

198-15 (OAL Decision: Not yet available online)

LAURIE WARD, :
PETITIONER :
V. : COMMISSIONER OF EDUCATION
NEW JERSEY DEPARTMENT OF : DECISION
EDUCATION, STATE BOARD
OF EXAMINERS, :
RESPONDENT. :

SYNOPSIS

Petitioner appealed the determination of the respondent State Board of Examiners (SBE) that she had not met the requirements for issuance of a certificate of eligibility (CE) for the position of Teacher of Preschool through Grade Three. Specifically, the SBE disqualified twelve liberal arts credits out of 125 credit hours which petitioner completed at Baptist Bible College, leaving her short of the 60 liberal arts credits required for the CE she desires. Petitioner holds a Bachelor of Science degree from the college, where she majored in Bible. The parties mutually agreed to proceed without a hearing, and the SBE filed a motion for summary decision.

The ALJ found, *inter alia*, that: there are no material facts at issue herein, and the matter is ripe for summary decision; pursuant to *N.J.A.C. 6A:9B-10.1(a)(3)*, the issuance of a teaching certificate for preschool through grade three requires completion of “a liberal arts, science dual content or interdisciplinary academic major or a minimum of 60 semester hours in liberal arts and/or science”; the SBE’s basis for the denial of the requested CE was that the petitioner’s coursework at Baptist Bible College did not constitute the required liberal arts credits because they were “not intended to provide general knowledge,” but, rather, were “in depth study of a particular discipline”; the SBE’s interpretation, however, created a separate basis for evaluating a Liberal Arts major that contravened the plain language of the regulation that defines same; Theology and Biblical Studies is comparable to other traditional liberal arts majors listed in the regulation; and there was no evidence to establish that the Theology and Bible course of study at Baptist Bible College is vocational in nature. The ALJ concluded that the preponderance of evidence supports a reversal of the SBE’s decision. Accordingly, summary decision in favor of the petitioner was granted, and the ALJ ordered reversal of the SBE’s decision.

Upon review, the Commissioner found, *inter alia*, that the ALJ made no findings of fact regarding which course credits had been counted or rejected by the SBE in assessing the 60 semester-hour liberal arts requirement. Absent specific factual findings in this regard, the Commissioner was unable to determine whether the SBE’s decision was consistent with applicable statutory and regulatory provisions. Accordingly, the Commissioner remanded the matter to the OAL for further action and development of the record consistent with this decision.

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.
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June 12, 2015

OAL DKT. NO. EDU 13688-14
AGENCY DKT. NO. 234-8/14

LAURIE WARD, :
PETITIONER :
V. : COMMISSIONER OF EDUCATION
NEW JERSEY DEPARTMENT OF : DECISION
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The record of this matter and the Initial Decision of the Office of Administrative Law (“OAL”) have been reviewed, as have the exceptions filed pursuant to *N.J.A.C.* 1:1-18.4 by respondent, State Board of Examiners (“Board”), and petitioner’s reply thereto. In her petition of appeal to the Commissioner, petitioner challenges the Board’s May 22, 2014 decision denying her application for issuance of a Teacher of Preschool through Grade Three Certificate of Eligibility (“CE”) on the basis that she lacks 12 of the 60 semester-hour liberal arts credits required under *N.J.A.C.* 6A:9B-10.1(a)(3).¹

Petitioner was awarded a Bachelor of Science degree in Bible from the Baptist Bible College and Seminary (“BBC”), with a major in “Teacher Education – 4 Year – Elementary Education.” (Petitioner’s official transcript) Her official transcript further indicates she earned 125 semester-hour credits through coursework in a variety of disciplines. In July 2013, petitioner was informed that her application for a CE was deficient because she lacked

¹ *N.J.A.C.* 6A:9B-10.1(a)(3) provides that candidates seeking a Preschool through Grade Three Certificate of Eligibility shall, among other requirements, “complete a liberal arts, science, dual content or interdisciplinary academic major or a minimum of 60 semester hour credits in liberal arts and/or science.” The regulation was cited as *N.J.A.C.* 6A:9-11.1(a)(3) prior to the amendments which took effect on July 7, 2014.

12 of the 60 semester-hour liberal arts credits required under *N.J.A.C. 6A:9B-10.1(a)(3)*.²

Following notification that she failed to satisfy the requirements for certification, petitioner requested a credentials review pursuant to *N.J.A.C. 6A:9B-4.13(a)*³ and provided the Board with additional information concerning the theology and bible course credits she completed at BBC, including full course descriptions. *N.J.A.C. 6A:9B-4.13(a)*; (Board Decision at 1)

After considering petitioner's application, the Board issued a written decision pursuant to *N.J.A.C. 6A:9B-4.15*⁴ declining to find that certain credits she earned upon completion of "theology and bible" courses at BBC constituted liberal arts credits. The Board determined that a review of the course descriptions did not "suffice as providing a one-to-one correspondence between the licensure deficiency, *i.e.* 12 liberal arts credits, and what [petitioner] proffered" and denied petitioner's application for certification. (Board Decision at 2-3) Neither the Board's decision nor anything else in the record indicates specifically which course descriptions the Board reviewed during its assessment.⁵

This appeal followed. Subsequently, respondent filed a motion for summary decision and the parties agreed to proceed without a hearing. Upon review, the Administrative Law Judge ("ALJ") denied respondent's motion, reversed the Board's determination, and granted summary decision in favor of petitioner. (Initial Decision at 4) Yet no findings of fact were made by the ALJ as to which course credits the Board had rejected, or which course credits the Board counted toward the 60 semester-hour liberal arts credits requirement under

² Because the record does not contain a copy of this decision, presumably made pursuant to *N.J.A.C. 6A:9B-5.15(b)*, the Commissioner is unable to determine which of petitioner's 48 course credits were counted toward this requirement, and which course credits did not qualify as liberal arts credits.

³ This provision was cited as *N.J.A.C. 6A:9-17.13(a)* prior to the amendments which took effect on July 7, 2014.

⁴ This provision was cited as *N.J.A.C. 6A:9-17.15* prior to the amendments which took effect on July 7, 2014.

⁵ Petitioner's official transcript contains 12 three-credit courses coded as either theology ("TH") or bible ("BI"), comprising 36 of the 125 total credits she earned at BBC.

N.J.A.C. 6A:9B-10.1(a)(3). Furthermore, the Initial Decision is devoid of citations to the record and lacks the requisite listing of exhibits admitted into evidence. *N.J.A.C.* 1:1-18.3(c)11.

Adding to the confusion is a statement in petitioner's reply to respondent's motion, which indicates that the Board accepted "many" of her "religion" courses and rejected others.

(Petitioner's April 6, 2015 reply to motion at 4)

When a Board decision denying a request for issuance of a certificate is appealed to the Commissioner, the appropriate standard of review is "whether the decision is consistent with the applicable statutory and regulatory provisions." *Walder v. Board of Examiners*, Commissioner Decision No. 503-14, decided December 24, 2014, at 3. Absent specific factual findings as to which course credits were accepted by the Board in satisfaction of the 60 semester-hour liberal arts credits requirement under *N.J.A.C.* 6A:9B-10.1(a)(3), which course credits were rejected by the Board, and which course descriptions were evaluated by the Board in connection with petitioner's subsequent request for a credentials review, the Commissioner is unable to determine whether the Board's decision was consistent with applicable statutory and regulatory provisions.

Accordingly, the Commissioner is constrained to remand the matter to the OAL, pursuant to *N.J.A.C.* 1:1-18.7, for further action and development of the record consistent with this decision.

IT IS SO ORDERED.⁶

COMMISSIONER OF EDUCATION

Date of Decision: June 12, 2015

Date of Mailing: June 15, 2015

⁶ 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).