

JADINE BOWENS, :

PETITIONER, :

V. : COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE CITY OF : DECISION

BRIDGETON, CUMBERLAND COUNTY, :

RESPONDENT. :

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SYNOPSIS

Petitioning teacher appealed the Board’s denial of professional development credit for continuing education and/or in-service attendance/participation pursuant to *N.J.A.C. 6:11-13.1 et seq.*

The ALJ concluded that there was no provision for the Board to recognize any of petitioner’s prior continuing professional development and/or in-service training hours to be counted towards the 100 hours required for licensure every five years. The ALJ noted *N.J.A.C. 6:11-13.2(b)* states that the “content of each teacher’s continuing education shall be specified in a *Professional Improvement Plan* [PIP]” (emphasis added) and petitioner had no PIP in her first year of teaching. Petitioner, however, was not denied any time to fulfill the requirement; her five-year requirement commenced in or about June 2001 subsequent to the completion of her PIP and she, therefore, has until June 2006 to complete the 100 hours of State-approved continuing professional development and/or in-service training. The petition was dismissed.

The Commissioner adopted the findings and determination in the Initial Decision as his own. Since *N.J.A.C. 6:11-13.2* requires that all of a teacher’s professional development must be prospectively contained in his or her PIP developed as part of the prior year’s Annual Performance Review, the Commissioner did forward a copy of this decision to the Professional Teaching Standards Board and urged that Board to consider expeditious regulatory modification to address the inherent inequity this regulation visits upon petitioner and similarly situated first-year teachers.

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.

OAL DKT. NO. EDU 6560-01  
AGENCY DKT. NO. 323-8/01

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The record and Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner’s exceptions were timely filed pursuant to *N.J.A.C.* 1:1-18.4 and fully considered by the Commissioner in reaching his determination herein.<sup>1</sup>

Petitioner’s exceptions essentially recast and reiterate her arguments advanced below, *i.e.*, she is unfairly being required to complete her 100 hours of professional development in four rather than five years because there is no specific authority for tolling the five-year timeline within which a certified teacher must accumulate professional development credits until his or her first Professional Improvement Plan (PIP) is issued; the PIP requirement applies to the continuing education portion of a teacher’s professional development but not to that component which can be satisfied by in-service training; and petitioner is entitled to retroactive credit for her participation in continuing education activities during the 2000-01 school year in her 2001-02 PIP.

Upon careful and independent review of the record in this matter, the Commissioner is compelled to concur with the Administrative Law Judge (ALJ) that the existing

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<sup>1</sup> The Board’s reply exceptions, filed with the Commissioner on November 4, 2002, were untimely as the record indicates petitioner’s exceptions were faxed and mailed to Board counsel on October 18, 2002. Consequently, such reply exceptions were not considered here.

regulatory provisions of *N.J.A.C.* 6:11-13.3 through 13.6 prohibit the application of any professional development hours asserted to have been accumulated by petitioner during the 2000-01 school year toward the 100 hours of such training required by *N.J.A.C.* 6:11-13.2. In so deciding, the Commissioner finds, as did the ALJ, that the regulatory scheme as written contemplates that **all** of a teacher's professional development, whether it be continuing education or district programs traditionally referred to as in-service, must be prospectively contained in his or her Professional Improvement Plan developed as part of the prior year's Annual Performance Review. However, this being the case, it also follows that an individual teacher's five-year timeframe for completion of the requisite professional development commences with the development of his or her PIP.

Notwithstanding the result herein, the Commissioner, nonetheless, recognizes the inherent inequity this regulatory configuration visits upon petitioner and similarly situated holders of a standard certificate during their first year in a district. The Commissioner is, therefore, forwarding a copy of this decision to the Professional Teaching Standards Board and urges this body to consider expeditious regulatory modification to address this circumstance.

Accordingly, the Initial Decision of the OAL is affirmed for the reasons expressed therein. The instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: November 21, 2002

Date of Mailing: November 21, 2002

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<sup>2</sup> 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.* Commissioner decisions are deemed filed three days after the date of mailing to the parties.