

New Jersey Commissioner of Education

Final Decision

Laura Kehoe,

Petitioner,

v.

New Jersey State Board of Examiners,

Respondent.

Synopsis

Pro-se petitioner appealed the determination of the respondent – the State Board of Examiners (SBE) – that she had not met the requirements for issuance of a Teacher of English Certificate of Eligibility (CE). Specifically, petitioner failed to achieve a minimum score on the basic skills test required under *N.J.A.C. 6A:9B-8.3(a)(5)*, which was in effect at the time the SBE received her application. The SBE filed a motion to dismiss and the matter was transmitted to the Office of Administrative Law for hearing. The SBE subsequently filed a motion of summary decision, which was held in abeyance pending the possibility of petitioner qualifying for the CE under an “exception criteria,” which ultimately never happened.

The ALJ found, *inter alia*, that: there are no material facts at issue in this case, and the matter is ripe for summary decision; in order for petitioner to succeed in overturning the decision of the SBE, she needed to demonstrate by clear and convincing evidence that she is eligible for the requested CE within the confines of the regulations; petitioner has failed to meet this standard; the material facts in this record show that petitioner’s application for the CE was submitted to the Department of Education on September 25, 2015, well after the regulations changed on September 1, 2015; and petitioner was therefore required to pass the mandated basic skills test in order to qualify for the CE, but never took or passed the test. The ALJ concluded that the SBE’s decision denying petitioner’s request for the CE was correct. Accordingly, the SBE’s motion for summary decision was granted.

The Commissioner concurred with the findings and determination of the ALJ herein; accordingly, the Initial Decision of the OAL was adopted as the final decision in this matter. The petition was dismissed.

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 18, 2019

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions.

Upon such review, the Commissioner agrees with the Administrative Law Judge (ALJ) that the New Jersey State Board of Examiners did not act in an arbitrary, capricious, or unreasonable manner when it denied petitioner's application for a Teacher of English Certificate of Eligibility (CE). The Commissioner further concurs with the ALJ that petitioner did not meet the requirements for a CE because she failed to achieve a minimum score on the basic skills test required by *N.J.A.C. 6A:9B-8.3(a)(5)*, which was in effect at the time the New Jersey State Board of Examiners received her application.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter – for the reasons expressed therein – and the petition is hereby dismissed.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: March 18, 2019
Date of Mailing: March 18, 2019

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)*.