

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
PATRICIA SAVINA :
_____ : DOCKET NO: 0304-159

Patricia Savina was employed by the Penns Grove-Carneys Point Regional School District as an elementary school teacher in the Provisional Teacher Program. Her final performance rating was a “disapproved,” and Savina filed an appeal with the State Board of Examiners to challenge the district’s evaluation of her provisional year performance. The Board of Examiners forwarded a copy of her appeal to the district, which filed a response. Thereafter, the Board transmitted the matter to the Office of Administrative Law (OAL) for a hearing. The parties then agreed to resolve the matter by having Savina withdraw her appeal in consideration for the district’s indicating that it had no objection to her repeating her provisional year in any school district other than the Penns Grove-Carneys Point Regional School District. The Administrative Law Judge approved the settlement and transmitted it to the State Board of Examiners for its review.

At its meeting of April 1, 2004, the State Board of Examiners reviewed the proposed settlement and voted to reject it. In addition, it voted to remand the matter to the Office of Administrative Law, so that the parties might revise the language of the settlement in accord with the governing regulations.

In accord with *N.J.A.C. 6:11-5.5(b)*, which was in effect at the time Savina participated in the Provisional Teacher Program, the employing district would provide one of the following recommendations regarding the provisional teacher’s performance:

1. Approved: Recommends issuance of a standard certificate;
2. Insufficient: Recommends that a standard certificate not be issued but that the candidate be allowed to seek entry on one more occasion in the future into a State-approved district training program; or

3. Disapproved: Recommends that a standard certificate not be issued and that the candidate not be allowed to enter into a State-approved district training program.

As noted above, the district gave Savina a “disapproved” rating, which she challenged. In the proposed settlement, the district indicated that it had no objection to her repeating her provisional year in any other school district. The settlement, however, did not address Savina’s “disapproved” rating, which remained in effect. Thus, whether or not the district objected to Savina’s repeating her provisional year was of no relevance because the “disapproved” rating remained the rating of record. As long as that rating remained, the regulations precluded Savina from repeating her provisional year. The State Board of Examiners therefore, remanded the matter to the OAL so the parties could draft a settlement consistent with *N.J.A.C. 6:11-5.5(b)* that would permit Savina to obtain a second year of employment as a provisional teacher.

On May 18, 2004, the Board transmitted the matter to the OAL. On June 30, 2004, the parties agreed to a settlement that amended Savina’s “disapproved” rating to an “insufficient,” thereby allowing her to repeat her provisional teaching year in any district other than the Penns Grove-Carneys Point Regional School District. Savina, in turn, agreed to withdraw her appeal of the district’s original “disapproved” rating. On June 30, 2004, Administrative Law Judge (ALJ) Edgar Holmes issued a decision approving the settlement. In the Matter of the Certificate of Patricia Savina, Oal Dkt No. EDE 4084-04 (June 30, 2004.)

On September 23, 2004 the State Board of Examiners reviewed the Initial Decision incorporating the settlement agreement. At that meeting, the Board voted to

adopt the Initial Decision. Accordingly, it is therefore ORDERED that the Initial Decision in this matter is hereby adopted on this 23rd day of September 2004.

Judith A. Cifone, Acting Secretary
State Board of Examiners

Date of Mailing: October 5, 2004

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