

RONCIA T. HUTCHINSON, :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
NEW JERSEY STATE BOARD OF EXAMINERS, :
RESPONDENT. :

SYNOPSIS

Pro-se petitioner contended that the respondent State Board of Examiners (SBE) improperly denied of her application for the issuance of an Administrative Certificate with a Supervisor endorsement, and further alleged that respondent improperly denied a request that her application for a Certificate of Eligibility for the position of Principal be evaluated under *N.J.A.C.* 6A:9-12.5(b), former regulatory requirements that were in place prior to January 2008. The SBE contended that petitioner had not established a one-to-one correspondence with the Supervisor certification requirements through her experience in operating a preschool program, as required by *N.J.A.C.* 6A:9-12.6(a). The SBE further held that – regarding petitioner’s submission of an application for a Principal Certificate of Eligibility – regulations unambiguously provided a final date for submission of applications under the former regulations.

The ALJ found, *inter alia*, that: there is no genuine issue as to material fact, and the matter is ripe for summary decision; the SBE appropriately determined that petitioner failed to meet her burden of establishing a one-to-one correspondence of her experience to the “extensive licensing deficiencies”; petitioner did not establish that the SBE’s decision to deny her application for a Supervisor endorsement was arbitrary, capricious or unreasonable; the SBE’s denial of petitioner’s application was appropriate and within its discretion; the SBE’s denial of petitioner’s request to extend the time for consideration of her application for a Principal Certificate of Eligibility under the regulatory provisions that were in place in January 2008 was appropriate, as the deadline for submission of applications under the former requirements was expressly set at December 31, 2011; petitioner did not file her application by that deadline; if petitioner wishes to obtain a Principal endorsement, she must apply under the current requirements of *N.J.A.C.* 6A:9-12.5. Accordingly, the ALJ granted the SBE’s motion for summary decision, and dismissed the petition.

Upon review, the Commissioner found that petitioner did not meet her burden to prove her allegations by a preponderance of evidence, and accordingly agreed with the ALJ’s determination to grant respondent’s motion for summary decision. 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>

May 15, 2013

OAL DKT. NO. EDU 16373-12
AGENCY DKT. NO. 298-9/12

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RESPONDENT. :

The petitioner in this case has alleged that respondent erred in declining to issue her an Administrative Certificate with a Supervisor endorsement. Petitioner further alleges that respondent improperly denied her request that her application for a Certificate of Eligibility for the position of Principal be evaluated using regulatory requirements that were in place prior to January 7, 2008. It is petitioner's burden to prove those allegations by a preponderance of evidence. *In re Polk License Revocation*, 90 N.J. 550, 561, n.1 (1982). Upon review of the record and Initial Decision of the Office of Administrative Law,¹ the Commissioner concludes that petitioner did not meet that burden.

Accordingly, the Commissioner agrees with the Administrative Law Judge that respondent's motion for summary disposition must be granted and the petition must be dismissed.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: May 15, 2013

Date of Mailing: May 15, 2013

¹ Neither party filed exceptions to the Initial Decision.

² 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*).