

LINDA J. AVELLINO, :
 :
 PETITIONER , :
 :
 : COMMISSIONER OF EDUCATION
 V. :
 : DECISION
 NEW JERSEY STATE BOARD :
 OF EXAMINERS, :
 :
 RESPONDENT. :

SYNOPSIS

Petitioner, who sought certification through the Alternate Route Program, challenged the determination of the New Jersey State Board of Examiners denying her application for a standard instructional certificate with teacher of elementary school and teacher of psychology endorsements, and the denial of her application for an educational services certificate with student personnel services and substance awareness endorsements. Petitioner appealed to the State Board of Education, which remanded the case to the Commissioner to decide in the first instance.

The Commissioner transmitted the case to the OAL for hearing, where petitioner withdrew her challenge to the denial of an endorsement to the educational services certificate as a substance awareness coordinator. The ALJ concluded that petitioner's participation in an after-school program in the Spotswood School District did not satisfy the intensive teacher training experience required by Department of Education regulations for certification through the Alternate Route Program. The ALJ determined, *inter alia*, that the after-school program did not require that she be responsible for provision of instruction in a board-approved curriculum, did not require that her ability to instruct students be assessed, was not a full-time position, included no intensive supervision of petitioner, and that there was no "team" in place to mentor, instruct and evaluate petitioner. As such, the ALJ concluded that petitioner failed to sustain her burden of proof that she was entitled to the certificates/endorsements which she sought and the State Board of Examiners' determination must be upheld.

The Commissioner affirmed the decision of the ALJ for the reasons stated therein. Petition was dismissed.

October 2, 2000

OAL DKT. NO. EDU 4974-99
AGENCY DKT. NO. 106-5/99

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner's exceptions and the State Board of Examiners' reply thereto were timely filed in accordance with the provisions of *N.J.A.C.* 1:1-18.4 and considered by the Commissioner in reaching his determination herein.¹

Upon a thorough and independent review of the record in this matter,² the Commissioner concurs with, and adopts as his own, the findings and conclusions of the Administrative Law Judge for the reasons well-stated in her Initial Decision.

¹ Petitioner's exceptions essentially recast and reiterate her arguments advanced before the Administrative Law Judge below. As it is determined that the Initial Decision fully addressed all of the relevant proffered arguments, further explication herein is unnecessary.

² It is noted that the record includes a transcript of only one of the hearing days, February 29, 2000.

Accordingly, the recommended decision of the OAL is affirmed and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.³

COMMISSIONER OF EDUCATION

Date of Decision: October 2, 2000

Date of Mailing: October 3, 2000

³ This decision, as the Commissioner's final determination, may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.