

ERIK MASLIN, :  
 :  
 PETITIONER, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
 :  
 NEW JERSEY DEPARTMENT OF : DECISION  
 EDUCATION, OFFICE OF THE STATE BOARD :  
 OF EXAMINERS, :  
 :  
 RESPONDENT. :

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SYNOPSIS

Petitioner appealed the determination of the State Board of Examiners to deny him a standard teaching certificate with a Teacher of the Handicapped endorsement after he was employed for several years under an emergency certificate in Atlantic County. Respondent asserts that petitioner failed to meet the requirements for standard certification because 1) his grade point average in undergraduate school was below the state requirement for teacher certification, and 2) petitioner did not complete a matriculated program of study in a state-approved post-baccalaureate college program, since he earned credits at four separate colleges and no single college recommended him for certification pursuant to regulations.

The ALJ found, *inter alia*, that the language in respondent's notice was clear and unambiguous in stating that the approved college program petitioner was required to complete because of his deficient grade point average in undergraduate school must be at a single college, which would then recommend petitioner for standard certification. The ALJ concluded that petitioner has failed to demonstrate his entitlement to certification as a Teacher of the Handicapped based on a preponderance of the credible evidence.

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>
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April 8, 2008

OAL DKT. NO. EDU 2689-06  
AGENCY DKT. NO. 87-2/06

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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 Department's reply thereto – filed in accordance with the prescriptions of *N.J.A.C.* 1:1-18.4 – were fully considered by the Commissioner in making her determination herein.

Petitioner's exceptions recast and reiterate his arguments advanced below which the Commissioner finds were fully considered and addressed by the Administrative Law Judge (ALJ) in his Initial Decision and, therefore, these will not be revisited here.

Upon full review of the entire record – which included transcripts of two days of hearing in this matter<sup>1</sup>, – the Commissioner concurs with the ALJ that petitioner has failed to demonstrate – by a preponderance of the credible evidence – that he is entitled to receive a standard Teacher of the Handicapped certificate and, therefore, the State Board of Examiner's action denying such certificate must be sustained.<sup>2</sup>

Accordingly, the recommended decision of the OAL is adopted for the reasons fully detailed therein and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.<sup>3</sup>

COMMISSIONER OF EDUCATION

Date of Decision: April 8, 2008

Date of Mailing: April 8, 2008

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<sup>1</sup> Transcripts reflect testimony received at the OAL on August 10, 2006 and May 18, 2007.

<sup>2</sup> It is noted that the ALJ's decision refers to the reviewing body in this matter as the "State Board of Education." By way of clarification, the reviewing body herein was the State Board of Examiners.

<sup>3</sup> This decision 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.*