

**CHAPTER 2
COMMISSIONER**

Authority

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

Source and Effective Date

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

Chapter Expiration Date

Chapter 2, Commissioner, expires on March 9, 2012.

Chapter Historical Note

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

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

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

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SUBCHAPTER 1. GENERAL PROVISIONS

6A:2-1.1 Title and aim

(a) By statute, the Commissioner of Education is the chief executive and administrative officer of the Department of Education, is the official agent of the State Board of Education for all purposes and is the budget request and approval officer of the Department of Education. The Commissioner is Secretary of the State Board of Education and Chairperson of the State Board of Examiners.

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

6A:2-1.2 Powers and duties

(a) The powers and duties of the Commissioner are as follows:

1. The Commissioner is empowered to decide legal controversies and disputes arising under school laws or State Board regulations and his/her decisions have the force of law;
2. To apportion State aid to local school districts;
3. To issue teacher certificates;
4. To approve vocational schools;
5. To issue rules and regulations for the classification of students with disabilities;
6. To conduct Statewide tests;
7. To prescribe minimum courses of study for elementary and high schools;
8. To withhold State aid from local school districts which fail to comply with school law or State Board regulations; and
9. To promulgate such other rules and regulations as may be authorized by statute or the State Board.

Case Notes

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

SUBCHAPTER 2. ORGANIZATION OF THE DEPARTMENT

6A:2-2.1 Organizational structure

The Commissioner of Education shall develop and present to the State Board of Education for its approval an organizational chart which includes all divisions of the Department of Education and all other units for which managerial appointments require State Board approval pursuant to N.J.A.C. 6A:2-2.2. This chart shall be published in the New Jersey Register and incorporated as an Appendix to this subchapter pursuant to N.J.S.A. 52:14B-4(b).

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

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

6A:2-2.2 Personnel: methods of operations

(a) The Commissioner shall appoint, subject to the approval of the State Board, the assistant commissioner for each

division of the Department, the chief officers reporting directly to the assistant commissioners for each division, each county superintendent, the superintendent of the Katzenbach School for the Deaf, the director of compliance investigation, and the managers of those offices that coordinate board meetings, hear and determine controversies and disputes, and process State Board appeals.

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

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

(d) The Commissioner shall regularly report to the State Board as to all appointments and removals including resignations, transfers, and vacancies. The Commissioner shall also report to the State Board as to any acting appointments that he or she has made for the positions specified in (a) above. An acting county superintendent appointment made pursuant to N.J.S.A. 18A:7-2 shall be made subject to the requisite State Board approval. In the event an acting appointment to one of the positions specified in (a) above continues for more than 60 days, the Commissioner shall report to the State Board on the progress toward filling that position on a permanent basis.

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

Amended by R.2000 d.51, effective January 7, 2000.
See: 32 N.J.R. 446(a).

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

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

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

6A:2-2.3 Basic composition of the Department

(a) The Department of Education consists of a State Board of Education, the Commissioner of Education and such divisions, offices, bureaus, branches, committees, other organizational units and officers and employees as allowed by law and as necessary to carry out the Department's statutory mandates.

(b) The basic organizational design of the Department is indicated in the Organizational Chart (see Appendix to this subchapter) with the executive functions as follows:

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

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

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

6A:2-2.4 Reporting responsibilities

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

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

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

(1) The Director of the Office of Preschool Education; and

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

ii. The Assistant Commissioner for the Division of Educational Standards and Programs. The following organizational units and their chief officers report directly to the Assistant Commissioner for the Division of Educational Standards and Programs:

(1) The Director of the Office of Academic Standards;

(2) The Director of the Office of Professional Standards, Licensing and Higher Education Collaboration;

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

(4) The Director of the Office of Secondary Education: 21st Century Skills;

(5) The Director of the Office of Equity Excellence and Innovative Programs;

(6) The Director of the Office of Language Arts Literacy Education; and

(7) The Director of the Office of Math and Science Education;

iii. The Assistant Commissioner for the Division of District and School Improvement. The following organizational units and their chief officers report directly

to the Assistant Commissioner for the Division of District and School Improvement:

- (1) The Office of Abbott Services;

(2) The Office of Strategic Planning and Operations;

(3) The Office of School District and Improvement Services; and

(4) The Office of Leadership Development;

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

(1) The Director of the Program Planning and Accountability/Specialized Populations;

(2) The Director of Special Education Programs;

(3) The Director of Educational Support Services; and

(4) The Director of the Katzenbach School for the Deaf; and

v. The Assistant to the Commissioner for the Office of Research, Evaluation and Assessments. The following organizational units and their chief officers report directly to the Assistant to the Commissioner for the Office of Research, Evaluation and Assessments:

(1) The Director of the Office of Research and Evaluation; and

(2) The Director of the Office of State Assessments;

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

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

ii. The Director of the Office of School Ethics; and

iii. The Director of the Office of Equal Employment Opportunity and Affirmative Action;

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

i. The Assistant to the Commissioner for the State Board Offices. The following organizational units and their chief officers report directly to the Assistant to the Commissioner for the State Board Offices:

(1) The Director of the State Board Office; and

(2) The Director of the Office of State Board Appeals;

ii. The Assistant to the Commissioner for the Office of Fiscal Accountability and Compliance. The following organizational units and their chief officers report di-

rectly to the Assistant to the Commissioner for the Office of Fiscal Accountability and Compliance:

(1) The Director of the Office of Fiscal Accountability; and

(2) The Director of the Office of Compliance Investigation;

iii. The Director of the Office of Administration and Human Resources;

iv. The Director of the Office of Educational and Information Technology;

v. The Director of Office of Legislative Services;

vi. The Director of the Office of Public Information;

vii. The Director of the Office of State Budget and Accounting; and

viii. The Director of the Office of School Facilities;

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

i. The Director of the Office of School Funding;

ii. The Director of the Office of Fiscal Policy and Planning;

iii. The Director of the Office of Grants Management;

iv. The Director of the Office of Transportation; and

v. The Director of the Office of Budget Review and Fiscal Monitors; and

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

i. The County Superintendents for each of the 21 counties in the State.

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

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

In (a)6, added v.

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

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

Added (a)6vi.

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

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

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

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

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

Rewrote (a).

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

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

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

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

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

Rewrote the section.

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

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

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

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

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

Rewrote the section.

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

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

Rewrote the section.

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

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

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

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

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

Rewrote (a).

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

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

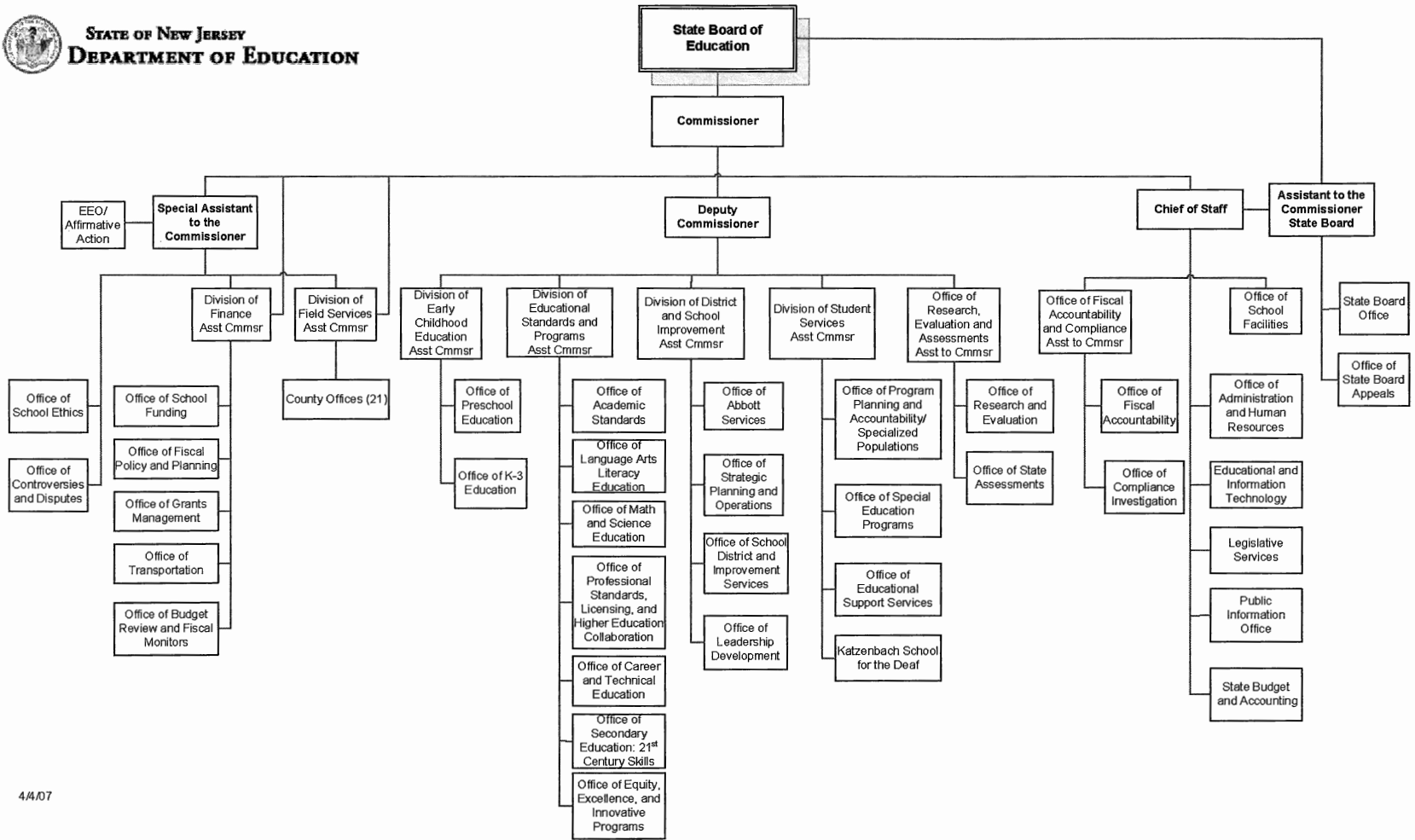
Rewrote the section.

6A:2-2.5 Public information requests

Members of the public may obtain general information from the Department of Education by writing to or telephoning the Public Information Office, Department of Education, PO Box 500, Trenton, NJ 08625-0500, (609) 292-4041.



**STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION**



4/4/07

Repeal and New Rule, R.1998 d.490, effective September 4, 1998.
See: 30 N.J.R. 3643(b).
Repeal and New Rule, R.1999 d.152, effective April 19, 1999.
See: 31 N.J.R. 1312(a).
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See: 31 N.J.R. 1482(b).
Repeal and New Rule, R.2000 d.51, effective January 7, 2000.
See: 32 N.J.R. 1764(a).
Repeal and New Rule, R.2000 d.201, effective April 20, 2000.
See: 32 N.J.R. 446(a).
Repeal and New Rule, R.2001 d.16, effective December 7, 2000.
See: 33 N.J.R. 29(a).

Repeal and New Rule, R.2001 d.365, effective October 1, 2001.
See: 33 N.J.R. 3480(a).
Repeal and New Rule, R.2002 d.202, effective June 6, 2002.
See: 34 N.J.R. 2328(a).
Repeal and New Rule, R.2005 d.180, effective May 11, 2005.
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Repeal and New Rule, R.2005 d.254, effective July 8, 2005.
See: 37 N.J.R. 2860(b).
Repeal and New Rule, R.2007 d.97, effective March 9, 2007.
See: 39 N.J.R. 1250(b).
Repeal and New Rule, R.2007 d.136, effective April 5, 2007.
See: 39 N.J.R. 1695(b).

“Novice teacher” means any full-time or part-time teacher who has not completed one year of full-time teaching under a valid State teaching certificate.

“OAL” means the Office of Administrative Law established pursuant to N.J.S.A. 52:14F-1 et seq.

“Office” means the office within the Department that is assigned to provide staff support to the State Board of Examiners in the exercise of its statutory and regulatory responsibilities.

“Official transcript” means either a paper or electronic transcript certified as official by the originating, regionally-accredited institution of higher education or a Department-recognized foreign credentialing agency.

“Paraprofessional” means a school aide or classroom aide who assists appropriately certified personnel with the supervision of pupil activities.

“Practicum” means a course of study designed especially for the preparation of educational services candidates that involves the practical application of previously studied theory under the supervision of college/university faculty. As part of the practicum, candidates write diagnostic and instructional reports.

“Professional Development Committee” means the local committee established by the district board of education pursuant to N.J.A.C. 6A:9-15.3(d) to plan and implement local district professional development programs.

“Professional development standards” means the standards that govern the creation and review of district professional development plans and guide teachers in the selection of professional development activities.

“Professional Standards for School Leaders” means the knowledge, skills and dispositions that all new school administrators must acquire and describes what all school administrators should know and be able to do. See N.J.A.C. 6A:9-3.4.

“Professional Standards for Teachers” means the knowledge, skills and dispositions that all new teachers must acquire and describes what all teachers should know and be able to do. See N.J.A.C. 6A:9-3.3.

“Program approval” means State authorization of an educator preparation program or its sponsoring organization to endorse and recommend program completers for certification.

“Progress toward completion” means that the emergency certified teaching staff member must demonstrate before renewal of the emergency certificate that he/she has completed the share of study needed per year to earn full certification within the years allowed for certificate renewal. The required “share of study” shall be equal to the number of credits remaining for full certification divided by the maximum

number of years the specific certificate can be renewed. A minimum of six credits must be completed each year.

“Provisional certificate” means a two-year certificate issued to candidates who have met the requirements for initial employment but who have not yet met the requirements for standard certification. Provisional certificates are issued to newly-employed instructional, administrator, and educational services staff who are employed as part of a State-approved district training program or residency leading to standard certification. Provisional certificates are also issued to initially-employed educational services staff who have at least one year, but less than three years, of successful full time experience or the equivalent in another state under that state’s standard certificates.

“Provisional Teacher Program” means the school-based training and evaluation program provided to all novice teachers during the first year of teaching in New Jersey.

“Provisional teaching year” means a year of full-time teaching under provisional certification required of all novice teachers before they can be approved for standard teacher certification.

“Regionally accredited college or university” means an institution of higher education accredited by one of the following regional accreditation associations:

1. Middle States Association of Colleges and Schools;
2. New England Association of Schools and Colleges;
3. North Central Association of Colleges and Schools;
4. Northwest Association of School and Colleges;
5. Southern Association of Colleges and Schools; and
6. Western Association of School and Colleges.

“Science major” means a college major in any of the physical or natural sciences.

“School leader” means an administrator whose position requires possession of a school administrator, principal, or supervisor endorsement.

“Secretary” means the Secretary of the New Jersey State Board of Examiners.

“Standard certificate” means a permanent certificate issued to a person who has met all certification requirements.

“State Board” means the New Jersey State Board of Education.

“Structured learning experience (SLE)” means experiential, supervised, in-depth learning experiences that are designed to offer students the opportunity to more fully explore career interests within one or more of the career clusters, as described in N.J.A.C. 6A:8-3.2, Career education and counseling. SLEs are designed as rigorous activities that are

integrated into the curriculum and that provide students with opportunities to: demonstrate and apply a high level of academic attainment; develop career goals; and develop personal/social goals.

“Support resource program” means an educational program in which the primary instructional responsibility for the student shall be the regular classroom teacher with input from the special education teacher. The special education teacher shall provide modifications to the instructional strategies or testing procedures necessary in accordance with the student’s IEP. A support resource program provided in the student’s regular class shall be at the same time and in the same activities as the rest of the class.

“TEAC” means the Teacher Education Accreditation Council. TEAC is a national professional accrediting body for educator preparation.

“Teaching staff member” means a member of the professional staff of any district or regional board of education, or any board of education of a county vocational school district, holding office, position or employment of such character that the qualifications for such office, position or employment require him or her to hold a valid and effective standard, provisional or emergency certificate, appropriate to his or her office, position or employment issued by the State Board of Examiners and includes a school nurse and a school athletic trainer.

“Technology discipline major” means any college major that concentrates on the application of scientific principles to solve problems. Majors including, but not limited to, engineering, computer science, information technology, design technology, aviation technology, military technology, or industrial technology are acceptable technology discipline majors.

“Technology education” means instruction by a teacher holding the Technology Education endorsement and covering New Jersey Core Curriculum Content Standard (NJCCCS) 8.2 and the International Technology Education Association (ITEA) standards. The ITEA standards are published in “Standards for Technological Literacy,” © ITEA, incorporated herein by reference, as amended and supplemented and are available at <http://www.iteaconnect.org/TAA/PDFs/xstnd.pdf>. The ITEA standards recognize the increasing reliance of modern society on a range of technologies, stress the incorporation of technological study into all aspects of the curriculum, and promote experiential learning about technology development, use, maintenance, and impact on the individual, environment, economy, and society as a whole. Examples of the topics that can be taught under NJCCCS 8.2 and the ITEA standards include, but are not limited to, the nature of technology; technology and society, engineering and technological design; abilities for a technological world; energy and power; information and communication; and transportation, manufacturing and construction technologies. A technology education endorsement does not provide an

endorsement to teach educational technology and/or computer and information skills.

“Traditional route” means an approved collegiate teacher preparation program.

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

Rewrote “Vocational-technical education”.
Amended by R.2005 d.110, effective April 4, 2005.
See: 36 N.J.R. 5044(a), 37 N.J.R. 1060(a).

Added “Technology discipline major”.
Amended by R.2006 d.170, effective May 15, 2006.
See: 37 N.J.R. 4612(a), 38 N.J.R. 2126(a).

Added definition “Formal Instruction” and substituted “valid” for “standard” in definition of “Novice teacher”.

Amended by R.2006 d.315, effective September 5, 2006.
See: 38 N.J.R. 2253(a), 38 N.J.R. 3530(b).

In definition “IEP”, updated the N.J.A.C. reference in the first sentence.

Amended by R.2008 d.7, effective January 7, 2008.
See: 39 N.J.R. 3441(a), 40 N.J.R. 113(b).

Added definitions “Certificate of advanced study in educational administration and supervision” and “Official transcript”.

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

Added definitions “Approved agency”, “Career and technical education”, “Cooperative education experience”, “Educational technology”, “Executive county superintendent”, “North American Industry Classification System (NAICS) code”, “Structural learning experience (SLE)” and “Technology education”; deleted definitions “County superintendent”, “SLE” and “Vocational-technical education”; in definition “District boards of education”, substituted “school districts” for “schools” following “vocational”; rewrote definition “Provisional certificate”; in definition “Teaching staff member”, inserted “district” following “vocational school” and deleted a comma following “qualifications”.

SUBCHAPTER 3. PROFESSIONAL STANDARDS FOR TEACHERS AND SCHOOL LEADERS

6A:9-3.1 Purpose

(a) The Professional Standards for Teachers identify the knowledge, skills and dispositions that teachers need to practice responsibly.

(b) The Professional Standards for School Leaders identify the knowledge, skills and dispositions that school leaders need to practice responsibly.

(c) The Professional Standards for Teachers and the Professional Standards for School Leaders set forth in N.J.A.C. 6A:9-3.3 and 3.4 shall be used in the accreditation of preparation programs, recommendation of candidates for certification and the approval of professional development.

(d) The level of mastery of the professional standards for teachers and school leaders shall be on a continuum from pre-service and novice through veteran educator.

6A:9-3.2 Scope

(a) The Professional Standards for Teachers shall apply to all educators who hold an instructional certificate.

5. Pass the appropriate state test of subject matter knowledge; and

6. Pass an examination in physiology, hygiene and substance abuse issues pursuant to N.J.A.C. 6A:9-5.9.

(c) Except as indicated in N.J.A.C. 6A:9-11, to be eligible for a CEAS in instructional fields, the candidate shall meet the requirements in (a) above and complete one of the following programs of teacher preparation:

1. A New Jersey college program, graduate or undergraduate, approved by the Department for the preparation of teachers pursuant to N.J.A.C. 6A:9-10;

2. A college preparation program included in the interstate certification reciprocity system of NASDTEC;

3. An out-of-State teacher education program approved by NCATE, TEAC or any other national professional education accreditation body recognized by the Council on Higher Education Accreditation approved by the Commissioner;

4. A teacher education program approved for certification by the Department in one of the states party to the NASDTEC Interstate Contract, provided the program was completed on or after January 1, 1964 and the state in which the program is located would issue the candidate a comparable endorsement; or

5. An out-of-State college teacher education program approved by the state department of education in which the program is located.

(d) The teacher preparation programs listed in (b)1 through 5 above must culminate in college supervised student teaching.

(e) A candidate who graduates on or after September 1, 2004 with a GPA that is below 2.75, but at least 2.50 when a GPA of 4.00 equals an A grade, and whose score in the appropriate State test of subject matter knowledge exceeds the passing score by 10 percent or more will meet the requirements of (a)2 and 4 above. This alternative requirement to (a)2 and 4 above should not be construed as a waiver to N.J.A.C. 6A:9-17.16.

(f) A candidate with a GPA that is 3.50 or higher, when a GPA of 4.00 equals an A grade, but whose score in the appropriate State test of subject matter knowledge falls below the passing score by no more than five percent will meet the requirements of (a)2 and 4 above. This alternative requirement to (a)2 and 4 above should not be construed as a waiver to N.J.A.C. 6A:9-17.16.

(g) A candidate who has graduated from a regionally accredited college or university that does not award grades and does not calculate GPAs shall be exempt from the requirements in (a)2 above.

1. Upon application, the candidate shall provide the Office with an original registrar's letter from the college or university bearing the college or university seal and clarifying the institution's policy regarding GPAs.

2. The candidate shall satisfy all other requirements for certification, without exception.

(h) Any student matriculated in an approved in-State or out-of-State teacher education program prior to October 31, 2009 shall not be subject to (a)4 and 5 and (b) above if he or she graduates on or before January 31, 2013.

Amended by R.2004 d.416, effective November 1, 2004.

See: 36 N.J.R. 3237(a), 36 N.J.R. 4927(b).

Added (d) and (e).

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)3, added the second sentence in the introductory paragraph and added i.

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

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

Made two stylistic changes in (a)2; deleted "who graduates on or after September 1, 2004"; and added (f) and (g).

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)2, inserted the last sentence; and in (a)3, inserted "a major in the subject area or".

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

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

In the introductory paragraph of (a), inserted "and (b) below"; in (a)2, substituted "in any year" for the second occurrence of "2004" and "of that same year" for the fourth and last occurrences of "2004", and deleted the third occurrence of "2004"; in (a)3, substituted "Until October 30, 2009, for" for "For"; added new (a)4; recodified former (a)4 and (a)5 as (a)6 and (a)7; added new (b); recodified former (b) through (f) as (c) through (g); deleted former (g); and added (h).

6A:9-8.2 Requirements for the provisional certificate

(a) Except as indicated in N.J.A.C. 6A:9-11, to be eligible for a provisional certificate, a candidate shall:

1. Hold a CE or CEAS in the endorsement area required for the teaching assignment;

2. Obtain and accept an offer of employment in a position that requires instructional certification; and

3. Be registered in a State-approved district training program upon employment and in accordance with N.J.A.C. 6A:9-8.3.

(b) The effective date of provisional certificate issuance is the date on which the holder of a CE or CEAS begins employment with the district board of education in a certificated position in accordance with N.J.S.A. 18A:26-2 and 18A:27-4a.

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)1, deleted "and" from the end; in (a)2, substituted "; and" for the period at the end; and added (a)3 and (b).

6A:9-8.3 Requirements for State-approved district training programs

(a) Each district board of education shall be authorized to employ a holder of a CE or CEAS after its mentoring plan has been approved pursuant to N.J.A.C. 6A:9-8.4(d)3.

(b) Each State-approved district training program shall provide essential knowledge and skills through the following training:

1. On-going mentoring of the provisional teacher shall take place over a period of 30 weeks or proportionally longer if the provisional teacher holds a part-time teaching position in accordance with the local mentor plan pursuant to N.J.A.C. 6A:9-8.4 and in accordance with the Professional Standards for Teachers.

2. The building principal or an appropriately certified school administrative designee shall observe and formally evaluate the provisional teacher in accordance with N.J.A.C. 6A:9-8.6 and 8.7.

3. Except for (b)4 and 5 below, a minimum of 200 hours of formal instruction in professional education aligned with the Professional Standards for Teachers shall be completed by the provisional teacher concurrently with the requirements of (b)1 and 2 above. This requirement shall not apply to provisional teachers who hold a CEAS pursuant to N.J.A.C. 6A:9-8.1(c).

4. For provisional teachers who are holders of a career and technical education CE, a minimum of 200 hours of formal instruction in a State-approved career and technical education professional education program that is aligned with the Professional Standards for Teachers and that includes the essential knowledge and skills regarding the delivery of career and technical education programs shall be completed concurrently with the requirements of (b)1 and 2 above. This requirement shall not apply to provisional teachers who hold a CEAS pursuant to N.J.A.C. 6A:9-8.1(b). The effective date of this requirement shall be February 1, 2010.

5. For provisional teachers who are holders of an elementary school (K-5) endorsement, a minimum of 290 hours of formal instruction over no more than two years in a State-approved program of formal instruction that is aligned with the Professional Standards for Teachers shall be completed. This instruction must include in the first calendar year of a teacher's employment a minimum of 45 hours of study in the teaching of language arts/literacy at the K-5 level and a minimum of 45 hours of study in teaching mathematics at the K-5 level. The effective date of this requirement shall be October 31, 2009. Provisional teachers holding an elementary school (K-5) certificate of eligibility may be exempted from completing 45 hours of study in the teaching of language arts/literacy at the K-5 level as well as from completing 45 hours of study in the teaching of language arts/literacy at the K-5 level if:

i. For each area of study, they have completed 45 hours of study in that area within the three years prior to receiving their certificate of eligibility as documented by a Department-approved alternate route regional training center or through equivalent coursework on the transcript of a regionally accredited four-year college or university; or

ii. For each area of study, they document the equivalent of at least one-year of successful experience as a full-time teacher during which the subject area is regularly taught, among the other subjects for which a K-5 teacher would be responsible. This experience must take place within the three years prior to receiving their certificate of eligibility and documented by submitting a completed, original form provided by the Office.

(c) Districts or consortia of districts, in conjunction with a college or university, shall provide formal instruction to the provisional teachers they employ pursuant to (b)4 above. The district or consortium shall submit a written plan for the Department's approval. In the event that joint sponsorship with a college or university cannot be achieved, the Department may authorize the district or consortium to provide the formal instruction independently or in joint sponsorship with a non-collegiate entity. The district or consortium's written plan shall include documentation of its efforts to secure college or university participation.

(d) Districts unable to provide formal instruction to provisional teachers in their employ shall provide access to formal instruction through a network of Department-authorized providers.

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

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

Rewrote the first, second and last sentences in (b)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 (a), substituted "holder of a CE or CEAS" for "provisional teacher"; in (b)1, inserted "or 90 hours", substituted "in preparation for" for "shall take place prior to the time at which", "to take" for "takes" and "professional support and instruction" for "pre-professional support, instruction and clinical experiences and study"; in (b)2, inserted "or proportionally longer if the provisional teacher holds a part-time teaching position"; in (b)3, substituted "administrative designee" for "administrator"; in (b)4, substituted "A minimum of" for "Approximately" and updated the N.J.A.C. reference; in (d), substituted "providers" for "regional training centers"; and deleted (e).

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

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

Deleted former (b)1; recodified former (b)2 through (b)4 as (b)1 through (b)3; in (b)3, substituted "Except for (b)4 and 5 below, a" for "A" and updated the N.J.A.C. reference; and added (b)4 and (b)5.

6A:9-8.4 Requirements for local mentor plan

(a) All novice teachers are required to participate in a mentoring program that takes place over a period of 30 weeks for provisional teachers holding a CEAS and 34 weeks for provisional teachers holding a CE. Provisional teachers shall participate for a proportionally longer period of time if in a part-time teaching position. The mentoring program shall be implemented by the mentor teacher, supervised by the school

(b) Within 15 days following each evaluation, the evaluator pursuant to (a) above shall provide a copy of the evaluation to the provisional teacher.

(c) Mentor teachers shall not assess or evaluate the performance of provisional teachers. Interactions between provisional teachers and experienced mentor teachers are formative in nature and considered a matter of professional privilege. Mentor teachers shall not be compelled to offer testimony on the performance of provisional teachers.

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

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

In the introductory paragraph of (a), inserted the last sentence.

6A:9-8.7 Recommendation for certification of provisional teachers

(a) Within 30 days after the conclusion of the State-approved district training program, the building principal shall submit the final evaluation directly to the Secretary that shall contain a recommendation regarding standard certification for each provisional teacher.

(b) The final evaluation for each provisional teacher shall include one of the following recommendations:

1. Approved: Recommends issuance of a standard certificate;

2. Insufficient: Recommends that a standard certificate not be issued but that the candidate be permitted to seek entry on one more occasion into a State-approved district training program. A second rating of "insufficient" shall be deemed a "disapproved" in accord with (b)3 below; or

3. Disapproved: Recommends that a standard certificate not be issued and that the candidate not be allowed to enter into another State-approved district training program.

(c) Candidates who receive a recommendation of "disapproved" or two recommendations of "insufficient" may petition the Board of Examiners for approval of additional opportunities to seek provisional employment in districts other than those in which they received unfavorable recommendations pursuant to N.J.A.C. 6A:9-17.18.

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

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

Added the last sentence to (b)2.

6A:9-8.8 Requirements for the standard certificate

(a) Except as indicated in N.J.A.C. 6A:9-11, to be eligible for the standard certificate in any instructional area, the candidate shall:

1. Possess a provisional certificate pursuant to N.J.A.C. 6A:9-8.2; and

2. Successfully complete a State-approved district training program pursuant to N.J.A.C. 6A:9-8.3 and 8.4

while employed provisionally in a position requiring the appropriate instructional certificate.

(b) A candidate who holds a standard New Jersey instructional certificate shall be eligible for additional standard certificates if the candidate meets the requirements of N.J.A.C. 6A:9-8.1(a)1, 3 and 4 and 8.3(b)4. This provision does not apply to holders of the Teacher of Military Science endorsement.

(c) A candidate who has completed the requirements pursuant to N.J.A.C. 6A:9-8.1(b) and at least one year of appropriate teaching experience under a valid out-of-State license or certificate shall be eligible for a standard certificate upon completion of the test requirement. The out-of-State license or certificate shall be the equivalent of a New Jersey provisional or standard certificate.

(d) For a candidate who has completed the requirements pursuant to N.J.A.C. 6A:9-8.1(b) but has not met the GPA requirements pursuant to N.J.A.C. 6A:9-8.1(a)2, three years of successful teaching experience under a valid out-of-State certificate is necessary. Successful teaching experience will be demonstrated by the offer of contract renewal from the employing district or submission of satisfactory performance evaluations. The out-of-State license or certificate shall be the equivalent of a New Jersey provisional or standard certificate.

(e) A candidate who holds National Board for Professional Teacher Standards (NBPTS) certification and the corresponding out-of-State license or out-of-State certificate shall be eligible for the standard certificate in the NBPTS certificate field without additional requirements.

(f) A candidate who holds the Meritorious New Teacher Candidate (MNTC) designation and the corresponding out-of-State license or certificate shall be eligible for the standard certification in the MNTC designated field without additional requirements. The MNTC designation, offered through the American Association of Colleges for Teacher Education (AACTE), is designed to recognize and reward exceptionally well-prepared new teachers. Similar to National Board Certification, this designation is one of professional accomplishment for prospective teachers who excelled at every phase of preparation and demonstrated a deep commitment to high expectations for all children.

(g) A candidate who presents official evidence of the following requirements shall be eligible for a standard certificate:

1. Completion of requirements pursuant to N.J.A.C. 6A:9-8.1(a);

2. Completion of at least one year of appropriate, successful teaching experience under a valid out-of-State license or certificate;

3. Completion of an out-of-State non-traditional or alternate route teacher preparation program that is determined by the Department to be comparable to the State's

school-based training and evaluation program provided to all New Jersey novice teachers; and

4. A valid standard certificate from the state in which (g)3 above was completed.

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), inserted “and 8.3(b)4” at the end of first sentence and rewrote the second sentence; in (c), deleted the last two sentences; recodified (d) and (e) as (e) and (f), added (d), and changed internal reference.

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

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

In (c) and (d), inserted the last sentence; added new (f); and recodified former (f) as (g).

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

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

In (g)4, substituted “(g)3” for “(f)3”.

6A:9-8.9 Mentoring and evaluation by approved agencies

An approved agency and its designated staff shall be authorized to provide the services, evaluations, and recommendations specified within N.J.A.C. 6A:9-8.5 through 8.7 for provisional Teachers of Supplemental Instruction in Reading and Mathematics, Grades K-12 in their employ.

New Rule, R.2009 d.24, effective January 5, 2009.

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

SUBCHAPTER 9. INSTRUCTIONAL CERTIFICATES

6A:9-9.1 Authorizations—general

(a) Each teaching endorsement is required for the corresponding teaching assignment.

1. Each endorsement is valid for grades preschool through 12, with the following exceptions:

i. The elementary school teacher endorsement is valid in grades kindergarten through five;

ii. The elementary school teacher with subject matter specialization endorsement is valid in grades five through eight;

iii. The Preschool through Grade three endorsement is valid in preschool through grade three; and

iv. The teacher of supplementary instruction in reading and mathematics, grades K-8 is valid in grades kindergarten through eight.

2. Teachers with English endorsements, who taught reading prior to February 1976, may continue to teach in the same assignment. Certified teachers employed by school districts using a whole school reform model pursuant to N.J.A.C. 6A:24-4 are authorized to teach reading in accord with the specifications of the model.

3. Teachers with elementary school endorsements that are valid in grades nursery through eight issued no later

than March 1, 2008 may teach in grades nursery through eight in any employing school district. These teachers must demonstrate to the school district that they have content knowledge appropriate to the subject(s) taught. All elementary school teachers certified to teach in grades kindergarten through five after January 20, 2004 and hired to teach in grades six through eight must hold either the elementary school with subject matter specialization or the subject matter endorsement.

4. Teachers holding the teacher of the blind or partially sighted, teacher of the deaf or hard of hearing and/or the teacher of handicapped endorsements issued prior to September 1, 2008 may teach students with disabilities in grades preschool through grade 12 if they can demonstrate to the district content knowledge appropriate to the content and the content level to be taught.

5. Teachers holding endorsements that are no longer issued as of January 20, 2004 may continue to teach in the subject areas in which the teacher was authorized to teach under the former rules.

6. Holders of career and technical instructional endorsements issued prior to January 20, 2004 remain valid. These teachers are authorized to teach in the occupations for which they hold endorsements. A crosswalk of these former certificates that identifies under which of the new career clusters the teacher’s certificate falls is available in the Office.

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), rewrote 3 and substituted “issued prior to September 1, 2008 may teach students” for “issued prior to January 20, 2004 may continue to teach students” in 4.

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)1i; recodified (a)1ii. as (a)1iii.; added (a)1ii; made a stylistic change in (a)1iii.; in (a)3, substituted “no later than March 1, 2008” for “prior to September 1, 2007” and inserted “school” before “district” two times; and rewrote (a)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)1ii, deleted “and” from the end; in (a)1iii, substituted “; and” for a period at the end; added (a)1iv; and in (a)6, substituted “career and technical” for “vocational-technical”.

6A:9-9.2 Endorsements and authorizations

(a) The teaching endorsements and authorizations in (a)1 through 9 below are grouped within the relevant CCCS.

1. Visual and performing arts:

i. Art: This endorsement authorizes the holder to teach art in all public schools;

ii. Dance: This endorsement authorizes the holder to teach dance in all public schools;

iii. Music: This endorsement authorizes the holder to teach vocal and instrumental music and related theory in all public schools;