

#38-12 (OAL Decision: Not yet available online)

GREGORY R. CEA, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
NEW JERSEY STATE : DECISION
BOARD OF EXAMINERS, :
RESPONDENT. :
_____ :

SYNOPSIS

Pro-se petitioner appealed the respondent’s denial of his request for the issuance of a Teacher of Career and Technical Education: Carpentry Certificate of Eligibility for failure to attain a passing score on the required Praxis I exam. Petitioner contends that an allowance of five percent would give him a passing score on the Praxis, and that he should be allowed to substitute work experience for a passing score on the Praxis pursuant to *N.J.A.C.* 6A:9-17.13. The respondent filed a motion to dismiss the appeal in lieu of filing an answer to the petition.

The ALJ found, *inter alia*, that: pursuant to *N.J.A.C.* 6A:9-5.16(a), the respondent issues the appropriate certificate upon the candidate’s completion of all certification requirements; the requirements for career and technical education certification are set forth in *N.J.A.C.* 6A:9-11.2; for an experience-based endorsement, a candidate must pass a State-adopted test of basic reading, writing and mathematical skills; and, pursuant to *N.J.A.C.* 6A:9-17.16(a), the respondent may not permit an applicant to substitute education and/or experience for a passing score on any State-required test. The ALJ concluded that petitioner does not meet the requirements for issuance of a Teacher of Career and Technical Education: Carpentry Certificate of Eligibility and accordingly ordered the petition dismissed.

Upon review, the Deputy Commissioner – to whom this matter has been delegated pursuant to *N.J.S.A.* 18A:4-33 – adopted the Initial Decision of the OAL as the final decision in this matter and dismissed the petition. In so doing, the Deputy Commissioner noted that denial of certification to petitioner is compelled by law as petitioner has not satisfied the basic eligibility requirements for the certificate he seeks.

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.

January 30, 2012

GREGORY R. CEA, :
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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 were timely filed however, there is no indication that petitioner sent a copy of his exception letter to either counsel for the State Board of Examiners or the Administrative Law Judge (ALJ) as required by *N.J.A.C. 1:1-18.4(a)*.

Although not contesting that he failed to meet the certification requirements of Teacher of Career and Technical Education: Carpentry Certificate of Eligibility, petitioner’s exceptions urge that the current rules governing the obtaining of this certificate be amended. Petitioner contends that Praxis I does not test for the detailed knowledge required to teach carpentry, and that his four-year carpentry certificate from the New Jersey Department of Labor – issued after successful completion of 8000 hours of carpentry and construction technology – along with his 37 years of carpentry and construction experience, should be accepted as sufficient to qualify him as a teacher of Career and Technical Education.

Upon full review and consideration, the Deputy Commissioner – to whom this matter has been delegated pursuant to *N.J.S.A. 18A:4-33* – concurs with the ALJ that summary

decision with respect to the denial of certification to petitioner is appropriately granted to the State Board of Examiners as such denial is compelled by law.

In so concluding, the Deputy Commissioner is cognizant of the following regulatory provisions – enacted by the State Board of Education – attendant to this matter: 1) *N.J.A.C.* 6A:9-11.2(c)(1)(i), which sets forth the eligibility requirements for the experience-based certificate petitioner is seeking, clearly states that “[a]ll candidates for an experienced-based endorsement shall pass a state-adopted test of basic reading, writing, and mathematics skills...” (Praxis exam); 2) pursuant to *N.J.A.C.* 6A:9-17.16(b), the Board of Examiners is precluded – under any circumstance – from waiving this certification requirement; and 3) *N.J.A.C.* 6A:9-17.16(a) clearly and unambiguously precludes the State Board of Examiners from allowing an applicant to substitute experience for a failing score on the state Praxis exam. It is uncontested in this matter that petitioner did not achieve a passing score on the Praxis exam. Consequently, as petitioner has not satisfied the basic eligibility requirements for the certificate he seeks, the State Board of Examiners correctly denied his application.

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.¹

DEPUTY COMMISSIONER OF EDUCATION

Date of Decision: January 30, 2012

Date of Mailing: January 31, 2012

¹ 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)