

SHERRI L. GLENNON, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
NEW JERSEY STATE BOARD OF : DECISION
EXAMINERS AND CENTENARY :
COLLEGE, :
RESPONDENTS. :

SYNOPSIS

Petitioner appealed the determination of the State Board of Examiners (Board) to deny her instructional certification with endorsements in elementary education and the teaching of students with disabilities because she had failed to matriculate into and successfully complete a post-graduate certification program – a requirement for candidates, such as petitioner, who do not meet the requisite minimum undergraduate GPA. Petitioner took a number of post graduate courses at Centenary College (Centenary), as well as two other colleges, but she never completed requirements to matriculate into any post graduate teaching certification program. The respondents filed motions for summary decision.

The ALJ found, *inter alia*, that: the OAL has no jurisdiction over Centenary; Centenary did not act in bad faith in declining to recommend petitioner for certification as petitioner had never satisfied the requirements for enrollment in Centenary; the Board did not act in an arbitrary, capricious or unreasonable manner in refusing to issue a certificate to petitioner, as petitioner had not completed all certification requirements at the time her application was submitted to the Department. The ALJ concluded that petitioner had failed to demonstrate her entitlement to certification, granted the respondents' motions for summary decision, and dismissed the petition.

The Commissioner concurred with the ALJ, and adopted the Initial Decision of the OAL as the final decision in this matter. The petition was dismissed.

<p>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.</p>

September 18, 2009

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Petitioner challenges the determination of the New Jersey State Board of Examiners (Board of Examiners) that she has not met the requirements for the awarding of instructional certification with endorsements in elementary education and the teaching of students with disabilities. The gravamen of the Board of Examiners' decision was that petitioner had failed to matriculate into and successfully complete a post-graduate certification program. Completion of such a program is a licensing requirement for students, such as petitioner, whose undergraduate GPAs are below the required cut-offs of 2.50 or 2.75 – depending upon the year in which the undergraduate degree was conferred. *N.J.A.C. 6A:9-8.1(a)(2)*.

After reviewing the record and the Initial Decision of the Office of Administrative Law (OAL),¹ the Commissioner adopts the Initial Decision – with the following comments:

First, as a threshold matter, the Administrative Law Judge (ALJ) is correct in concluding that the Commissioner does not have jurisdiction over Centenary College (Centenary) and could not order the relief petitioner demands from the College.

¹ The parties submitted no exceptions.

Second, the Commissioner approves of the ALJ's adoption of the respondents' joint stipulation of facts (Joint Stipulation). Much of petitioner's separate "Statement of Facts" is argument, and the facts alleged therein do not, for the most part, contradict those set forth by respondents.

More specifically, the following facts alleged by petitioner that do appear to contradict the Joint Stipulation, even if true, could not lead the Board of Examiners to a different determination.

1. Contrary to the Joint Stipulation, petitioner maintains that she successfully completed EDU 215, one of the prerequisites for admission into Centenary's post graduate teaching certification program. The record indicates that she did complete this course at the end of 2004. However, shortly thereafter – in January 2005 – the Centenary education department determined that it could not accept petitioner into its program because, despite repeated advisements of the requirements necessary for acceptance into Centenary's certification program – beginning with an interview in November 2003 and continuing via correspondence until January 2005 – she had failed to satisfy those requirements. More specifically, since the completion of EDU 215 was but one of several prerequisites to admission into Centenary's certification program, the question of whether petitioner timely completed the course is not determinative of whether she should have been accepted into the program.
2. Petitioner both alleges that she took the Praxis test – another prerequisite to Centenary's certification program – and that she passed it with a score of 143. This, petitioner asserts, is a high score and should have been offset against her low undergraduate grade-point average. By this allegation the petitioner appears to imply

that she should not have had to enroll in a post graduate certification program to be licensed as a teacher in New Jersey. The Commissioner notes, however, that Exhibit D to petitioner's April 14, 2009 reply brief appears to undermine petitioner's assertion. Exhibit D appears to be a copy of petitioner's Praxis test results. It indicates that petitioner's highest score as of 7/16/09 for elementary education was 139. Further, even if petitioner's score for elementary education had been 143, the information in Exhibit D indicates that a score of 155 would have had to have been achieved in order for petitioner to offset an undergraduate GPA of between 2.5 and 2.75. No offset could be effectuated for GPAs below 2.5, and the parties agree that petitioner's undergraduate GPA was 2.42. If petitioner took a second Praxis test for elementary education, it is not evident in the papers she submitted in the OAL. Moreover, any such second test would have been taken after July 16, 2005, which was six months after the Centenary education department decided that petitioner did not qualify to enter its certification program.

3. Petitioner states that her GPA for the post-graduate courses she took at Centenary was 3.857. Respondents did not address this fact, and the Commissioner does not deem it germane to the question of whether petitioner matriculated into and successfully completed a post graduate certification program, as mandated by *N.J.A.C. 6A:9-8.1(a)(2)*.

Third, in light of the absence of material issues of fact, the Commissioner concludes that summary decision is appropriate in this case.

Finally, the Commissioner finds that the Board of Examiners was not arbitrary, capricious or unreasonable in declining to waive the certification requirement, set forth in

N.J.A.C. 6A:9-8.1, that petitioner must complete a post baccalaureate certification program with an appropriate GPA and receive a recommendation or verification from the college offering the program. Centenary could not provide such a recommendation for petitioner because, having never satisfied the requirements for admission, she was never enrolled in its post graduate certification program.²

For the reasons articulated above and set forth in the Initial Decision, the petition is dismissed against both respondents.

IT IS SO ORDERED.³

ACTING COMMISSIONER OF EDUCATION

Date of Decision: September 18, 2009

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² Petitioner's references to permissive language in *N.J.A.C.* 6A:9-5.16 (and former regulation 6:11-3.19) are not on point, as they give the Board of Examiners the discretion to waive a recommendation from an institution in whose program a candidate is enrolled. Here, petitioner was not enrolled in Centenary's certification program – or any other certification program.

³ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, *c.* 36. (*N.J.S.A.* 18A:6-9.1)