

CHAPTER 9

PROFESSIONAL LICENSURE AND STANDARDS

Authority

N.J.S.A. 18A:1-1, 18A:4-15, 18A:6-34, 18A:6-38,
18A:26-2.7 and 18A:26-10.

Source and Effective Date

R.2009 d.24, effective December 10, 2008.
See: 40 N.J.R. 4856(a), 41 N.J.R. 128(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 9, Professional Licensure and Standards, expires on December 10, 2015. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 9, Professional Licensure and Standards, was adopted as R.2004 d.28, effective January 20, 2004. See: 35 N.J.R. 4352(a), 36 N.J.R. 469(a).

Subchapter 7, Paraprofessional Approval, was repealed by R.2005 d.298, effective September 6, 2005. See: 37 N.J.R. 1982(a), 37 N.J.R. 3322(a).

Subchapter 7, Qualifying Academic Credentials, was adopted as new rules by R.2008 d.7, effective January 7, 2008. See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

Chapter 9, Professional Licensure and Standards, was readopted as R.2009 d.24, effective December 10, 2008. See: Source and Effective Date. See, also, section annotations.

Subchapter 18, Pilot Programs for Mathematics and Science Certifications, was adopted as special new rules by R.2009 d.238, effective June 30, 2009. See: 41 N.J.R. 2984(a). Subchapter 18, Pilot Programs for Mathematics and Science Certifications, expired on January 4, 2011.

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SUBCHAPTER 18. (RESERVED)

SUBCHAPTER 1. SCOPE AND PURPOSE

6A:9-1.1 Scope

This chapter sets forth the rules governing the preparation, licensure and professional development of those educators required by their positions to be certified. It also contains rules governing the approval of educator preparation programs and the content of such programs. Finally, it contains the rules delineating the organization of, powers of, duties of and proceedings before the State Board of Examiners.

6A:9-1.2 Purpose

(a) The purpose of this chapter is to establish a licensure system based on professional standards for pre-service preparation, certification and professional development that contin-

uously serves to improve the quality of instruction for New Jersey's children so that they are equipped to work and succeed in an ever-changing and increasingly complex global economy.

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.

SUBCHAPTER 18. (RESERVED)