

**CHAPTER 2
COMMISSIONER**

Authority

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

Source and Effective Date

R.2012 d.196, effective November 15, 2012.
See: 44 N.J.R. 3061(b).

Chapter Expiration Date

Chapter 2, Commissioner, expires on November 15, 2019.

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

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 2, Commissioner, was readopted as R.2012 d.196, effective November 15, 2012. 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 pleas-

ure 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, the superintendent of the Katzenbach School for the Deaf, the director of compliance investigation, and the managers of those offices that coordinate board meetings, and hear and determine controversies and disputes.

(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. 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".

Amended by R.2011 d.225, effective July 22, 2011.

See: 43 N.J.R. 2170(a).

In (a), deleted "each county superintendent," following "assistant commissioners," inserted "and" preceding "hear" and deleted "and process state board appeals" following "disputes"; and in (d), deleted the third sentence.

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 Chief of Staff/Assistant Commissioner for the Division of Executive Services. The following organizational units and/or their chief officers report directly to the Chief of Staff/Assistant Commissioner for the Division of Executive Services:

- i. The Director of the Office of the State Board of Education;
- ii. The Director of the Office of Grants Management;
- iii. The Director of the Office of Equity and Compliance;
- iv. The Chief Administrative Officer. The following organizational units and their chief officers report directly to the Chief Administrative Officer:

(1) The Director of the Office of Administration; and

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

v. The Chief Financial Officer. The following organizational units and their chief officers report directly to the Chief Financial Officer:

(1) The Director of the Office of Budget;

(2) The Director of the Office of Accounting;

- (3) The Director of the Office of State Monitors;
and
- (4) The Director of the Office of School Facilities and Finance; and
- vi. Planning and Interdivisional Initiatives;
2. The Deputy Commissioner for the Division of Talent and Performance. The following organizational units and/or their chief officers report directly to the Deputy Commissioner for the Division of Talent and Performance:
- i. The Chief Talent Officer. The following organizational units and their chief officers report directly to the Chief Talent Officer:
- (1) The Director of the Office of Recruitment and Preparation;
- (2) The Director of the Office of Certification/Induction;
- (3) The Director of the Office of Evaluation; and
- (4) The Director of the Office of Professional Development;
- ii. The Chief Performance Officer. The following organizational units and their chief officers report directly to the Chief Performance Officer:
- (1) The Director of the Office of Assessments; and
- (2) The Director of the Office of Performance Management; and
- iii. The Chief Information Technology Officer;
3. The Chief Academic Officer/Assistant Commissioner for the Division of Teaching and Learning. The following organizational units and/or their chief officers report directly to the Chief Academic Officer/Assistant Commissioner for the Division of Teaching and Learning:
- i. The Deputy Chief Academic Officer;
- ii. The Chief Innovation Officer. The following organizational units and their chief officers report directly to the Chief Innovation Officer:
- (1) The Director of the Office of School Innovation;
- (2) The Director of the Office of Educational Technology; and
- (3) The Director of the Office of Academic Initiatives and Fiscal Accountability;
- iii. The Director of the Amistad Commission;
- iv. The Italian and Italian Heritage Commission;
- v. The Administrator of the Division of Early Childhood Education;
- vi. The Director of the Office of Teaching & Learning Support;
- vii. The Director of the Office of Primary Education;
- viii. The Director of the Office of Intermediate Education;
- ix. The Director of the Office of Secondary Education; and
- x. The Director of the Office of Career Readiness;
4. The Chief Learning Supports and Specialized Services Officer/Assistant Commissioner for the Division of Learning Supports and Specialized Services. The following organizational units and/or their chief officers report directly to the Chief Learning Supports and Specialized Services Officer/Assistant Commissioner for the Division of Learning Supports and Specialized Services:
- i. The Deputy Chief Learning Supports and Specialized Services Officer;
- ii. The Director of the Office of Student Support Services;
- iii. The Director of the Office of Special Education Programs;
- iv. The Director of the Office of Supplemental Educational Programs;
- v. The Director of the Office of Regional Achievement Centers; and
- vi. The Director of the Holocaust Commission;
- vii. The Director of the Office of Grants Management;
5. The Assistant Commissioner for the Division of Field Services. The following organizational units and/or their chief officers report directly to the Assistant Commissioner for the Division of Field Services:
- i. The County Offices of Education;
- ii. The Director of the Office of Fiscal Accountability and Compliance;
- iii. The Superintendent of the Marie H. Katzenbach School for the Deaf;
- iv. The Director of the Office of District Intervention and Support;
- v. The Director of the Office of Project Management; and
- vi. Regionalization Consolidation and Shared Services; and

6. The Chief Legal and External Affairs Officer/Assistant Commissioner for the Division of Legal and External Affairs. The following organizational units and/or their chief officers report directly to the Chief Legal and External Affairs Officer/Assistant Commissioner for the Division of Legal and External Affairs:

i. The Deputy Chief Legal Officer. The following organizational units and their chief officers report directly to the Deputy Chief Legal Officer:

- (1) The Director of the Office of Controversies and Disputes; and
- (2) The Director of the Office of School Ethics; and
- (3) The Director of the Office of Interdistrict Choice and Nonpublic Schools;

ii. The Deputy Chief External Affairs Officer. The following organizational units and their chief officers report directly to the Deputy Chief External Affairs Officer:

- (1) The Director of the Office of Media Relations and Strategic Outreach;
- (2) The Director of the Office of Legislative and External Affairs;
- (3) Policy Development; and

iii. The Director of the Office of Charter and Renaissance Schools.

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.

Amended by R.2011 d.225, effective July 22, 2011.

See: 43 N.J.R. 2170(a).

Rewrote the section.

Amended by R.2012 d.081, effective March 22, 2012.

See: 44 N.J.R. 1195(a).

Rewrote the section.

Amended by R.2012 d.196, effective November 15, 2012.

See: 44 N.J.R. 3061(b).

Rewrote the section.

Amended by R.2014 d.100, effective May 8, 2014.

See: 46 N.J.R. 1360(a).

Rewrote the section.

Administrative correction.

See: 46 N.J.R. 1641(a).

Amended by R.2014 d.162, effective October 2, 2014.

See: 46 N.J.R. 2139(c).

Rewrote (a).

Amended by R.2015 d.128, effective July 13, 2015.

See: 47 N.J.R. 2062(a).

Rewrote the section.

Amended by R.2016 d.012, effective January 16, 2016.

See: 48 N.J.R. 280(a).

Rewrote the section.

Amended by R.2016 d.078, effective June 2, 2016.

See: 48 N.J.R. 1365(b).

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 Department of Education, PO Box 500, Trenton, NJ 08625-0500, (609) 292-1126.

Amended by R.2011 d.225, effective July 22, 2011.

See: 43 N.J.R. 2170(a).

Substituted "1126" for "4041".

Amended by R.2015 d.128, effective July 13, 2015.

See: 47 N.J.R. 2062(a).

Deleted "Public Information Office," preceding the second occurrence of "Department".