

(d) The Board of Examiners may consider revocation or suspension of the certificate of any individual who fails to maintain the license, certificate or authorization as required in (b) above.

Case Notes

Initial Decision (2008 N.J. AGEN LEXIS 26) adopted, which concluded that three teachers did not qualify for tenure status, because the time they served as teachers of bilingual/bicultural education under emergency/temporary endorsements could not count toward accrual of tenure in the position of teacher without their having subsequently obtained full certification in the same area of endorsement; thus, the Board was within its rights to terminate their employment. *Gerber v. Bd.*

of Educ. of New Brunswick, OAL Dkt. Nos. EDU 06337-06, EDU 06406-06 and EDU 02191-07, 2008 N.J. AGEN LEXIS 635, Commissioner's Decision (March 14, 2008).

6A:9-5.2 Certificates—general

(a) The Board of Examiners shall issue three categories of educational certificates: Instructional, Administrative and Educational Services.

(b) The chief school administrator of the employing district board of education shall require each newly employed

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or reassigned teaching staff member to exhibit an appropriate certificate before the teaching staff member assumes any responsibility for the performance of regulated duties. It shall be the chief school administrator's responsibility to ensure that the certificate is valid.

(c) The chief school administrator of each district board of education shall annually report the names and teaching assignments of all teaching staff members to the county superintendent. The county superintendent shall provide to the employing district board of education and the Commissioner written notice of any instance in which a teaching staff position is occupied by a person who does not hold appropriate certification.

(d) Any contract or engagement of any teaching staff member shall cease and terminate whenever the employing district board of education receives written notice from the county superintendent, or otherwise ascertains, that such person is not, or has ceased to be, the holder of an appropriate certificate required for such employment. A teaching staff member's employment shall cease notwithstanding that the term of employment pursuant to contract or engagement has not expired.

(e) If a properly notified district board of education fails to terminate the employment of an uncertified or improperly certified teaching staff member, the Commissioner may issue an order to show cause why that teaching staff member's per diem salary should not be withheld from the district board of education's State financial aid for each day the teaching staff member remains employed. If such district board of education fails to respond or show adequate cause within 20 days from the date of mailing of the order to show cause, the Commissioner may reduce State financial aid to such district board of education by the amount of the uncertified or improperly certified teaching staff member's per diem contract salary. The district board may show adequate cause either by exhibiting an appropriate certificate or by terminating the contract of the uncertified or improperly certified teaching staff member.

Case Notes

Adopting Initial Decision's conclusion that a tenured school social worker under an educational services certification, who also possessed certification as an elementary teacher but had never served as a teacher in the school district, and whose social worker position was eliminated through a reduction in force, did not have rights over a nontenured applicant to a teaching position; neither tenure nor seniority applied across certificates, and therefore petitioner only had rights with regard to positions within the educational services certification (adopting 2008 N.J. AGEN LEXIS 70, as supplemented). *Aiello v. Bd. of Educ. of Westwood Reg'l School Dist.*, OAL Dkt. No. EDU 7986-07, 2008 N.J. AGEN LEXIS 263, Commissioner's Decision (March 20, 2008).

Where petitioner was employed effective September 1, 2001 as a permanent substitute art teacher "until completion of her teaching certificate requirements at which time she will be given a permanent contract" and she obtained the appropriate certificate in March 2002, petitioner had not obtained tenure at the time she was dismissed from employment on Feb. 25, 2005 and thus was not improperly terminated; the first six months of petitioner's employment, during which she held only a substitute teacher's certificate, did not count towards the three-

year tenure requirement of N.J.S.A. 18A:28-5 (adopting with clarification 2006 N.J. AGEN LEXIS 749). *Miller v. Bd. of Educ. of West Amwell*, OAL Dkt. No. EDU 4523-05S, Commissioner's Decision (November 16, 2006).

Although N.J.A.C. 6A:9-5.2(b) admonishes school administrators not to hire uncertified teachers, the district did not act inequitably towards a teacher denied tenure credit during the two months she served as a Practical Nursing (PN) instructor under a substitute certificate, as (1) the district credited the instructor with seniority for the five months after it appointed her to the position and before she received proper certification; (2) teaching PN was for the instructor's benefit so she could gain the geriatrics experience needed under new regulations for her position as a Nursing Assistant (NA) instructor, rather than be subject to termination; and (3) the instructor chose to continue teaching PN rather than return to teaching NA for which she was adequately certificated. *Kelly v. Bd. of Educ. of Middlesex County Vocations Technical School Dist.*, OAL Dkt. No. EDU 4588-01, Commissioner's Decision (November 9, 2006), aff'd, SB No. 45-06, 2007 N.J. AGEN LEXIS 548 (N.J. State Bd. of Educ. May 2, 2007).

6A:9-5.3 Interstate contracts

In accordance with the NASDTEC Interstate Contract, the Commissioner and the Secretary may enter into contracts with other states to allow reciprocity of teachers' credentials between New Jersey and other states.

6A:9-5.4 Fees

(a) The fee schedule in (b) below shall be in addition to any tuition and fees that institutions of higher education may charge for courses and credits offered in connection with State-approved training programs.

(b) The following nonrefundable fee schedule applies:

1. For each CE and CEAS, which includes the issuance of the provisional certificate and standard certificate—\$170.00;
2. For each emergency certificate—\$95.00;
3. For each substitute credential—\$125.00;
4. For each renewal of an emergency or provisional certificate—\$70.00;
5. For each duplicate copy of or name change on a certificate—\$60.00;
6. For each evaluation of credentials to determine eligibility to take a particular State certification examination or to obtain information concerning qualifications for certification—\$70.00;
7. For each standard certificate—\$95.00;
8. For each certificate that requires a test, a one-time test score service fee—\$20.00;
9. For each letter the Office sends in response to a candidate's written request verifying test scores that are no longer available from the testing company—\$25.00;

10. An application fee for a qualifying academic certificate pursuant to N.J.S.A. 18A:6-41 shall be \$30.00. If the candidate is not eligible, \$20.00 will be refunded;

11. Upon completion of a State-approved administrator residency program, a one-time administrative fee—\$200.00;

12. Upon completion of a State-approved alternate route formal instruction program for holders of an instructional CE, a one-time administrative fee—\$100.00; and

13. For each provisional educational services certificate—\$75.00.

(c) The State Board may establish in this section from time to time a fee schedule for services related to the issuance of certificates that includes, but is not limited to, fees charged by district boards of education to provisional teachers to pay for their training. This fee schedule shall be in addition to any tuition and fees charged by institutions of higher education for courses and credits offered in connection with State-approved training programs.

Amended by R.2005 d.110, effective April 4, 2005.

See: 36 N.J.R. 5044(a), 37 N.J.R. 1060(a).

In (b), substituted “fee for a qualifying academic certificate” for “fee for an academic qualifying certificate” and amended the N.J.S.A. reference in 10.

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Added (b)11 and made related stylistic changes in (b)9 and (b)10.

Amended by R.2008 d.7, effective January 7, 2008.

See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

In (b)1, substituted “\$170.00” for “\$150.00”; in (b)2 and (b)7, substituted “\$95.00” for “\$75.00”; in (b)3, substituted “\$125.00” for “\$75.00”; in (b)4 and (b)6, substituted “\$70.00” for “\$50.00”; in (b)5, substituted “\$60.00” for “\$40.00”; in (b)10, deleted “and” from the end; in (b)11, substituted a semicolon for the period at the end; and added (b)12 and (b)13.

6A:9-5.5 Assignment of titles

(a) Each district board of education shall assign position titles to teaching staff members that are recognized in these rules. To this end, the office shall maintain and make available to districts a list of approved job titles with corresponding certificates authorized for those job titles.

(b) If a district board of education determines that the use of an unrecognized position title is desirable, or if a previously established unrecognized title exists, the following procedures shall apply:

1. Prior to appointing a candidate, the district board of education shall submit to the county superintendent a written request for permission to use the proposed title. Such request shall include a detailed job description.

2. The county superintendent shall exercise his or her discretion regarding approval of the request and determine the appropriate certification and title for the position.

(c) The county superintendent shall review annually all previously approved unrecognized position titles and deter-

mine whether such titles shall be continued for the next school year.

(d) Decisions rendered by county superintendents regarding titles and certificates for unrecognized positions shall be binding upon future seniority determinations on a case-by-case basis.

Amended by R.2009 d.24, effective January 5, 2009.

See: 40 N.J.R. 4856(a), 41 N.J.R. 128(a).

In (a), inserted the last sentence.

Case Notes

Initial Decision (2006 N.J. AGEN LEXIS 344) adopted, which concluded that a former athletic director failed to show that the Board violated his tenure, seniority and/or preferred eligibility rights by its appointment of a non-tenured individual to the position of Assistant Principal for Athletics and Student Activities; contrary to petitioner’s contention, the position of Assistant Principal for Athletics and Student Activities was not an unrecognized position under N.J.A.C. 6A:9-5.5. A vacant assistant principal position existed when the Board created the new position, and petitioner failed to show that the duties of the position lacked the character necessary to require a principal endorsement. *McGriff v. Bd. of Educ. of Montclair*, OAL Dkt. No. EDU 10927-04, 2006 N.J. AGEN LEXIS 647, Commissioner’s Decision (July 13, 2006).

“Position” in which tenure is acquired by virtue of service in an unrecognized position title is not limited by the unrecognized title; rather, it is well established that, pursuant to N.J.S.A. 18A:28-5, the position in which an individual achieves tenure is either one of those specifically enumerated in the statute or other employment for which a certificate is required, either Instructional, Educational Services or Administrative. In contrast, pursuant to N.J.A.C. 6A:9-5.5, seniority is limited to the unrecognized title. *Ciamillo v. Bd. of Educ. of Ridgefield*, OAL Dkt. No. EDU 1805-04; S.B. No. 38-05, 2006 N.J. AGEN LEXIS 134, State Board of Education Decision (N.J. January 4, 2006).

Adopting Initial Decision’s conclusion that a tenured teacher who simultaneously served as a Subject Area Coordinator did not acquire tenure in the coordinator position; because the Subject Area Coordinator position was an unrecognized title under N.J.A.C. 6A:9-5.5, and because it did not require an additional certificate, the teacher serving in this position did not accrue tenure in a position other than that of teacher (adopting as modified 2005 N.J. AGEN LEXIS 664). *Manley v. Bd. of Educ. of Old Bridge Twp.*, OAL Dkt. No. EDU 10644-04, 2005 N.J. AGEN LEXIS 1053, Commissioner’s Decision (December 19, 2005).

6A:9-5.6 Oath of allegiance required

(a) Every person who applies for a certificate for employment in any of the public schools of this State shall subscribe to the oath of allegiance and office prescribed in N.J.S.A. 41:1-3.

(b) Any person who is a citizen or subject of any country other than the United States is required to file an oath to support the Constitution of the United States while so employed.

6A:9-5.7 Citizenship requirement

(a) Except as set forth below, to be eligible for a certificate, the applicant must be a citizen of the United States.

1. Any citizen of another country who has declared his or her intention of becoming a United States citizen and who is otherwise qualified may, with the Commissioner’s

Amended by R.2006 d.170, effective May 15, 2006.
See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).
Deleted (d)3 and made related stylistic changes.

Case Notes

Adopting Initial Decision's conclusion that a tenured school social worker under an educational services certification, who also possessed certification as an elementary teacher but had never served as a teacher in the school district, and whose social worker position was eliminated through a reduction in force, did not have rights over a nontenured applicant to a teaching position; neither tenure nor seniority applied across certificates, and therefore petitioner only had rights with regard to positions within the educational services certification (adopting 2008 N.J. AGEN LEXIS 70, as supplemented). *Aiello v. Bd. of Educ. of Westwood Reg'l School Dist.*, OAL Dkt. No. EDU 7986-07, 2008 N.J. AGEN LEXIS 263, Commissioner's Decision (March 20, 2008).

Initial Decision (2008 N.J. AGEN LEXIS 70) adopted, which rejected a school social worker's argument that the district's decision to eliminate a position of school social worker did not satisfy the "good cause" test since the district then added a learning disabilities teacher-consultant position; because the role of the learning disabilities teacher-consultant is vastly different from the role of school social worker, and has different certification requirements, the positions are not fungible. *Aiello v. Bd. of Educ. of Westwood Reg'l School Dist.*, OAL Dkt. No. EDU 7986-07, 2008 N.J. AGEN LEXIS 263, Commissioner's Decision (March 20, 2008).

6A:9-13.6 Speech-language specialist

(a) The speech-language specialist endorsement authorizes the holder to provide service as a speech-language specialist in grades preschool through 12.

(b) To be eligible for the standard educational services certificate with a speech-language specialist endorsement, the candidate shall:

1. Hold a master's or higher degree in speech-language pathology from a regionally accredited college or university; and
2. Pass a State-approved test of comprehensive knowledge in the field of speech-language pathology.

(c) Individuals who hold a valid New Jersey speech correctionist endorsement and a master's degree in speech-language pathology shall be issued the speech-language specialist endorsement upon submission of a completed application and required fee.

(d) Individuals holding a valid New Jersey speech correctionist endorsement may serve in a position requiring speech-language specialist certification until August 31, 2015, by which date they shall have obtained the speech language specialist endorsement or completed a Department-approved retraining program.

(e) An emergency certificate may be issued to a candidate who either holds a bachelor's degree in speech pathology or is currently enrolled in a master's program in speech pathology in which the candidate has completed a minimum of 12 graduate semester-hours in speech pathology. All study must be completed at a regionally accredited college or

university. The emergency certificate may be renewed a total of four times.

(f) Applicants in possession of a written evaluation completed by the office prior to January 20, 2004 will have until January 20, 2009 to complete the requirements set forth in the written evaluation.

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

Rewrote (e).

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

Rewrote (d); in (e), inserted "either" and "currently" and substituted "in which the candidate" for "and" following the second occurrence of "speech pathology".

6A:9-13.7 Director of school counseling services

(a) The director of school counseling services endorsement authorizes the holder to serve as a director, administrator or supervisor of school counseling services, including the supervision of educational activities in areas related to and within the counseling program in grades preschool through 12.

(b) To be eligible for the standard educational services certificate with a director of school counseling services endorsement, a candidate shall hold a master's or higher degree from a regionally accredited college or university, hold a standard New Jersey school counselor or student personnel services certificate or an equivalent out-of-State certificate and complete three years of successful experience as a school counselor in grades preschool through 12. In addition, the candidate shall complete one of the following:

1. A Department-approved program in Director of School Counseling; or
2. A three-credit graduate level course in each of the following required areas:
 - i. Administration: This group includes such courses as school law, organization and administration of elementary and secondary schools;
 - ii. Staff supervision: This group includes such courses as supervision and evaluation of instructional staff and supervision of school counseling services; and
 - iii. Curriculum development: This group includes such courses as principles of general curriculum development, elementary and secondary curriculum development, and extracurricular activities.

(c) An emergency certificate may be issued to a candidate who meets the following requirements:

1. A master's degree from a regionally accredited college or university, a standard New Jersey school counselor or student personnel services certificate, and two years of experience as a school counselor in grades preschool through 12; and
2. A graduate course in staff supervision.

(d) Applicants in possession of a written evaluation completed by the office prior to January 20, 2004 will have until January 20, 2009 to complete the requirements set forth in the written evaluation.

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Inserted "or student personnel services" in (b) and (c)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 the introductory paragraph of (b), substituted "one of the following" for "a graduate level course in each of the following required areas"; added new (b)1 and (b)2; and recodified former (b)1 through (b)3 as (b)2i through (b)2iii.

6A:9-13.8 School counselor

(a) The school counselor endorsement authorizes the holder to perform school counseling services such as study and assessment of individual pupils with respect to their status, abilities, interest and needs; counseling with administrators, teachers, students, and parents regarding personal, social, educational, and vocational plans and programs; and developing cooperative relationships with community agencies in assisting children and families. The certificate holder is authorized to perform these duties in grades preschool through 12.

(b) To be eligible for the standard educational services certificate with a school counselor endorsement, a candidate must hold a master's or higher degree from a regionally accredited college or university, and complete one of the following:

1. A Department-approved graduate curriculum in school counseling; or
2. A minimum of 48 graduate semester hour credits in the following areas:
 - i. Counseling: minimum of 18 semester hours that must include study in theory and procedures of individual and group counseling, counseling and interviewing techniques and career counseling;
 - ii. Testing and evaluation: minimum of three semester hours;
 - iii. Psychology: minimum of six semester hours in study related to child and adolescent psychology, psychology of exceptional children and psychology of learning;
 - iv. Sociological foundations: minimum of six semester hours that must include study in community agencies, organizations and resources and multicultural counseling;
 - v. Statistics and research methods: minimum of three semester-hour credits;
 - vi. Supervised counseling practicum in a preschool through grade 12 school setting: minimum of six credits; and

vii. The remaining six semester hours of study may be chosen from among the topics listed in (b)2i through vi above or education.

(c) A candidate who has completed a master's or higher degree from a regionally accredited college or university whose school counseling program meets the standards of the Council for Accreditation of Counseling and Related Educational Programs (CACREP) will be issued a standard school counselor certificate.

(d) The Office may issue an emergency certificate upon the request of the county superintendent to a candidate who meets the following requirements:

1. A bachelor's degree from a regionally accredited college or university; and
2. Fifteen graduate semester hour credits of study from the areas in (b)2i through iv above. At least six of the credits must be from the area in (b)2i above.

(e) Applicants in possession of a written evaluation completed by the office prior to January 20, 2004 will have until January 20, 2009 to complete the requirements set forth in the written evaluation.

Amended by R.2006 d.170, effective May 15, 2006.

See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Redesignated (b)2vii and viii as (b)2vi and vii and changed internal reference; inserted "preschool through grade 12" in newly designated (b)2vi; and rewrote (d)2.

6A:9-13.9 School psychologist

(a) The school psychologist endorsement authorizes the holder to serve as a psychologist in grades preschool through 12.

(b) To be eligible for the standard educational services certificate with a school psychologist endorsement, a candidate must hold a master's or higher degree from a regionally accredited college or university and complete the following:

1. A Department-approved graduate curriculum or a minimum of 60 semester-hour graduate credits, in the following areas:
 - i. Educational foundations/school psychology practice and development: minimum of 12 semester-hour credits in areas such as the role and function of the school psychologist, multicultural education, educational organization and leadership, curriculum development and learning theories;
 - ii. Education of students with disabilities: minimum of six semester-hour credits in areas such as education and/or psychology of students with disabilities and educational assessment of disabled students;

iii. Assessment, intervention and research: minimum of 18 semester-hour credits including study in the required areas of cognitive assessment, personality assessment and school consultation. Additional study may be completed in areas such as applied behavior analysis, school interventions, curriculum-based measurement, multicultural counseling or individual counseling procedures, tests and measurements, statistics and research design and analysis;

iv. Human behavioral development: minimum of 12 semester-hour credits in areas such as human development, social psychology, personality psychology, neurological and/or physiological basis of behavior and psychopathology; and

v. Electives: additional study in areas (b)1i through iv above. Externships and practicum experiences may be accepted for elective study.

2. A practicum of 300 clock hours that consists of a sequence of closely supervised on-campus and field-based activities designed to develop and evaluate a candidate's mastery of distinct professional skills consistent with program and/or course goals;

3. An externship of 1,200 clock hours. A minimum of 600 clock hours must be completed in a school setting with school age children. The remaining 600 clock hours may be completed in a school or clinical setting or may be completed under an emergency certificate while concurrently participating in an approved college or university school psychology program. Externship experiences completed in a school setting must be supervised by a person holding a

standard New Jersey or out-of-State school psychologist certificate; and

4. Persons who completed a master's or higher degree in clinical psychology from a regionally accredited college or university and can present official documentation of 600 clock hours of experience as a psychologist working with children in a clinical setting may meet the school psychology externship and practicum requirements by completing a 900 clock hour school psychology externship in a New Jersey school, with school age children, under a New Jersey emergency certificate.

(c) The externship for school psychologists shall comply with the following:

1. The externship must be taken under the direction of a regionally accredited college or university as part of a program for the preparation of school psychologists. In cases where the Office is issuing an emergency certificate, it may approve an equivalent externship that is not under the jurisdiction of a college or university program.

2. The college or university shall arrange externships as a program of supervised experiences. The extern shall not earn externship credit for clinical or laboratory work done as part of the requirements in such courses as "cognitive or personality assessment" or "school consultation."

3. At least 50 percent of the externship must be in the psychological services division of a public school system or in a college or university demonstration center that serves a cross section of school age children. A person