

KATHERINE MUELLER, :  
 :  
 PETITIONER, :  
 :  
 V. :  
 :  
 BOARD OF EDUCATION OF THE : COMMISSIONER OF EDUCATION  
 BOROUGH OF WALDWICK, BERGEN :  
 COUNTY, : DECISION  
 :  
 RESPONDENT. :  
 :  
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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner's exceptions are duly noted as submitted in accordance with *N.J.A.C.* 1:1-18.4, and were considered by the Commissioner in reaching his decision.<sup>1</sup>

Upon careful and independent review of the record in this matter, the Commissioner concurs with the findings and conclusions of the Administrative Law Judge (ALJ).<sup>2 3</sup> Accordingly, the within Petition of Appeal is dismissed.

IT IS SO ORDERED.<sup>4</sup>

COMMISSIONER OF EDUCATION

Date of Decision: September 15, 2004

Date of Mailing: September 15, 2004

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<sup>1</sup> In her exceptions, petitioner indicates that a copy of the sound recording of the OAL hearing would be forthcoming. The Commissioner must caution, however, that parties challenging an ALJ's findings of fact are required to provide him with those portions of the official transcript relevant to the exceptions filed. *In re Morrison*, 216 *N.J. Super.* 143, 158 (App. Div. 1987) An unofficial copy of the sound recording of OAL proceedings may not be substituted for the required transcript, and will not be considered if so submitted.

<sup>2</sup> As indicated in the Initial Decision, *N.J.A.C.* 6:11-6.2(a)6, the regulation in effect at the time the reassignment was made, has been replaced by *N.J.A.C.* 6A:9-9.2(b)2, which provides that the elementary endorsement authorizes the holder to "[t]each reading, writing, arithmetic, spelling, for basic skills purposes only, in grades 6 through 12." *N.J.A.C.* 6A:9-9.2(b)2iii.

<sup>3</sup> Petitioner's application for emergent relief was opened before the Commissioner of Education on September 29, 2003, transmitted to the OAL, and a hearing was conducted on October 15, 2003. By recommended Order dated November 12, 2003, the ALJ denied petitioner's Motion for Emergent Relief. (Initial Decision at 2) The recommended Order, however, does not appear to have been forwarded to the Commissioner for review, in accordance with *N.J.A.C.* 1:1-12.6(i).

<sup>4</sup> This decision may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6A:4-1.1 *et seq.*