

11. Standard Eleven: Professional Responsibility. Teachers shall act in accordance with legal and ethical responsibilities and shall use integrity and fairness to promote the success of all students.

i. Teachers know and understand:

(1) Their professional responsibilities as reflected in constitutional provisions, statutes, regulations, policies, and collective negotiations agreements; and

(2) Strategies to foster professional and productive relationships with students and colleagues.

ii. Teachers value and are committed to:

(1) Recognizing that an educator's actions reflect on the status and substance of the profession;

(2) Upholding the highest standards of professional competence both as a practitioner in the classroom as well as an employee vested with the public trust;

(3) Recognizing, respecting and upholding the dignity and worth of students as individual human beings, and therefore dealing with them justly and considerately; and

(4) Recognizing their obligation to the profession of teaching and not engaging in any conduct contrary to sound professional practice and/or applicable statutes, regulations and policy.

iii. Teachers engage in activities to:

(1) Promote aspects of students' well-being by exercising the highest level of professional judgment, and working cooperatively and productively with colleagues and parents to provide a safe, healthy, and emotionally protective learning environment;

(2) Maintain the confidentiality of information concerning students obtained in the proper course of the educational process and dispense such information only when prescribed or directed by Federal and/or state statutes or accepted professional practice;

(3) Maintain professional relationships with students and colleagues;

(4) Provide access to various points of view without deliberate distortion of subject matter; and

(5) Foster and maintain a school environment which protects students from sexually, physically, verbally, or emotionally harassing behavior by recognizing, understanding, and conducting themselves in a sound and professionally responsible manner.

Amended by R.2005 d.110, effective April 4, 2005.  
See: 36 N.J.R. 5044(a), 37 N.J.R. 1060(a).

In (a), added 3i(4).

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)7i(1), deleted "and" from the end; in (a)7i(2), inserted "for instruction and methods of teaching"; substituted "for" for "to" following "techniques" and inserted "including students with autism and other developmental disabilities; and"; added (a)7i(3); in (a)7iii(3), inserted "through curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques, including the use of assistive technology"; in (a)7iii(4), inserted "and inclusive educational practices and collaborative partnerships"; and added (a)11.

#### 6A:9-3.4 Professional standards for school leaders

(a) School leader preparation, district induction and professional development programs shall align their learning opportunities with the following standards:

1. Standard One: School administrators shall be educational leaders who promote the success of all students by facilitating the development, articulation, implementation and stewardship of a vision of learning that is shared and supported by the school community.

i. Administrators have knowledge and understanding of:

- (1) Learning goals in a pluralistic society;
- (2) The principles of developing and implementing strategic plans;
- (3) Systems theory;
- (4) Information sources, data collection and data analysis strategies;
- (5) Effective communication; and
- (6) Effective consensus-building and negotiation skills.

ii. Administrators believe in, value and are committed to:

- (1) The educability of all;
- (2) A school vision of high standards of learning;
- (3) Continuous school improvement;
- (4) The inclusion of all members of the school community;
- (5) Ensuring that students have the knowledge, skills and values needed to become successful adults;
- (6) A willingness to continuously examine one's own assumptions, beliefs and practices; and
- (7) Doing the work required for high levels of personal and organization performance.

iii. Administrators facilitate processes and engage in activities ensuring that:

- (1) The vision and mission of the school are effectively communicated to staff, parents, students and community members;

(2) The vision and mission are communicated through the use of symbols, ceremonies, stories and similar activities;

(3) The core beliefs of the school vision are modeled for all stakeholders;

(4) The vision is developed with and among stakeholders;

(5) The contributions of school community members to the realization of the vision are recognized and celebrated;

(6) Progress toward the vision and mission is communicated to all stakeholders;

(7) The school community is involved in school improvement efforts;

(8) The vision shapes the educational programs, plans and actions;

(9) An implementation plan is developed in which objectives and strategies to achieve the vision and goals are clearly articulated;

(10) Assessment data related to student learning are used to develop the school vision and goals;

(11) Relevant demographic data pertaining to students and their families are used in developing the school mission and goals;

(12) Barriers to achieving the vision are identified, clarified and addressed;

(13) Needed resources are sought and obtained to support the implementation of the school mission and goals;

(14) Existing resources are used in support of the school vision and goals; and

(15) The vision, mission and implementation plans are regularly monitored, evaluated, and revised.

2. Standard Two: School administrators shall be educational leaders who promote the success of all students by advocating, nurturing, and sustaining a school culture

and instructional program conducive to student learning and staff professional growth.

i. Administrators have knowledge and understanding of:

(1) Student growth and development;

(2) Applied learning theories;

(3) Applied motivational theories;

(4) Curriculum design, implementation, evaluation and refinement;

(5) Principles of effective instruction;

(6) Measurement, evaluation and assessment strategies;

(7) Diversity and its meaning for educational programs;

(8) Adult learning and professional development models;

(9) The change process for systems, organizations and individuals;

(10) The role of technology in promoting student learning and professional growth; and

(11) School cultures.

ii. Administrators believe in, value and are committed to:

(1) Student learning as the fundamental purpose of schooling;

(2) The proposition that all students can learn;

(3) The variety of ways in which students can learn;

(4) Life-long learning for self and others;

(5) Professional development as an integral part of school improvement;

(6) The benefits that diversity brings to the school community;

(c) With the exception of the speech-language specialist endorsement pursuant to N.J.A.C. 6A:9-13.6(e) and the educational interpreter endorsement pursuant to N.J.A.C. 6A:9-13.18(d) through (f), the certificate is renewable annually up to a maximum of two times at the request of the school district and approval of the county superintendent. Renewal is predicated upon demonstration of progress toward successful completion of coursework and tests required for issuance of a CE, CEAS or standard certificate. A candidate serving under an emergency certificate shall be employed under emergency certification for no more than a total of three years in any one educational services endorsement area regardless of the number of districts in which the candidate serves.

(d) An emergency certificate is valid for employment only in the district requesting the emergency certificate.

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

In (a), deleted "one-year" following "certificate is a" in the first sentence and added "An emergency certificate... of issuance date"; and rewrote the first sentence of (c).

#### Case Notes

Initial Decision (2006 N.J. AGEN LEXIS 172) adopted, which concluded that both the weight of the evidence and the doctrine of estoppel supported a decision in favor of a private, non-profit school for the disabled, in its appeal from a determination that salaries and benefit costs for nine of the school's teachers were required to be disallowed due to the teachers' alleged failure to obtain emergency certification (decided under former rules). *Search Day Program, Inc. v. N.J. Dep't of Educ.*, OAL Dkt. No. EDU 8569-04, 2006 N.J. AGEN LEXIS 574, Commissioner's Decision (June 2, 2006).

#### 6A:9-6.4 Certificate of eligibility

(a) A certificate of eligibility (CE) is a certificate with lifetime validity that the Board of Examiners may issue to candidates who meet degree, academic and applicable test requirements.

(b) A certificate of eligibility with advanced standing (CEAS) is a certificate with lifetime validity that the Board of Examiners may issue to candidates who meet degree, academic and test requirements and complete a State-approved college professional education preparation program.

(c) The CE or CEAS authorizes the holder to seek employment. A holder of a CE or CEAS shall not assume responsibility for a job assignment until the holder has been issued a provisional certificate.

#### Case Notes

Petitioner, who served as a Content Supervisor in the area of Science but held only a Certificate of Eligibility (CE) for Principal/Supervisor, did not obtain tenure and therefore was not improperly terminated; not only is proper certification necessary for tenure pursuant to N.J.S.A. 18A:28-4, but also petitioner was never legally qualified to hold the position of supervisor. *Nelson v. Bd. of Educ. of Plainfield*, OAL Dkt. No. EDU 11414-07, 2008 N.J. AGEN LEXIS 1013, Commissioner's Decision (April 18, 2008).

Any candidate seeking employment as a public school supervisor but lacking the specified higher-level administrative endorsement is required

by law to hold standard supervisory certification; no mechanism exists for acquisition of supervisory certification on a CE or provisional basis, nor can the principal endorsement be obtained through provisional employment as a supervisor. *Nelson v. Bd. of Educ. of Plainfield*, OAL Dkt. No. EDU 11414-07, 2008 N.J. AGEN LEXIS 1013, Commissioner's Decision (April 18, 2008).

#### 6A:9-6.5 Substitute credential

(a) The substitute credential is intended only for persons acting temporarily in replacement of a fully certified and regularly employed classroom teacher when the supply of properly certified teachers is inadequate to staff the school.

(b) Pursuant to N.J.S.A. 18A:6-38, the State Board of Examiners shall issue substitute credentials and may revoke them in accord with N.J.A.C. 6A:9-17.5 through 17.7. Under the authority of the State Board of Examiners, the county superintendent in the county in which the candidate applies shall review the documentation that the candidate provides in accord with (c) below and determine the candidate's eligibility for the substitute credential. If the county superintendent determines that the candidate meets the criteria, the county superintendent shall issue the candidate a substitute credential which may be used in any county of the State.

(c) A candidate shall apply for a substitute credential to the county superintendent through the district board of education. The district board of education shall submit the candidate's application, official transcripts, signed and notarized oath of allegiance, academic credentials and appropriate fee pursuant to N.J.A.C. 6A:9-5.4(b)3 to the county superintendent for review and approval. The county superintendent may issue a substitute credential to candidates who do not hold standard New Jersey certificates but who can present a minimum of 60 semester-hour credits completed at a regionally accredited college or university. The holder of the substitute credential pursuant to this subsection may serve for no more than a total of 20 instructional days in the same position in one school district during the school year. Upon written application to the county superintendent and for good cause shown, the county superintendent may extend the service in a single position to a total of 40 instructional days. The application for the extension in time to serve in a single position shall be filed prior to the 15th day of the substitute's service in the position.

(d) The county superintendent shall not issue a substitute credential until the candidate submits a criminal history qualification letter from the Department, unless the district board of education can demonstrate to the Commissioner of Education that special circumstances exist which justify the emergent employment of a substitute in accordance with N.J.S.A. 18A:6-7.1c.

(e) The substitute credential is valid for a five-year period from the date of issuance and may be renewed within six months prior to its expiration.

(f) Holders of a CE or CEAS issued by the Board of Examiners may serve as a substitute teacher in areas author-

ized by their credentials for a total of 60 instructional days in the same position in one school district during the school year. Holders of a CE or CEAS issued by the Board of Examiners may also serve as a substitute teacher in areas outside the scope of their credentials for no more than a total of 20 instructional days in the same position in one school district during the school year. Upon written application to the executive county superintendent and for good cause shown, the executive county superintendent may extend the service in a single position to a total of 40 instructional days. The application for the extension in time to serve in a single position shall be filed prior to the 15th day of the substitute's service in the position. Holders of a CE or CEAS are not required to have a substitute credential for this service.

(g) Holders of a standard New Jersey instructional certificate may serve as a substitute teacher in areas outside the scope of their endorsements for a period of 40 instructional days in the same position in one school district during the school year. Holders of standard certificates are not required to have a substitute credential for this service. This subsection does not apply to the holder of a standard certificate with a career and technical education endorsement.

(h) The executive county superintendent may issue a career and technical education substitute credential to a candidate who presents two years of full-time work experience within the past five years in the appropriate career cluster in lieu of 60 semester hour college credits. The work experience shall be documented by an experience statement from an employer or presentation of a valid occupational license. The career and technical substitute credential is required to serve as a substitute teacher for specific career and technical skills. The holder of a career and technical substitute credential may serve no more than a total of 20 instructional days in the same position in one school district during the school year. Upon written application to the executive county superintendent and for good cause shown, the executive county superintendent may extend the service in a single position to a total of 40 instructional days. The application for the extension of time to serve in a single position shall be filed prior to the 15th day of the substitute's service in the position. The holder of a career and technical CE or CEAS is also authorized to serve as a career and technical education substitute teacher for a total of 60 instructional days within the scope of their endorsements in the same position in one school district during the school year and do not require a substitute credential for this service. Holders of standard career and technical endorsements do not require a substitute credential to teach within the scope of their endorsements.

(i) The county superintendent may issue a substitute credential to serve as a substitute school nurse/non-instructional to the holder of a valid New Jersey registered professional nurse license.

(j) The county superintendent may issue a substitute credential to serve as a substitute educational interpreter to can-

didates with a high school diploma or GED and who have completed the Educational Interpreter Performance Assessment (EIPA) with a minimum score of three. The 20-day limitation pursuant to (c) above shall not apply to such educational interpreters as substitute educational interpreters may serve for up to one academic year.

(k) The holder of a substitute credential is authorized to serve as an athletic coach in the district pursuant to N.J.A.C. 6A:9-5.19(c). The 20-day limitation pursuant to (c) above shall not apply to such coaching situations as coaches may serve for up to one academic year.

(l) A district board of education employing a teacher from another state or another country as an exchange teacher in accord with N.J.A.C. 6A:9-5.15(c) shall request that the county superintendent issue a substitute credential to the exchange teacher pursuant to N.J.A.C. 6A:9-5.15(c). The 20-day limitation shall not apply to the exchange teacher's temporary service.

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

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

Rewrote (c).

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

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

In (d), inserted "instructional" following "period of 60"; recodified (j) and (k) as (k) and (l), added (j); and in (l), inserted "Controversies and Disputes" at the end.

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 "County substitute credential". Rewrote the section.

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

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

In (f), inserted the second through fourth sentences; in (g), substituted "career and technical education" for "vocational-technical"; and in (h), inserted "executive" preceding "county superintendent" three times and substituted "career and technical" and "career and technical education" for "vocational" and "vocational-technical" throughout.

#### 6A:9-6.6 Limited certificate for foreign teachers

(a) Pursuant to N.J.S.A. 18A:26-1 and 18A:26-8.1, a limited certificate for foreign teachers is a non-renewable certificate issued to citizens of other countries and is valid for three years. Certificate issuance is contingent upon the candidate's enrollment in a Department-approved international agency and completion of the requirements in (d) below.

(b) Department-approved agencies are authorized to recruit teachers for New Jersey school districts in subject areas that the State Board has determined as having a critical shortage.

(c) Prior to hiring a foreign teacher, the district board of education shall:

1. Demonstrate to the county superintendent its inability to locate a suitable certified teacher;
2. Submit to the county superintendent the candidate's application and supporting documentation; and
3. Maintain all documentation of its effort to employ a suitable certified teacher.

(d) To be eligible for the limited certificate for foreign teachers, a candidate shall submit evidence of the following:

1. Completion of a degree that is equivalent to a United States bachelor's degree as determined by a Department-approved foreign credentials evaluation service;

2. Completion of an academic major in the subject to be taught. Candidates hired to teach world languages are

exempt from this requirement. The teacher may teach his or her native language upon demonstration of oral language proficiency as certified by the agency;

3. Achievement of the GPA pursuant to N.J.A.C. 6A:9-8.1(a)2;

education students in school-sponsored cooperative education experiences in the occupation in which the holder is certified as part of a career and technical education program.

v. Driver education: This endorsement authorizes the holder to teach driver education in all public schools.

vi. Industrial arts. This endorsement authorizes the holder to teach industrial arts in all public schools. Industrial arts includes graphic arts, drafting, wood-working, metal working and power mechanics.

(b) The teaching endorsements below authorize the holder to teach specific populations, subjects, ages and/or grade levels:

1. Bilingual/bicultural education: This endorsement authorizes the holder to teach bilingual/bicultural education in all public schools.

2. Elementary school: This endorsement authorizes the holder to:

i. Serve as an elementary school teacher in grades kindergarten through 5 in all public schools;

ii. Teach language arts literacy, mathematics, science, computer and information literacy, and social studies full-time, integrating educational technology where appropriate in grades kindergarten through five;

iii. Teach world languages full-time in grades kindergarten through five pursuant to N.J.A.C. 6A:9-11.10;

iv. Teach all remaining subjects no more than one-half of the daily instructional assignment; and

v. Teach reading, writing, arithmetic, and spelling, for basic skills purposes only, in grades six through 12.

3. Elementary school with subject matter specialization: This endorsement authorizes the holder to:

i. Teach the specialty subjects on the face of the certificate full-time in grades five through eight in all public schools. This endorsement does not permit the holder to teach the subject matter specialization in grades nine through 12;

ii. Teach all CCCS subjects in grades K through 5 pursuant to (b)2 above; and

iii. Teach reading, writing, arithmetic and spelling, for basic skills purposes only, in grades 6 through 12.

4. Preschool through grade three: This endorsement authorizes the holder to:

i. Teach preschool through grade three in public schools and to teach public school students in approved settings providing early childhood education;

ii. Teach language arts literacy, mathematics, science, computer and information literacy, and social studies full-time, integrating educational technology where appropriate in grades preschool through three;

iii. Teach world languages full-time in grades preschool through three pursuant to N.J.A.C. 6A:9-11.10; and

iv. Teach all remaining subjects in grades preschool through three no more than one-half of the daily instructional assignment.

5. Teacher of Supplemental Instruction in Reading and Mathematics, Grades K-8: This endorsement authorizes the holder to provide supplemental, pull-out instruction in reading and mathematics for students in kindergarten through grade eight. During their provisional teaching period, teachers holding this endorsement:

i. May not be assigned to more than two schools; and

ii. Must conduct all teaching in a formal classroom environment with a minimum of eight students that approximates the experiences that novice teachers are expected to have, including, but not limited to, lesson planning, effective classroom management, instructional strategies, and incorporation of the New Jersey Core Curriculum Content Standards.

6. Special education: These endorsements authorize the holder to teach special education to one of the designated populations listed in (b)5i through iv below. In addition to the content area(s) or grade level(s) that the teachers' content and/or grade level endorsements authorize, the holder of a special education endorsement also may provide consultative services and supportive resource programs including modification and adaptation of curriculum and instruction to students with disabilities in general education programs in grades preschool through 12.

i. Blind or visually impaired: This endorsement authorizes the holder to teach blind or visually impaired students;

ii. Deaf or hard of hearing for oral/aural communication: This endorsement authorizes the holder to teach deaf or hard of hearing students using oral/aural communication strategies;

iii. Deaf or hard of hearing for sign language communication: This endorsement authorizes the holder to teach deaf or hard of hearing students using sign language communication strategies; and

iv. Students with disabilities: This endorsement authorizes the holder to teach students classified with disabilities with the exception of those identified in (b)5i through iii above.

Amended by R.2004 d.306, effective August 2, 2004.  
See: 36 N.J.R. 1636(a), 36 N.J.R. 3526(a).

In (a), inserted “with the exception of approved vocational programs” at the end of 1i, rewrote the first sentence in 8i, added new i and ii and recodified former i and ii as iii and iv in 9.  
Amended by R.2005 d.110, effective April 4, 2005.  
See: 36 N.J.R. 5044(a), 37 N.J.R. 1060(a).

In (a), inserted “office administration/office systems technology;” in 9i; in (c), added the last sentence.  
Amended by R.2006 d.170, effective May 15, 2006.  
See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Rewrote (a)8i; deleted last sentence from (a)9i; added (a)9i(1) through (7), deleted last sentence from (a)9ii; added (a)9ii(1) through (4); added (a)9v; rewrote (b)2ii; recodified (b)2iii as (b)2v, added (b)2iii and iv; made a stylistic change in (b)2v; rewrote (b)4; and added (b)4i-(b)4iv.  
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)1i, (a)1ii, (a)1iv and (a)1v, deleted “with the exception of approved vocational programs” from the end; added new (a)8i, recodified former (a)8i as (a)8ii; added new (a)9iii; recodified former (a)9iii through (a)9v as (a)9iv through (a)9vi; rewrote (a)9iv; in (b)2ii and (b)4ii, inserted “, computer and information literacy,” and “, integrating educational technology where appropriate”; added new (b)5; recodified former (b)5 as (b)6; and deleted (c).

## SUBCHAPTER 10. STANDARDS FOR NEW JERSEY EDUCATOR PREPARATION PROGRAMS IN HIGHER EDUCATION

### 6A:9-10.1 Requirements and standards for the approval of professional education programs preparing educational personnel

(a) The Department shall establish a three-tiered system of program approval to include program approval committees, a State Program Approval Council, and final approval through the Department of Education as follows:

1. The Department of Education shall appoint program approval committees for each certificate area to recommend appropriate action regarding the addition of a new or substantially revised certification program to the State Program Approval Council based on documents and evidence of meeting program standards as specified in this subchapter.

i. The program approval committees shall be comprised of three members representing higher education and K-12 school districts who have expertise in the certification program under review.

2. The Commissioner shall appoint a State Program Approval Council comprised of 11 members including six higher education representatives and five P-12 practitioners.

i. The Council shall advise the Commissioner on matters pertaining to higher education teacher, administrator, and educational service personnel preparation quality issues;

ii. The Council shall coordinate the peer review program approval process for initial and substantially revised programs and the periodic review of programs;

iii. The Council will review program information required for the periodic review of programs and recommend appropriate action regarding the program’s status; and

iv. The Council shall make final recommendations regarding approval of programs to the Department of Education.

3. Based on the recommendation of the State Program Approval Council, the Department shall take appropriate action regarding program approval.

(b) The Department shall approve all professional educator preparation programs leading to State certification in New Jersey institutions of higher education. The scope of program approval shall include programs from institutions chartered in the State as well as programs that have a physical presence in New Jersey and are run by out-of-State institutions that are approved by the New Jersey Commission on Higher Education. Program approval shall be based on the following criteria approved by the State Board:

1. Compliance with State professional standards for teachers and school leaders as established in N.J.A.C. 6A:9-3.3 and 3.4;

2. Compliance with State content specific professional standards by licensure area that will be implemented by the Department for its review of new or substantially revised programs. These standards shall be developed by the Department and promulgated in this chapter no later than March 31, 2010;

3. Program documentation for the initial review and approval of all new or substantially revised programs shall include, but is not limited to:

- i. A summary of the proposed program;
- ii. The program framework and guiding principles;
- iii. Program alignment to the professional content standards;
- iv. Description of the field experiences;
- v. Description of student performance assessments and evidence of program outcomes;
- vi. Program faculty resumes; and
- vii. Course syllabi and program curriculum;

4. The following documentation shall be reviewed by the State Program Approval Council and be used for the periodic review and approval for continuation of all preparation programs in conjunction with the institution’s national accreditation:

- i. Data on candidates’ performance on program based assessments at program completion;

## SUBCHAPTER 17. STATE BOARD OF EXAMINERS' PROCEEDINGS

### 6A:9-17.1 Certificate holder

(a) For purposes of this subchapter, the term certificate holder shall include all individuals who hold certificates, credentials, CEs and CEASs issued by the State Board of Examiners.

(b) For purposes of this subchapter, the term certificate shall include all standard, emergency and provisional certificates, all credentials and all CEs and CEASs issued by the State Board of Examiners.

(c) All certificate holders shall report their arrest or indictment for any crime or offense to their superintendent within 14 calendar days. The report shall include the date of arrest or indictment and charge(s) lodged against the certificate holder. Such certificate holders shall also report to their superintendents the disposition of any charges within seven calendar days of disposition. Failure to comply with these reporting requirements may be deemed "just cause" pursuant to N.J.A.C. 6A:9-17.5. School districts shall make these requirements known to all new employees and to all employees on an annual basis.

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

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

Made a stylistic change.

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

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

Inserted designation (a); in (a), inserted "credentials,;" and added (b).

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

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

Added (c).

### 6A:9-17.2 Conduct barring candidate from certification

Notwithstanding that a candidate may meet all requirements for certification, the Board of Examiners may refuse to issue a certificate to that candidate if, based on the record before it, the Board of Examiners determines that, for reasons set forth in N.J.A.C. 6A:9-17.5, the candidate is not suitable for employment as a teaching staff member in the public schools.

### 6A:9-17.3 Candidates to provide information regarding criminal history

(a) As part of the application for certification, a candidate must advise the Office whether he or she has a record of conviction(s) for any crime or offense in New Jersey or any other state or foreign jurisdiction. Candidates who have been convicted shall complete a form approved by the Secretary setting forth the details of the conviction(s).

(b) The Board of Examiners shall review all information the candidate provides and determine whether the candidate's criminal history is such that he or she should not receive a certificate. In making its determination, the Board of Examiners shall consider the Rehabilitated Convicted Offenders

Act, N.J.S.A. 2A:168A-1 et seq., and whether the crime(s) or offense(s) would be disqualifying under N.J.S.A. 18A:6-7.1 et seq.

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 "or foreign jurisdiction".

### 6A:9-17.4 District reporting responsibility

(a) The chief school administrator of a district shall notify the Board of Examiners when:

1. Tenured teaching staff members who are accused of criminal offenses or unbecoming conduct resign or retire from their positions;

2. Nontenured teaching staff members, including substitute teachers, who are accused of criminal offenses or unbecoming conduct resign, retire or are removed from their positions;

3. A certificate holder fails to maintain any license, certificate or authorization pursuant to N.J.A.C. 6A:9-4.1(b) that is mandated in order for the holder to serve in a position;

4. He or she becomes aware that a certificate holder has been convicted of a crime or criminal offense while in the district's employ; or

5. He or she has received a report from the Division of Youth and Family Services (DYFS) substantiating allegations of abuse or neglect or establishing "concerns" regarding a certificated teaching staff member.

(b) In the event that the Board of Examiners issues an order to show cause based on the information that the school district provided about the certificate holder, it shall be the responsibility of the reporting school district to cooperate with the Board of Examiners in any proceeding arising from the order to show cause.

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

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

Made a stylistic change in (a)2; and added (b).

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)3, deleted "or" from the end; in (a)4, inserted "or criminal offense" and substituted "or" for a period at the end; and added (a)5.

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)2, inserted "including substitute teachers."

### 6A:9-17.5 Grounds for revocation and suspension of certification

The Board of Examiners may revoke or suspend the certificate(s) of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. Other just cause shall include, but not be limited to, offenses within the terms of the forfeiture statute, N.J.S.A. 2C:51-2, or the disqualification statute, N.J.S.A. 18A:6-7.1. The Board of Examiners may revoke or

suspend a certificate upon evidence that the holder did not meet the qualifications for the certificate at the time of issuance or no longer satisfies the criteria set forth in N.J.A.C. 6A:9-5.1(b). The Board of Examiners shall not revoke or suspend a certificate without providing the holder an opportunity to be heard pursuant to N.J.A.C. 6A:9-17.6.

#### Case Notes

Initial Decision (2008 N.J. AGEN LEXIS 325) adopted, which concluded that revocation of a teacher's certificate was warranted because the teacher maintained an inappropriate out-of-school relationship with a 17-year-old female student at the school, which included overnights at his apartment; the absence of evidence of sexual or romantic involvement did not mitigate the seriousness of the infraction. An objective standard applies, and thus the teacher's intent, as well as the consent of the student or her mother, were not controlling in judging the appropriateness of his behavior. In re Certificate of Cantillon, OAL Dkt. No. EDE 10433-06, State Board of Examiners Decision (July 17, 2008).

Initial Decision (2008 N.J. AGEN LEXIS 294) adopted, which concluded that a high school teacher's comments in the classroom, involving the words "gay," "hickey," and "triple-X," while inappropriate, could not be interpreted as anything other than instantaneous or reflexive comments having no intent other than to make light of a situation or illustrate the students' inappropriate behavior, and, as such, warranted a one-year suspension of the teacher's certificates. In re Certificates of Zantow, OAL Dkt. No. EDE 459-07, State Board of Examiners Decision (July 17, 2008).

#### 6A:9-17.6 Revocation or suspension of certificates

(a) The Board of Examiners may issue an order to show cause to a certificate holder if the Board of Examiners believes that the conduct of the holder may warrant the revocation or suspension of the certificate(s) held where:

1. The Commissioner transmits a contested case to the Board of Examiners that resulted in a teaching staff member's loss of tenure, dismissal, resignation or retirement;

2. Pursuant to N.J.A.C. 6A:9-17.4, the Board of Examiners receives information from a district that a teaching staff member no longer is employed in the district;

3. The Board of Examiners receives information regarding a certificate holder's criminal conviction or pending criminal charges;

4. The Board of Examiners receives notice that a teaching staff member who is certified in New Jersey and who also holds a teaching certificate in another state has had action taken against his or her certificate by the other state;

5. Pursuant to N.J.S.A. 9:6-8.10, the Division of Youth and Family Services (DYFS) forwards to the Board of Examiners a copy of a report in which DYFS has substantiated that a certificate holder has abused or neglected a student or a report in which DYFS identifies its concerns with the conduct of a teaching staff member;

6. Pursuant to N.J.S.A. 18A:6-7.3, the Commissioner notifies the Board of Examiners that an individual who

holds New Jersey certification is disqualified from employment in public schools or has pending charges for an offense that is disqualifying;

7. A certificate holder fails to maintain any license, certificate or authorization that is mandated pursuant to N.J.A.C. 6A:9-4.1(b) in order for the holder to serve in a position;

8. Pursuant to (b) below, an individual files a petition with the Board of Examiners seeking the revocation or suspension of a certificate holder's certificate;

9. Pursuant to N.J.S.A. 18A:6-38.1, the Commissioner, based on information received from a school district in which the certificate holder is employed, recommends to the State Board of Examiners the revocation of the certification of the superintendent, assistant, superintendent, or school business administrator;

10. Pursuant to the provisions of section 2 of P.L. 2006, c. 15 (N.J.S.A. 18A:7A-55), the Board becomes aware that any condition exists within a school district that would authorize the appointment of a State monitor, the State Board of Examiners shall review the certification of the superintendent and school business administrator of the district; or

11. Pursuant to the provisions of P.L. 1989, c. 266 (N.J.S.A. 18A:4-14 et al.) and P.L. 2007, c. 53 (N.J.S.A. 18A:55-3 et al.), the Board becomes aware that any school district is not in compliance with the GAAP system of double entry bookkeeping as required, the Commissioner of Education shall recommend to the Board of Examiners that the board review the certification of the district's school business administrator.

(b) The following procedures shall apply to persons filing a petition pursuant to (a)8 above:

1. The person filing the petition shall submit to the Secretary a sworn statement that he or she has firsthand knowledge supporting the charges set forth in the petition and shall furnish evidence of proof of service of the petition on the other party or parties involved;

2. Upon receipt of the petition, the Secretary shall notify the certificate holder that the holder shall file a response within 30 days of the mailing date of the Secretary's notice; and

3. The Board of Examiners shall review the petition and response to determine whether to issue an order to show cause. In the event that the Board of Examiners issues an order to show cause, the Board of Examiners shall be the petitioner in the ensuing revocation or suspension proceeding. The party filing the petition pursuant to (b)1 above shall have the responsibility to cooperate with the Board of Examiners after it issues the order to show cause.

(c) Nothing in the foregoing shall preclude the Board of Examiners from issuing an order to show cause on its own initiative when the Board of Examiners has reason to believe that grounds for revocation or suspension of a certificate exist.

(d) If the Board of Examiners issues an order to show cause pursuant to (a) above, the school district employing the certificate holder at the time of the conduct at issue shall

cooperate with the Board of Examiners in any proceeding arising from the order to show cause.

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

In (b)3, added the last sentence; and 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)3, inserted "or pending criminal charges"; in (a)6, inserted "or has pending charges for an offense that is disqualifying"; and in (b)2, inserted "mailing".

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)7, deleted "or" from the end; in (a)8, substituted a semicolon for a period at the end; and added (a)9 through (a)11.

#### Case Notes

Persistently and knowingly responding in an untruthful, evasive manner to district administrators attempting to investigate a very serious situation cannot be viewed as anything other than insubordinate; accordingly, teachers were dismissed from tenured employment and all three matters were referred to the State Board of Examiners pursuant to N.J.A.C. 6A:9-17.6(a)(1) for appropriate action (adopting 2007 N.J. AGEN LEXIS 257). In re Tenure Hearing of Duran, OAL Dkt. Nos. EDU 6754-06, EDU 6887-06 and EDU 6957-06, 2007 N.J. AGEN LEXIS 499, Commissioner's Decision (July 5, 2007).

#### 6A:9-17.7 Procedures for revoking or suspending a certificate

(a) After review of the information received pursuant to N.J.A.C. 6A:9-17.6, the Board of Examiners shall determine by public vote whether to initiate a revocation or suspension proceeding. In those cases where the Board of Examiners moves for revocation or suspension, the Secretary, on behalf of the Board of Examiners, shall issue an order to show cause that states the specific charges that form the basis of the revocation or suspension proceeding.

(b) The certificate holder shall file an answer with the Board of Examiners no later than 30 days from the date of mailing of the order to show cause. The answer may not generally deny the charges, but must respond specifically to each allegation.

(c) If the certificate holder does not file an answer within 30 days, the Secretary shall send a second notice affording an additional response time of 15 days from the date of mailing of the second notice. The second notice shall also advise the certificate holder that, should the Board of Examiners not receive any response within that time, the allegations against the certificate holder as set forth in the order to show cause shall be deemed admitted and that the Board of Examiners shall proceed to a decision on the allegations in the order to show cause on the basis of the evidence before it.

(d) If the certificate holder files an answer and there are material facts in dispute, the Board of Examiners shall either hear the matter directly or transmit the matter to OAL for a hearing. The hearings at OAL shall be heard in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(e) If the certificate holder files an answer and no material facts appear to be in dispute, the Secretary shall send the certificate holder a hearing notice informing him or her of the opportunity to submit written briefs, affidavits and other supporting documentation for the Board of Examiners' consideration. The certificate holder shall submit 21 copies of all response papers within 30 days from the date of mailing of the hearing notice.

(f) After receipt of the written submissions pursuant to (e) above, the Secretary will place the matter on the Board of Examiners' agenda and notify the certificate holder of the date the Board of Examiners will consider the matter. The notice will advise the certificate holder whether his or her appearance is necessary.

(g) The Board of Examiners may transmit the matter to OAL if, after review of the written submissions, the Board of Examiners determines that there are material facts in dispute. The Board of Examiners may identify the specific issues OAL shall consider.

(h) In all cases, the Board of Examiners shall clearly articulate the findings of fact upon which its decision was based. If the Board of Examiners has decided a matter solely on the papers, it shall set forth the reasons it deemed summary decision appropriate.

(i) The Office may refuse to issue a new certificate to a certificate holder who is otherwise eligible for the additional certificate if the certificate holder is the subject of a pending action to revoke or suspend his or her certificate(s) pursuant to N.J.A.C. 6A:9-17.7.

(j) Upon application of the certificate holder for an extension of time, the Secretary may extend the time for filing the answer pursuant to (b) above or for filing the hearing brief pursuant to (e) above, provided that the application for the extension is requested prior to the expiration of the 30 days for filing the answer or the hearing brief.

Amended by R.2005 d.110, effective April 4, 2005.  
See: 36 N.J.R. 5044(a), 37 N.J.R. 1060(a).

In (e), inserted "within 30 days from the date of mailing of the hearing notice" following "all response papers".

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

Made a stylistic change in (d); and added (j).

#### 6A:9-17.8 Revoked and suspended certificates

(a) If the Board of Examiners orders the revocation or suspension of a certificate, the holder shall surrender it to the Secretary within 30 days after mailing of the revocation or suspension order.

(b) After the Board of Examiners has revoked or suspended a certificate, the Secretary shall notify:

1. The 50 states and territories and other such agencies that are part of the Interstate Certification Project;

2. The county superintendents of schools;
3. Appropriate governmental pension and annuity funds, or retirement services;
4. The chief school administrator in the employing district; and
5. Any other agency or entity as may be required by law.

(c) The Board of Examiners may reinstate a suspended certificate at the end of the suspension period, provided that the certificate holder has met all conditions that the Board of Examiners established.

Amended by R.2004 d.306, effective August 2, 2004.

See: 36 N.J.R. 1636(a), 36 N.J.R. 3526(a).

In (b)5, inserted "by law" at the end of the sentence.

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

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

In (a), substituted "30" for "20".

#### **6A:9-17.9 Suspension of certificates for failure to give notice of intention to resign**

(a) A teacher employed by a district board of education who, without the consent of the board, ceases to perform his or her duties prior to the expiration of the employment, shall be deemed guilty of unprofessional conduct.

(b) The Commissioner may, upon receiving notice of the fact, suspend the certificate for a period not to exceed one year.

(c) Appeal of the Commissioner's decisions pursuant to this section shall be to the State Board in accord with N.J.A.C. 6A:4.

#### **Case Notes**

Special education teacher, who resigned from her teaching position with only five days notice on the second day of school, showed a blatant disregard for the middle school students assigned to her care, warranting the maximum penalty of a one-year suspension of her teaching certificate for unprofessional conduct under N.J.S.A. 18A:26-10 (rejecting ALJ's conclusion, 2005 N.J. AGEN LEXIS 418, that a lesser penalty was appropriate). In re Suspension of Savino, OAL Dkt. No. EDU 1688-04, 2005 N.J. AGEN LEXIS 1233, Commissioner's Decision (August 30, 2005), aff'd, SB No. 40-05, 2006 N.J. AGEN LEXIS 106 (N.J. State Bd. of Educ. February 1, 2006).

#### **6A:9-17.10 Application for certification after revocation**

(a) A certificate that has been revoked for any of the grounds set forth in this chapter shall not be reinstated. An individual who has had a certificate revoked may file an application for a new certificate with the Board of Examiners.

(b) The Board of Examiners shall not issue a new certificate to a candidate whose certificate(s) has been revoked unless the following conditions are met:

1. The candidate shall satisfy all criteria for the issuance of the certificate that are in effect at the time of the application for the new certificate;
2. At least four years shall have passed since the effective date of the revocation of the previous certificate;
3. The candidate shall have provided evidence demonstrating rehabilitation for the unbecoming conduct, incompetence, or other cause for the revocation;
4. If the basis for the revocation was the conviction of a crime that is not disqualifying under N.J.S.A. 18A:6-7.1 et

seq., the candidate shall have submitted evidence to the Board of Examiners that he or she has been fully rehabilitated in accord with the factors set forth in N.J.S.A. 2A:168A-2 and that issuing a certificate to the candidate would not be detrimental to the public welfare;

5. The candidate shall have complied with all conditions imposed by the order of revocation; and

6. If the revocation arose from a criminal matter involving the candidate, the candidate shall have provided evidence that he or she has satisfied any conditions imposed by the court, probation, plea bargain agreement or any other entity.

(c) Notwithstanding the provisions of (b) above, the Board of Examiners shall not issue a new certificate to any candidate who is:

1. Ordered to forfeit certification as part of a settlement in a tenure or criminal proceeding;
2. Barred from teaching again in the State of New Jersey by order of a court of competent jurisdiction;
3. Ordered to forfeit certification as part of a plea bargain;
4. Ordered to forfeit certification as a condition for entrance into a pre-trial intervention program as set forth in Rule 3.28 of the New Jersey Court Rules;
5. Ordered to forfeit certification pursuant to a sentence imposed in a criminal proceeding;
6. Barred from teaching for any reason; or
7. Relinquishing his or her certificate pursuant to N.J.A.C. 6A:9-17.11.

#### **6A:9-17.11 Relinquishment of certificate without order to show cause**

(a) The Board of Examiners may accept the relinquishment of all certificates held by an individual without issuance of an order to show cause.

(b) When accepted by the Board of Examiners, the relinquishment of certificates as provided in (a) above shall have the force and effect of a revocation including, but not limited to, the notification requirements in N.J.A.C. 6A:9-17.8(b).

(c) The individual seeking to relinquish a certificate(s) shall submit an affidavit to the Board of Examiners stating that the certificate holder:

1. Is relinquishing all certificates held by the individual;
2. Is waiving the right to a hearing pursuant to N.J.A.C. 6A:9-17.7 and agrees not to institute proceedings concerning the relinquishment in any forum; and

3. Understands that the relinquishment has the force and effect of a revocation with its attendant consequences.

(d) The Board of Examiners shall vote on whether to accept the certificate(s). If the Board of Examiners votes to accept the relinquishment, the revocation shall be effective as of the date of the Board of Examiners' vote.

(e) The certificate holder shall return all certificates to the Board of Examiners.

(f) Individuals who relinquish their certificates pursuant to this section shall not apply for certification in the future.

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), substituted a period for a colon at the end; and deleted (a)1 through (a)3.

### **6A:9-17.12 Voluntary surrender of certificates and endorsements**

(a) An individual may voluntarily surrender a certificate or endorsement if he or she has not been employed under that certificate or endorsement in the 10 years preceding the proposed surrender and if he or she satisfies the following conditions:

1. The individual shall submit an affidavit to the Board of Examiners stating that he or she is surrendering the certificate or endorsement voluntarily, and not under the conditions set forth in N.J.A.C. 6A:9-17.11;

2. The individual shall submit an affidavit setting forth his or her employment history for the 10 years preceding the voluntary surrender, including official documentation from a school official, if applicable; and

3. The individual shall submit an affidavit stating that he or she has not been employed under the certificate or endorsement at issue in the 10 years preceding the voluntary surrender.

(b) The certificate holder shall return the original certificate or endorsement at issue to the Board of Examiners.

(c) The Board of Examiners shall review the application for a voluntary surrender. If the Board of Examiners votes to accept the surrender, the certificate or endorsement shall be deemed surrendered as of the date of the Board of Examiners' vote.

(d) Individuals who voluntarily surrender a certificate or endorsement may not apply for that certificate for three years from the effective date of the voluntary surrender. Candidates are subject to the certification requirements in effect at the time the new application is submitted.

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

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

Substituted "surrendered" for "revoked" following "shall be deemed".

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

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

Added "and endorsements" to section heading; in (a) through (d), inserted "or endorsement" wherever appearing, and made related stylistic changes throughout.

### **6A:9-17.13 Substitution of alternate education and/or experience**

(a) If an applicant receives an evaluation pursuant to N.J.A.C. 6A:9-5.16(b) that identifies areas of deficiency in the requirements for certification, the applicant may provide the Board of Examiners with evidence of alternative education and/or experience that the applicant believes is equivalent to the area(s) of deficiency.

(b) Upon receipt of a request to substitute alternate education or experience, the Secretary shall provide the applicant with a copy of credentials review procedures.

(c) The applicant shall submit to the Secretary for Board of Examiners' review 21 copies of information and documentation of alternative educational background and/or experience that the applicant believes is the equivalent of the certification deficiency. The application for review and the packet of documentation shall be in the form approved by the Secretary.

(d) The Secretary shall review the information submitted by the applicant for sufficiency and transmit it to the Board of Examiners for review.

(e) An applicant may not simultaneously seek relief under this section and N.J.A.C. 6A:9-17.17. If an applicant seeks a credentials review initially, he or she may appeal from the initial adverse decision of the Office under N.J.A.C. 6A:9-17.17 only after the Board of Examiners has rendered a final decision under this section. The 60-day time limitation of N.J.A.C. 6A:9-17.17(a)1 shall not apply in those circumstances.

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

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

Added (e).

### **6A:9-17.14 Public discussion of alternative education and/or experience**

(a) The Secretary shall give an applicant not less than 10 days notice of the Board of Examiners' meeting at which it will consider his or her application for certification based on alternative education and/or experience.

(b) The applicant may be present at the meeting at which the Board of Examiners considers the application.

(c) If the applicant is in attendance, the Board of Examiners may question the applicant regarding his or her submission.

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

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

Rewrote (b) and (c).