

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
RUTH MUNOZ : ORDER  
\_\_\_\_\_ : DOCKET NO. 0304-202

At its meeting of January 22, 2004, the State Board of Examiners reviewed an Initial Decision forwarded by the Office of Administrative Law. The decision settled a case between Ruth Munoz and the State Operated School District of the City of Jersey City. In the Matter of the Certificate of Ruth Munoz, Docket No. CR001-08/02 (Initial Decision, December 17, 2003.) Munoz currently holds a Teacher of Spanish Certificate of Eligibility with Advanced Standing.

This case originated when the Jersey City School District employed Munoz as a teacher of World Languages for the 1999-2000 school year pursuant to the Provisional Teacher Program. At the end of Munoz' provisional year, the district gave her a "disapproved" rating. That rating meant that Munoz would not receive a standard certificate and that she could not enter into another State-approved training program.

Pursuant to N.J.A.C. 6:11-5.5(d), Munoz challenged the rating before the State Board of Examiners and a copy of her appeal was sent to the district for its comment. The district responded that the "disapproved" rating accurately reflected Munoz' teaching performance while in the district. Munoz then requested that an Administrative Law Judge (ALJ) at the Office of Administrative Law (OAL) hear her case. The Board of Examiners transmitted the case to the OAL on October 10, 2002. A hearing was scheduled for May 7&8, 2003, which was adjourned to November 18, 2003. Prior to the start of the hearing, Munoz and the district engaged in settlement discussions and reached a settlement.

The district agreed to change Munoz' rating to an "insufficient" in order to allow her the opportunity to apply for another State-approved training program. In exchange for the rating

change, Munoz agreed to withdraw her appeal. The ALJ approved the settlement and transmitted the matter back to the Board of Examiners for its review.

At its meeting on January 22, 2004, the Board of Examiners reviewed the settlement incorporated into the Initial Decision. The Board must now determine whether to adopt, modify or dismiss the Initial Decision in this matter. After a thorough review of the record, the Board of Examiners agrees with the ALJ that the settlement disposes of the issues between the parties and is consistent with law. Moreover, the Board notes that the district is in the best position of judging Munoz' teaching performance. Accordingly, the Board agrees with the ALJ that Munoz' performance rating should be changed from "disapproved" to "insufficient" and that her appeal should be dismissed.

Accordingly, on this 22<sup>nd</sup> day of January 2004, it is therefore ORDERED that the Initial Decision in this matter is hereby adopted.

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Joan E. Brady, Secretary  
State Board of Examiners

**Date of Mailing: February 23, 2004**

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.