

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER
OF
EDUCATION

STEPHANIE PAMULA

v.

RHODE ISLAND DEPARTMENT OF
ELEMENTARY AND SECONDARY
EDUCATION

DECISION

Held: The Petitioner has failed to establish that she met the requirements for issuance of a life certificate as a teacher of Art and that her transcript submission does not establish her eligibility for the life certificate. Having completed only nine (9) of fifteen (15) required graduate credits in Art, the Petitioner has failed to establish by a preponderance of the evidence that she had completed graduate-level coursework equivalent to the required credits in studio art.

DATE: July 30, 2013

Introduction

This matter came before Hearing Officer Kathleen Murray (Hearing Officer) of the Rhode Island Department of Elementary and Secondary Education (RIDE) on a petition brought by Stephanie Pamula whose claim for entitlement to the issuance of a life teaching certificate in the content area of Art had been denied by the Office of Teacher Preparation, Certification and Professional Development (Certification Office) of RIDE. Upon presiding over the hearing in this matter and after a review of the entire record, the Hearing Officer proffered a recommended decision to the Commissioner of Education (Commissioner) relating to the merits of this petition. After having provided the parties with an opportunity to review the Hearing Officer's recommended decision and "to file exceptions and present briefs and oral argument" to the Commissioner pursuant to RIGL 42-35-11(a), and upon the Commissioner's independent review of the record with due deliberation thereof and consideration thereon, the Commissioner declines to accept the recommended decision of the Hearing Officer and hereby enters the following decision.

Travel of the Case

On March 26, 2008 Stephanie Pamula filed an appeal and requested a hearing before the Commissioner in order to obtain a determination of her entitlement to a life certification as an art teacher. Mr. David R. Roy, a Specialist in RIDE's Certification Office, had indicated in a letter that her application for issuance of the life certificate had been denied. Initially, Mr. Roy denied her application for two reasons: first, he had determined that Ms. Pamula had not met the June 30, 2006 application deadline established by the Board of Regents for transcript submission; secondly, he had determined that a transcript submitted earlier in March of the prior year indicated a shortage of six (6) of the necessary fifteen (15) graduate-level credits in art required for issuance of the certificate. After Ms. Pamula filed an appeal of Mr. Roy's denial to the Commissioner, staff of the Certification Office determined after a review of their records that in fact a transcript had been submitted by Ms. Pamula on January 26, 2005 but was misfiled. Thus, the transcript submission was now deemed to have been filed in a timely manner; however, whether Ms. Pamula had met the graduate credit requirements remained an issue. It was Mr. Roy's position to allow Ms. Pamula to establish that she met the credit requirements for the life certificate in Art by showing that the content of some of the graduate coursework requirements

for the Master of Arts in Teaching (Art Education) was equal to the six (6) graduate credits in Art that she was short. The issue of graduate credit equivalency persisted between the parties to March of 2009, at which time Ms. Pamula, through her attorney, provided RIDE with a letter from Roger G. Eldridge, Jr., Interim Dean of the Feinstein School of Education and Human Development at Rhode Island College (RIC). Upon review, RIDE determined that Dean Eldridge's letter did not support a finding that the requirements for a life certificate had been met. RIDE then gave the Petitioner an opportunity to submit additional documentation, though Ms. Pamula believed that Dean Eldridge's letter was adequate. By agreement of the parties, this matter was held in abeyance until November 20, 2012, at which time it proceeded to hearing.

The record closed on December 7, 2012, and the transcript was delivered to the Commissioner's designated hearing officer.

ISSUE

Has the Petitioner established by a preponderance of the evidence that she fulfilled the requirements for issuance of a life teaching certificate in Art (Grades PK-12) in accordance with the requirements established by the Board of Regents?

Findings of Relevant Facts:

- The Petitioner, Stephanie Pamula, submitted a timely application for a life teaching certificate in Art in March of 1997.¹ On January 21, 2005, she submitted the required fee for a life certificate along with her graduate transcript and a request that the review of her application be completed by RIDE "at this time". Pet. Ex.8.
- RIDE requested that Ms. Pamula submit another application for the life teaching certificate in Art, which she did along with another life teaching certificate fee of \$25.00 on or about February 7, 2005. Pet. Ex. 9.
- On January 3, 2006, David R. Roy of RIDE's Certification Office notified Ms. Pamula that her transcript did not reflect the graduate course credits necessary to qualify for a life

¹ The life teaching certification had been eliminated by the Board of Regents in April 1997; however, someone not certified in a particular subject area would be eligible for a life teaching certificate in that area by making application for same on or before April 30, 1997. These applicants would remain eligible for life teaching certification up to December 31, 2004, which date was subsequently extended by the Board of Regents to June 30, 2006. Pet. Ex. 1 and 2.

teaching certificate in art. Specifically, she was advised that at a minimum fifteen (15) graduate level credits in art were required. Pet. Ex. 10.

Although RIDE had initially advised Ms. Pamula that her application and transcript submission were untimely filed, it was later determined that she had actually met the respective deadlines for the application and transcript filings. Pet. Ex. 11. As to the appropriateness of her graduate credits in art, Mr. Roy gave Ms. Pamula the opportunity to submit for further review additional graduate work in art education in order to show that she had fulfilled the additional six (6) credits in art. Pet. Ex. 11; RIDE Ex. A.

- Mr. Roy determined that a letter from Dr. Cheryl Williams, Art Education Program Coordinator at RIC, dated July 7, 2008, and submitted to RIDE on July 23, 2008, Pet. Ex. 11, failed to support the conclusion that Ms. Pamula's graduate work in art education was the equivalent of six (6) graduate credits in studio art. RIDE Ex. A.
- In response to a request from Ms. Pamula's attorney, Dr. Williams specifically stated the following:

The content of the 10 graduate credits in art education, plus the 9 credits in student teaching in art education plus the 1 graduate credit in student teaching seminar in art education does NOT constitute the equivalent of 6 graduate credits in studio art.

If you have further questions, please contact Roger G. Eldridge, Jr., Interim Dean, Feinstein School of Education and Human Development, Rhode Island College at reldridge@ric.edu or (401) 456-8110.² RIDE Ex. A.

- On November 5, 2008, Ms. Pamula, through her attorney, submitted to RIDE four letters, including the July 7, 2008 letter from Dr. Williams. Pet. Ex. 12.
- RIDE's position on the equivalency issue after review of the four letters was expressed by its attorney in a letter dated January 16, 2009 to Ms. Pamula's attorney wherein he stated: "Taken as a whole, the documentation does not show that Ms. Pamula earned the equivalent of 6 graduate credits in art by way of her coursework outside of the art education content area". RIDE's attorney stated that the basis for such a view was the contradicting opinions of Dr. Williams and Paula Allard who, as an art education

² Dean Eldridge, David Roy and Lisa Foehr were copied in on Dr. Williams' email.

cooperating teacher, had supervised Ms. Pamula in RIC's Graduate Student Teaching Art Ed. course (ARTE 425) in 1994. It was Ms. Allard's opinion that that, given the extent to which studio art comprised Student Teaching ARTE 425 in 1994, from the nine (9) credits allocated from that course, no less than six (6) credits weighed equally to studio art courses. However, RIDE chose to give more weight to the opinion of Dr. Williams. Pet. Ex. 12 and 13.

- With the acknowledgement of the parties' attorneys, Dean Eldridge submitted another letter to RIDE on March 16, 2009 at the request of Ms. Pamula in which he expressed his agreement with Ms. Allard's opinion that supported a finding of six (6) credits from ARTE 425 being the equivalent to studio art. Pet. Ex. 16.
- RIDE's Certification Office concluded that Dean Eldridge did not manage RIC's Art Education program in his position as Dean of the Feinstein School of Education and Human Development. In an email from RIDE counsel to Ms. Pamula's attorney, RIDE asked for an opinion on graduate credit equivalency from the chair of RIC's Department of Art. Pet. Ex. 17.

Positions of the Parties:

The Petitioner:

There is no dispute in this appeal over whether Stephanie Pamula submitted a timely application for life certification as a teacher of Art, in accordance with the rules established by the Board of Regents when life certification was to be eliminated in all areas of teacher certification. When RIDE determined that an analysis of Ms. Pamula's transcript might lead to a determination as to whether she had met the requirements for the life certificate, the question remaining was whether the coursework submitted would satisfy the six (6) additional graduate credits that the Petitioner lacked in studio art. With RIDE's input, Dean Eldridge was identified as a possible source for providing the required opinion. Furthermore, once Dean Eldridge was so identified, it was the parties' understanding that if the Petitioner were to provide a second letter from Dean Eldridge, the Certification Office would then give it due consideration in making a final determination as to whether the Petitioner has met the six (6) additional graduate credits in Art. Ms. Pamula responded to the request to produce the letter from Dean Eldridge

which supported a finding that she had completed graduate-level coursework in art education equivalent to six (6) graduate credits in studio art. Accordingly, Ms. Pamula had satisfied the requirements for issuance of the life certificate.

Rhode Island Department of Elementary and Secondary Education:

The burden of proving fulfillment of all requirements for issuance of a teaching certificate in Rhode Island as established by the Board of Regents rests with the applicant. Given that Stephanie Pamula accrued only nine (9) out of the fifteen (15) required graduate credits in Art necessary for issuance of the life teaching certificate, it is her burden to prove to RIDE that other course credits in her transcript are the equivalent of six (6) graduate credits in art. In view of the record as a whole, especially in light of the several opinions received by the Certification Office relating to the equivalency issue, she has failed in meeting her burden of proof and therefore is not entitled to a life certificate.

RIDE may not refuse to accept for consideration any course-related documentation from a certification applicant, and will evaluate all evidentiary submissions.³ Although an opinion on the equivalency of certain coursework from an official of Rhode Island College such as Dean Roger Eldridge may be considered by the Certification Office, RIDE Certification staff must conduct an independent review of the information submitted by an applicant. The assessment of an applicant's credentials is non-delegable and, accordingly, whether an applicant has met all certification requirements is not subject to the final judgment of any person outside of RIDE. Through counsel, RIDE argues that an agreement between the Petitioner and RIDE to allow Dean Eldridge's opinion to govern on the question of equivalency of Ms. Pamula's coursework is without merit. Even assuming *arguendo* that such a delegation of authority could have been made, the letter that Dean Eldridge ultimately submitted on the Petitioner's behalf was not a deliberate and analytic reflection on the equivalency to six (6) credits in studio art. He merely expressed unsubstantiated support for the request that six of nine credit hours of ARTE 425 are equivalent and, in short, provided an opinion that was "general and lacking any explanation."⁴ Upon the Certification Office's review of the evidence in its entirety, RIDE's decision to withhold the certificate on the basis of the evidence submitted is reasonable and fair.

³ RIDE's Exceptions to Proposed Decision And Supporting Memorandum, p. 2.

⁴ *Id.*

For these reasons, RIDE submits that this appeal should be denied and dismissed.

DECISION

The Commissioner's Rules Governing Annulment of Certificates (May 1, 1985) define the burden of proof in hearings in which an applicant alleges that he or she has been wrongfully denied a certificate. Pursuant to Section X of the provisions of the Commissioner's Rules Governing Annulment of Certificates (May 1, 1985), the applicant has the burden of proof to show an entitlement to the issuance of a particular certificate. From the record of the instant matter, it is determined that the Petitioner has failed to satisfy the requirements that would entitle her to a life certificate as a teacher of Art. Accordingly, it is hereby decided that the Petitioner has failed to establish by a preponderance of evidence that the nine (9) graduate credits earned by the Petitioner in ARTE 425 (Student Teaching in Art Education) constitutes the equivalence of six (6) graduate credits in studio art.

The creative productions by Ms. Pamula as part of the requirements in ARTE 425 are simply not the equivalent to graduate-level study of Art. That staff of RIDE's Certification Office offered Ms. Pamula the opportunity to present additional information to offset Dr. Williams' negative opinion regarding the question of course equivalency is not dispositive of the ultimate question, that is, whether the course work qualified in meeting preconditions supportive of the issuance of a life certificate.

The record shows that the RIDE Certification Office was provided with the opinion of Dr. Williams, RIC's Art Education Program Coordinator, and that after review of all twenty (20) art education graduate education credits, the conclusion was that the Petitioner was short six (6) graduate credits in studio art necessary for life certification. In addition, the certification staff was provided with Dean Roger G. Eldridge's opinion, which itself was based upon the opinion of Paula Allard, the Petitioner's supervisor in the graduate-level student teaching course, as well as the RIC Catalog of courses. As counterpoint to the opinions of Dean Eldridge and Ms. Allard, RIDE produced evidence that distinguished artistic studio production as a component of the student teaching process from production or replication of artwork for purposes specifically directed to enhancing an undergraduate or graduate art student's content knowledge.

The record in this matter amply establishes that RIDE, in undertaking its non-delegable duty to assess each and every certificate application and to independently determine the fulfillment of certification requirements, fully considered and reasonably weighed each submission during its deliberations. Accordingly, the record establishes by a preponderance of the evidence that Ms. Pamula failed to show that the graduate credits in issue qualified as replacements for the necessary six (6) graduate art credits that would entitle her to a life teaching certificate in Art.

For the foregoing reasons, the Petitioner's appeal is denied and dismissed.

Deborah A. Gist
Commissioner of Education

Date: July 30, 2013