

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.

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;