

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; and P.L. 2012, c. 11.

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Subchapter 7, Paraprofessional Approval, was repealed by R.2005 d.298, effective September 6, 2005.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.

Subchapter 18, Alternate-Route Programs for Mathematics and Science Certification, was adopted as special adopted new rules by R.2012 d.168, effective September 14, 2012 (to expire May 9, 2013). See: 44 N.J.R. 2392(a).

Subchapter 15, Required Professional Development for Teachers, was renamed Required Professional Development for Teachers and School Leaders; and Subchapter 16, Required Professional Development for School Leaders, was repealed and Subchapter 16, Other Alternate-Route Programs for Documented Areas of Teacher Shortage, was adopted as new rules by R.2013 d.091, effective July 1, 2013. See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

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(g) A candidate who has graduated from a regionally accredited college or university that does not award grades and does not calculate GPAs shall be exempt from the requirements in (a)2 above.

1. Upon application, the candidate shall provide the Office with an original registrar's letter from the college or university bearing the college or university seal and clarifying the institution's policy regarding GPAs.

2. The candidate shall satisfy all other requirements for certification, without exception.

(h) Any student matriculated in an approved in-State or out-of-State teacher education program prior to October 31, 2009 shall not be subject to (a)4 and 5 and (b) above if he or she graduates on or before January 31, 2013.

Amended by R.2004 d.416, effective November 1, 2004.
See: 36 N.J.R. 3237(a), 36 N.J.R. 4927(b).

Added (d) and (e).

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)3, added the second sentence in the introductory paragraph and added i.

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

Made two stylistic changes in (a)2; deleted "who graduates on or after September 1, 2004"; and added (f) and (g).

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)2, inserted the last sentence; and in (a)3, inserted "a major in the subject area or".

Amended by R.2009 d.24, effective January 5, 2009.
See: 40 N.J.R. 4856(a), 41 N.J.R. 128(a).

In the introductory paragraph of (a), inserted "and (b) below"; in (a)2, substituted "in any year" for the second occurrence of "2004" and "of that same year" for the fourth and last occurrences of "2004", and deleted the third occurrence of "2004"; in (a)3, substituted "Until October 30, 2009, for" for "For"; added new (a)4; recodified former (a)4 and (a)5 as (a)6 and (a)7; added new (b); recodified former (b) through (f) as (c) through (g); deleted former (g); and added (h).

Amended by R.2010 d.294, effective December 20, 2010.
See: 42 N.J.R. 1654(a), 42 N.J.R. 3058(b).

Deleted (a)3; recodified (a)4 through (a)7 as (a)3 through (a)6; rewrote the introductory paragraph of (a)3; in (a)3i, inserted "as documented by the official transcript of a regionally accredited four-year college or university"; in (a)3iii, inserted "as documented by the official transcript of a regionally accredited college or university" and "as documented by the official transcript of a four-year, regionally accredited college or university", and deleted a comma following "senior"; in (a)4, deleted a comma following "Standards" and ", four-year" following "accredited"; in the introductory paragraph of (b), inserted a comma following "2009"; in (b)3, deleted "four-year" following "accredited"; and in (b)4, deleted a comma following "standards" and ", four-year" following "accredited".

Amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Rewrote the section.

Case Notes

Board's decision to deny petitioner's application for certification was not arbitrary, capricious, or unreasonable where the Board properly exercised its discretion to deny certification in the absence of a recommendation for certification from a preparing institution and was under no obligation to issue a certificate to the petitioner absent a recommendation from a preparing institution; petitioner did not complete a State-approved post-baccalaureate program, nor did she obtain a recommendation from an accredited institution. *Glennon v. N.J. State Bd. of*

Examiners, OAL Dkt. No. EDU 7419-07, 2009 N.J. AGEN LEXIS 745, Final Decision (September 18, 2009).

Initial Decision (2008 N.J. AGEN LEXIS 118) adopted, which concluded that petitioner, an acknowledged recipient of a bona fide bachelor's degree, failed to demonstrate any entitlement to receive credit for or approval of certification as a Teacher of the Handicapped by a preponderance of the credible evidence, where his undergraduate GPA was deficient by the standards in place at the time of his initial application as well as at the time of the review of his completed course of study. Moreover, petitioner failed to take the appropriate matriculated course work at a single college as part of an approved post-baccalaureate program but instead attended four separate college-level institutions in order to meet this obligation, resulting in no realistic way that the board of examiners could collate the course selections at each of the individual schools and factor in an appropriate GPA. *Maslin v. N.J. Dep't of Educ., Office of State Bd. of Examiners, OAL Dkt. No. EDU 2689-06, Commissioner's Decision (April 8, 2008).*

6A:9-8.2 Requirements for the provisional certificate

(a) Except as indicated in N.J.A.C. 6A:9-11, to be eligible for a provisional certificate, a candidate shall:

1. Hold a CE or CEAS in the endorsement area required for the teaching assignment;
2. Obtain and accept an offer of employment in a position that requires instructional certification; and
3. Be registered in a State-approved district training program upon employment and in accordance with N.J.A.C. 6A:9-8.3.

(b) The effective date of provisional certificate issuance is the date on which the holder of a CE or CEAS begins employment with the district board of education in a certificated position in accordance with N.J.S.A. 18A:26-2 and 18A:27-4a.

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, deleted "and" from the end; in (a)2, substituted "; and" for the period at the end; and added (a)3 and (b).

6A:9-8.3 Requirements for State-approved district training programs

(a) Each district board of education shall be authorized to employ a holder of a CE or CEAS after its mentoring plan has been approved pursuant to N.J.A.C. 6A:9-8.4(d)3.

(b) Each State-approved district training program shall provide essential knowledge and skills through the following training:

1. On-going mentoring of the provisional teacher who holds a CEAS shall take place over a period of 30 weeks or proportionally longer if the provisional teacher holds a part-time teaching position in accordance with the local mentor plan pursuant to N.J.A.C. 6A:9-8.4 and in accordance with the Professional Standards for Teachers.

2. The building principal or an appropriately certified school administrative designee shall observe and formally

evaluate the provisional teacher in accordance with N.J.A.C. 6A:9-8.6 and 8.7.

3. Except for (b)4 and 5 below, a minimum of 200 hours of formal instruction in professional education aligned with the Professional Standards for Teachers shall be completed by the provisional teacher concurrently with the requirements of (b)1 and 2 above. This requirement shall not apply to provisional teachers who hold a CEAS pursuant to N.J.A.C. 6A:9-8.1(c).

4. For provisional teachers who are holders of a career and technical education CE, a minimum of 200 hours of formal instruction in a State-approved career and technical education professional education program that is aligned with the Professional Standards for Teachers and that includes the essential knowledge and skills regarding the delivery of career and technical education programs shall be completed concurrently with the requirements of (b)1 and 2 above. This requirement shall not apply to provisional teachers who hold a CEAS pursuant to N.J.A.C. 6A:9-8.1(b).

5. For provisional teachers who are holders of an elementary school (K-6 and N-8) CE, a minimum of 290 hours of formal instruction over two years in a State-approved program of formal instruction that is aligned with the Professional Standards for Teachers shall be completed. This instruction must include a minimum of 45 hours of study in the teaching of language arts/literacy at the K-6 level and a minimum of 45 hours of study in teaching mathematics at the K-6 level. Provisional teachers holding an elementary school (K-6 or N-8) CE may be exempted from completing 45 hours of study in the teaching of language arts/literacy at the K-6 level, as well as from completing 45 hours of study in the teaching of mathematics at the K-6 level if:

i. For each area of study, they have completed 45 hours of study in that area as documented by a Department-approved provider or through equivalent coursework on the transcript of a regionally accredited college or university; or

ii. For each area of study, they document the equivalent of at least one year of successful experience as a full-time teacher during which the subject area is regularly taught, among the other subjects for which a K-6 teacher would be responsible. This experience must take place within the three years prior to receiving their certificate of eligibility and documented by submitting a completed, original form provided by the Office.

(c) School districts or consortia of school districts, in conjunction with a college or university, shall provide formal instruction to the provisional teachers they employ pursuant to (b)3 above. The school district or consortium shall submit a written plan for the Department's approval. In the event that joint sponsorship with a college or university cannot be achieved, the Department may authorize the school district or

consortium to provide the formal instruction independently or in joint sponsorship with a non-collegiate entity. The school district or consortium's written plan shall include documentation of its efforts to secure college or university participation.

(d) School districts unable to provide formal instruction to provisional teachers in their employ shall provide access to formal instruction through a network of Department-authorized providers.

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 first, second and last sentences in (b)1.
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 "holder of a CE or CEAS" for "provisional teacher"; in (b)1, inserted "or 90 hours", substituted "in preparation for" for "shall take place prior to the time at which", "to take" for "takes" and "professional support and instruction" for "pre-professional support, instruction and clinical experiences and study"; in (b)2, inserted "or proportionally longer if the provisional teacher holds a part-time teaching position"; in (b)3, substituted "administrative designee" for "administrator"; in (b)4, substituted "A minimum of" for "Approximately" and updated the N.J.A.C. reference; in (d), substituted "providers" for "regional training centers"; and deleted (e).

Amended by R.2009 d.24, effective January 5, 2009.
See: 40 N.J.R. 4856(a), 41 N.J.R. 128(a).

Deleted former (b)1; recodified former (b)2 through (b)4 as (b)1 through (b)3; in (b)3, substituted "Except for (b)4 and 5 below, a" for "A" and updated the N.J.A.C. reference; and added (b)4 and (b)5.

Administrative correction.

See: 42 N.J.R. 936(a).

Amended by R.2010 d.294, effective December 20, 2010.

See: 42 N.J.R. 1654(a), 42 N.J.R. 3058(b).

In (b)5i, deleted "four-year" following "accredited".

Amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Rewrote the section.

6A:9-8.4 Requirements for local mentor plan

(a) All novice teachers are required to participate in a mentoring program that takes place over a period of 30 weeks for provisional teachers holding a CEAS and 34 weeks for provisional teachers holding a CE. Provisional teachers shall participate for a proportionally longer period of time if in a part-time teaching position. The mentoring program shall be implemented by the mentor teacher, supervised by the school principal, and conducted within the parameters of a school district's local mentor plan and the requirements of N.J.A.C. 6A:9-8.3.

1. In the event that no State funds are available to pay the costs of mentoring fees, candidates who are required to complete a provisional year of teaching to obtain standard certification shall be responsible for payment of mentoring fees during the provisional year. The employing school district may at its discretion pay the cost of mentoring fees.

2. All novice teachers whose positions require possession of instructional certificates in accordance with N.J.S.A. 18A:26-2 and N.J.A.C. 6A:9-5.1(a) shall comply with the requirements of the local mentoring plan.

(b) All district boards of education that employ novice teachers in positions requiring the possession of instructional

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. ALTERNATE-ROUTE PROGRAMS FOR MATHEMATICS AND SCIENCE CERTIFICATION

6A:9-18.1 Purpose and definitions

(a) Pursuant to P.L. 2012, c. 11, the purpose of this subchapter is to establish alternate-route certification programs in mathematics and science, which are documented shortage areas in New Jersey public schools.

(b) As specified in this subchapter, programs may be established by New Jersey colleges and universities, educational organizations, or other entities approved by the Commissioner.

6A:9-18.2 Authorizations

(a) The Commissioner may approve programs leading to CEs with endorsements in elementary school with subject matter specialization in mathematics and science. Each endorsement shall be valid for a teaching assignment area in grades five through eight.

(b) The Commissioner may approve programs leading to CEs with endorsements authorized to teach grades K-12 in mathematics and science.

(c) The Commissioner may immediately authorize the continuation of pilot mathematics and science certification programs authorized by rules issued pursuant to P.L. 2009, c. 51. Such reauthorization shall be effective for 60 days and may be continued for up to one year under the current rules pending documentation provided by the program that it satisfies any additional program requirements under the current rules.

(d) The Board of Examiners shall issue a CE to an individual who: is a teaching staff member; holds a bachelor's degree from a regionally accredited college or university; passes the appropriate State content test(s); successfully completes the instructional element of the approved program required for the CE; and meets the requirements set forth in N.J.A.C. 6A:9-18.3(a)3 and 4. In the case of a certificated teaching staff member who participates in the program, the Board of Examiners shall issue a subject-area endorsement in the requested endorsement area, as appropriate, upon successful completion of the program's approved requirements for certification.

1. A CE issued by the Board of Examiners under programs authorized by this subchapter shall permit the applicant to seek and accept employment in a public school district.

2. A provisional certificate issued to a CE holder under this subchapter shall permit the applicant to be employed in a public school district.

3. A standard certificate awarded under this subchapter shall be the appropriate standard certificate in elementary school with subject-matter specialization in mathematics or science, or in teacher of biology, chemistry, physics, physical science, or earth science. It also shall authorize the holder to teach in a public school district.

6A:9-18.3 Program requirements

(a) Programs proposed under this subchapter must be submitted to and approved by the Commissioner according to the following criteria:

1. Documentation of program requirements for a candidate's admission, including evidence of the candidate's:

- i. Bachelor's degree or higher from a regionally accredited four-year college or university;
- ii. Documented employment as a teaching staff member in a New Jersey public school;
- iii. Knowledge of the endorsement area as demonstrated by passing of the appropriate State content test;

- iv. Interest in pursuing a teaching career; and
- v. Additional information as deemed appropriate by the program provider to offer a profile of the candidate;

2. Documentation of the program's instructional component, including:

- i. Organization, timeline and guiding principles;
- ii. Program curriculum and corresponding time allocations;
- iii. Alignment of curriculum with the New Jersey Common Core State Standards in the endorsement area;
- iv. Alignment of learning opportunities with Professional Standards for Teachers as established in N.J.A.C. 6A:9-3.3;

v. A description of the key pedagogical approaches to be used, including any methods and techniques specific to teaching in the endorsement area;

vi. A description of opportunities for pre-service experiences in public school classrooms;

vii. The names and qualifications of program instructors;

viii. The procedure used to determine whether a candidate is qualified to receive a CE; and

ix. The procedure for placing a candidate in teaching position in a public school; and

3. Documentation of the program's provisional employment period, including:

i. A description of any relationships made between the program and a partnering public school district;

ii. Provisions for providing mentoring for the candidate during the provisional period. Mentoring under the program shall meet or exceed the provisions of N.J.A.C. 6A:9-8.4;

iii. Descriptions of other professional experiences available through the program, such as professional learning and networking opportunities; and

iv. The procedure and evidence used by the program to determine a candidate's eligibility for the standard certificate. Notwithstanding the role of the program in contributing to such a determination, the final determination shall be made by the school principal as described in N.J.A.C. 6A:9-8.6 and 8.7. The candidate shall be afforded all rights of provisional renewal and appeal of an "insufficient" or "disapproved" rating under N.J.A.C. 6A:9-8.7 and 17.18.