is noted that both applications were filed late. There is no legal support for the DOE to issue provisional certificates with fictitious dates where the regulations state that the certificates are to be issued with the start date. There is also no reason to interpret "start date" to be anything other than the actual start date.

The school district is required to provide the initial notice, but the denial in this case for failure to do so leaves the teacher with the penalty. This is an unnecessary result under the statutes. Statutes should be read plainly and applied to comport with reality. As such, the DOE should send the district a written evaluation identifying the deficiency of the lack of the sixty-day notice and, upon receipt of that notice, issue the provisional certificate(s) with the actual start date. Accordingly, I **CONCLUDE** that the DOE must provide the actual start date on the provisional certificates it awards.

Additional support exists for this conclusion as Carr rightly argues in her brief. In her brief, Carr argues that equitable relief requires certificates with the actual start date. To obtain equitable estoppel against a government entity, a party must prove the entity knowingly and intentionally misled the party into changing its position to its detriment. The "intentional misrepresentation by the government may be found if a public official knew or should have known of material facts but acted as if he did not have knowledge,

thus causing a misrepresentation.” State Dep’t. of Env’t Prot. v. Ventron Corp., 94 N.J. 473 (1983).

For example, in Search Day Program, Inc. v. N.J. Dep’t of Educ., Final Decision, 2006 N.J. AGEN LEXIS 574 (Jun. 2, 2006), the Commissioner of Education backdated a certificate when the entire application was missing because the failure to file the application was not the fault of the teachers who fulfilled all other requirements. In that case, several teachers worked at a private, nonprofit school for the disabled before they obtained their standard teaching certificate. The general process was that the school would send the applications for the emergency certificates to the County’s Department of Education office, which would then approve the certificates and forward them to the State Licensing Office. It would then take about half a school year to get the emergency certificates back. During that time, the teachers would perform their teaching duties.

Unfortunately, that did not happen in Search Day. In that case, for the 2002–2003 school year, Search Day’s emergency applications did not reach the State Licensing Office due to clerical error. The issue was not discovered until processing applications for the following school year, at which time Search Day re-submitted the missing applications asking for retroactive emergency certificates. Without these retroactive certificates, Search Day would have needed to return the funding received for these teachers for that school year, posing an undue financial burden on Search Day. Ultimately, the Commissioner of Education adopted the ALJ’s conclusion that the weight of the evidence and the doctrine of estoppel supported back-dated certificates for those teachers because they were otherwise entitled to them.

Significantly, the Commissioner reasoned that the teachers could be supplied with back-dated certificates when the entire application was missing. Meanwhile, in this case, only one piece of information is missing, not the entire application. Moreover, the district is already overseeing the program requirements and ensuring they are met, making the hiring notice to the DOE a matter of record keeping pending the provisional certificate application.

Noteworthy in Search Day is the fact that the DOE routinely issued back-dated emergency certificates, as the processing time routinely resulted in those certificates being issued in the spring of the school year. This was partly due to the requirement under N.J.A.C. 6-11-4.3(b) that they only be submitted after August 1 for the upcoming school year. Meanwhile, the teachers were fulfilling their professional requirements. Thus, the DOE has long used its authority to issue back-dated certificates to teachers who fulfilled the professional requirements. The concept is not novel.

Similarly, in Ruiz v. Bd. of Educ. of the Borough of Fort Lee, 2011 N.J. AGEN LEXIS 775 (Aug. 17, 2011), the DOE used its discretion to issue a teacher a provisional license with an earlier start date in exchange for the teacher's commitment to become a substance awareness coordinator. The teacher's history showed that his original issue date was August 2007, when he was already working in the coordinator position, but the teacher sought credit from September 1, 2006, to meet a four-year tenure requirement.

The issue in Ruiz is whether a school year can be counted toward tenure when a teacher is not working under an issued provisional certificate. The Acting Commissioner's decision noted the school district is tasked with the responsibility for securing provisional certification for a novice teacher, who cannot obtain the certificate on their own. Thus, the Commissioner found that because the school district failed to obtain the certificate, it was estopped from arguing that the time working in the position would not count toward tenure. Therefore, the teacher was deemed to have worked under a provisional certificate since the actual start date and was credited for the time working before the certificate was issued. While this case is under an "immediately register" requirement, as it is prior to the current sixty-day time limit, it supports the DOE in using discretion and granting an equitable remedy where, if all other substantive requirements are met, a retroactive start date (the actual start date) is granted.

Like Ruiz, Carr meets all professional requirements, and no one disputes them. The only issue is the start date of her certificate. Carr began fulfilling her professional obligations on September 1, 2024, while believing the school district was fulfilling its procedural obligations. The district did in fact provide oversight of the professional

requirements during this time, and the lack of notice to the DOE did not affect progress in the program.

Both application processes, for emergency certificates and provisional certificates, involve a lagging time for processing that is known and accepted by all involved. It is known that teachers are working and fulfilling their certification requirements during this processing time, expecting that if all the professional requirements are met, the certificates will be granted with the actual start date on them. Teachers do not know how long that lag time will be at the DOE, but the process is long established so that the certificates will be forthcoming, which is why the DOE is routinely “back dating” provisional certificates with the actual start date, even for applications that get to the DOE within sixty-days of the start date, as there is no time limit on the time for the DOE to send the provisional certificate to the school district. An actual start date is on a provisional certificate, whether the DOE takes two days, two months, or four months to process an application and send the provisional certificate to the district. Given this reality, the equitable solution is for teachers to receive the actual start dates on their provisional certificates, no matter when their districts send their notices. Indeed, no detriment exists to the public in granting provisional certificates with actual start dates under these facts. The loss of time, however, is a detriment and an inequity to the teacher with respect to seniority and tenure. Accordingly, I **CONCLUDE** that equitable relief requires the DOE to issue certificates with actual start dates in situations where the substantive professional requirements are met and the notice of hiring is subsequently received.

ORDER

I **ORDER** petitioner’s motion for summary decision is granted and that the DOE provide Carr with provisional certificates dated September 1, 2024, her actual start date.

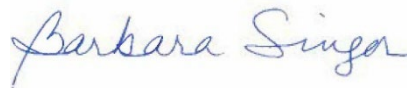
I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

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** 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.

July 8, 2026



DATE

BARBARA SINGER, ALJ

Date Received at Agency:

7/8/26

Date Mailed to Parties:

7/8/26

BCS/id