

or reassigned teaching staff member to exhibit an appropriate certificate before the teaching staff member assumes any responsibility for the performance of regulated duties. It shall be the chief school administrator's responsibility to ensure that the certificate is valid.

(c) The chief school administrator of each district board of education shall annually report the names and teaching assignments of all teaching staff members to the county superintendent. The county superintendent shall provide to the employing district board of education and the Commissioner written notice of any instance in which a teaching staff position is occupied by a person who does not hold appropriate certification.

(d) Any contract or engagement of any teaching staff member shall cease and terminate whenever the employing district board of education receives written notice from the county superintendent, or otherwise ascertains, that such person is not, or has ceased to be, the holder of an appropriate certificate required for such employment. A teaching staff member's employment shall cease notwithstanding that the term of employment pursuant to contract or engagement has not expired.

(e) If a properly notified district board of education fails to terminate the employment of an uncertified or improperly certified teaching staff member, the Commissioner may issue an order to show cause why that teaching staff member's per diem salary should not be withheld from the district board of education's State financial aid for each day the teaching staff member remains employed. If such district board of education fails to respond or show adequate cause within 20 days from the date of mailing of the order to show cause, the Commissioner may reduce State financial aid to such district board of education by the amount of the uncertified or improperly certified teaching staff member's per diem contract salary. The district board may show adequate cause either by exhibiting an appropriate certificate or by terminating the contract of the uncertified or improperly certified teaching staff member.

6A:9-5.3 Interstate contracts

In accordance with the NASDTEC Interstate Contract, the Commissioner and the Secretary may enter into contracts with other states to allow reciprocity of teachers' credentials between New Jersey and other states.

6A:9-5.4 Fees

(a) The fee schedule in (b) below shall be in addition to any tuition and fees that institutions of higher education may charge for courses and credits offered in connection with State-approved training programs.

(b) The following nonrefundable fee schedule applies:

1. For each CE and CEAS, which includes the issuance of the provisional certificate and standard certificate—\$170.00;
2. For each emergency certificate—\$95.00;
3. For each substitute credential—\$125.00;
4. For each renewal of an emergency or provisional certificate—\$70.00;
5. For each duplicate copy of or name change on a certificate—\$60.00;
6. For each evaluation of credentials to determine eligibility to take a particular State certification examination or to obtain information concerning qualifications for certification—\$70.00;
7. For each standard certificate—\$95.00;
8. For each certificate that requires a test, a one-time test score service fee—\$20.00;
9. For each letter the Office sends in response to a candidate's written request verifying test scores that are no longer available from the testing company—\$25.00;
10. An application fee for a qualifying academic certificate pursuant to N.J.S.A. 18A:6-41 shall be \$30.00. If the candidate is not eligible, \$20.00 will be refunded;
11. Upon completion of a State-approved administrator residency program, a one-time administrative fee—\$200.00;
12. Upon completion of a State-approved alternate route formal instruction program for holders of an instructional CE, a one-time administrative fee—\$100.00; and
13. For each provisional educational services certificate—\$75.00.

(c) The State Board may establish in this section from time to time a fee schedule for services related to the issuance of certificates that includes, but is not limited to, fees charged by district boards of education to provisional teachers to pay for their training. This fee schedule shall be in addition to any tuition and fees charged by institutions of higher education for courses and credits offered in connection with State-approved training programs.

Amended by R.2005 d.110, effective April 4, 2005.

See: 36 N.J.R. 5044(a), 37 N.J.R. 1060(a).

In (b), substituted "fee for a qualifying academic certificate" for "fee for an academic qualifying certificate" and amended the N.J.S.A. reference in 10.

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Added (b)11 and made related stylistic changes in (b)9 and (b)10.

Amended by R.2008 d.7, effective January 7, 2008.

See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

In (b)1, substituted "\$170.00" for "\$150.00"; in (b)2 and (b)7, substituted "\$95.00" for "\$75.00"; in (b)3, substituted "\$125.00" for "\$75.00"; in (b)4 and (b)6, substituted "\$70.00" for "\$50.00"; in (b)5, substituted "\$60.00" for "\$40.00"; in (b)10, deleted "and" from the end; in (b)11, substituted a semicolon for the period at the end; and added (b)12 and (b)13.

6A:9-5.5 Assignment of titles

(a) Each district board of education shall assign position titles to teaching staff members that are recognized in these rules.

(b) If a district board of education determines that the use of an unrecognized position title is desirable, or if a previously established unrecognized title exists, the following procedures shall apply:

1. Prior to appointing a candidate, the district board of education shall submit to the county superintendent a written request for permission to use the proposed title. Such request shall include a detailed job description.

2. The county superintendent shall exercise his or her discretion regarding approval of the request and determine the appropriate certification and title for the position.

(c) The county superintendent shall review annually all previously approved unrecognized position titles and determine whether such titles shall be continued for the next school year.

(d) Decisions rendered by county superintendents regarding titles and certificates for unrecognized positions shall be binding upon future seniority determinations on a case-by-case basis.

6A:9-5.6 Oath of allegiance required

(a) Every person who applies for a certificate for employment in any of the public schools of this State shall subscribe to the oath of allegiance and office prescribed in N.J.S.A. 41:1-3.

(b) Any person who is a citizen or subject of any country other than the United States is required to file an oath to support the Constitution of the United States while so employed.

6A:9-5.7 Citizenship requirement

(a) Except as set forth below, to be eligible for a certificate, the applicant must be a citizen of the United States.

1. Any citizen of another country who has declared his or her intention of becoming a United States citizen and who is otherwise qualified may, with the Commissioner's approval, be granted a teaching certificate for employment as a teacher by a district board of education as set forth in N.J.S.A. 18A:26-1. The certificate shall expire in five years. If the holder of the noncitizen certificate has not become a United States citizen within the initial five-year certification period, the certificate may be renewed for an additional five-year period. When the certificate expires after the second five-year period, the certificate shall not be

renewed again. The Board of Examiners may revoke any such certificate pursuant to N.J.S.A. 18A:26-8.1 if the Board is satisfied that the holder thereof has abandoned his or her efforts to become a United States citizen or has become disqualified for citizenship.

2. In accord with N.J.S.A. 18A:6-7, any citizen of another country who is employed as an exchange teacher by a district board of education pursuant to N.J.A.C. 6A:9-5.15 shall be exempt from the citizenship requirement. The teacher shall file a noncitizen oath to support the Constitution of the United States while so employed.

3. In accord with N.J.S.A. 18A:6-7, any citizen of another country who is eligible for a limited certificate for foreign teachers for employment by a public school district pursuant to N.J.A.C. 6A:9-6.6 shall be exempt from the citizenship requirement. The teacher shall file a noncitizen oath to support the Constitution of the United States while so employed.

4. In accord with N.J.S.A. 18A:26-1, a teacher of world languages who has been a resident of the United States for less than 10 years and who is not a citizen of the United States may be granted a teaching certificate and employed as a teacher by a district board of education. The teacher shall file a noncitizen oath to support the Constitution of the United States while so employed, as required by N.J.S.A. 18A:6-7. The teacher shall not be required to complete the affidavit of intent to become a United States citizen. The noncitizen certificate shall be issued for a period of time equivalent to the 10 years less the number of years that the teacher has been a resident of the United States. This period shall not exceed 10 years and shall not be renewed.

5. In accord with N.J.S.A. 18A:28-3, no teaching staff member shall acquire tenure unless he or she is, or until he or she shall become, a citizen of the United States.

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Inserted "If the holder...be renewed again" in 1; and in 4, substituted "world" for "foreign" in the first sentence and inserted "The teacher shall...not be renewed".

6A:9-5.8 Minimum degree and age requirement

Applicants for teaching certificates must be at least 18 years old, have graduated from an approved high school or have an equivalent education as determined by the Board of Examiners and have received a baccalaureate degree from a regionally accredited institution of higher education. The requirement of a baccalaureate degree shall not apply to applicants for vocational endorsements as set forth in N.J.A.C. 6A:9-11.2, for educational interpreter endorsements as set forth in N.J.A.C. 6A:9-13.18, or for military science endorsements as set forth in N.J.A.C. 6A:9-11.7.

6A:9-5.9 Examination in physiology, hygiene and substance abuse issues requirement

Candidates for instructional certificates shall pass an examination in physiology, hygiene and substance abuse issues.

6A:9-5.10 Certification of veterans

(a) Veterans who received an evaluation for certification before entering the military may continue under that evaluation, subject to the following provisions:

1. A request for reinstatement of the preservice status is made within a period of time equivalent to the length of the military service; and
2. A copy of an honorable discharge from the service is submitted.

(b) At the expiration of the time period equivalent to the length of military service, the veteran shall be subject to the rules in N.J.A.C. 6A:9-9 and 11 through 13.

6A:9-5.11 Validation of college degrees and college professional preparation

(a) A candidate for certification shall hold a bachelor's degree from a regionally accredited institution or foreign institution of higher education recognized by international accreditation agencies.

(b) Professional education preparation programs required for New Jersey certificates shall be accepted from:

1. A New Jersey college approved by the State Board for the preparation of teachers;
2. Out-of-State colleges approved by the State board or department of education or department of higher education in the state in which the college is established and approved by the Department on the basis of reciprocal agreements; and
3. Regionally accredited two-year colleges provided that:
 - i. The courses are accepted toward meeting the requirements for certification by a college approved by the Department and such courses appear on the official transcript of a regionally accredited four-year college; and
 - ii. No more than six semester-hour credits in professional education are completed on the two-year college level, except as provided for in N.J.A.C. 6A:9-13.18.

(c) Except as provided for in N.J.A.C. 6A:9-13.18, academic preparation for all endorsements must appear on the transcript of a regionally accredited four-year college or university.

Amended by R.2005 d.110, effective April 4, 2005.
See: 36 N.J.R. 5044(a), 37 N.J.R. 1060(a).
Added (c).

6A:9-5.12 Recognition of advanced standing in a college

(a) Advanced work completed in a secondary school, which is assigned college credit by the institution of higher education that the candidate attends, shall be counted toward meeting the requirements for certification.

(b) When a regionally accredited four-year college or university grants advanced standing but does not award college credit for courses that were waived, the Department may accept the study that the college waived as college credit for purposes of certification.

6A:9-5.13 Course information

(a) Courses completed by correspondence or distance learning may be accepted for certification purposes only if they are completed through a regionally accredited college or

university and appear on the official transcript of the college or university.

(b) Teaching a course in a regionally accredited college or university shall be deemed the equivalent of having presented the course on a college transcript. Evidence of such teaching must be submitted in the form of an original letter from the college president, dean or authorized designee.

Amended by R.2006 d.170, effective May 15, 2006.
See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Added "or authorized designee" to the end of (b) and made a related stylistic change.

6A:9-5.14 Equivalency of work taken in other countries

(a) An applicant for certification who has completed college-level study in a country other than the United States shall present an equivalency report of that study from a Department-approved credentials evaluation agency. The equivalency report shall include the following:

1. Studies equivalent to a bachelor's degree from a regionally accredited four-year college or university in the United States;
2. Course-by-course listing and the semester-hour equivalent of each area of college-level study; and
3. The GPA at the conclusion of the degree program.

6A:9-5.15 Exchange teachers

(a) A district board may employ a teacher from another state or country in exchange for one of its own teaching staff members for a period of up to one school year. The district board shall adopt a resolution stating that the exchange teacher is employed as a substitute teacher for that teaching staff member during that school year.

(b) If the exchange teacher is a foreign national, the teacher shall be required to file a non-citizen oath of allegiance with the district board of education as required by N.J.S.A. 18A:6-7 to the effect that he or she will support the Constitution of the United States during the period of his or her employment within the State.

(c) The district board of education shall request that the county superintendent issue a county substitute credential to the exchange teacher. The 20-day limitation pursuant to N.J.A.C. 6A:9-6.5(b) shall not apply to the exchange teacher and the exchange teacher is authorized to serve for the period of his or her temporary service in the State as an exchange teacher.

6A:9-5.16 Issuance of a certificate

(a) The Board of Examiners shall issue the appropriate certificate upon the candidate's completion of all certification requirements. The candidate shall be subject to all requirements in effect at the time the application is received in the Office. Requirements include, but are not limited to, course-

work, degree, tests, fees, GPA and all certificate rules pursuant to N.J.A.C. 6A:9-8, 11, 12, and 13. Applications shall be deemed filed with the Office when the application and all required supporting documentation has been received. The teacher shall maintain possession of the original certificate.

(b) If the candidate is not eligible for the certificate sought, the Office shall issue a written evaluation that identifies the deficiencies for certification.

(c) The Board of Examiners may refuse to issue a certificate to a candidate enrolled in a New Jersey or out-of-State approved program when the candidate fails to secure the recommendation of the preparing institution.

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Inserted "The candidate shall...has been received" in (a).

6A:9-5.17 Replacement of lost certificates

To replace a lost certificate, the holder shall complete the appropriate application, provide a notarized statement of loss and submit the required fee.

6A:9-5.18 Persons assigned to coach swimming

(a) Persons assigned to coach swimming or diving teams shall hold a New Jersey instructional certificate that allows the holder to coach and shall meet the requirements as set forth in N.J.A.C. 6A:9-11.12.

(b) The chief school administrator of the employing district board of education shall:

1. Annually notify the county superintendent of all persons assigned to coach swimming and/or diving teams; and
2. Forward to the county superintendent copies of each valid American Red Cross or YMCA certificate required in (a) above for every person assigned to coach swimming and/or diving.

Amended by R.2005 d.110, effective April 4, 2005.

See: 36 N.J.R. 5044(a), 37 N.J.R. 1060(a).

In (a), inserted "instructional" following "New Jersey".

6A:9-5.19 Athletics personnel

(a) Any teaching staff member in the employ of a district board of education shall be permitted to organize public school pupils for purposes of coaching or for conducting games, events or contests in physical education or athletics.

(b) School districts shall be permitted to employ any holder of a New Jersey teaching certificate to work in the interscholastic athletic program provided that the position has been advertised.

(c) In the event there is no qualified and certified applicant, the holder of a county substitute credential pursuant to N.J.A.C. 6A:9-6.5 is authorized to serve as an athletic coach

in the district in which he or she is employed for a designated sports season, provided that:

1. The district chief school administrator demonstrates to the county superintendent that:
 - i. The vacant coaching position had been advertised; and
 - ii. There was no qualified applicant based on the written standards of the district board of education;
2. The district chief school administrator provides a letter to the county superintendent attesting to the prospective employee's knowledge and experience in the sport in which he or she will coach; and
3. The district board of education obtains the county superintendent's approval prior to such employment. The 20-day limitation noted in N.J.A.C. 6A:9-6.5(b) shall not apply to such coaching situations.

Case Notes

In upholding a decision of the Commissioner of Education that a district board of education should have appointed a certain teacher as the girls' basketball coach at a certain high school, the interpretation of the State Board of Education of former N.J.A.C. 6:29-3.3 (now N.J.A.C. 6A:9-5.19) to impose an intra-district hiring requirement or preference relied on a strained construction of the word "employment"; such a construction of the regulation would effectively reimpose terms eliminated in the 1983 amendment without following the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. *Krupp v. Bd. of Educ.*, 278 N.J. Super. 31, 650 A.2d 366, 1994 N.J. Super. LEXIS 488 (App.Div. 1994).

Former N.J.A.C. 6:29-3.3(a) and (b) (now N.J.A.C. 6A:9-5.19) on their face clearly allow local school boards to hire intra- or extra-district qualified, certified teachers, provided the coaching position is first advertised; no preference for intra-district employees appears in the regulations. In upholding a decision of the Commissioner of Education that a district board of education should have appointed a certain teacher as the girls' basketball coach at a certain high school, the State Board of Education erred in interpreting former N.J.A.C. 6:29-3.3 (now N.J.A.C. 6A:9-5.19) to impose an intra-district hiring requirement or preference. *Krupp v. Bd. of Educ.*, 278 N.J. Super. 31, 650 A.2d 366, 1994 N.J. Super. LEXIS 488 (App.Div. 1994).

6A:9-5.20 Computer literacy

(a) The school administrator may assign an individual to teach computer literacy if the individual:

1. Demonstrates proficiency in current computer programs and their applications; and
2. Holds a CE, CEAS or standard certificate in an instructional field.

6A:9-5.21 Conditional certificate to teach a world language

(a) A holder of a conditional certificate to teach a world language issued prior to January 20, 2004 may renew the certificate for a maximum of four years. For renewal of the certificate, the candidate shall:

1. Within 12 months of obtaining the initial conditional certificate, complete a minimum of three semester-hours credits in world language methodology offered by a regionally accredited four-year college or university; and

2. Demonstrate progress toward meeting State requirements for standard certification within five years of the issuance of the initial conditional certificate.

(b) No new conditional certificates to teach a world language shall be issued as of January 20, 2004.

6A:9-5.22 (Reserved)

New Rule, R.2005 d.110, effective April 4, 2005.

See: 36 N.J.R. 5044(a), 37 N.J.R. 1060(a).

Repealed by R.2007 d.10, effective January 2, 2007.

See: 38 N.J.R. 3205(a), 39 N.J.R. 29(a).

Section was "Structured learning experiences/career orientation coordination".

4. Personal and family financial/resource management, and related careers.

New Rule, R.2008 d.7, effective January 7, 2008.
See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

6A:9-11.18 Individuals enrolled in degree programs prior to January 7, 2008

A candidate who matriculates and enrolls in a State-approved teacher preparation program in accordance with the applicable subsection of N.J.A.C. 6A:9-11.13 through 11.17, on or after January 7, 2009, shall be required to complete all requirements of the applicable section above effective as of January 7, 2008. A candidate who is matriculated and enrolled in a State-approved degree program in accordance with the applicable section of N.J.A.C. 6A:9-11.13 through 11.17, prior to January 7, 2009, and applies to the Office for certification no later than January 7, 2010, shall complete all requirements under former N.J.A.C. 6A:9-8.1, as effective January 6, 2008. A candidate who does not apply to the Office by January 7, 2010 shall fulfill the applicable requirements under N.J.A.C. 6A:9-11.13 through 11.17 in this section.

New Rule, R.2008 d.7, effective January 7, 2008.
See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

SUBCHAPTER 12. REQUIREMENTS FOR ADMINISTRATIVE CERTIFICATION

6A:9-12.1 Use of requirements

(a) These requirements will be used by the Department in the following ways:

1. As a basis for approving college preparation programs for administrative and supervisory personnel;
2. As the basis for approving non-traditional programs offered by service providers for administrative and supervisory personnel;
3. As the basis for evaluating the eligibility of candidates for administrative or supervisory certification; and
4. As the basis for defining the nature and extent of experience used in development of residencies required of administrative candidates for certification.

(b) Colleges and universities shall provide the office with a list of those students that have matriculated in New Jersey administrative preparation programs approved by the Department prior to January 20, 2004. This includes those students that matriculated in the approved programs in fall 2004 and spring 2005. The list of students shall be submitted to the office no later than March 31, 2005. Those candidates must complete all requirements specified under former N.J.A.C. 6:11-9 by September 1, 2007. Candidates that do not complete all of the requirements specified under former N.J.A.C.

6:11-9 by September 1, 2007 shall fulfill the requirements in this subchapter.

Amended by R.2008 d.7, effective January 7, 2008.
See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

Added new (a)2; and recodified former (a)2 and (a)3 as (a)3 and (a)4.

6A:9-12.2 College degrees

All candidates for administrative and supervisory certification, except as indicated in N.J.A.C. 6A:9-12.7, must hold a master's or higher degree from a regionally accredited college or university.

6A:9-12.3 Authorization

(a) The school administrator endorsement is required for any position that involves services as a district-level administrative officer. Such positions shall include superintendent, assistant superintendent, and director. Holders of this endorsement are authorized to provide educational leadership by directing the formulation of district-wide goals, plans, policies and budgets, by recommending their approval by the district board of education and by directing their district-wide implementation. Holders of this endorsement are authorized to recommend all staff appointments and other personnel actions, such as terminations, suspensions and compensation, including the appointment of school business administrators, for approval by the district board of education. Holders of this endorsement are authorized to direct district operations and programs, and to supervise and evaluate building administrators and central office staff, including school business administrators. They are also authorized to oversee the administration and supervision of school-level operations, staff and programs.

(b) The principal endorsement is required for any position that involves service as an administrative officer of a school or other comparable unit within a school or district. Such positions shall include assistant superintendent for curriculum and instruction, principal, assistant principal, vice-principal and director. Holders of this endorsement are authorized to provide educational leadership by directing the formulation of goals, plans, policies, budgets and personnel actions of the school or other comparable unit, and recommending them to the chief district administrator, and by directing their implementation in the school or other comparable unit. Holders of this endorsement also are authorized to direct and supervise all school operations and programs, to evaluate school staff, including teaching staff members and to direct the activities of school-level supervisors.

(c) The supervisor endorsement is required for both supervisors of instruction and athletic directors who do not hold a standard principal's endorsement. The supervisor shall be defined as any school officer who is charged with authority and responsibility for the continuing direction and guidance of the work of instructional personnel. This endorsement also authorizes appointment as an assistant superintendent in charge of curriculum and/or instruction.

(d) The school business administrator endorsement is required for the chief financial officer of a district. Such positions shall include assistant superintendent for business and school business administrator. Holders of this endorsement are authorized to perform duties at the district level in the areas of financial budget planning and administration, financial accounting and reporting, insurance/risk administration and purchasing. Holders of this endorsement may also engage in facilities planning, construction and maintenance, personnel administration, administration of transportation and food services, and central data processing management.

6A:9-12.4 School administrator

(a) To be eligible for the school administrator CE, the candidate shall:

1. Complete one of the following:

i. Hold a master's or higher degree from a regionally accredited college or university in educational leadership, or in curriculum and instruction, or in one of the recognized fields of leadership or management;

ii. Hold a master's degree from a regionally accredited college or university and complete a post-master's program resulting in a certificate of advanced study in educational administration and supervision;

iii. Hold a master's degree from a regionally accredited college or university and complete a post-master's program in a coherent sequence of 30 semester hour credits as they appear on the institution's transcript. The study must be completed at one institution in fields outlined in (a)1i above;

iv. Hold a master's degree from a regionally accredited college or university and complete a New Jersey State-approved certification program in educational leadership offered by providers approved by the Department pursuant to N.J.A.C. 6A:9-12.5(j)2, (k)2 and (l)1; or

v. Hold a master's degree from an NCATE or TEAC approved program in educational leadership from an out-of-State college or university;

2. Complete a minimum of 30 graduate credits either within the master's program or in addition to it, in the following quality components of preparation to promote student learning as set forth in N.J.A.C. 6A:9-3.4(a)1 through 6:

i. Leading a common vision of learning in the school community;

ii. Leading a climate and culture conducive to student learning and staff professional growth;

iii. Leading a safe and effective environment for learning;

iv. Leading the mobilization of resources, response to diverse needs, and collaboration with families and communities;

v. Leading with integrity and fairness; and

vi. Leading with a perspective of the larger political, social, economic and legal context;

3. Complete a 150-hour internship in educational leadership independent of other course requirements;

4. Pass a State-approved examination of knowledge that is acquired through study of the topics listed in (a)2 above, aligned with the Professional Standards for School Leaders and that is most directly related to the functions of superintendents as defined in N.J.A.C. 6A:9-12.3(a); and

5. Complete five years of successful educational experience in a public or non-public school, a public or non-public school district, or a regionally accredited higher educational setting in New Jersey or out-of-State.

(b) A candidate who matriculates and enrolls in a State-approved educational leadership preparation program on or after September 1, 2008 shall be required to complete all requirements of (a) above effective as of January 7, 2008. A candidate who is matriculated and enrolled in a State-approved educational leadership preparation program prior to September 1, 2008, and applies to the Office no later than December 31, 2011, shall complete all requirements under former N.J.A.C. 6A:9-12.4, as effective January 6, 2008. A candidate who does not apply to the Office by December 31, 2011 shall fulfill the requirements in this section.

(c) To be eligible for a provisional school administrator's endorsement, the candidate shall:

1. Hold a school administrator CE; and

2. Obtain and accept an offer of employment in a position requiring the school administrator certificate in a public school district that has agreed formally to sponsor the residency.

(d) To be eligible for the standard administrative certificate with a school administrator endorsement, the candidate shall:

1. Possess a provisional certificate pursuant to (a) and (b) above; and

2. Complete a one to two-year State-approved residency program while employed under provisional certification in a public school district. The residency program shall:

i. Take place in a functioning public school district environment or may take place in an approved alternate site that serves public school students;

ii. Require the candidate to develop a thorough understanding of New Jersey Standards: the Core Curriculum Content Standards; the Professional Standards for

2. Insufficient: Recommends that a standard educational services certificate with a SAC endorsement not be issued but that the candidate be allowed to continue the residency or seek admission to an additional residency. Except for those candidates who receive approval pursuant to N.J.A.C. 6A:9-17.17(d), a candidate who receives a second insufficient is precluded from continuing or re-entering a residency; or

3. Disapproved: Recommends that a standard educational services certificate with a SAC endorsement not be

issued and that the candidate is precluded from continuing or re-entering a residency.

(h) If the candidate disagrees with the residency supervisor's recommendation, the candidate may appeal the recommendation pursuant to N.J.A.C. 6A:9-17.17.

(i) An emergency certificate is not available for SAC.

Amended by R.2005 d.110, effective April 4, 2005.
See: 36 N.J.R. 5044(a), 37 N.J.R. 1060(a).

In (b), substituted "Clinical" for "certified" following "Licensed"; in (c), rewrote 1.

Case Note

Psychologist with experience in substance abuse counseling, who did not hold an educational services certificate with a substance awareness coordinator (SAC) endorsement, could perform the duties of counselor to high school students with drug or alcohol abuse problems. *Maren Bristol, v. Board of Education of the Northern Valley Regional High School District, Bergen County*, 2004 WL 1853016, N.J. Adm., Jul 01, 2004, (NO. EDU 09053-03).

6A:9-13.3 School nurse

(a) The school nurse endorsement authorizes the holder to perform nursing services and to teach in areas related to health in public schools in grades preschool through 12.

(b) To be eligible for the standard educational services certificate with a school nurse endorsement, a candidate shall hold a current New Jersey registered professional nurse license issued by the New Jersey State Board of Nursing, hold a bachelor's degree from a regionally accredited college or university, hold current cardiopulmonary resuscitation (CPR) and automated external defibrillators (AED) certificates and complete either a Department-approved college curriculum for the preparation of school nurses or a program of studies, minimum of 30 semester hour credits from a regionally accredited college or university, that includes study in the following topics:

1. A minimum of six semester-hour credits in school nursing, including school health services, physical assessments, organization and administration of the school health program and clinical experience in a school nurse office;
2. Human growth and development;
3. Health assessment
4. Fundamentals of substance abuse and dependency;
5. Special education and/or learning disabilities;
6. Methods of teaching health in grades preschool through grade 12 including curriculum development;
7. Public health including such areas as public health nursing, community health problems and communicable disease control;
8. Human and intercultural relations. Studies designed to develop understanding of social interaction and culture change, including courses such as the following: urban sociology, history of minority groups, inter-group relations, and urban, suburban and rural problems;
9. Guidance and counseling;
10. School law including legal aspects of school nursing; and
11. A minimum of six credits in a college-supervised school nurse practicum. Half of the practicum experience shall be completed in the school nurse office. The balance

of the practicum experience shall be completed in the classroom under the supervision of a certified health educator.

(c) An emergency certificate is not available for this endorsement.

(d) Candidates in possession of a written evaluation completed by the office prior to January 20, 2004 will have until January 20, 2009 to complete the requirements set forth in the written evaluation.

Amended by R.2004 d.306, effective August 2, 2004.

See: 36 N.J.R. 1636(a), 36 N.J.R. 3526(a).

In (b), inserted "educational services" following "To be eligible for the standard" and "with a school nurse endorsement," preceding "a candidate shall hold" in the first sentence of the introductory paragraph, and inserted "urban" following "inter-group relations, and" and substituted "rural" for "inner-city" in 1vii.

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Added last sentence to (b); deleted (b)1; recodified existing i-viii as 1-8 and redesignated ix and x as 9 and 10 and made a stylistic change; deleted 2; and added 11.

Case Notes

Certified school nurse is not required to be in a school building or complex at all times during which a non-certified nurse is regularly scheduled to perform duties supplementing the services provided by the certified school nurse. *Ramsey Teachers Ass'n v. Board of Educ. of Ramsey*, 382 N.J. Super. 241, 888 A.2d 499, 2006 N.J. Super. LEXIS 2 (App.Div. 2006).

6A:9-13.4 School nurse/non-instructional

(a) The school nurse/non-instructional endorsement authorizes the holder to perform nursing services in public schools in grades preschool through 12. This endorsement does not authorize the holder to teach in areas related to health.

(b) To be eligible for the standard educational services certificate with a school nurse/non-instructional endorsement, a candidate shall hold a current New Jersey registered professional nurse license issued by the New Jersey State Board of Nursing, hold a bachelor's degree from a regionally accredited college or university, hold current cardiopulmonary resuscitation (CPR) and automated external defibrillators (AED) certificates and complete either a Department-approved college curriculum for the preparation of school nurse/non-instructional or a program of studies, minimum of 21 credits, that includes study in the following topics:

1. A minimum of six semester-hour credits in school nursing, including school health services, physical assessments, organization and administration of the school health program and clinical experience in a school nurse office;
2. Human growth and development;
3. Health assessment;
4. Public health, including such areas as public health nursing, community health problems and communicable disease control;

5. Fundamentals of substance abuse and dependency;
6. Special education and/or learning disabilities;
7. Human and intercultural relations. Studies designed to develop understanding of social interaction and culture change, including courses such as the following: urban sociology, history of minority groups, intergroup relations, and urban, suburban and rural problems;
8. Guidance and counseling; and
9. School law including legal aspects of school nursing.

(c) An emergency certificate may be issued to a candidate who holds a bachelor's degree from a regionally accredited college or university and a current New Jersey registered professional nurse license and current CPR/AED certificates. The candidate shall present evidence of study in public health nursing and child and/or adolescent growth and development. The study must appear on the transcript of a regionally accredited four-year college or university.

Amended by R.2004 d.306, effective August 2, 2004.

See: 36 N.J.R. 1636(a), 36 N.J.R. 3526(a).

In (a), substituted "endorsement" for "certificate" in the second sentence; in (b)7, inserted "urban" following "intergroup relations, and" and substituted "rural" for "inner-city".

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Rewrote the end of (b); and the second sentence in (c).

Case Notes

School board did not violate N.J.S.A. 18A:40-3.3 by hiring a school health aide who did not hold a school nurse endorsement since no requirement existed that a school nurse be in a school building at all times during which a non-certified nurse was performing supplemental services to the certified school nurse. *Ramsey Teachers Ass'n v. Board of Educ. of Ramsey*, 382 N.J. Super. 241, 888 A.2d 499, 2006 N.J. Super. LEXIS 2 (App.Div. 2006).

6A:9-13.5 School social worker

(a) The school social worker endorsement authorizes the holder to serve as a school social worker in any school district in the State in grades preschool through 12.

(b) To be eligible for the standard educational services certificate with a school social worker endorsement, the candidate shall hold a master's degree from a regionally accredited college or university and complete a total of 30 graduate-level semester hour credits with a study in each of the areas listed below:

1. Psychology, including general psychology, educational psychology, psychology of adolescence and child growth and development;
2. Special education and/or learning disabilities;
3. Social problems, including study in dealing with delinquency, poverty, interracial and intercultural problems;
4. A minimum of six semester-hour credits in social case work, introductory and advanced, including principles

and practices in social case work, interviewing, and methods and skills in diagnosis;

5. Mental hygiene and social psychiatry, including dynamics of human behavior and psychopathology;

6. Medical information, including the role of the social worker in health problems or fundamentals of substance abuse and dependency;

7. Community organizations, agencies and resources; and

8. Social policy and public welfare services, including the care and protection of at-risk children and families.

(c) Holders of a master's degree in social work from a regionally accredited college or university will be issued a standard educational services certificate with a school social worker endorsement.

(d) An emergency certificate may be issued to a candidate who meets the following requirements:

1. A bachelor's degree in social work or a related area from a regionally accredited college or university; and
2. Study in at least three of the study topics listed in (b)1 through 8 above to include a course in social case-work.

(e) Candidates in possession of a written evaluation completed by the office prior to January 20, 2004 will have until January 20, 2009 to complete the requirements set forth in the written evaluation.

Amended by R.2004 d.306, effective August 2, 2004.

See: 36 N.J.R. 1636(a), 36 N.J.R. 3526(a).

In (d), deleted "school" following "an approved".

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Deleted (d)3 and made related stylistic changes.

6A:9-13.6 Speech-language specialist

(a) The speech-language specialist endorsement authorizes the holder to provide service as a speech-language specialist in grades preschool through 12.

(b) To be eligible for the standard educational services certificate with a speech-language specialist endorsement, the candidate shall:

1. Hold a master's or higher degree in speech-language pathology from a regionally accredited college or university; and
2. Pass a State-approved test of comprehensive knowledge in the field of speech-language pathology.

(c) Individuals who hold a valid New Jersey speech correctionist endorsement and a master's degree in speech-language pathology shall be issued the speech-language specialist endorsement upon submission of a completed application and required fee.

(d) Individuals holding a valid New Jersey speech correctionist endorsement who have completed seven years of work as a speech correctionist in a New Jersey school setting and a Department-approved retraining program may serve in a position requiring speech-language specialist certification.

(e) An emergency certificate may be issued to a candidate who holds a bachelor's degree in speech pathology or is en-

rolled in a master's program in speech pathology and has completed a minimum of 12 graduate semester-hours in speech pathology. All study must be completed at a regionally accredited college or university. The emergency certificate may be renewed a total of four times.

holding a standard New Jersey school psychologist certificate shall provide local supervision for the period of externship training.

4. The extern shall have available various group and individual achievement tests, personality and cognitive

assessment tools. The extern also shall receive the results of audiometric and visual screening.

5. The extern shall have adequate office space for conferences, counseling and diagnostic studies.

6. For purposes of study and guidance, the extern shall have access to comprehensive records on pupil growth and development.

7. The college, university or school district, as appropriate, shall provide the extern with supervised experience in the following areas: in-service programs for faculty members; conferences with special personnel; utilization of available community resources; conducting a diagnostic study; report writing; relationships with the community; and counseling pupils, parents and faculty.

8. The extern may complete no more than 50 percent of the externship in an approved hospital, institution, clinic, or agency established for the study and/or treatment of special problems of children and adults. A licensed psychologist or school psychologist shall supervise the extern during the training experience. The director of the institution or agency shall certify that this experience includes the following: conducting a diagnostic study; reporting writing and communication of diagnostic findings; and participation in staff planning and evaluating conferences.

(d) School districts desiring authorization for the employment of an extern under emergency certification should submit a request to the county superintendent for preliminary approval. If the county superintendent grants preliminary approval, the emergency certificate will be forwarded to the applicant. The request must contain the following information:

1. The name of the fully certified school psychologist in the school system under whose supervision the externship will be carried out. This person must hold a standard New Jersey school psychologist certificate and have three years of experience as a certified school psychologist;

2. The nature and extent of the training experiences that will be provided under supervision during the externship;

3. The dates of the period of the externship;

4. The total number of clock hours to be worked during the externship; and

5. Official college transcripts showing successful completion of a minimum of 40 semester-hour graduate credits applicable towards standard school psychologist certification in areas listed in (b)1 above including study in the required areas of cognitive assessment, personality assessment and school consultation.

(e) Candidates who have satisfied the requirements of (b)1 above, but whose university program did not offer the required supervised externship training, may seek to arrange an externship in a New Jersey school district under emergency certification. The school district must request approval pursuant to (d) above.

(f) Candidates who completed a master's or higher degree in clinical psychology from a regionally accredited college or

university with a minimum of 60 semester hours that include study in areas listed (b)1 above and can present official documentation of 600 clock hours of experience as a psychologist working with children in a clinical setting may meet the school psychology externship and practicum requirements by completing a 900 clock hour school psychology externship in a New Jersey school, with school age children, under a school psychologist emergency certificate.

(g) The Office will issue a standard New Jersey school psychologist certificate to holders of a currently valid Nationally Certified School Psychologist (NCSP) license.

(h) The Office may issue an emergency certificate upon the request of the county superintendent to a candidate who meets the following requirements:

1. A bachelor's degree from a regionally accredited college or university; and

2. Official college transcripts showing successful completion of a minimum of 30 semester-hour graduate credits applicable towards standard school psychologist certification in areas listed in (b)1i through v above. This must include study and practicum experience in assessment.

(i) Applicants in possession of a written evaluation completed by the office prior to January 20, 2004 will have until January 20, 2009 to complete the requirements set forth in the written evaluation.

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Substituted "(b)1" for "(b)2" in (d)5; and in (h)2, substituted "30" for "40" and rewrote the last sentence.

6A:9-13.10 Learning disabilities teacher-consultant

(a) The learning disabilities teacher-consultant endorsement authorizes the holder to serve as a learning disabilities teacher-consultant in grades preschool through 12.

(b) To be eligible for the standard educational services certificate with a learning disabilities teacher-consultant endorsement, a candidate shall:

1. Hold a master's or higher degree from a regionally accredited college or university;

2. Hold a standard New Jersey or out-of-State instructional certificate; and

3. Have three years of successful teaching experience.

(c) A candidate who satisfies (b) above also shall complete one of the following:

1. A graduate program for the preparation of learning disabilities teacher-consultants approved by the Department;

2. A consultant-level master's degree in educational disabilities from an NCATE accredited program; or

3. A minimum of 24 semester-hour graduate credits chosen from the areas listed below. The candidate shall complete the requirements in (c)3i through ix below and may take elective credits in any area in (c)3i through x below.

i. Education of students with disabilities including study in history of the development of educational services for children in each area of exceptionality; study of present services, research and professional ethics dealing with the characteristics of children who differ from the norm intellectually, physically, socially and emotionally; evaluation of present practices in the education of students with disabilities; study of the relationship of educational practices and their environmental settings; and cultural and linguistic diversity;

ii. Learning theory including study in motivation and its effect on learning; study of leading theories of learning; study of rewards and incentives; and study in interests and climate for learning;

iii. Remediation of basic skills including study in research-based corrective methods and materials as related to specific diagnostic findings, the requirements of the CCCS, and the school and classroom environment;

iv. Physiological bases for learning including study of the neurological development and physical readiness of the normal child for learning; study of abnormal conditions of health that contribute to educational disability and study of metabolic and infectious disorders which affect learning;

v. Orientation in psychological testing including study of a overview of tests applicable to educational psychology; interpretation of psychological reports as applied to tests administered; the appropriate use of tests and the potential misuse of test results; and test construction theory;

vi. Diagnosis of learning problems including study of the nature and cause of learning problems; formulating an evaluation plan for educational assessments; administering and interpreting technically sound and culturally responsive standardized instruments and functional assessment procedures to determine educational levels, underlying deficits, and learning style; methods of arriving at a diagnosis based on evidence available from each child study team (CST) member; and ways of reporting diagnostic findings;

vii. Accommodations and modifications as a method of providing service to children with learning problems including utilization of validated methods for adapting instruction for diverse learning needs; technology for students with disabilities; understanding of accommodations and modifications in curriculum, materials, methods, classroom structures, assessment; utilization of the individualized education plan (IEP) and the CCCS

accommodation and modification; methods to enhance social relationships and positive behavior methods; focus on the inclusive classroom environment; legal issues related to the responsibilities of the CST including the requirements of a free appropriate public education, least restrictive environment, the determination of eligibility, and the development of the IEP;

viii. Collaboration theory and practice including theory and process of conducting collaborations; establishing collaborative partnerships between general and special educators, with parents and families, and with paraprofessionals; methods of co-teaching including in-class support, classroom consultation, and co-teaching; preparation for participating in a multidisciplinary child study team setting with opportunities for modeling and participation in team staffings and parent conferences; opportunities to observe, rehearse, and present results from evaluations in practice sessions;

ix. A college supervised, consultant-level practicum in diagnosis and remediation of educational disabilities in school and clinical situations. The definition and nature of this practicum, and the courses in which it will be provided, should be clear in the program description. The practicum should provide for a minimum of 90 clock hours of college supervised experience. This may not be a student teaching experience; and

x. Elective study chosen from areas such as group dynamics; methods and materials for teaching students with disabilities; curriculum development in the teaching of students with disabilities; teaching of reading; assistive/adaptive technology; interviewing and counseling; educational psychology; and community resources.

(d) An emergency certificate may be issued to a candidate who meets the following requirements:

1. A standard instructional certificate;
2. Three years of teaching experience; and
3. A minimum of 12 graduate credits in educational disabilities including psychological testing.

(e) Applicants in possession of a written evaluation completed by the office prior to January 20, 2004 will have until January 20, 2009 to complete the requirements set forth in the written evaluation.

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Deleted (d)1 and (d)5; recodified (d)2 through (d)4 as (d)1 through (d)3; and in (d)3, substituted “,” for “,” diagnosis of educational disabilities and accommodations for educational disabilities; and” at the end.

1. A standard instructional certificate with a vocational-technical endorsement in any field; and

2. Successful completion of two years of teaching under a certificate in vocational-technical education, and completion of the following:

i. Training in Child Labor, Wage and Hour, and Wage Payment laws and regulations, as required by the Department of Labor and Workforce Development and the U.S. Department of Labor in accord with N.J.S.A. 34:2-21 and 57, N.J.S.A. 34:11-4 and 56, N.J.A.C. 12:56 and 12:58 and 29 CFR 570 and 1900;

ii. A minimum of 20 hours of training or a Department-approved equivalent program in safety and health and required Department procedures and planning for SLEs pursuant to N.J.A.C. 6A:19; and

iii. Two graduate-level college courses or a Department-approved equivalent program in instructional strategies for work-based education and career information/occupational guidance.

(c) Individuals holding a vocational-technical coordinator: cooperative industrial education endorsement or the teacher-coordinator of cooperative vocational-technical education in the occupational areas of agriculture education, distributive education, health occupations, home economics education or business education endorsements may serve in a position requiring the CEC endorsement in any career cluster.

(d) An emergency CEC certificate may be issued to a candidate who meets the requirements in (d)1 and 2 below. The candidate shall complete the requirements for the standard certificate in no more than 24 months from the issuance date of the emergency certificate.

1. A standard vocational instructional certificate; and

2. Two years of successful vocational-technical education teaching experience.

Amended by R.2005 d.110, effective April 4, 2005.

See: 36 N.J.R. 5044(a), 37 N.J.R. 1060(a).

In (b), rewrote 2i and 2ii.

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

In (d), substituted "24 months" for "12 months".

6A:9-13.21 County apprenticeship coordinator

(a) The county apprenticeship coordinator endorsement is required for the position of county apprentice coordinator in any county vocational school district conducting an apprenticeship program. The endorsement authorizes the holder to approve and coordinate apprenticeship training programs in accordance with N.J.A.C. 6A:8 and 6A:19.

(b) To be eligible for the county apprenticeship coordinator endorsement, the candidate shall present:

1. A standard instructional certificate with a vocational-technical education endorsement;

2. Two years of successful teaching in a vocational-technical education program or one year of successful teaching experience in a vocational-technical education program and completion of a formal apprenticeship;

3. Completion of the following:

i. Training in Child Labor, Wage and Hour, and Wage Payment laws and regulations, as required by the Department of Labor and Workforce Development and the U.S. Department of Labor in accord with N.J.S.A. 34:2-21 and 57, N.J.S.A. 34:11-4 and 56, N.J.A.C. 12:56 and 12:58 and 29 CFR 570 and 1900; and

ii. A minimum of 20 hours of training or a Department-approved equivalent program in safety and health and required Department procedures and planning for SLEs pursuant to N.J.A.C. 6A:19; and

4. Two graduate level courses or a Department-approved program in the following required areas: one in the administration and supervision of vocational-technical education programs and one in industrial and labor relations.

(c) An emergency county apprenticeship coordinator certificate may be issued to a candidate who meets the requirements in (c)1 and 2 below. The candidate will have 24 months to complete the requirements for the standard certificate.

1. A standard instructional certificate with a vocational-technical education endorsement; and

2. Two years of teaching experience in a vocational-technical education program, or one year of successful teaching experience and completion of a formal apprenticeship.

Recodified from N.J.A.C. 6A:9-13.22 by R.2005 d.110, effective April 4, 2005.

See: 36 N.J.R. 5044(a), 37 N.J.R. 1060(a).

Former N.J.A.C. 6A:9-13.21, Structured learning experience/career orientation coordinator, repealed.

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Rewrote (b)3i and ii; and in (c), substituted "24 months" for "12 months".

6A:9-13.22 (Reserved)

Recodified to N.J.A.C. 6A:9-13.21 by R.2005 d.110, effective April 4, 2005.

See: 36 N.J.R. 5044(a), 37 N.J.R. 1060(a).

SUBCHAPTER 14. ACTING ADMINISTRATORS

6A:9-14.1 General provisions

(a) If, because of illness or death or some other good and sufficient reason, the district board of education must fill the position of superintendent of schools, assistant superintendent of schools, school business administrator, principal, or vice principal with a person who is designated as the acting administrator in a respective situation and who does not hold the standard New Jersey certificate required for the position, it shall be the duty of the board of education to make written application to the Commissioner, through the county superintendent, for permission to employ such person in an acting capacity, stating the reasons why such action is necessary. If the stated reasons justify the need to appoint someone as an administrator in an acting capacity who is not properly certified to hold the position, the Commissioner may approve the request on a case-by-case basis.

(b) If such approval is given by the Commissioner, it shall be of three months' duration, and may be renewed by him or her upon application for a period of three months at a time. Consideration of said request shall be made on a case-by-case basis. If the acting status of said individual is to extend beyond a year, no such permission can be given except upon recommendation of the Commissioner to the State Board that the application of the district board of education be granted.

(c) If the Commissioner or State Board grants approval, the Board of Examiners shall be notified and shall issue a letter of temporary certification.

Amended by R.2008 d.7, effective January 7, 2008.

See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

In (a), substituted "principal, or vice principal" for "high school principal, or elementary school principal".

(c) These rules apply to all district boards of education, charter schools, and nonpublic schools that choose to participate in the professional development for teachers required in this subchapter and whose staff members hold positions which require the possession of the instructional or educational services certificates. Hereinafter in this subchapter when the term district board of education is used, it includes district boards of education, charter school boards of trustees and applicable nonpublic school governing bodies choosing to participate. In addition, the term district administrator includes district board of education administrator, charter school administrator and applicable nonpublic school administrator choosing to participate.

Amended by R.2008 d.7, effective January 7, 2008.

See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

In (a), inserted the second sentence and deleted "the procedures for review and registration of professional development providers;" following "implemented;"; and in (b), substituted "teachers" for "teaching staff members employed as of September 2000 and thereafter".

6A:9-15.2 Amount, duration and content of required continuing professional development

(a) Each district board of education shall require all active teachers in the school district to complete 100 clock hours of approved professional development every five years. Each teacher must make annual yearly progress during the five-year cycle, though there is no specific annual hourly requirement for teachers entering a five-year cycle in years one through four. For teachers entering a five-year cycle in year five, 20 hours of professional development must be completed in that one year. All new teachers employed under provisional or standard certificates must fulfill this requirement and must therefore have a Professional Development Plan (PDP) within 60 instructional days of the beginning of their teaching assignment.

1. All active teaching staff members will begin a new five-year cycle beginning September 1, 2010 and ending on August 31, 2015. All teaching staff members will be on the same five-year cycle.

2. Beginning September 1, 2010, all active teaching staff members will begin the same five-year professional development cycle. For those teaching staff members hired after the 2005-2006 school year, the 100-hour requirement will be pro-rated, with no specific annual hourly requirement for teachers entering a five-year cycle in years one through four. For teachers entering a five-year cycle in year five, 20 hours of professional development must be completed in that one year, to reflect the balance of time remaining in their professional development cycle until 2010.

(b) The content of each teacher's professional development shall be specified in a PDP or in the evaluation process of applicable non-public schools and be developed in accordance with N.J.A.C. 6A:32-4.4 and 4.5 to meet the needs of the individual teacher in the context of his or her job.

SUBCHAPTER 15. REQUIRED PROFESSIONAL DEVELOPMENT FOR TEACHERS

6A:9-15.1 General provisions

(a) The purpose of this subchapter is to govern required professional development for active teachers. For the purpose of this subchapter, the term "teacher" refers to those in positions which require possession of a provisional or standard instructional or education services certificate. The rules define the categories of school personnel affected; the amount of required professional development; the period provided for fulfilling the requirement; the schedule by which the requirement is to be implemented; and the manner in which the requirement shall be monitored.

(b) These rules affect all active teachers whose positions require possession of the instructional or education services certificates in accordance with N.J.A.C. 6A:9-8, 10 and 12.

5. He or she has received a report from the Division of Youth and Family Services (DYFS) substantiating allegations of abuse or neglect or establishing "concerns" regarding a certificated teaching staff member.

(b) In the event that the Board of Examiners issues an order to show cause based on the information that the school district provided about the certificate holder, it shall be the responsibility of the reporting school district to cooperate with the Board of Examiners in any proceeding arising from the order to show cause.

Amended by R.2006 d.170, effective May 15, 2006.
See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Made a stylistic change in (a)2; and added (b).
Amended by R.2008 d.7, effective January 7, 2008.
See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

In (a)3, deleted "or" from the end; in (a)4, inserted "or criminal offense" and substituted "; or" for a period at the end; and added (a)5.

6A:9-17.5 Grounds for revocation and suspension of certification

The Board of Examiners may revoke or suspend the certificate(s) of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. Other just cause shall include, but not be limited to, offenses within the terms of the forfeiture statute, N.J.S.A. 2C:51-2, or the disqualification statute, N.J.S.A. 18A:6-7.1. The Board of Examiners may revoke or suspend a certificate upon evidence that the holder did not meet the qualifications for the certificate at the time of issuance or no longer satisfies the criteria set forth in N.J.A.C. 6A:9-5.1(b). The Board of Examiners shall not revoke or suspend a certificate without providing the holder an opportunity to be heard pursuant to N.J.A.C. 6A:9-17.6.

6A:9-17.6 Revocation or suspension of certificates

(a) The Board of Examiners may issue an order to show cause to a certificate holder if the Board of Examiners believes that the conduct of the holder may warrant the revocation or suspension of the certificate(s) held where:

1. The Commissioner transmits a contested case to the Board of Examiners that resulted in a teaching staff member's loss of tenure, dismissal, resignation or retirement;

2. Pursuant to N.J.A.C. 6A:9-17.4, the Board of Examiners receives information from a district that a teaching staff member no longer is employed in the district;

3. The Board of Examiners receives information regarding a certificate holder's criminal conviction or pending criminal charges;

4. The Board of Examiners receives notice that a teaching staff member who is certified in New Jersey and who also holds a teaching certificate in another state has had action taken against his or her certificate by the other state;

5. Pursuant to N.J.S.A. 9:6-8.10, the Division of Youth and Family Services (DYFS) forwards to the Board of Examiners a copy of a report in which DYFS has substantiated that a certificate holder has abused or neglected a student or a report in which DYFS identifies its concerns with the conduct of a teaching staff member;

6. Pursuant to N.J.S.A. 18A:6-7.3, the Commissioner notifies the Board of Examiners that an individual who holds New Jersey certification is disqualified from employment in public schools or has pending charges for an offense that is disqualifying;

7. A certificate holder fails to maintain any license, certificate or authorization that is mandated pursuant to N.J.A.C. 6A:9-4.1(b) in order for the holder to serve in a position; or

8. Pursuant to (b) below, an individual files a petition with the Board of Examiners seeking the revocation or suspension of a certificate holder's certificate.

(b) The following procedures shall apply to persons filing a petition pursuant to (a)8 above:

1. The person filing the petition shall submit to the Secretary a sworn statement that he or she has firsthand knowledge supporting the charges set forth in the petition and shall furnish evidence of proof of service of the petition on the other party or parties involved;

2. Upon receipt of the petition, the Secretary shall notify the certificate holder that the holder shall file a response within 30 days of the mailing date of the Secretary's notice; and

3. The Board of Examiners shall review the petition and response to determine whether to issue an order to show cause. In the event that the Board of Examiners issues an order to show cause, the Board of Examiners shall be the petitioner in the ensuing revocation or suspension proceeding. The party filing the petition pursuant to (b)1 above shall have the responsibility to cooperate with the Board of Examiners after it issues the order to show cause.

(c) Nothing in the foregoing shall preclude the Board of Examiners from issuing an order to show cause on its own initiative when the Board of Examiners has reason to believe that grounds for revocation or suspension of a certificate exist.

(d) If the Board of Examiners issues an order to show cause pursuant to (a) above, the school district employing the certificate holder at the time of the conduct at issue shall cooperate with the Board of Examiners in any proceeding arising from the order to show cause.

Amended by R.2006 d.170, effective May 15, 2006.
See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

In (b)3, added the last sentence; and added (d).
Amended by R.2008 d.7, effective January 7, 2008.
See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

In (a)3, inserted "or pending criminal charges"; in (a)6, inserted "or has pending charges for an offense that is disqualifying"; and in (b)2, inserted "mailing".

6A:9-17.7 Procedures for revoking or suspending a certificate

(a) After review of the information received pursuant to N.J.A.C. 6A:9-17.6, the Board of Examiners shall determine by public vote whether to initiate a revocation or suspension proceeding. In those cases where the Board of Examiners moves for revocation or suspension, the Secretary, on behalf of the Board of Examiners, shall issue an order to show cause that states the specific charges that form the basis of the revocation or suspension proceeding.

(b) The certificate holder shall file an answer with the Board of Examiners no later than 30 days from the date of mailing of the order to show cause. The answer may not generally deny the charges, but must respond specifically to each allegation.

(c) If the certificate holder does not file an answer within 30 days, the Secretary shall send a second notice affording an additional response time of 15 days from the date of mailing of the second notice. The second notice shall also advise the certificate holder that, should the Board of Examiners not receive any response within that time, the allegations against the certificate holder as set forth in the order to show cause shall be deemed admitted and that the Board of Examiners shall proceed to a decision on the allegations in the order to show cause on the basis of the evidence before it.

(d) If the certificate holder files an answer and there are material facts in dispute, the Board of Examiners shall either hear the matter directly or transmit the matter to OAL for a hearing. The hearings at OAL shall be heard in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(e) If the certificate holder files an answer and no material facts appear to be in dispute, the Secretary shall send the certificate holder a hearing notice informing him or her of the opportunity to submit written briefs, affidavits and other supporting documentation for the Board of Examiners' consideration. The certificate holder shall submit 21 copies of all response papers within 30 days from the date of mailing of the hearing notice.

(f) After receipt of the written submissions pursuant to (e) above, the Secretary will place the matter on the Board of Examiners' agenda and notify the certificate holder of the date the Board of Examiners will consider the matter. The notice will advise the certificate holder whether his or her appearance is necessary.

(g) The Board of Examiners may transmit the matter to OAL if, after review of the written submissions, the Board of Examiners determines that there are material facts in dispute.

The Board of Examiners may identify the specific issues OAL shall consider.

(h) In all cases, the Board of Examiners shall clearly articulate the findings of fact upon which its decision was based. If the Board of Examiners has decided a matter solely on the papers, it shall set forth the reasons it deemed summary decision appropriate.

(i) The Office may refuse to issue a new certificate to a certificate holder who is otherwise eligible for the additional certificate if the certificate holder is the subject of a pending action to revoke or suspend his or her certificate(s) pursuant to N.J.A.C. 6A:9-17.7.

(j) Upon application of the certificate holder for an extension of time, the Secretary may extend the time for filing the answer pursuant to (b) above or for filing the hearing brief pursuant to (e) above, provided that the application for the extension is requested prior to the expiration of the 30 days for filing the answer or the hearing brief.

Amended by R.2005 d.110, effective April 4, 2005.

See: 36 N.J.R. 5044(a), 37 N.J.R. 1060(a).

In (e), inserted "within 30 days from the date of mailing of the hearing notice" following "all response papers".

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Made a stylistic change in (d); and added (j).

6A:9-17.8 Revoked and suspended certificates

(a) If the Board of Examiners orders the revocation or suspension of a certificate, the holder shall surrender it to the Secretary within 30 days after mailing of the revocation or suspension order.

(b) After the Board of Examiners has revoked or suspended a certificate, the Secretary shall notify:

1. The 50 states and territories and other such agencies that are part of the Interstate Certification Project;
2. The county superintendents of schools;
3. Appropriate governmental pension and annuity funds, or retirement services;
4. The chief school administrator in the employing district; and
5. Any other agency or entity as may be required by law.

(c) The Board of Examiners may reinstate a suspended certificate at the end of the suspension period, provided that the certificate holder has met all conditions that the Board of Examiners established.

Amended by R.2004 d.306, effective August 2, 2004.

See: 36 N.J.R. 1636(a), 36 N.J.R. 3526(a).

In (b)5, inserted "by law" at the end of the sentence.

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

In (a), substituted "30" for "20".

6A:9-17.9 Suspension of certificates for failure to give notice of intention to resign

(a) A teacher employed by a district board of education who, without the consent of the board, ceases to perform his or her duties prior to the expiration of the employment, shall be deemed guilty of unprofessional conduct.

(b) The Commissioner may, upon receiving notice of the fact, suspend the certificate for a period not to exceed one year.

(c) Appeal of the Commissioner's decisions pursuant to this section shall be to the State Board in accord with N.J.A.C. 6A:4.

6A:9-17.10 Application for certification after revocation

(a) A certificate that has been revoked for any of the grounds set forth in this chapter shall not be reinstated. An individual who has had a certificate revoked may file an application for a new certificate with the Board of Examiners.

(b) The Board of Examiners shall not issue a new certificate to a candidate whose certificate(s) has been revoked unless the following conditions are met:

1. The candidate shall satisfy all criteria for the issuance of the certificate that are in effect at the time of the application for the new certificate;

2. At least four years shall have passed since the effective date of the revocation of the previous certificate;

3. The candidate shall have provided evidence demonstrating rehabilitation for the unbecoming conduct, incompetence, or other cause for the revocation;

4. If the basis for the revocation was the conviction of a crime that is not disqualifying under N.J.S.A. 18A:6-7.1 et seq., the candidate shall have submitted evidence to the Board of Examiners that he or she has been fully rehabilitated in accord with the factors set forth in N.J.S.A. 2A:168A-2 and that issuing a certificate to the candidate would not be detrimental to the public welfare;

5. The candidate shall have complied with all conditions imposed by the order of revocation; and

6. If the revocation arose from a criminal matter involving the candidate, the candidate shall have provided evidence that he or she has satisfied any conditions imposed by the court, probation, plea bargain agreement or any other entity.

(c) Notwithstanding the provisions of (b) above, the Board of Examiners shall not issue a new certificate to any candidate who is:

1. Ordered to forfeit certification as part of a settlement in a tenure or criminal proceeding;

2. Barred from teaching again in the State of New Jersey by order of a court of competent jurisdiction;

3. Ordered to forfeit certification as part of a plea bargain;

4. Ordered to forfeit certification as a condition for entrance into a pre-trial intervention program as set forth in Rule 3.28 of the New Jersey Court Rules;

5. Ordered to forfeit certification pursuant to a sentence imposed in a criminal proceeding;

6. Barred from teaching for any reason; or

7. Relinquishing his or her certificate pursuant to N.J.A.C. 6A:9-17.11.

6A:9-17.11 Relinquishment of certificate without order to show cause

(a) The Board of Examiners may accept the relinquishment of all certificates held by an individual without issuance of an order to show cause.

(b) When accepted by the Board of Examiners, the relinquishment of certificates as provided in (a) above shall have the force and effect of a revocation including, but not limited to, the notification requirements in N.J.A.C. 6A:9-17.8(b).

(c) The individual seeking to relinquish a certificate(s) shall submit an affidavit to the Board of Examiners stating that the certificate holder:

1. Is relinquishing all certificates held by the individual;

2. Is waiving the right to a hearing pursuant to N.J.A.C. 6A:9-17.7 and agrees not to institute proceedings concerning the relinquishment in any forum; and

3. Understands that the relinquishment has the force and effect of a revocation with its attendant consequences.

(d) The Board of Examiners shall vote on whether to accept the certificate(s). If the Board of Examiners votes to accept the relinquishment, the revocation shall be effective as of the date of the Board of Examiners' vote.

(e) The certificate holder shall return all certificates to the Board of Examiners.

(f) Individuals who relinquish their certificates pursuant to this section shall not apply for certification in the future.

Amended by R.2008 d.7, effective January 7, 2008.
See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

In (a), substituted a period for a colon at the end; and deleted (a)1 through (a)3.

6A:9-17.12 Voluntary surrender of certificates and endorsements

(a) An individual may voluntarily surrender a certificate or endorsement if he or she has not been employed under that certificate or endorsement in the 10 years preceding the proposed surrender and if he or she satisfies the following conditions:

1. The individual shall submit an affidavit to the Board of Examiners stating that he or she is surrendering the certificate or endorsement voluntarily, and not under the conditions set forth in N.J.A.C. 6A:9-17.11;

2. The individual shall submit an affidavit setting forth his or her employment history for the 10 years preceding the voluntary surrender, including official documentation from a school official, if applicable; and

3. The individual shall submit an affidavit stating that he or she has not been employed under the certificate or endorsement at issue in the 10 years preceding the voluntary surrender.

(b) The certificate holder shall return the original certificate or endorsement at issue to the Board of Examiners.

(c) The Board of Examiners shall review the application for a voluntary surrender. If the Board of Examiners votes to accept the surrender, the certificate or endorsement shall be deemed surrendered as of the date of the Board of Examiners' vote.

(d) Individuals who voluntarily surrender a certificate or endorsement may not apply for that certificate for three years from the effective date of the voluntary surrender. Candidates are subject to the certification requirements in effect at the time the new application is submitted.

Amended by R.2005 d.110, effective April 4, 2005.

See: 36 N.J.R. 5044(a), 37 N.J.R. 1060(a).

Substituted "surrendered" for "revoked" following "shall be deemed".

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Added "and endorsements" to section heading; in (a) through (d), inserted "or endorsement" wherever appearing, and made related stylistic changes throughout.

6A:9-17.13 Substitution of alternate education and/or experience

(a) If an applicant receives an evaluation pursuant to N.J.A.C. 6A:9-5.16(b) that identifies areas of deficiency in the requirements for certification, the applicant may provide the Board of Examiners with evidence of alternative education and/or experience that the applicant believes is equivalent to the area(s) of deficiency.

(b) Upon receipt of a request to substitute alternate education or experience, the Secretary shall provide the applicant with a copy of credentials review procedures.

(c) The applicant shall submit to the Secretary for Board of Examiners' review 21 copies of information and documentation of alternative educational background and/or experience that the applicant believes is the equivalent of the certification deficiency. The application for review and the packet of documentation shall be in the form approved by the Secretary.

(d) The Secretary shall review the information submitted by the applicant for sufficiency and transmit it to the Board of Examiners for review.

(e) An applicant may not simultaneously seek relief under this section and N.J.A.C. 6A:9-17.17. If an applicant seeks a credentials review initially, he or she may appeal from the initial adverse decision of the Office under N.J.A.C. 6A:9-17.17 only after the Board of Examiners has rendered a final decision under this section. The 60-day time limitation of N.J.A.C. 6A:9-17.17(a)1 shall not apply in those circumstances.

Amended by R.2008 d.7, effective January 7, 2008.

See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

Added (e).

6A:9-17.14 Public discussion of alternative education and/or experience

(a) The Secretary shall give an applicant not less than 10 days notice of the Board of Examiners' meeting at which it will consider his or her application for certification based on alternative education and/or experience.

(b) The applicant may be present at the meeting at which the Board of Examiners considers the application.

(c) If the applicant is in attendance, the Board of Examiners may question the applicant regarding his or her submission.

Amended by R.2008 d.7, effective January 7, 2008.

See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

Rewrote (b) and (c).

6A:9-17.15 Rendering of decisions on applications for substitution

(a) The Board of Examiners shall render its decision on each application for substitution of educational background and/or experience no later than the first regular meeting after the Board of Examiners reviews the applicant's information.

(b) The Board of Examiners will issue a written decision setting forth its reasons for the decision.

(c) If the Board of Examiners determines that the applicant is not eligible for the certificate requested based on review of alternative education and/or experience submitted, the applicant may not request an additional review by the Board of Examiners until:

1. One year has elapsed from the date of the Board of Examiners' decision; and

2. The applicant has obtained additional alternative education and/or experience for review by the Board of Examiners. Applicants who have obtained additional education and/or experience in less than one year may request that the Board of Examiners waive the waiting period and, upon good cause shown, the Board of Examiners may relax the required time period.

6A:9-17.16 Substitution of alternative education and/or experience prohibited

(a) The Board of Examiners shall not permit an applicant to substitute education and/or experience for a passing score on any State required test or required GPA, nor for the requirement that the applicant hold a degree.

(b) Under no circumstances may the Board of Examiners waive any test, GPA or degree requirements for certification.

6A:9-17.17 Appeal of certification decision of the Office

(a) A candidate may appeal an adverse decision of the Office regarding certification eligibility to the Board of Examiners.

1. The appeal shall be filed with the Board of Examiners within 60 days of the date of the decision at issue with the exception of those matters filed pursuant to N.J.A.C. 6A:9-17.13(e). For good cause shown, the Board of Examiners may relax the 60-day requirement.

2. The candidate shall file 21 copies of the appeal with the Secretary. The appeal shall take the form of a written petition accompanied by a sworn statement attesting to the facts in the petition and shall include evidence that the candidate believes proves that he or she meets the requirements for certification.

3. The Board of Examiners shall review the information provided by the applicant and shall render a written decision. The Secretary shall forward a copy of the decision to the candidate.

(b) Pursuant to N.J.A.C. 6A:9-17.13(e), a candidate may not simultaneously apply for a credentials review and relief under this section.

Amended by R.2008 d.7, effective January 7, 2008.
See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

Rewrote(a)1; and added (b).

6A:9-17.18 Appeal of "disapproved" or "insufficient" recommendations for standard certification

(a) A candidate who receives a recommendation of "disapproved" or two recommendations of "insufficient" at the conclusion of a provisional program may appeal the certification recommendation to the Board of Examiners. Where an individual has received two "insufficient" recommendations,

only the second adverse recommendation shall be the subject of the appeal. The following procedures shall apply:

1. The candidate shall file 21 copies of the appeal with the Secretary within 60 days of receipt of the final evaluation and certification recommendation. The appeal shall take the form of a written submission accompanied by a sworn statement attesting to the facts in the appeal and shall include evidence documenting the reasons why the candidate believes that he or she should be awarded a standard certificate or be granted an additional opportunity for provisional employment. The candidate shall provide a copy of the final evaluation.

2. The Secretary shall forward a copy of the candidate's submission in support of the appeal to the school district that issued the disputed rating. Within 30 days from the date of the Secretary's letter notifying the district of the appeal, the district shall forward 21 copies of all evaluations and certification recommendation to the Secretary. In addition, the district shall submit 21 copies of either a response to the candidate's appeal of the district's recommendation or a statement that the district will rely solely on the evaluations submitted. The district shall serve a copy of its response on the candidate and submit proof of service to the Secretary with its papers. Neither party shall submit additional papers without the Secretary's approval.

3. The candidate shall be responsible for demonstrating to the Board of Examiners why he or she should be granted the relief requested. The Board of Examiners shall decide the appeal based on the written submissions and shall issue a written decision.

4. If the Board of Examiners determines that there is a need for further fact-finding in order to decide an appeal of an adverse recommendation, it may transmit the matter to OAL for a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The parties to the hearing shall be the provisional teacher and the district that submitted the adverse certification recommendation. The Board of Examiners shall consider the recommendation of the ALJ in deciding the appeal.

(b) The sole remedies that the Board of Examiners may provide an aggrieved candidate pursuant to this section are issuance of a standard certificate or an opportunity to seek further employment as a provisional teaching staff member. A provisional teaching staff member who seeks additional relief from the employing board of education shall file a petition requesting such relief with the Commissioner in accord with N.J.A.C. 6A:3.

(c) For good cause shown, the Board of Examiners may relax the 60-day requirement in (a) above.

(d) Candidates who receive a recommendation of "disapproved" or two recommendations of "insufficient," and who do not contest the certification recommendation pursuant to

(a) above may petition the Board of Examiners for approval of an additional opportunity to seek provisional employment. The candidate shall be responsible for demonstrating by clear and convincing evidence to the Board of Examiners why he or she would be likely to succeed if granted the requested opportunity. The following procedures shall apply:

1. Within 60 days of receipt of the final evaluation, the candidate shall file 21 copies of a written submission accompanied by a sworn statement attesting to the facts in the submission and shall include evidence documenting why the Board of Examiners should grant the request. The candidate shall provide a copy of the final evaluation.

i. For good cause shown, the Board of Examiners may relax the 60-day requirement in (d)1 above.

2. The Secretary shall forward a copy of the candidate's submission to the school district that issued the disputed rating. Within 30 days from the date of the Secretary's letter to the district, the district shall forward to the Secretary its response to the candidate's request. The district shall serve a copy of its response on the candidate and include a proof of service with the papers. Neither party shall file additional papers without the Secretary's approval.

3. The Board of Examiners shall decide the request based solely on the written submissions and shall issue a written decision.

(e) No candidate shall have the right to relief under both (a) and (d) of this section. In the event a candidate requests both types of relief, the Board of Examiners shall provide the candidate an opportunity to elect the type of relief sought. The Board of Examiners shall not proceed with hearing the candidate's appeal until he or she has requested a specific remedy.

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

In (a)1, added the last sentence; in the introductory paragraph of (d), substituted "who do not contest" for "who have not challenged"; rewrote (d)1; and added (d)1i.

Amended by R.2008 d.7, effective January 7, 2008.

See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

In (a)1, substituted "submission accompanied by a sworn statement attesting to the facts in the appeal and shall" for "statement and"; in (d)1, substituted "submission accompanied by a sworn statement attesting to the facts in the submission and shall include" for "statement and"; and added (e).

6A:9-17.19 Motions

(a) All motions in certification matters that have been transmitted to OAL shall be filed with the ALJ who has been assigned to hear the case and shall be subject to the rules that govern OAL hearings. For those matters that the Board of Examiners is deciding directly pursuant to N.J.A.C. 6A:9-17.7 or for those matters in which the ALJ has forwarded the initial decision to the Board of Examiners pursuant to N.J.A.C. 1:1-18.1(d), the party shall file motions with the

Board of Examiners. All motions made prior to the Board of Examiners' decision to hear a matter directly shall be filed with the Board of Examiners.

(b) All motions filed with the Board of Examiners must include a notice of motion, a proof of service, a brief conforming to the requirements of N.J.A.C. 6A:9-17.22, a copy of the decision or order that is the subject of the motion, and an affidavit setting forth any facts not in the record upon which the moving party relies. The moving party shall serve 21 copies of the moving papers and a proof of service on the Board of Examiners. If the Board of Examiners is not deciding the matter directly, the moving party shall serve a copy of the papers on the attorney representing the Board of Examiners. The opposing party shall have 15 days from service of the motion to file a response. If no opposing brief is filed, the Board of Examiners shall consider the motion to be unopposed. No other briefs may be filed.

(c) Unless otherwise directed by the Board of Examiners, there shall be no oral argument on motions.

(d) Upon application of any party for an extension of time, the Secretary may extend the time for filing a motion or for filing the response to the motion, provided that the application for an extension is requested prior to the time for filing or responding to a motion has expired.

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Added (d).

Amended by R.2008 d.7, effective January 7, 2008.

See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

In (a), inserted the last sentence.

6A:9-17.20 Motions for reconsideration

(a) Any party may file with the Board of Examiners and serve on all other parties a motion to reconsider the Board of Examiners' decision. The party shall file the motion no later than 15 days from the mailing date of the decision.

(b) The Board of Examiners may reconsider the decision based on evidence of:

1. Mistake, inadvertence, surprise or excusable neglect;
2. Newly discovered information that would probably alter the decision and which by due diligence could not have been discovered in time for the hearing; or
3. Fraud, misrepresentation or misconduct of another party.

6A:9-17.21 Motions for stay

(a) A party shall make a motion for a stay of the Board of Examiners' decision pending appeal to the State Board in accord with the procedures set forth in N.J.A.C. 6A:9-17.19. The moving party shall file the motion for a stay within 30 days of the date of mailing of the Board of Examiners' decision that is at issue.

(b) The brief in support of the motion shall address the following standards to be met for granting a stay pursuant to *Crowe v. DeGioia*, 90 N.J. 126 (1982):

1. The moving party will suffer irreparable harm if the requested relief is not granted;
2. The legal right underlying the moving party's claim is settled;
3. The moving party has a likelihood of prevailing on the merits of the underlying claim; and
4. When the equities and interests of the parties are balanced, the moving party will suffer greater harm than the other party if the requested relief is not granted.

6A:9-17.22 Briefs and exceptions

(a) Briefs filed with the Board of Examiners shall be in the following format:

1. Briefs filed in response to a notice of hearing served pursuant to N.J.A.C. 6A:9-17.7 above shall not exceed 25 pages, exclusive of table of contents and appendix; and

2. Briefs in support of a motion shall not exceed 15 pages, exclusive of table of contents and appendix.

(b) Exceptions and reply exceptions filed in response to an initial decision issued by OAL shall not exceed 25 pages.

(c) The Secretary may grant requests to file additional pages.

Amended by R.2008 d.7, effective January 7, 2008.

See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

Section was "Briefs". Added new (b); and recodified former (b) as (c).

6A:9-17.23 Appeal of Board of Examiners decisions

A party shall appeal adverse revocation and suspension decisions to the State Board in accord with N.J.A.C. 6A:4. A party shall appeal all other Board of Examiners decisions to the Commissioner of Education pursuant to N.J.A.C. 6A:3.