

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.

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

Chapter 9, Professional Licensure and Standards, expires on December 10, 2013.

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Subchapter 7, Paraprofessional Approval, was repealed by R.2005 d.298, effective September 6, 2005.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 (to expire January 4, 2011). See: 41 N.J.R. 2984(a).

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SUBCHAPTER 1. SCOPE AND PURPOSE

6A:9-1.1 Scope

This chapter sets forth the rules governing the preparation, licensure and professional development of those educators required by their positions to be certified. It also contains rules governing the approval of educator preparation programs and the content of such programs. Finally, it contains the rules delineating the organization of, powers of, duties of and proceedings before the State Board of Examiners.

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. PILOT PROGRAMS FOR MATHEMATICS AND SCIENCE CERTIFICATION

6A:9-18.1 Purpose and definitions

(a) Pursuant to P.L. 2009 c. 51, the purpose of this subchapter is to establish pilot programs in mathematics and science certification in order to address teacher shortages in these areas and to support economic development focused on 21st century skills. The pilot programs shall be used to recruit and issue teaching certificates to individuals with mathematics or science skills and work-related backgrounds demonstrating a requisite level of proficiency in and utilization of such skills. The programs will establish priority for admission to displaced workers, defined as those who have lost their positions of employment due to the current economic environment and require assistance and retraining to re-enter the job market. The programs shall also be used to recruit and issue new teaching certificates to certificated teaching staff members authorized to work in New Jersey public schools who do not currently have a subject area endorsement in mathematics or in the sciences.

(b) Pilot programs as specified in this subchapter may be established by New Jersey colleges and universities, edu-

cational organizations, or other entities approved by the Commissioner.

6A:9-18.2 Authorizations

(a) Pursuant to P.L. 2009 c. 51, the Commissioner may approve pilot programs leading to certificates of eligibility with endorsements in elementary school with subject matter specialization in mathematics and in science. Each endorsement is valid for a teaching assignment area in grades five through eight. These endorsements and authorizations shall be identical in every respect to those specified in N.J.A.C. 6A:9-9.1(a)1ii.

(b) Pursuant to P.L. 2009 c. 51, the Commissioner may approve pilot programs leading to certificates of eligibility with endorsements authorized to teach grades K-12 in the following subjects: mathematics, biological science, chemistry, earth science, physical science, and physics. These endorsements and authorizations shall be identical in every respect to those specified in N.J.A.C. 6A:9-9.2(a)4 and 5.

(c) The State Board of Examiners shall issue a certificate of eligibility to an individual who holds a bachelor's degree from a regionally accredited college or university, passes the appropriate State test of subject matter knowledge, successfully completes the instructional element of the pilot program that is required for the certificate of eligibility, 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 pilot program, the State Board of Examiners shall issue a subject area endorsement in mathematics or science, as appropriate, upon successful completion of the pilot programs' approved requirements for certification.

(d) The programs shall operate from July 1, 2009 through December 31, 2010, such that candidates prepared in these programs have received provisional certification within this time frame.

6A:9-18.3 Pilot program requirements

(a) Pilot program proposals under this subchapter must be submitted to and approved by the Commissioner according to the following criteria:

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

- i. Bachelor's degree or higher from a regionally accredited, four year college or university;
- ii. Knowledge of math or science as demonstrated by an appropriate assessment;
- iii. Interest in pursuing a math or science teaching career;
- iv. Either experience in using math or science skills in previous employment or experience in working with school-age children; and

v. Additional information as deemed appropriate by the provider to provide a profile of the candidates;

2. Documentation by the pilot program of its instructional program component, including:

- i. Organization, timeline, and guiding principles;
- ii. Program curriculum and corresponding time allocations;
- iii. Alignment of curriculum with State core curriculum content standards in math and/or science by licensure area sought;
- iv. Alignment of learning opportunities with State 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 those methods and techniques specific to the teaching of math or science;
- vi. A description of opportunities for pre-service experiences in public school classrooms;
- vii. The names and qualifications of program instructors;
- viii. The procedure, including test of content knowledge, used to determine that a candidate is qualified to receive a certificate of eligibility;
- ix. The procedure for placing candidates in teaching positions in public schools; and
- x. A description of how candidates will meet the Department's highly qualified teacher requirements for the appropriate licensure area prior to the issuance of the standard teaching certificate;

3. Documentation by the pilot program of the provisional employment period, including:

- i. A description of any relationships made between the pilot program and a partnering public school district;
- ii. Provisions for providing mentoring for the candidate during the provisional period. Mentoring under the pilot program shall meet but may exceed the provisions of N.J.A.C. 6A:9-8.4;
- iii. Descriptions of other professional experiences available through the pilot program, such as professional learning and networking opportunities; and
- iv. The procedure and evidence used by the pilot program to determine a candidate's eligibility for the standard certificate. Notwithstanding the role of the pilot program in contributing to such a determination, the final determination shall be made by the building principal as described in N.J.A.C. 6A:9-8.6 and 8.7, and the candidate shall be afforded all rights of provisional renewal and appeal of an insufficient or disapproved rating under N.J.A.C. 6A:9-8.6 and 17.18; and

4. An external evaluation of the pilot program to determine the program's effectiveness according to the purpose and authorizations set forth in N.J.A.C. 6A:9-18.1 and 18.2. An external evaluation shall mean an evaluation conducted by a person or entity with no involvement in or responsibility for the pilot program, its staff, participants, administration, or implementation.

i. A preliminary evaluation of the pilot program shall be provided to the Commissioner by the end of the twelfth month of program operation.

ii. A final evaluation of the pilot program shall be provided to the Commissioner within six months of the end of the program.

iii. Evaluations shall include assessments of the effectiveness of the program's instructional and candidate support elements, as well as of any other distinctive elements which may have been delineated in the program agreement, including:

(1) The number of candidates prepared, their areas of certification, their placements during the pilot

period, the number who receive standard certificates, and a procedure for tracking candidates' retention rates in teaching for up to three years after their initial placement;

(2) Assessment of candidates' math or science content knowledge;

(3) Assessment of candidates' knowledge of appropriate pedagogy and readiness to teach;

(4) The impact of the pilot program in recruiting displaced workers;

(5) The impact of the pilot program in addressing teacher shortages in math and/or science;

(6) Other assessments of pilot program effectiveness as deemed appropriate by the program provider; and

(7) A conclusion about the efficacy of the pilot program for teacher preparation and, if warranted from these conclusions, recommendations to the Commissioner for amendments to this chapter.