

**CHAPTER 2
COMMISSIONER**

Authority

N.J.S.A. 18A:4-22 and 52:14B-3(1).

Source and Effective Date

R.2007 d.97, effective March 9, 2007.
See: 39 N.J.R. 1250(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 2, Commissioner, expires on March 9, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 2, Commissioner, was adopted as R.1997 d.321, effective August 4, 1997. See: 29 N.J.R. 3489(a).

Chapter 2, Commissioner, was readopted as R.2002 d.202, effective June 6, 2002. See: 34 N.J.R. 2328(a).

Chapter 2, Commissioner, was readopted as R.2007 d.97, effective March 9, 2007. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

6A:2-1.1 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 request and approval officer of the Department of Education. The Commissioner is Secretary of the State Board of Education and Chairperson of the State Board of Examiners.

(b) The Commissioner is appointed by the Governor, with the advice and consent of the Senate, and serves at the pleasure of the Governor during the Governor's term of office and until his/her successor is appointed.

6A:2-1.2 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/her 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 students with disabilities;
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

Final investigation decision rendered by the Office of Special Education Programs, pursuant to the Individuals with Disabilities Education Act, cannot be appealed to the Commissioner of Education. Board of Educ. of the Lenape Reg'l High Sch. Dist. v. New Jersey State Dep't of Educ., 399 N.J. Super. 595, 945 A.2d 125, 2008 N.J. Super. LEXIS 87 (App.Div. 2008).

SUBCHAPTER 2. ORGANIZATION OF THE DEPARTMENT

6A:2-2.1 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. 6A:2-2.2. This chart shall be published in the New Jersey Register and incorporated as an Appendix to this subchapter pursuant to N.J.S.A. 52:14B-4(b).

Amended by R.2002 d.202, effective June 6, 2002.
See: 34 N.J.R. 2328(a).

Deleted "herein by reference" preceding "as an Appendix".

6A:2-2.2 Personnel: methods of operations

(a) The Commissioner shall appoint, subject to the approval of the State Board, the assistant commissioners of the Department, the chief officers reporting directly to the assistant commissioners, each county superintendent, the superintendent of the Katzenbach School for the Deaf, the director of compliance investigation, and the managers of those offices that coordinate board meetings, hear and determine controversies and disputes, and process state board appeals.

(b) The Commissioner shall recommend for appointment by the State Board the State District Superintendent for each State operated school district.

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

(d) The Commissioner shall regularly report to the State Board as to all appointments and removals including resignations, transfers, and vacancies. The Commissioner shall also report to the State Board as to any acting appointments that he or she has made for the positions specified in (a) above. An acting county superintendent 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.

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

Amended by R.2000 d.51, effective January 7, 2000.

See: 32 N.J.R. 446(a).

In (a), substituted "investigation," for "the director of State Operated School Districts," following "compliance", and deleted "including those concerning school ethics," following "disputes,".

Amended by R.2002 d.202, effective June 6, 2002.

See: 34 N.J.R. 2328(a).

In (a), substituted "Katzenbach" for "State" preceding "School for the Deaf" and deleted "the special assistant for School improvement" following "compliance investigation"; in (d), inserted "State" preceding "Board" in the first and second sentences; in (e), inserted "State" preceding "Board".

Amended by R.2010 d.151, effective June 17, 2010.

See: 42 N.J.R. 1515(c).

In (a), substituted the first occurrence of "commissioners" for "commissioner for each division" and deleted "for each division" preceding "each".

6A:2-2.3 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) with the executive functions as follows:

1. Pursuant to N.J.S.A. 18A:4-9 and 18A:4-22, the Commissioner of Education is:

- i. Secretary of the State Board of Education;
- ii. The chief executive and administrative officer of the Department of Education, having general charge and supervision of the work of the Department;
- iii. The official agent of the State Board for all purposes; and
- iv. The budget request officer and approval officer of the Department.

2. Pursuant to N.J.S.A. 18A:4-33, the Commissioner shall designate an assistant commissioner as deputy commissioner with full power to act in his or her place and stead during any absence or inability of the Commissioner and at such other times as the Commissioner may designate.

6A:2-2.4 Reporting responsibilities

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

1. The Deputy Commissioner. The following organizational units and their chief officers report directly to the Deputy Commissioner:

i. The Assistant Commissioner for the Division of Academic Standards, Curriculum and Assessments. The following organizational units and their chief officers report directly to the Assistant Commissioner for the Division of Academic Standards, Curriculum and Assessments:

- (1) The Director of the Office of Academic Standards;
- (2) The Director of the Office of Language and Arts Literacy;
- (3) The Director of the Office of Math and Science Education;
- (4) The Director of the Office of Curriculum Development;
- (5) The Director of the Office of Holocaust Education;
- (6) The Director of the Amistad Commission;
- (7) The Director of the Office of Education Technology;

(8) The Director of the Office of Student Learning Assessments; and

(9) The Administrator of the Division of Early Childhood Education, to whom the following shall report:

(A) The Director of the Office of K-3 Education; and

(B) The Director of the Office of Preschool Education;

ii. The Assistant Commissioner for the Division for Professional Excellence. The following organizational units and their chief officers report directly to the Assistant Commissioner for the Division for Professional Excellence:

(1) The Director of the Office of Teacher and Leader Preparation Programs;

(2) The Director of the Office of Professional Recruitment, Licensing and Placement;

(3) The Director of the Office of Professional Induction, Development, Evaluation and Certification; and

(4) The Director of the Office of Professional Compensation and Contract Standards;

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

(1) The Director of the Office of Student Support Services;

(2) The Director of the Office of Special Education Services and Schools (including Katzenbach); and

(3) The Director of the Office of Title I Accountability;

iv. The Assistant Commissioner for the Division for School Effectiveness and Choice. The following organizational units and their chief officers report directly to the Assistant Commissioner for the Division for School Effectiveness and Choice:

(1) The Director of the Office of Board Development;

(2) The Director of the Office of Small Learning Communities and School Culture;

(3) The Director of the Office of District Schools;

(4) The Director of the Office of Turnaround Partnerships;

(5) The Director of the Office of Inter-District Choice and Opportunity Scholarships;

(6) The Director of the Office of Charter Schools;

(7) The Director of the Office of Career and Technical Education; and

(8) The Director of Office of Online Education;

v. The Assistant Commissioner for the Division of Education System Efficiency. The following organizational units and their chief officers report directly to the Assistant Commissioner for the Division of Education System Efficiency:

(1) The Director of the Office of NJQSAC;

(2) The Director of the Office of District Consolidation;

(3) The Director of the Office of Contracted Services;

(4) The Director of the Office of School Facilities;

(5) The Director of the Office of Student Transportation; and

(6) The Executive County Superintendents for each of the 21 counties in the State;

vi. The Assistant Commissioner for the Division of Finance and Regulatory Compliance. The following organizational units and their chief officers report directly to the Assistant Commissioner for the Division of Finance and Regulatory Compliance:

(1) The Director of the Office of Fiscal Policy and Planning;

(2) The Director of the Office of Education Funding;

(3) The Director of the Office of Budget Review and Fiscal Monitoring; and

(4) The Director of the Office of Grants Management; and

vii. The Director of the Office of Education Data;

2. The Chief of Staff. The following organizational units and their chief officers report directly to the Chief of Staff:

i. The Director of the Office of Appointments;

ii. The Director of the Office of Education Research;

iii. The Director of the Office of Policy and Planning;

iv. The Director of the Office of Statute and Code Review;

v. The Director of the Office of Legislative Services;

vi. The Director of the Office of Public Information and Records (including OPRA); and

vii. The Director of the Office of Parental Information;

3. The Special Assistant to the Commissioner. The following organizational units and their chief officers report directly to the Special Assistant to the Commissioner:

i. The Director of the Office of Management Review;

ii. The Director of the Office of Department Administration and Technology. The following organizational units and their chief officers report directly to the Director of the Office of Department Administration and Technology:

(1) The Director of the Office of State Budget and Accounting;

(2) The Director of the Office of Human Resources; and

(3) The Director of the Office of EEO/Affirmative Action;

iii. The Director of the Office of School Ethics;

iv. The Director of the Office of Controversies and Disputes; and

v. The Director of the Office of Fiscal Accountability and Compliance; and

4. The Director of the Office of the State Board.

Amended by R.1998 d.490, effective September 4, 1998.

See: 30 N.J.R. 3643(b).

In (a)6, added v.

Amended by R.1999 d.152, effective April 19, 1999.

See: 31 N.J.R. 1312(a).

Added (a)6vi.

Amended by R.1999 d.172, effective May 6, 1999.

See: 31 N.J.R. 1482(b).

In (a), inserted 2v, and added 10.

Amended by R.2000 d.51, effective January 7, 2000.

See: 32 N.J.R. 446(a).

Rewrote (a).

Amended by R.2000 d.201, effective April 20, 2000.

See: 32 N.J.R. 1764(a).

In (a), deleted a former iii, recodified former iv as iii, deleted a former v, and recodified former vi and vii as iv and v in 5, and added 12.

Amended by R.2001 d.16, effective December 7, 2000.

See: 33 N.J.R. 29(a).

Rewrote the section.

Amended by R.2001 d.365, effective October 1, 2001.

See: 33 N.J.R. 3480(a).

Rewrote (a)2; in (a)4v, substituted "The Director of Title I Program Planning & Accountability" for "The Director of Program Review and Improvement".

Amended by R.2002 d.202, effective June 6, 2002.

See: 34 N.J.R. 2328(a).

Rewrote the section.

Amended by R.2005 d.180, effective May 11, 2005.

See: 37 N.J.R. 2009(b).

Rewrote the section.

Amended by R.2005 d.254, effective July 8, 2005.

See: 37 N.J.R. 2860(b).

In (a)1xv, deleted "to the" following "Assistant" in two places; in introductory paragraph of (a)4, added "to the" following "Assistant" in two places, and in the second sentence, deleted "the Division of" following "Commissioner for"; and in (a)5iii substituted "Strategic Initiatives and Accountability" for "Administrative and Regulatory Affairs".

Amended by R.2007 d.97, effective March 9, 2007.

See: 39 N.J.R. 1250(b).

Rewrote (a).

Amended by R.2007 d.136, effective April 5, 2007.

See: 39 N.J.R. 1695(b).

Rewrote the section.

Amended by R.2009 d.72, effective January 30, 2009.

See: 41 N.J.R. 1017(a).

Rewrote the section.

Amended by R.2009 d.127, effective March 24, 2009.

See: 41 N.J.R. 1750(a).

Rewrote (a)3ii; deleted former (a)3vi; recodified former (a)3vii and (a)3viii as (a)3vi and (a)3vii; deleted former (a)4iii; and recodified former (a)4iv and (a)4v as (a)4iii and (a)4iv.

Amended by R.2010 d.151, effective June 17, 2010.

See: 42 N.J.R. 1515(c).

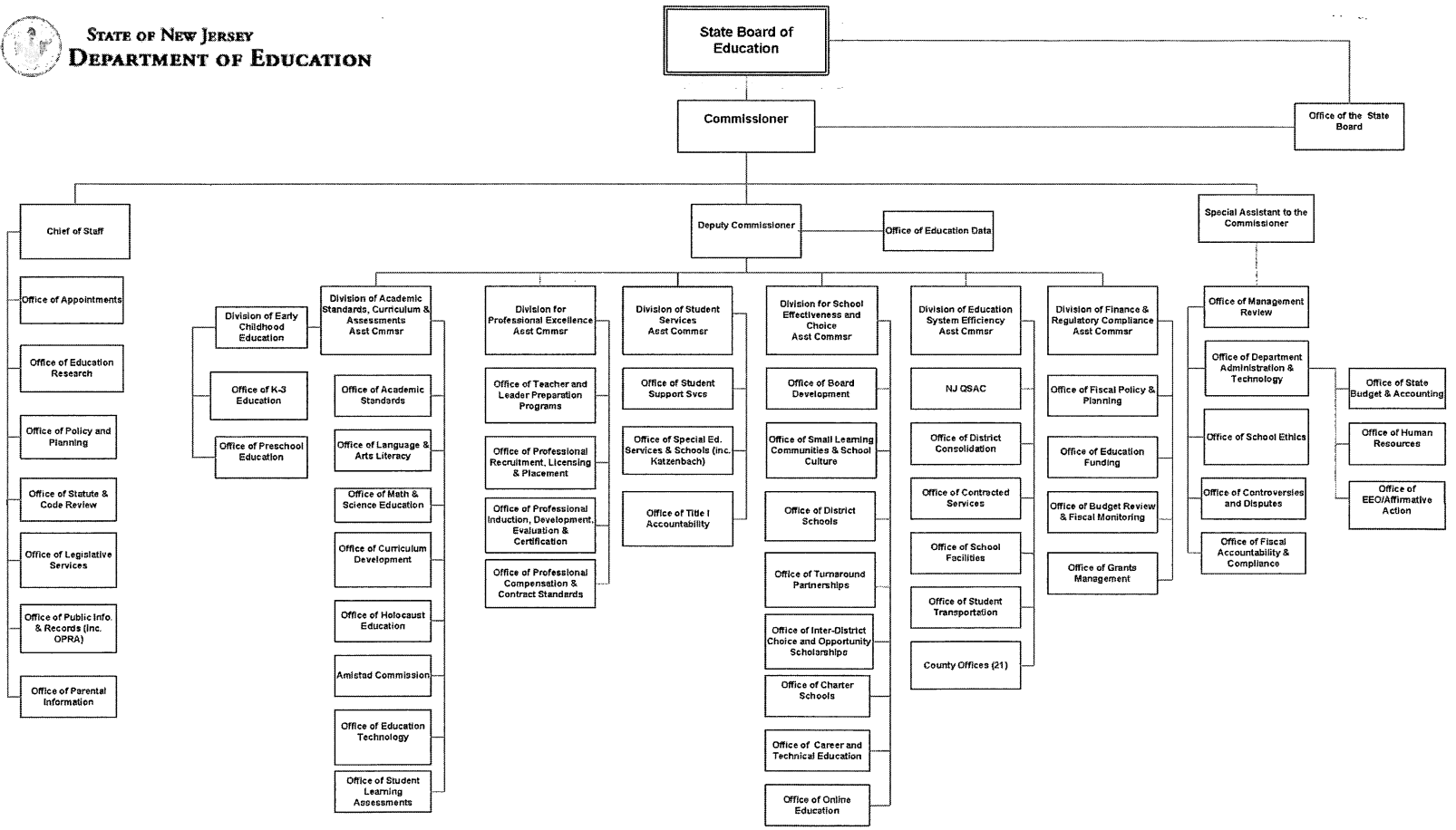
Rewrote the section.

6A:2-2.5 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, PO Box 500, Trenton, NJ 08625-0500, (609) 292-4041.



STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION



6/16/10

Repeal and New Rule, R.1998 d.490, effective September 4, 1998.
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See: 32 N.J.R. 446(a).
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See: 33 N.J.R. 29(a).
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See: 33 N.J.R. 3480(a).
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