

NICOLE FLYNN, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
NEW JERSEY STATE BOARD OF : DECISION
EXAMINERS, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner filed an appeal challenging the Board of Examiners' determination to deny her application for a Certificate of Eligibility with Advanced Standing (CEAS) in the State of New Jersey, on the basis of her failure to meet the grade point average (GPA) requirement pursuant to *N.J.A.C. 6A:9B-8.1(a)(2)(i)* (2015). This regulation went into effect on September 1, 2014, and the GPA requirement is currently codified at *N.J.A.C. 6A:9B-8.2(c)(1)*. Petitioner asserted that she did meet the licensure requirements for the CEAS as published on the Department's website and as represented to her by Board employees. The Board of Examiners (Board) filed a motion to dismiss, contending that the regulations clearly outline the GPA requirement, which cannot be waived.

The ALJ found, *inter alia*, that: the articulated standard of review for the within controversy is whether the Board's ruling was reasonable, or whether it was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; the statute governing the Board's decision herein is clear, and states that the Board of Examiners shall not "waive any test, GPA, degree completion, or approved educator preparation program completion requirements"; petitioner's GPA of 2.54 falls below the minimum GPA requirement for certification of 2.75; and petitioner failed to exercise her option to supplement the GPA requirement by submitting a Praxis test score of passing plus ten percent, as permitted by regulation. The ALJ concluded that the petitioner failed to meet her burden to prove that the Board's determination to deny her application for a CEAS was arbitrary, capricious or unreasonable. Accordingly, the ALJ granted respondent's motion to dismiss the petition.

Upon review, the Commissioner concurred with the ALJ's findings and conclusion. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this matter. The petition was dismissed.

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.

November 14, 2016

OAL DKT. NO. EDU 07688-16
AGENCY DKT. NO. 31-2/16

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions.

Upon such review, the Commissioner agrees with the Administrative Law Judge (ALJ) that the New Jersey State Board of Examiners (Board) did not act in an arbitrary, capricious, or unreasonable manner when it denied petitioner’s application for a Certificate of Eligibility with Advanced Standing (CEAS) for failing to meet the grade point average (GPA) requirement. The regulation at the time of petitioner’s application required that applicants for a CEAS who graduated before September 1, 2016 achieve a cumulative GPA of at least 2.75, and petitioner’s 2.54 GPA fell short of this requirement. *N.J.A.C. 6A:9B-8.1(a)(2)(i) (2015)*.¹ Further, the Commissioner is in accord with the ALJ that the Board did not have authority to waive the GPA requirements for certification. *See N.J.A.C. 6A:9B-4.16(b) (2015)*² (stating that

¹ This regulation went into effect on September 1, 2014. Currently, this requirement is codified at *N.J.A.C. 6A:9B-8.2(c)(1)*.

² The current version of the regulations contains the same mandate at *N.J.A.C. 6A:9B-4.12(c)(1)*.

“[u]nder no circumstances may the Board of Examiners waive any test, GPA or degree requirements for certification”).

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter – for the reasons expressed therein – and the petition is hereby dismissed.³

IT IS SO ORDERED.⁴

ACTING COMMISSIONER OF EDUCATION

Date of Decision: November 14, 2016

Date of Mailing: November 14, 2016

³ To the extent that the ALJ made findings regarding a cause of action for equitable fraud, such findings are not appropriate as that claim is not before the Commissioner, nor does the Commissioner have jurisdiction over it. *N.J.S.A.* 18A:6-9.

⁴ 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).