

#111-12 (OAL Decision: Not yet available online)

CECILIA CRESPO, :

PETITIONER, :

V. : COMMISSIONER OF EDUCATION

NEW JERSEY STATE BOARD OF : DECISION

EXAMINERS, :

RESPONDENT. :

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SYNOPSIS

Pro-se petitioner appealed the respondent’s denial of her application for the issuance of a Principal Certificate of Eligibility (PCE). Petitioner contended that, pursuant to *N.J.A.C. 6A:9-12.5(a)*, the 31.5 credits that she earned toward completion of a post-master’s program in Educational Administration at Drexel University satisfies the “coherent sequence of 30 semester hours credits” required by the regulation. Respondent asserted that: the regulation requires completion of a post-master’s program; petitioner never completed her program at Drexel University; petitioner is therefore not eligible for the PCE. The parties filed cross motions for summary decision.

The ALJ found, *inter alia*, that: pursuant to *N.J.A.C. 6A:9-12.5(a)1iii*, candidates for the PCE must complete a post-master’s program; by regulation, petitioner had to meet the requirement that she complete a post-master’s program, not just acquire credits toward completion of the program; petitioner has not shown, and cannot show, that she has completed a post-master’s program; and there are no material facts in dispute and the matter is ripe for summary decision. The ALJ concluded that petitioner does not meet the requirements for issuance of a PCE and accordingly ordered the petition dismissed.

Upon review, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter, granted summary decision in favor of respondent and against petitioner, and dismissed the petition. In so doing, the Commissioner noted that denial of PCE to petitioner is compelled by law as petitioner has not satisfied the basic eligibility requirements for the certificate of eligibility that she 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.

March 28, 2012

OAL DKT. NO. EDU 10769-11  
AGENCY DKT. NO. 233-8/11

CECILIA CRESPO, :  
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 PETITIONER, :  
 : COMMISSIONER OF EDUCATION  
 V. :  
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The Commissioner has reviewed the record of this case and the Initial Decision of the Office of Administrative Law (OAL),<sup>1</sup> and concludes that petitioner has not satisfied all of the regulatory requirements for earning a principal’s certificate of eligibility (PCE).

*N.J.A.C.* 6A:9-12.5(a) identifies five conjunctive prerequisites for attaining a PCE. Respondent maintains that petitioner failed to satisfy the first prerequisite, rendering her ineligible for a PCE regardless of whether she met the remaining four requirements.<sup>2</sup> That first prerequisite, set forth in *N.J.A.C.* 6A:9-12.5(a)(1), mandates that a candidate complete one of four program options (i. ii. iii, or iv).

More specifically, to satisfy the first of the five prerequisites for a PCE, a candidate must have either completed a masters or higher degree program in “educational leadership, or in curriculum and instruction, or in one of the recognized fields of leadership and management,” *N.J.A.C.* 6A:9-12.5(a)(1) (i and iv), **or** have completed a post-masters “certificate

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<sup>1</sup> Neither party filed exceptions to the Initial Decision.

<sup>2</sup> Section 3 of the petition appears to incorrectly allege that respondent’s rejection of petitioner’s application for the PCE was based upon a failure by petitioner to satisfy the second prerequisite for a PCE, *i.e.*, the condition of completing 30 or more graduate credits in certain designated subjects. *N.J.A.C.* 6A:9-12.5(a)(2)

of advanced study in educational administration and supervision,” *N.J.A.C.* 6A:9-12.5(a)(1) (ii), **or** have “**completed** [a post-masters program of 30 credits] at one institution in fields outlined in (a)1i above” [*i.e.* educational leadership, curriculum and instruction or recognized fields of leadership or management], *N.J.A.C.* 6A:9-12.5(a)(1) (iii). (Emphasis added.)

It is undisputed that petitioner did not earn the post-baccalaureate degrees called for in options i and iv of *N.J.A.C.* 6A:9-12.5(a)(1). Nor has petitioner produced a certificate of advanced study in educational administration and supervision as referenced in option ii of *N.J.A.C.* 6A:9-12.5(a)(1). It remains for the Commissioner to determine whether petitioner’s studies at Drexel University satisfy the conditions set forth in option iii of *N.J.A.C.* 6A:9-12.5(a)(1).

In so determining, the Commissioner notes that petitioner conceded in her pleadings that she did not complete the Drexel University program, which apparently requires at least 48 semester hours. (Petition at 2) Thus, the Commissioner must concur with respondent and the Administrative Law Judge (ALJ) that petitioner failed to satisfy option (iii) of *N.J.A.C.* 6A:9-12.5(a)(1), pursuant to which a candidate must hold a masters degree and **complete** – at one institution – “a post-masters program in a coherent sequence of 30 semester hour credits [in fields outlined in *N.J.A.C.* 6A:9-12.5 (a)(1)(i)] as they appear on the institution’s transcripts.”<sup>3</sup>

Having failed to satisfy any of the four options set forth in *N.J.A.C.* 6A:9-12.5 (a)(1), one of the five conjunctive prerequisites for a PCE, petitioner was not eligible to receive that certification when she submitted her application to respondent in 2011. The Commissioner accordingly concludes that it was not arbitrary, capricious or unreasonable for respondent to

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<sup>3</sup> Further, a CE candidate may be required to prove completion of a post-masters program by submitting a Verification of Program Completion form (VOPC) filled out by the applicable college or university. *Glennon v. New Jersey State Board of Examiners*, Commissioner Decision No. 306-09 (September 18, 2009). Petitioner produced no such VOPC.

deny the application. The Initial Decision is adopted as the final decision in this case, summary disposition is granted in favor of respondent and against petitioner, and the petition is dismissed.

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

ACTING COMMISSIONER OF EDUCATION

Date of Decision: March 28, 2012

Date of Mailing: March 29, 2012

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<sup>4</sup> 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*)