

New Jersey Commissioner of Education

Final Decision

Stephanie Bradberry,

Petitioner,

v.

New Jersey Department of Education,
State Board of Examiners,

Respondent.

Synopsis

Pro-se petitioner appealed the determination of the respondent New Jersey State Board of Examiners (SBE) denying her application for a standard administrative certificate with a supervisor endorsement. The SBE based its decision upon petitioner's failure to satisfy *N.J.A.C. 6A:9B-12.6(a)2.ii*, which requires six graduate-level semester-hour credits in instructional staff supervision and/or curriculum design and development. Petitioner maintained that the Board's decision was arbitrary, capricious, and unreasonable, and was inconsistent with the requirements of *N.J.A.C. 6A:9B-12.6(a)2.ii*, contending that she is "more than qualified" with many years in academia as well as experience since 2004 with "writing or contributing to curriculum [sic], founding and owning two educational businesses, and [a] Doctoral candidacy in Education: Curriculum and Teaching." The parties filed cross motions for summary decision.

The ALJ found, *inter alia*, that: there are no material facts at issue in this case and the matter is ripe for summary decision; petitioner disagreed with the Board's assessment that her proffered alternative education and experience is not equivalent to her three-credit deficiency in instructional staff supervision and/or curriculum design and development; the Board argued that petitioner "failed to proffer any evidence demonstrating that the Board's decision was not consistent with the applicable statutory and regulatory provisions;" petitioner urged the Board to consider five alternative courses to cure her three-credit deficiency in instructional staff supervision and/or curriculum design and development, but two of those courses had already been applied to satisfy six of the twelve credits required under *N.J.A.C. 6A:9B-12.6(a)2.ii*; the three remaining proffered courses focused on teaching methods, strategies, and lesson planning, rather than curriculum development and/or instructional staff supervision. The ALJ concluded that petitioner failed to prove that the Board's decision was contrary to the applicable statutory and regulatory provisions; further, petitioner's proffered experience from the summer of 2005, involving a "contribution" to the development of a ninth-grade curriculum, was not equivalent to a broad-based curriculum development design course which focuses on the entire philosophical, historical, and pedagogical perspectives of creating curricula from kindergarten through twelfth grade. Accordingly, the ALJ granted the Board's motion for summary decision and dismissed the petition.

Upon review, the Commissioner concurred with the findings and conclusions of the ALJ and adopted the Initial Decision 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.

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

Upon review, the Commissioner concurs with the Administrative Law Judge that the New Jersey State Board of Examiners' (Board) decision denying petitioner's application for a standard administrative certificate with a supervisory endorsement was consistent with *N.J.A.C. 6A:9B-12.6*.

Accordingly, the Initial Decision is adopted as the final decision in this matter. The Board's motion for summary decision is granted, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.¹


ACTING COMMISSIONER OF EDUCATION

Date of Decision: May 30, 2024

Date of Mailing: May 31, 2024

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SUMMARY DECISION

OAL DKT. NO. EDU 02459-23

AGENCY DKT. NO. 253-9/22

STEPHANIE BRADBERRY,

Petitioner,

v.

**NEW JERSEY DEPARTMENT
OF EDUCATION, STATE BOARD OF
EXAMINERS,**

Respondent.

Stephanie Bradberry, petitioner, pro se

Colin G. Klika, Deputy Attorney General, for respondent (Matthew J. Platkin,
Attorney General of New Jersey, attorney)

Record Closed: March 4, 2024

Decided: April 18, 2024

BEFORE **SARAH H. SURGENT**, ALJ:

STATEMENT OF THE CASE

Petitioner Stephanie Bradberry (Bradberry) appeals from respondent New Jersey Department of Education (DOE), State Board of Examiners' (Board) denial of her

application for a standard administrative certificate with a supervisor endorsement (Supervisor Certificate), based upon Bradberry's failure to satisfy N.J.A.C. 6A:9B-12.6(a)2.ii, which requires, in relevant part, six graduate-level semester-hour credits in instructional staff supervision and/or curriculum design and development. Bradberry maintains that the Board's decision was arbitrary, capricious, and unreasonable, and that it was inconsistent with the requirements of N.J.A.C. 6A:9B-12.6(a)2.ii, "because she is more than qualified with [twenty] years in academia, experience since 2004 with writing or contributing to curriculum [sic], founding and owning two educational businesses, and [a] Doctoral candidacy in Education: Curriculum and Teaching." (Pb at 1, 4, 8-9).¹

PROCEDURAL HISTORY

On or about August 9, 2021, Bradberry submitted her application for a Supervisor Certificate to the DOE. (P-1). By notice dated December 8, 2021, the Board denied Bradberry's application on the basis that she lacked "[t]hree graduate elective credits in instructional staff supervision AND/OR curriculum design and development." (P-2). On March 29, 2022, Bradberry requested a credentials review, (P-3), and the Board again denied the Supervisor Certificate on June 30, 2022, concluding that Bradberry failed to "establish a one-to-one correspondence between her work experience and the licensure deficiency." (R-1 at 3). On September 13, 2022, Bradberry filed a pro se petition of appeal, which was transmitted to and filed at the Office of Administrative Law (OAL) on March 20, 2023, to be heard as a contested case, pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq.

After several telephonic status conferences, the parties indicated that each of them would be moving for summary decision. Bradberry filed her motion for summary decision on October 27, 2023. (Pb). The Board filed its opposition and cross-motion for summary decision on December 8, 2023. (Rb). Oral arguments were held in person on March 1, 2024. On March 4, 2024, Bradberry's electronic submission of her exhibits table of contents was received, and the record closed.

¹ Bradberry also asserted civil rights claims alleging "harassment, racism, and discrimination," and sought damages for alleged lost employment opportunities, as well as damages for alleged physical and emotional distress. (Pb at 1, 5, 10-11). She withdrew those claims on the record at the March 1, 2024 hearing.

FACTUAL DISCUSSION AND FINDINGS

These salient points are not in dispute. I therefore **FIND** the following **FACTS**.

The above procedural history is incorporated herein by reference. In its June 30, 2022 denial of the Supervisor Certificate after Bradberry's credentials review, the Board found, in relevant part, the following:

Bradberry has satisfied the requirements toward certification except for three graduate level elective credits in general principles of instructional staff supervision and/or curriculum design and development. She was present at the Board's meeting on May 19, 2022. The Board had no questions for her.

Bradberry requested the Board consider certain coursework taken at Northcentral University as demonstrating alternative education and/or experience that satisfies her deficiency. Specifically, Bradberry asked the Board to consider the following courses:

- CT7000 Developing Instructional Strategies and Curriculum
- CT7002 Identifying and Maximizing Teaching/Learning Styles
- CT7003 Teaching and Learning Foundations
- CT7005 Literacy: Focus on Curriculum
- CT7006 Multiple Intelligences

The Board was advised by the Office of Recruitment, Preparation and Certification that CT7000 and CT7005 were already used to satisfy 6 of the 12 credits required pursuant to N.J.A.C. 6A:9B-12.6(a)(2)(ii). Thus, these two courses cannot also satisfy her deficiency. Upon review of the syllabi and course descriptions for the remaining three courses, the Board finds that for each the focus was on teaching methods and strategies as well as models for lesson planning to address the need for differentiated instruction as opposed to

concepts of curriculum development or instructional staff supervision.

Bradberry also states that she has developed curricula, programs and courses since 2004. The Board notes that her resume includes experience as a tutor, paraprofessional, and teacher at the elementary and secondary levels as well as an adjunct professor at the collegiate level. However, the only specific experience in curriculum development and/or staff supervision she provided documentation to support was for the summer of 2005, when she contributed to the 9th grade curriculum development at Northern Burlington County Regional High School. The Board finds that her limited work experience in curriculum development does not meet the breadth and level of what is required of a supervisor and is not equivalent to the knowledge she would gain from the course she is lacking. Thus, The Board finds Bradberry did not establish a one-to-one correspondence between her work experience and the license deficiency.

[R-1 (emphasis added).]

The description for CT7000, a three-credit course entitled Developing Instructional Strategies and Curriculum, which the Board already credited, states:

In this course, students will contrast and analyze instructional strategies based on a framework of architectural principles. Students will integrate and implement curriculum theories and models that include differentiated instruction and the infusion of technology. Curriculum standards, requirements, issues, and trends will be evaluated for the production and promotion of recommendations for effective change.

[R-2 at 9.]

The description for CT7002, a three-credit course entitled Identifying and Maximizing Learning/Teaching Styles, states:

The skillful use of learning and teaching styles requires familiarity with style models. CT7002 offers the doctoral student opportunities for the analysis and assessment of the interactions at play within learning/teaching styles and brain-based strategies and applications. The doctoral student will become familiar with his or her own style and teaching models that engage diverse learners. From that awareness, planning

can include how to investigate and evaluate the responsible use of styles and strategies within effective teaching models, plus the synthesis, application, an assessment of models within diverse learning contexts. The doctoral student will integrate insights for maximizing styles, teaching strategies, and assessments within a plan for developing best practices and continuing professional development.

[R-2 at 10.]

The description for CT7003, a three-credit course entitled Teaching and Learning Foundations, states:

The foundations of teaching and learning can be viewed from several perspectives. Doctoral students will analyze the influence of emotional, social, and cultural contexts and evaluate those influences to make effective decisions that support school structures, which enable student learning. Topics include: learning theories and instructional models, effective teaching practices, multiple intelligences, and metacognition.

[R-2 at 11.]

The description for CT7005, a three-credit course entitled Literacy: Focus on Curriculum, which the Board already credited, states:

This class offers doctoral students opportunities to investigate and assess the issues and research related to literacy development and literacy curriculum development. Students will analyze principles and strategies that foster literacy development in the early grades and apply learning to classroom curriculum and instruction. Theory, activities, and summative assessments aid the doctoral student in the evaluation of literacy based learning and performance. Literacy achievement and best literacy teaching strategies are planned and implemented.

[R-2 at 12.]

The description for CT7006, a three-credit course entitled Multiple Intelligences, states:

In this course, students will be introduced to Dr. Howard Gardner's theory of multiple intelligent intelligences (MI), and will evaluate how to differentiate curriculum to maximize its benefits for students. Students will analyze the options for evaluating and revising assessment methods and tools to include MI theory in curriculum development. In addition, specific intelligences will be evaluated for their contributions to personal and professional development.

[R-2 at 13.]

Bradberry's resume indicates, under "Educational Consulting Experience," that she was a "Developer" at Northern Burlington County Regional High School in New Jersey during the summer of 2005, when she "[c]ontributed to 9th grade curriculum development." (R-2 at 19). In that vein, Bradberry tendered for the Board's consideration an August 9, 2010 letter of recommendation "for supervisory and managerial levels in education," authored by the former Director of Curriculum and Instruction for the Humanities at that school, stating that Bradberry "was a fabulous contributor" to the development of an interdisciplinary curriculum that summer. (R-2 at 14–15).

LEGAL ANALYSIS AND CONCLUSIONS

Bradberry maintains that her motion for summary decision should be granted because the Board's decision was arbitrary, capricious, and unreasonable, and is inconsistent with the requirements of N.J.A.C. 6A:9B-12.6(a)2.ii. In short, she disagrees with the Board's assessment that her proffered alternative education and experience is not equivalent to her three-credit deficiency in instructional staff supervision and/or curriculum design and development. The Board argues that Bradberry's motion should be denied and that its cross-motion for summary decision should be granted because Bradberry "failed to proffer any evidence demonstrating that the Board's decision was not consistent with the applicable statutory and regulatory provisions."

I.

A summary decision “may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law.” N.J.A.C. 1:1-12.5(b). That rule is substantially similar to the summary judgment rule embodied in the New Jersey Court Rules. See R. 4:46-2; Judson v. Peoples Bank & Trust Co. of Westfield, 17 N.J. 67, 74 (1954).

In Brill v. Guardian Life Ins. Co., 142 N.J. 520 (1995), the New Jersey Supreme Court addressed the appropriate test to be employed in determining the motion:

[A] determination whether there exists a “genuine issue” of material fact that precludes summary judgment requires the motion judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational fact finder to resolve the alleged disputed issue in favor of the non-moving party. The “judge’s function is not . . . to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial.”

[Id. at 540 (quoting Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 250 (1986)).]

In evaluating the merits of the motion, “[a]ll inferences of doubt are drawn against the movant and in favor of the opponent of the motion.” Judson, 17 N.J. at 75. However, “[w]hen a motion for summary decision is made and supported, an adverse party in order to prevail must by responding affidavit set forth specific facts showing that there is a genuine issue which can only be determined in an evidentiary proceeding.” N.J.A.C. 1:1-12.5(b).

Having reviewed the parties’ submissions and heard their oral arguments, I **CONCLUDE** that no genuine issues of material fact exist which require a plenary hearing to determine whether Bradberry’s application for a Supervisor Certificate was appropriately denied. This matter is therefore ripe for summary decision.

II.

The Board consists of the DOE Commissioner, ex officio, one DOE assistant commissioner, two presidents of State colleges, one county superintendent, one superintendent of a Type I school district, one superintendent of a Type II school district, one high school principal, one elementary school principal, one school business administrator, one librarian employed by the State or a political subdivision thereof, and four teaching staff members other than a superintendent, principal, school business administrator, or librarian. N.J.S.A. 18A:6-34. The Board is entrusted, inter alia, with issuing appropriate certificates to teach or to administer, direct, or supervise the teaching, instruction, or educational guidance of pupils in public schools operated by boards of education, and such other certificates as it is authorized to issue by law based upon certified scholastic records or examinations, or both. N.J.S.A. 18A:6-38.

When an initial application to the Board for a certificate is denied, an applicant may appeal that decision to the Board and provide evidence of alternative education and/or experience which the applicant considers to be equivalent to cure the noted deficiencies. N.J.A.C. 6A:9B-4.12(b). Bradberry carries the burden to prove by a preponderance of the credible evidence that she is entitled to a Supervisor Certificate by presenting the information necessary to establish a “one-to-one correspondence of experience/alternate education to cure her alleged licensing deficiency. McQuilken v. State Bd. of Exam’rs, OAL Dkt. No. EDU 8375-11, Initial Decision (Dec. 13, 2011), <http://njlaw.rutgers.edu/collections/oal>, adopted, Comm’r (Jan. 27, 2021).

The Commissioner may review the Board’s decision to determine whether it is consistent with the applicable statutory and regulatory provisions. Walder v. State Bd. of Exam’rs, Comm’r Decision No. 503-14 (Dec. 29, 2014), 2014 N.J. AGEN LEXIS 1259, *4-*5. When the Board’s denial of a request for the issuance of a certificate is challenged, the Commissioner is not required to give deference to the Board, but instead determines whether its decision was legally appropriate. Id. at *4. Contrary to Bradberry’s assertion, the arbitrary, capricious, or unreasonable standard of review is inapposite to the Commissioner’s review of the Board’s determination. Ibid.; Travisano v. Dep’t of Educ., State Bd. of Exam’rs, 2022 N.J. AGEN LEXIS 471.

N.J.A.C. 6A:9B-12.6 currently provides:

- (a) To be eligible for the standard administrative certificate with a supervisor endorsement, a candidate shall:
1. Hold a master's or higher degree from an accredited college or university; [and]
 2. Successfully complete one of the following:
 - i. A Commissioner-approved college curriculum that specifically prepares the candidate for the endorsement; [or]
 - ii. Twelve graduate-level semester-hour credits, including the following:
 - (1) Three credits in general principles of instructional staff supervision in preschool through grade 12;
 - (2) Three credits in general principles of curriculum design and development for preschool through grade 12; and
 - (3) Six elective credits in instructional staff supervision and/or curriculum design and development; or
 - iii. A Commissioner-approved training program that is implemented by a Commissioner-approved provider and specifically prepares the candidate for the endorsement; and
 3. Hold a standard New Jersey instructional or educational services certificate, or its out-of-State equivalent, and complete three years of successful, full-time teaching and/or educational services experience. Teaching and/or educational services experience completed in a New Jersey school district shall have been under an appropriate New Jersey certificate.

[N.J.A.C. 6A:9B-12.6 (eff. May 1, 2023) (emphasis added).]

Prior to an amendment effective May 1, 2023, the relevant provision of N.J.A.C. 6A:9B-12.6(a)2.ii separated the above section (a)ii.3 into two separate required components: “(3) Three elective credits in curriculum design and development; and (4) Three elective credits in in instructional staff supervision and/or curriculum design and development.” N.J.A.C. 6A:9B-12.6(a)2.ii.(3) and (4) (2022) (emphasis added). Thus, at the time of its June 30, 2022 decision, the Board essentially found that Bradberry had satisfied the required “[t]hree elective credits in curriculum design and development,” N.J.A.C. 6A:9B-12.6(a)ii.(3) (2022) (emphasis added), but that she had not satisfied the required additional “[t]hree elective credits in instructional staff supervision and/or curriculum design and development,” N.J.A.C. 6A:9B-12.6(a)ii.(4) (2022) (emphasis added).

As noted in my above factual findings, Bradberry urged the Board to consider five alternative courses to cure her three-credit deficiency in instructional staff supervision and/or curriculum design and development. (R-1 at 2). Of those, the Board determined that two of the proffered courses, CT7000 and CT7005, had already been applied to satisfy six of the twelve credits required by 6A:9B-12.6(a)2.ii, and that the three remaining proffered courses, CT7002, CT7003, and CT7006, focused upon teaching methods, strategies, and lesson planning, rather than curriculum development and/or instructional staff supervision. (R-1 at 2). The Board also found that although Bradberry’s resume included experience as a tutor, paraprofessional, and teacher at various education levels, the only documented specific experience in curriculum development and/or staff supervision provided by Bradberry demonstrated that Bradberry’s limited work experience in curriculum development during the summer of 2005 did not meet the breadth and level of what is required of a supervisor and was not equivalent to the content knowledge she would have gained from the requisite three credit hours she was lacking. Id. at 2-3.

In light of the applicable law and my findings of fact, I agree with the Board’s assessment of Bradberry’s proffered alternative education and experience, and I **CONCLUDE** that Bradberry failed to prove by a preponderance of the credible evidence that the Board’s decision was contrary to the applicable statutory and regulatory provisions. The one-page excerpts of syllabi Bradberry provided to the Board for CT7002,

Identifying and Maximizing Learning/Teaching Styles, CT7003, Teaching and Learning Foundations, and CT 7006, Multiple Intelligences, clearly indicate that the courses were focused on their title descriptions, rather than on any curriculum development or instructional staff supervision. (R-2 at 10–11, 13). Moreover, Bradberry’s summer of 2005 “contribution” to a ninth-grade curriculum development is by no means the equivalent of a broad-based design curriculum development course which focuses on the entire philosophical, historical, and pedagogical perspectives of creating curricula from kindergarten through twelfth grade and evaluating different school settings from elementary to high school and urban versus rural settings. See, e.g., Numczyk v. Dep’t of Educ., State Bd. Of Exam’rs, Initial Decision, EDU 15422-19, at 6–8, aff’d as modified, Final Decision, 242-9/19 (May 18, 2022). I therefore **CONCLUDE** that Bradberry’s motion must be denied, and the Board’s motion must be granted.

ORDER

It is therefore **ORDERED** that the Board’s motion for summary decision is hereby **GRANTED** and its denial of a Supervisor Certificate is hereby **AFFIRMED**; and it is further

ORDERED that Bradberry’s motion for summary decision is hereby **DENIED** and her petition is hereby **DISMISSED**.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify, or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**. Exceptions may be filed by email to ControversiesDisputesFilings@doe.nj.gov or by mail to Office of Controversies and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500. A copy of any exceptions must be sent to the Judge and to the other parties.

April 18, 2024

DATE



SARAH H. SURGENT, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

SHS/nn

APPENDIX

EXHIBITS

For petitioner

- Pb Petitioner's Brief in Support of Motion, received October 27, 2023
- P-1 Email to Craig Eskow
- P-2 Evaluation of Credentials-Supervisor
- P-3 Review for Standard Supervisory Certificate
- P-4 Individual Credentials Review Presentations
- P-5 Acknowledgement (Petition)
- P-6 Board's Switch in Representation and Request for Extension to File Answer
- P-7 Respondent Refusal to Answer Petitioner's Request for Explanation and Proof
- P-8 Board Acknowledges Two Letters of Recommendation Included by Petitioner for Review
- P-9 Three Letters of Recommendation, Resume and Professional Development
- P-10 Transmittal to OAL
- P-11 Request for Update on Case
- P-12 Requesting Update for Docket 253-9/22
- P-13 Update Sent to Incorrect Email Address
- P-14 Minute Clinic and Better Help Services
- P-15A Petitioner's First Set of Answers to Interrogatories and Request for Production of Documents
- P-15B Approved School Leadership Programs, Petitioner's Transcript, Courses and Programs Approved by Commissioner, Singh Testimony, NCU Course Syllabus Details, Three Letters of Recommendation, Resume and Professional Development
- P-15C Course Descriptions for ED7020, RSH9101E, RSH9102E, RSH9103QLE, RSH9104E, CMP9200E, DIS9321E
- P-16 Respondent's Responses to Petitioner's First Set of Interrogatories and Request for Production of Documents

- P-17 Requirements for Supervisor Certificate
- P-18 Miller v. State Board of Examiners Synopsis
- P-19 Credential Review: Supervisor Certificate
- P-20 Directions for Submission of Credential Review Packet
- P-21 Preparation of Documentation
- P-22 Respondent's Affirmative Defenses
- P-23 New Jersey State Policy Prohibiting Discrimination in The Workplace
- P-24 Average Salary for Curriculum Supervisor, Salaries for Assistant Superintendents in Mercer County
- P-25 Significant EEOC Race/Color Cases (Covering Private and Federal Sectors)
- P-26 Nimczyk v. New Jersey State Board of Examiners Written Feedback
- P-27 New Jersey Department of Education State Board of Examiners Decision
- P-28 Offered Positions and Potential Positions
- P-29 Proof of Fibromyalgia and Medication Allergies
- P-30 Email Sent to Incorrect Address
- P-31 Proof of Attachments Originally Sent to Mr. Klika

For respondent

- Rb Respondent's Brief in Support of Motion and Opposing Petitioner's Motion, received December 8, 2023
- R-1 Board's June 30, 2022 decision
- R-2 Bradberry's letter and exhibits to Board, dated April 6, 2022