

279-15 (OAL Decision: Not yet available online)

IN THE MATTER OF THE APPLICATION : COMMISSIONER OF EDUCATION
OF LORRAINE GEORGE-BITTINGS, : DECISION
NEW JERSEY STATE BOARD OF EXAMINERS :

SYNOPSIS

Pro-se petitioner contended that the respondent State Board of Examiners (SBE) improperly denied her application for a standard educational services certificate with a school counselor endorsement. Petitioner acknowledged that she lacked the required credits in a supervised counseling practice, but requested that her 15 years of experience as a school clerk, her six month practicum as a mental health counselor/educator, and her six months internship as a mental health counselor be accepted as alternative experience or education in lieu of the required six credits in a supervised counseling practice in a preschool through grade twelve school setting. The SBE asserted that petitioner lacked the required six semester-hour graduate credit supervised practicum in a preschool through grade twelve setting, and failed to establish a one-to-one correspondence between the licensure deficiency and her experience and education. The SBE filed a motion for summary decision.

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 proving that the SBE improperly denied her application; petitioner has not proved that the SBE's determination to deny her application was inconsistent with the statutory and regulatory provisions for issuance of a school counselor certificate; and that the SBE's refusal to accept her education and work experience in lieu of six credits in supervised counseling was consistent with statutory and regulatory provisions and within its discretion. Accordingly, the ALJ granted the SBE's motion for summary decision.

Upon review, the Commissioner concurred with the findings of the ALJ and adopted the Initial Decision 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>

August 26, 2015

IN THE MATTER OF THE APPLICATION : COMMISSIONER OF EDUCATION
OF LORRAINE GEORGE-BITTINGS, : DECISION
NEW JERSEY STATE BOARD OF EXAMINERS :

This matter concerns petitioner’s request for issuance of a standard educational services certificate with a school counselor endorsement¹ from respondent, New Jersey State Board of Examiners (“Board”), which would authorize her to perform school counseling services in grades preschool through 12. *N.J.A.C.* 6A:9B-12.8. The record, along with the Initial Decision of the Office of Administrative Law, have been reviewed. No exceptions were filed with the Commissioner under *N.J.A.C.* 1:1-18.4.

Upon such review, the Commissioner concurs with the Administrative Law Judge’s determination, for the reasons expressed within the Initial Decision. Petitioner lacks the required six credits for a school counselor endorsement, which must be earned through a “supervised counseling practicum in a preschool through grade 12 school setting.” *N.J.A.C.* 6A:9B-12.8(b)(2)(vi). Although petitioner requested substitution of her experience as a school clerk, along with her practicum and internship as a mental health counselor – pursuant to *N.J.A.C.* 6A:9B-4.13 – in place of the six credits she admittedly lacks, the Board reasoned that petitioner “did not provide compelling and cogent evidence of a one-to-one correspondence between the licensure deficiency, *i.e.*, a school counseling practicum in a school setting, and her

¹ Although the certificate and endorsement in question are referred to as a “school counselor certificate” throughout the record, a certificate and an endorsement are not synonymous. See *Howley v. Ewing Twp. Bd. of Ed.*, 1982 S.L.D. 1328.

experience and education.”² (Board of Examiners Decision, at 3) In conclusion, the Commissioner finds that the sufficient, credible evidence in the record adequately supports the Board’s determination that petitioner has not satisfied the requirements for issuance of a standard educational services certificate with school counselor endorsement, and further finds that the Board’s determination is consistent with relevant statutory and regulatory provisions.

Accordingly, the Initial Decision is adopted as the final decision in this matter for the reasons stated therein. Respondent’s motion for summary decision is granted and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.³

ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 26, 2015

Date of Mailing: August 26, 2015

² The Board cannot waive statutory requirements, but does have discretion to accept alternate education or experience in place of a requirement if the proffered education or experience is equivalent to the area of deficiency. *N.J.A.C. 6A:9B-4.13(a)*.

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