

**CHAPTER 5
COMMISSIONER**

Authority

N.J.S.A. 18A:4-22 and 52:14B-3.

Source and Effective Date

R.1990 d.561, effective October 22, 1990.
See: 22 N.J.R. 3484(a).

Chapter Expiration Date

Pursuant to Executive Order No. 22(1994), Chapter 5, Commissioner, expires on April 22, 1997. See: 26 N.J.R. 3783(a) and 3942(a).

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APPENDIX ORGANIZATION TABLE, DEPARTMENT OF EDUCATION

SUBCHAPTER 1. GENERAL PROVISIONS

6:5-1.1 Title and aim

(a) By statute, the Commissioner of Education is the chief executive and administrative officer of the Department of Education, is the official agent of the State Board of Education for all purposes and is the budget and fiscal officer of the Department of Education. He is Secretary of the State Board of Education and Chairman of the State Board of Examiners.

(b) The commissioner is appointed by the Governor, by and with the advice and consent of the Senate, for a term of five years, commencing July 1, and until his successor is appointed.

6:5-1.2 Powers and duties

(a) The powers and duties of the commissioner are as follows:

1. The commissioner is empowered to decide legal controversies and disputes arising under school laws or State board regulations and his decisions have the force of law;
2. To apportion State aid to local school districts;
3. To issue teacher certificates;
4. To approve vocational schools;
5. To issue rules and regulations for the classification of retarded and handicapped children;
6. To conduct Statewide tests;
7. To prescribe minimum courses of study for elementary and high schools;
8. To withhold State aid from local school districts which fail to comply with school law or State board regulations; and
9. To promulgate such other rules and regulations as may be authorized by statute or the State board.

Case Notes

Commissioner's responsibilities. *Iuppo v. Burke*, 162 N.J.Super. 538, 401 A.2d 219 (App.Div.1978), certification denied 79 N.J. 462, 401 A.2d 219 (1978).

Procedural ruling; impoundment of transcript. *M.W. v. Bd. of Ed., Freehold Regional High School District, Monmouth Cty.*, 1975 S.L.D. 123, 1975 S.L.D. 127, 1975 S.L.D. 137.

SUBCHAPTER 2. ORGANIZATION OF THE DEPARTMENT

6:5-2.1 Organizational structure

The Commissioner of Education shall develop and present to the State Board of Education for its approval an organizational chart which includes all divisions of the Department of Education and all other units for which managerial appointments require State Board approval pursuant to N.J.A.C. 6:5-2.2. This chart shall be published in the New Jersey Register and incorporated in the Administrative Code pursuant to N.J.S.A. 52:14B-4(b).

New Rule: R.1992 d.21, effective December 10, 1991.
See: 24 N.J.R. 90(a).

Case Notes

Limitation on board's discretion. *Messics v. Bd. of Ed., East Windsor Regional School District, Mercer Cty.*, 1977 S.L.D. 153.

Historical context. In re: Abolishment of Business Administrator by Bd. of Ed., Wayne Twp., Passaic Cty., 1974 S.L.D. 1280.

Compliance; tenure. Smith v. Bd. of Ed., Egg Harbor Twp., Atlantic Cty., 1974 S.L.D. 430.

6:5-2.2 Personnel: Method of Operations

(a) The Commissioner shall appoint, subject to the approval of the State Board, The Deputy Commissioner of Education, the assistant commissioner for each division of the Department, the chief officers reporting directly to the Deputy Commissioner of Education and assistant commissioners for each division, each county and State district superintendent, the superintendent of the State School for the Deaf, the director of compliance and the managers of those offices that coordinate board meetings and process state board appeals.

(b) All other personnel appointments shall be made by the Commissioner subject to the notification procedure in (c) below.

(c) The Commissioner shall regularly report to the Board as to all appointments and removals including resignations, transfers, and vacancies. The Commissioner shall also report to the Board as to any acting appointments that he or she has made for the positions specified in (a) above. An acting appointment made pursuant to N.J.S.A. 18A:7-2 shall be made subject to the requisite State Board approval. In the event an acting appointment to one of the positions specified in (a) above continues for more than 60 days, the Commissioner shall report to the State Board on the progress toward filling that position on a permanent basis.

(d) In cases where the Commissioner's personnel actions affect the organizational chart or the fulfillment of regulatory requirements, the Commissioner shall advise the Board of such implications and of actions required for resolution.

New Rule: R.1992 d.21, effective December 10, 1991.
See: 24 N.J.R. 90(a).
Amended by R.1994 d.333, effective June 9, 1994.
See: 26 N.J.R. 2784(a).

6:5-2.3 Basic composition of the Department

(a) The Department of Education consists of a State Board of Education, the Commissioner of Education and such divisions, offices, bureaus, branches, committees, other organizational units and officers and employees as allowed by law and as necessary to carry out the Department's statutory mandates.

(b) The basic organizational design of the Department is indicated in the Organizational Chart (see Appendix to this subchapter, incorporated herein by reference) with the executive functions as follows:

1. The Commissioner of Education is the chief executive and administrative officer of the Department.

2. The Deputy Commissioner of Education coordinates department-wide operations and serves as Acting Commissioner during the Commissioner's absence.

Recodified from 6:5-2.1 by R.1992 d.21, effective December 10, 1991.
See: 24 N.J.R. 90(a).

Amended by R.1993 d.107, effective February 4, 1993.

See: 25 N.J.R. 921(a).

Organizational rule; acting commissioner to be designated by commissioner.

Amended by R.1994 d.333, effective June 9, 1994.

See: 26 N.J.R. 2784(a).

6:5-2.4 Reporting responsibilities

(a) The following senior managers report directly to the Commissioner:

1. The Deputy Commissioner of Education. The following organizational units and their chief officers report directly to the Deputy Commissioner of Education for the Division of Information, Management and Financial Services:

- i. The Director of Finance;
- ii. The Assistant Commissioner of Grants Management and Development;
- iii. The Assistant Commissioner of the State Library;
- iv. The Director of Administration;
- v. The Director of Executive Services; and
- vi. The Director of Technology.

2. The Assistant Commissioner for Field Services. The following organizational units and their chief officers report directly to the Assistant Commissioner for Field Services:

- i. The coordinating county superintendent in each of the three regions and the remaining county superintendents of schools in each of the 21 counties;
- ii. The State district superintendents for State-operated school districts;
- iii. The Director of Urban Education and Policy; and
- iv. The Director of Direct Services.

3. The Assistant Commissioner for Academic Programs and Standards. The following organizational units and their chief officers report directly to the Assistant Commissioner for the Division of Academic Programs:

- i. The Assistant Commissioner of Standards and Assessment;
- ii. The Director of Innovative Programs;
- iii. The Director of School-To-Work Initiatives; and
- iv. The Director of Professional Development.

4. The Assistant Commissioner for Student Services. The following organizational units and their chief officers report directly to the Assistant Commissioner for the Division of Student Services:

- i. The Director of Interagency Initiatives;
 - ii. The Director of Special Education;
 - iii. The Director of Safe and Drug Free Schools;
 - iv. The Director of Specialized Populations; and
 - v. The Director of Bilingual Education and Equity Issues.
5. The Director of Compliance.

Recodified from 6:5-2.2 by R.1992 d.21, effective December 10, 1991.
See: 24 N.J.R. 90(a).

Amended by R.1992 d.279, effective June 11, 1992.

See: 24 N.J.R. 2431(b).

Organizational rule, deleted units and changed names of several divisions.

Amended by R.1993 d.107, effective February 4, 1993.

See: 25 N.J.R. 921(a).

Organizational rule; deleted, combined, and renamed units.

Amended by R.1994 d.333, effective June 9, 1994.

See: 26 N.J.R. 2784(a).

Amended by R.1995 d.64, effective January 6, 1995.

See: 27 N.J.R. 894(d).

6:5-2.5 Public information requests

Members of the public may obtain general information from the Department of Education by writing to or telephoning the Public Information Office, Department of Education, CN 500, Trenton, NJ 08625, (609) 292-4041.

Recodified from 6:5-2.3 by R.1992 d.21, effective December 10, 1991.

See: 24 N.J.R. 90(a).

Amended by R.1992 d.279, effective June 11, 1992.

See: 24 N.J.R. 2431(b).

Organizational rule, corrected address.

SUBCHAPTER 3. ACTING ADMINISTRATORS

6:5-3.1 Acting administrators

(a) If, because of illness or death or some other good and sufficient reason, the board of education must fill the post of superintendent of schools, assistant superintendent of schools, school business administrator, high school principal, or elementary school principal with a person who is designated as the acting administrator in a respective situation and who is not properly certified to hold the position, it shall be the duty of the board of education to make written application to the Commissioner of Education for permission to employ such person in an acting capacity, stating the reasons why such action is necessary.

(b) If such approval is given by the Commissioner of Education, it shall be of three months' duration, and may be renewed by him/her upon application for a period of three months at a time. 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 of Education to the State Board of Education that the application of the local board of education be granted, in accordance with N.J.A.C. 6:3-1.1.

R.1977 d.421, effective November 10, 1977.

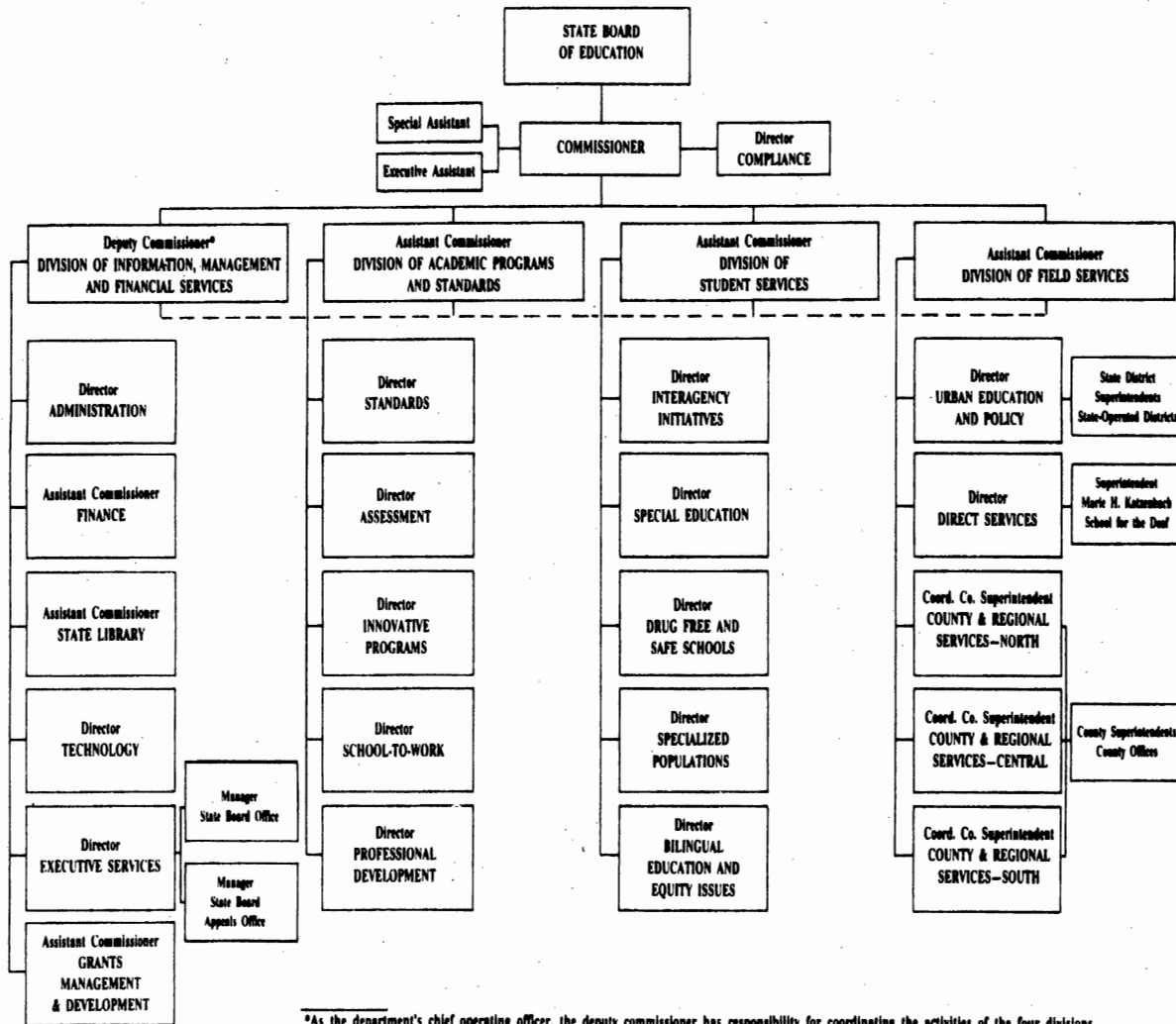
See: 9 N.J.R. 458(b), 9 N.J.R. 559(b).

Recodified from 6:5-2.1 by R.1990 d.561, effective November 19, 1990.

See: 22 N.J.R. 3484(a).

Appendix

State of New Jersey
Department of Education
June 1994



*As the department's chief operating officer, the deputy commissioner has responsibility for coordinating the activities of the four divisions.

[G20,883]

Repealed and replaced by R.1992 d.279, effective June 11, 1992.
See: 24 N.J.R. 2431(b).
Repealed and replaced by R.1993 d.107, effective February 4, 1993.

See: 25 N.J.R. 921(a).
Repeal and New Rule, R.1994 d.333, effective June 9, 1994.
See: 26 N.J.R. 2784(a).