

#130-15A

STATE BOARD OF EXAMINERS
DOCKET NOS. 1213-138 AND 1213-139
COMMISSIONER APPEAL NO. 6-4/14A

NANCY KANKA-HARVEY,	:	
	:	
APPELLANT,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
NEW JERSEY STATE BOARD OF :	:	DECISION
EXAMINERS,	:	
	:	
RESPONDENT.	:	
_____	:	

For the Petitioner-Appellant, Edward Cridge, Esq.

For the Respondent, State Board of Examiners, Lauren A. Jensen, Deputy Attorney General
(John Jay Hoffman, Acting Attorney General of New Jersey)

For the Respondents, Lawrence Parker and Brenda Torrence, Robert M. Schwartz, Esq.

Appellant challenges the New Jersey State Board of Examiners’ (Board of Examiners) decision declining to take action against the certificates held by school administrators Lawrence Parker and Brenda Torrence. In her verified petition, appellant alleged that Parker and Torrence displayed a pattern of unbecoming conduct toward her, warranting revocation or suspension of their certificates.

The Board of Examiners – in its discretion – may take action to revoke or suspend the certificates of any certificate holder “on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause.” *N.J.A.C. 6A:9-17.5*. Upon careful review of the record herein, the parties’ submissions to the Board of Examiners, and their appellate briefs and appendices, the Commissioner concurs with the Board’s decision declining to revoke or suspend the certificates at issue here.

In reviewing appeals from decisions of the Board of Examiners, the Commissioner may not substitute his judgment for that of the Board so long as appellant received due process and the Board's decision is supported by sufficient credible evidence in the record. Additionally, Board decisions should not be disturbed unless appellant demonstrates that the decision is arbitrary, capricious, or unreasonable. *N.J.A.C. 6A:4-4.1(a)*; *Bayshore Sewerage Co. v. Dep't of Env'tl. Protection*, 122 *N.J. Super.* 184, 199 (App. Div. 1973).

Initially, the record reflects that appellant was afforded due process throughout the proceedings before the Board of Examiners. Furthermore, the Commissioner finds that the sufficient credible evidence in the record adequately supports the Board of Examiners' determination. Finally, appellant failed to sustain her burden of establishing that the Board acted arbitrarily, capriciously or unreasonably in rendering its decision – and there is nothing in the record to support her claim. Appellant's obvious disagreement with the Board's decision is an inadequate basis upon which to disturb it.

Accordingly, the decision of the State Board of Examiners is affirmed.*

COMMISSIONER OF EDUCATION

Date of Decision: April 10, 2015

Date of Mailing: April 10, 2015

* This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*)