

other certificates as it shall be authorized to issue by law, based upon certified scholastic records, documented experience or upon examinations, and may revoke or suspend such certificates. The authority to issue certificates also includes the authority to refuse to issue a certificate under appropriate circumstances as set forth in N.J.A.C. 6A:9B-4.2. All actions taken by the Board of Examiners shall be taken pursuant to rules adopted by the State Board.

(b) The Board of Examiners may suspend or revoke certificates pursuant to N.J.A.C. 6A:9B-4.5.

(c) In exercising its statutory and regulatory authority, the Board of Examiners and staff assigned to it may:

1. Examine credentials and issue certificates that qualify individuals to seek employment as teaching staff members in the public schools of the State of New Jersey;
2. Recommend and develop procedures that govern the certification of teaching staff members;
3. Coordinate, monitor and evaluate those aspects of college academic programs and those training programs of district boards of education that lead to educational certificates and recommend their periodic approval by the Commissioner;
4. Coordinate, monitor and evaluate the administration of tests and other assessments that are required for educational certification;
5. Maintain reciprocal agreements with other states and territories concerning the certification of educational practitioners;
6. Maintain and report data on the supply and quality of newly certified teaching staff members; and
7. Assist district boards of education in the employment of teaching staff members.

SUBCHAPTER 4. STATE BOARD OF EXAMINERS' PROCEEDINGS

6A:9B-4.1 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:9B-4.5. 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:9B-4.2 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:9B-4.5, the candidate is not suitable for employment as a teaching staff member in the public schools.

6A:9B-4.3 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:9B-4.4 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:9B-3.1(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,".

Case Notes

Non-tenured English teacher who was terminated mid-year for misconduct improperly filed an action before the Commissioner of Education, who lacked jurisdiction where the teacher made no claim that her termination violated any constitutional or legislatively-conferred rights, but was based solely on her claim that the Board improperly terminated her when it lacked just cause; the teacher's contention that just cause was required prior to termination was derived from the collective bargaining agreement and the Commissioner did not have jurisdiction over contractual disputes. Therefore, although the Board committed a procedural error in reporting the teacher's dismissal prematurely, there was no evidence that she pursued her grievance in an appropriate forum, and the error had no impact on her rights. *Hudson v. Bd. of Educ. of Mount Olive*, OAL Dkt. No. EDU 9142-08, 2009 N.J. AGEN LEXIS 747, Final Decision (September 24, 2009).

6A:9B-4.5 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:9B-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:9B-4.6.

Case Notes

One-year suspension of a teaching certificate was imposed on a teacher who had a physical confrontation with a student that culminated with the teacher pushing the student down on to a table and restraining the student by putting his hands around the student's neck on findings that the conduct was inappropriate, irresponsible and unprofessional. Such actions constituted a breach of the teacher's obligations in that he failed to exercise the high degree of professional behavior mandated by his position by engaging in conduct that represented a significant departure from appropriate conduct, and such behavior was "conduct unbecoming" within the meaning of N.J.A.C. 6A:9-17.5 (now N.J.A.C. 6A:9B-4.5). In re *Coleman*, OAL Dkt. No. EDE 8899-11, 2013 N.J. AGEN LEXIS 48, Initial Decision (March 4, 2013).

Conduct of a teacher holding elementary and special education teaching certificates in using a school computer webcam to take pictures of himself either nude or wearing only underwear and in emailing those pictures to a third party by use of his personal email account, also accessed on the school computer, violated the school district's Acceptable Use of the Internet policy. Because the teacher's conduct, while not involving pornography, was highly inappropriate and was unbecoming a public employee, sufficient grounds for the revocation of the teacher's teaching certificates as authorized by N.J.A.C. 6A:9-17.5 (now N.J.A.C. 6A:9B-4.5) had been shown. In re *Daggett*, OAL Dkt. No. EDE 4994-12 (Remand of EDE 15119-11), 2013 N.J. AGEN LEXIS 27, Initial Decision (January 30, 2013).

Initial Decision (2010 N.J. AGEN LEXIS 64) adopted, which found that a tenured teacher's contact with two middle-school female students was inappropriate and warranted revocation of his teaching certificate where the teacher, in addition to pulling the girls from their classes and otherwise bestowing additional attention on the girls, left voice mail messages for one student that included offers to "hang out" and "party" and "go to dinner." Although the teacher claimed that he was motivated by his desire to help the students, there were other measures he should have taken, such as contacting their parents or referring them to counseling services offered by the school, and the absence of evidence of sexual or romantic involvement did not mitigate the seriousness of his actions. In re *Castel*, OAL Dkt. No. EDE 05768-08, 2010 N.J. AGEN LEXIS 771, Final Decision (October 12, 2010).

Principal's failure to notify a fire department of a fire in the school and the disabling of an automatic reporting of an alarm to the local fire department without notifying a fire official were imminent hazards, violated the State Fire Prevention Code, and constituted unbecoming conduct. The alarm system had been malfunctioning, however, and the principal, who had a long and distinguished career as an educator, honestly believed he was doing his best to keep the students safe; on reconsideration, the principal's administrative certificates were suspended from February 21, 2008 until May 1, 2008, rather than for two years. In re *Certificates of Kramer*, OAL Dkt. No. EDE 2085-07; SBE No. 0607-148 (On Reconsideration), 2009 N.J. AGEN LEXIS 622, State Board of Examiners Decision (January 13, 2009), aff'd, No. 115-09A (N.J. Comm'r of Educ. April 8, 2009).

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

6A:9B-5.13 Equivalency of work taken in other countries

(a) An applicant for certification who has completed college-level study in a country other than the United States shall present an equivalency report of that study from a Department-approved credentials evaluation agency. The equivalency report shall include the following:

1. Studies equivalent to a bachelor's degree from a regionally accredited four-year college or university in the United States;
2. Course-by-course listing and the semester-hour equivalent of each area of college-level study; and
3. The GPA at the conclusion of the degree program.

Recodified from N.J.A.C. 6A:9-5.14 by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Former N.J.A.C. 6A:9-5.13, Course information, recodified to N.J.A.C. 6A:9-5.12.

6A:9B-5.14 Exchange teachers

(a) A district board of education may employ a teacher from another state or country in exchange for one of its own teaching staff members for a period of up to one school year. The district board of education shall adopt a resolution stating that the exchange teacher is employed as a substitute teacher for that teaching staff member during that school year.

(b) If the exchange teacher is a foreign national, the teacher shall be required to file a non-citizen oath of allegiance with the district board of education as required by N.J.S.A. 18A:6-7 to the effect that he or she will support the Constitution of the United States during the period of his or her employment within the State.

(c) The district board of education shall request that the executive county superintendent issue a substitute credential to the exchange teacher. The 20-day limitation pursuant to N.J.A.C. 6A:9B-6.5(c) shall not apply to the exchange teacher and the exchange teacher is authorized to serve as an exchange teacher for the period of his or her temporary service in the State.

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

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

In (c), inserted "executive" and deleted "county" preceding "substitute".

Recodified from N.J.A.C. 6A:9-5.15 and amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

In (a), inserted "of education" twice; and rewrote (c). Former N.J.A.C. 6A:9-5.14, Equivalency of work taken in other countries, recodified to N.J.A.C. 6A:9-5.13.

6A:9B-5.15 Issuance of a certificate

(a) The Board of Examiners shall issue the appropriate certificate upon the candidate's completion of all certification requirements. The candidate shall be subject to all requirements in effect at the time the application is received in the

Office. Requirements include, but are not limited to, coursework, degree, tests, fees, GPA and all certificate rules pursuant to N.J.A.C. 6A:9B-8, 10, 11, and 12. Applications shall be deemed filed with the Office when the application and all required supporting documentation has been received. The teacher shall maintain possession of the original certificate.

(b) If the candidate is not eligible for the certificate sought, the Office shall issue a written evaluation that identifies the deficiencies for certification.

(c) The Board of Examiners may refuse to issue a certificate to a candidate enrolled in a New Jersey or out-of-State approved program when the candidate fails to secure the recommendation of the preparing institution.

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

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

Inserted "The candidate shall . . . has been received" in (a).

Recodified from N.J.A.C. 6A:9-5.16 by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Former N.J.A.C. 6A:9-5.15, Exchange teachers, recodified to N.J.A.C. 6A:9-5.14.

6A:9B-5.16 Replacement of lost certificates

To replace a lost certificate, the holder shall complete the appropriate application, provide a notarized statement of loss and submit the required fee.

Recodified from N.J.A.C. 6A:9-5.17 by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Former N.J.A.C. 6A:9-5.16, Issuance of a certificate, recodified to N.J.A.C. 6A:9-5.15.

6A:9B-5.17 Persons employed to coach or serving as coach for interscholastic swimming and/or diving programs

(a) Persons employed to coach or serving as coach for interscholastic swimming and/or diving programs shall:

1. Hold a New Jersey certification pursuant to the rules for hiring athletics personnel set forth in N.J.A.C. 6A:9B-5.18(b); and
2. Meet the requirements for water safety training as set forth in N.J.A.C. 6A:9B-10.12(a)2 through 4.

(b) The chief school administrator of the employing district board of education shall:

1. Annually notify the executive county superintendent of all persons employed to coach or serving as coach for interscholastic swimming and/or diving programs; and
2. Annually forward to the executive county superintendent copies of each valid American Red Cross or YMCA certificate required in (a)2 above for every person employed to coach or serving as coach for interscholastic swimming and/or diving programs.

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

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

In (a), inserted "instructional" following "New Jersey".

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

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

Section was "Persons assigned to coach swimming". Rewrote the introductory paragraph of (a); added (a)1 and (a)2; in (b)1 and (b)2, inserted "executive" and substituted "work with interscholastic swimming and/or diving programs" for "coach swimming and/or diving"; and in (b)2, substituted "(a)2" for "(a)".

Recodified from N.J.A.C. 6A:9-5.18 and amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Section was "Persons assigned to work with interscholastic swimming and/or diving programs". Rewrote the section. Former N.J.A.C. 6A:9-5.17, Replacement of lost certificates, recodified to N.J.A.C. 6A:9-5.16.

Petition for Rulemaking.

See: 47 N.J.R. 2311(a).

6A:9B-5.18 Athletics personnel

(a) Any teaching staff member in the employ of a district board of education shall be permitted to organize public school pupils for purposes of coaching or for conducting games, events or contests in physical education or athletics.

(b) School districts shall be permitted to employ any holder of either a New Jersey teaching certificate or a substitute credential pursuant to N.J.A.C. 6A:9B-6.5 to work in the interscholastic athletic program provided that the position has been advertised. The 20-day limitation noted in N.J.A.C. 6A:9B-6.5(b) shall not apply to such coaching situations.

Recodified from N.J.A.C. 6A:9-5.19 and amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

In (b), inserted "either", "or a substitute credential pursuant to N.J.A.C. 6A:9-6.5", and the last sentence from former (c); and deleted (c). Former N.J.A.C. 6A:9-5.18, Persons assigned to work with interscholastic swimming and/or diving programs, recodified to N.J.A.C. 6A:9-5.17.

Petition for Rulemaking.

See: 45 N.J.R. 2146(b), 2360(a).

Case Notes

In upholding a decision of the Commissioner of Education that a district board of education should have appointed a certain teacher as the girls' basketball coach at a certain high school, the interpretation of the State Board of Education of former N.J.A.C. 6:29-3.3 (now N.J.A.C. 6A:9B-5.18) to impose an intra-district hiring requirement or preference relied on a strained construction of the word "employment"; such a construction of the regulation would effectively reimpose terms eliminated in the 1983 amendment without following the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. *Krupp v. Bd. of Educ.*, 278 N.J. Super. 31, 650 A.2d 366, 1994 N.J. Super. LEXIS 488 (App.Div. 1994).

Former N.J.A.C. 6:29-3.3(a) and (b) (now N.J.A.C. 6A:9B-5.18) on their face clearly allow local school boards to hire intra- or extra-district qualified, certified teachers, provided the coaching position is first advertised; no preference for intra-district employees appears in the regulations. In upholding a decision of the Commissioner of Education that a district board of education should have appointed a certain teacher as the girls' basketball coach at a certain high school, the State Board of Education erred in interpreting former N.J.A.C. 6:29-3.3 (now N.J.A.C. 6A:9B-5.19) to impose an intra-district hiring requirement or preference. *Krupp v. Bd. of Educ.*, 278 N.J. Super. 31, 650 A.2d 366, 1994 N.J. Super. LEXIS 488 (App.Div. 1994).

Appointment of head basketball coach at a high school was vacated, where another candidate was the only candidate with a standard teaching certification and N.J.A.C. 6A:9-5.19 (now N.J.A.C. 6A:9B-5.18) allows individuals with substitute teaching credentials to serve as athletic coaches only if there are no qualified and certified applicants. *Paterson East Side High School Parent/Alumni Committee v. State-Operated School Dist. of Paterson*, OAL Dkt. No. EDU 11847-06, 2007 N.J. AGEN LEXIS 538, Commissioner's Decision (July 13, 2007).

In the context of New Jersey's liberal tradition concerning standing, a parent/alumni committee had sufficient interest under N.J.A.C. 6A:9-5.19 (now N.J.A.C. 6A:9B-5.18) as taxpayers, as persons actively involved with the high school athletes, and as parents to challenge the hiring of a candidate as head basketball coach at a high school. *Paterson East Side High School Parent/Alumni Committee v. State-Operated School Dist. of Paterson*, OAL Dkt. No. EDU 11847-06, 2007 N.J. AGEN LEXIS 538, Commissioner's Decision (July 13, 2007).

6A:9B-5.19 Instruction in educational technology, computers, and other digital tools

(a) Every teacher shall demonstrate knowledge and understanding of computers and other educational technology resources and tools as defined by the Professional Standards for Teachers.

(b) Every teacher shall integrate into the classroom appropriate educational technology resources and digital tools related to the content area being taught.

(c) The school administrator may assign an individual to provide instruction in the use of educational technologies, computers, and other digital tools if the individual:

1. Demonstrates proficiency in the uses of educational technologies, computers, and other digital tools, and understands their common applications in an educational setting;
2. Demonstrates knowledge and understanding of the integration of such technologies and digital tools into the curriculum;
3. Demonstrates understanding of the legal and ethical issues surrounding the use of educational technologies and digital tools in PK-12 schools; and
4. Holds a CE, CEAS or standard certificate in an instructional field.

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

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

Section was "Computer literacy".

Recodified from N.J.A.C. 6A:9-5.20 and amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

In (a), deleted "New Jersey" preceding "Professional"; and in (c)1, inserted a comma following "tools". Former N.J.A.C. 6A:9-5.19, Athletics personnel, recodified to N.J.A.C. 6A:9-5.18.

6A:9B-5.20 (Reserved)

Recodified to N.J.A.C. 6A:9-5.19 by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Section was "Instruction in educational technology, computers, and other digital tools".

6A:9B-5.21 (Reserved)

Repealed by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Section was "Conditional certificate to teach a world language".

6A:9B-5.22 (Reserved)

New Rule, R.2005 d.110, effective April 4, 2005.

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

Repealed by R.2007 d.10, effective January 2, 2007.

See: 38 N.J.R. 3205(a), 39 N.J.R. 29(a).

Section was "Structured learning experiences/career orientation coordination".

SUBCHAPTER 6. TYPES OF CERTIFICATES

6A:9B-6.1 Standard certificate

The standard certificate is a permanent certificate issued to candidates who have met all requirements for State certification.

6A:9B-6.2 Provisional certificate

The provisional certificate is a two-year certificate issued to candidates who have met requirements for initial employment as part of a State-approved school district training program or residency leading to standard certification. If the duration of the school district training program extends beyond the two-year period, the provisional certificate shall be renewed. The certificate is renewable for a maximum of one renewal. The provisional certificate is also issued to educational services applicants under N.J.A.C. 6A:9B-12.1(b). Unless otherwise specified in N.J.A.C. 6A:9B-12, educational services provisional certificates do not carry an obligation to complete a district training program or residency.

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

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

Inserted "school" twice before "district"; and substituted "one renewal" for "two renewals".

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

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

Inserted the last two sentences.

Amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Substituted "Unless otherwise specified in N.J.A.C. 6A:9-13, educational" for "Educational".

6A:9B-6.3 Emergency certificate

(a) An emergency certificate is a substandard certificate issued only to educational services certificate candidates who meet the requirements specified for each endorsement. An emergency certificate shall be issued at any time during the academic year. All emergency certificates shall expire on July 31 of each year regardless of issuance date.

(b) A district board of education may apply to the executive county superintendent for an emergency certificate for a candidate in authorized educational services areas if it

can demonstrate its inability to locate a suitable certified candidate due to unforeseen shortages or other extenuating circumstances. The executive county superintendent may approve the application if he or she determines that there are no suitable certified candidates to fill the position.

(c) With the exception of the educational interpreter endorsement pursuant to N.J.A.C. 6A:9B-12.18(e) and (f), the certificate is renewable annually up to a maximum of two times at the request of the school district and approval of the executive 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).

Amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

In (b) and (c), substituted "executive county" for "county" twice; in (b), substituted "he or she in" for "he/she"; and in (c), deleted "the speech-language specialist endorsement pursuant to N.J.A.C. 6A:9-13.6(e) and" preceding "the educational", substituted "N.J.A.C. 6A:9-13.18(e) and" for "N.J.A.C. 6A:9-13.18(d) through", and inserted a comma following "CEAS".

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:9B-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

Board of Education was entitled to summary decision in its favor of claims by a teacher that the Board's failure to renew his employment violated tenure rights that he claimed to have gained as a full-time teacher of Italian because, notwithstanding his claimed linguistic competency in Italian, his failure to satisfy the requirements of N.J.A.C. 6A:9-11.10(a) (now N.J.A.C. 6A:9B-10.10(a)) until September 2009 meant that he did not accrue tenure credit for school years prior to September 2009. Moreover, because the services he rendered subsequent to September 2009 were under a Certificate of Eligibility per N.J.A.C. 6A:9-6.4 (now N.J.A.C. 6A:9B-6.4) rather than a Provisional Certificate or a Standard Certificate, such employment did not count towards tenure as a matter of law. *Girimonte v. Kearny Bd. of Educ.*, OAL Dkt. No. EDU 08682-12, 2013 N.J. AGEN LEXIS 17, Initial Decision (January 11, 2013).

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:9B-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.

1. Nothing in this section shall preclude the use of a private contractor by a school district to secure a substitute teacher appropriate under this subchapter.

(b) Pursuant to N.J.S.A. 18A:6-38, the Board of Examiners shall issue substitute credentials and may revoke them in accord with N.J.A.C. 6A:9B-4.5 through 4.7. Under the authority of the Board of Examiners, the executive 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 executive county superintendent determines that the candidate meets the criteria, the executive county superintendent shall issue the candidate a substitute credential that may be used in any county of the State.

(c) A candidate or his or her designee shall apply for a substitute credential to the executive county superintendent through the school district or its designee. The school district or its designee 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:9B-5.4(b)3 to the executive county superintendent for review and approval. The candidate must sign

the application and oath of allegiance, and an authorized school district representative must endorse the application. The executive 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 by the employing school district 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.

(d) The executive county superintendent shall not issue a substitute credential until the candidate submits a criminal history qualification letter from the Department, unless the school district's chief school administrator can demonstrate to the Commissioner that special circumstances exist that 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 authorized by their credentials for a total of 60 instructional days in the same position in one school district during the school year. Holders of an instructional CE or CEAS are not required to have a substitute credential for this service.

(g) Holders of an instructional 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.

(h) 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.

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).

Amended by R.2010 d.294, effective December 20, 2010.

See: 42 N.J.R. 1654(a), 42 N.J.R. 3058(b).

Deleted (a)3; recodified (a)4 through (a)7 as (a)3 through (a)6; rewrote the introductory paragraph of (a)3; in (a)3i, inserted "as documented by the official transcript of a regionally accredited four-year college or university"; in (a)3iii, inserted "as documented by the official transcript of a regionally accredited college or university" and "as documented by the official transcript of a four-year, regionally accredited college or university", and deleted a comma following "senior"; in (a)4, deleted a comma following "Standards" and "four-year" following "accredited"; in the introductory paragraph of (b), inserted a comma following "2009"; in (b)3, deleted "four-year" following "accredited"; and in (b)4, deleted a comma following "standards" and "four-year" following "accredited".

Amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Rewrote the section.

Administrative correction.

See: 45 N.J.R. 2033(a).

Amended by R.2014 d.112, effective July 7, 2014.

See: 45 N.J.R. 2072(a), 46 N.J.R. 1634(a).

Rewrote the section.

Case Notes

Board's decision to deny petitioner's application for certification was not arbitrary, capricious, or unreasonable where the Board properly exercised its discretion to deny certification in the absence of a recommendation for certification from a preparing institution and was under no obligation to issue a certificate to the petitioner absent a recommendation from a preparing institution; petitioner did not complete a State-approved post-baccalaureate program, nor did she obtain a recommendation from an accredited institution. *Glennon v. N.J. State Bd. of Examiners*, OAL Dkt. No. EDU 7419-07, 2009 N.J. AGEN LEXIS 745, Final Decision (September 18, 2009).

Initial Decision (2008 N.J. AGEN LEXIS 118) adopted, which concluded that petitioner, an acknowledged recipient of a bona fide bachelor's degree, failed to demonstrate any entitlement to receive credit for or approval of certification as a Teacher of the Handicapped by a preponderance of the credible evidence, where his undergraduate GPA was deficient by the standards in place at the time of his initial application as well as at the time of the review of his completed course of study. Moreover, petitioner failed to take the appropriate matriculated course work at a single college as part of an approved post-baccalaureate program but instead attended four separate college-level institutions in order to meet this obligation, resulting in no realistic way that the board of examiners could collate the course selections at each of the individual schools and factor in an appropriate GPA. *Maslin v. N.J. Dep't of Educ., Office of State Bd. of Examiners*, OAL Dkt. No. EDU 2689-06, Commissioner's Decision (April 8, 2008).

6A:9B-8.2 Requirements for the provisional certificate

(a) Except as indicated in N.J.A.C. 6A:9B-10, 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 the provisional teacher program upon employment and in accordance with N.J.A.C. 6A:9B-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).

Amended by R.2014 d.073, effective May 5, 2014.

See: 45 N.J.R. 2524(a), 46 N.J.R. 761(a).

In (a)3, substituted "the provisional teacher" for "a State-approved district training".

6A:9B-8.3 Requirements for provisional teacher program

(a) Holders of a CE or CEAS shall receive ongoing support through the district mentoring program as described in N.J.A.C. 6A:9B-8.4.

(b) The principal or an appropriately certified school administrative designee shall observe and formally evaluate the provisional teacher with a CE or CEAS in accordance with N.J.A.C. 6A:9B-8.6 and 8.7.

(c) In addition to (a) and (b) above, each holder of a CE shall be provided essential knowledge and skills through the following training:

1. Except for (c)2 and 3 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 (a) and (b) above.

2. 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 (a) and (b) above.

3. For provisional teachers who are holders of an elementary school (K-6 and N-8) CE, a minimum of 290 hours of formal instruction over 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 a minimum of 45 hours of study in the teaching of language arts/literacy at the K-6 level and a minimum of 45 hours of study in teaching mathematics at the K-6 level. Provisional teachers holding an elementary school (K-6 or N-8) CE may be exempted from completing 45 hours of study in the teaching of language arts/literacy at the K-6 level, as well as from completing 45 hours of study in the teaching of mathematics at the K-6 level if:

i. For each area of study, they have completed 45 hours of study in that area as documented by a Department-approved provider or through equivalent coursework on the transcript of a regionally accredited 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-6 teacher would be responsible. This experience must take place within the three years prior to receiving their CE and documented by submitting a completed, original form provided by the Office.

(d) School districts or consortia of school districts, in conjunction with a college or university, shall provide formal instruction to the provisional teachers they employ pursuant to (c)3 above. The school district or consortium shall submit a written plan for the Department's approval. If joint sponsorship with a college or university cannot be achieved, the Department may authorize the school district or consortium to provide the formal instruction independently or in joint sponsorship with a non-collegiate entity. The school district or consortium's written plan shall include documentation of its efforts to secure college or university participation.

(e) School 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.

Administrative correction.
See: 42 N.J.R. 936(a).

Amended by R.2010 d.294, effective December 20, 2010.
See: 42 N.J.R. 1654(a), 42 N.J.R. 3058(b).

In (b)5i, deleted "four-year" following "accredited".
Amended by R.2013 d.091, effective July 1, 2013.
See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Rewrote the section.
Amended by R.2014 d.073, effective May 5, 2014.
See: 45 N.J.R. 2524(a), 46 N.J.R. 761(a).

Section was "Requirements for State-approved district training programs". Rewrote the section.

6A:9B-8.4 Requirements for district mentoring program

(a) All school districts shall develop a district mentoring program to provide nontenured teachers, including novice provisional teachers, with an induction to the teaching profession and to the school district community through differentiated supports based on the teachers' individual needs and to help them become effective professionals.

(b) The goals of the district mentoring program shall be to enhance teacher knowledge of, and strategies related to, the CCCS to facilitate student achievement and growth; identify exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching; and assist first-year teachers in the performance of their duties and adjustment to the challenges of teaching.

(c) All district boards of education that employ nontenured teachers shall determine how each nontenured teacher in his or her first year of employment shall be provided with the following supports:

1. Comprehensive induction to school district policies and procedures, including, but not limited to, introduction to school district curricula, student assessment policies, and training on the school district's evaluation rubric, including setting and assessing student learning through student growth objectives;

2. Individualized supports and activities, which are assigned at the school district's discretion, aligned with the New Jersey Professional Standards for Teachers at N.J.A.C. 6A:9-3.3, the New Jersey Professional Development Standards at N.J.A.C. 6A:9C-3.2(d), and the school district's Commissioner-approved teaching practice instrument, and are guided by:

i. The nontenured teachers' degree of preparation and experience;

ii. The nontenured teacher's professional development plan developed within 30 instructional days of the beginning of the teaching assignment pursuant to N.J.A.C. 6A:9C-3.2;

iii. Areas of focus within the district mentoring plan; and

iv. Goals within the professional development plans of the school district and school as described in N.J.A.C. 6A:9C-3.5 and 3.6; and

3. One-to-one mentoring, which is required for each novice provisional teacher as set forth in (d) below.

(d) In addition to the requirements in (c) above, all school district boards of education shall provide an individual mentor to work one-to-one with a novice provisional teacher and ensure:

quiring certification as a teacher of preschool through grade three.

(e) While teaching under a provisional preschool through grade three endorsement, the candidate shall participate in a State-approved school district training program, which shall comply with the requirements in N.J.A.C. 6A:9B-8.3 except for N.J.A.C. 6A:9B-8.3(b)3 and (c).

(f) Provisional teachers holding a preschool through grade three CE shall earn a minimum of 200 hours or 13 semester-hour credits of preschool through grade three pedagogy at a Department-approved New Jersey college or university program. Instruction shall include:

1. Child development and learning, including studies designed to foster understanding of the dynamic continuum of development and learning in children from birth through age eight. Required topics are cognitive and linguistic factors that affect learning and development; the creation of a climate that fosters and nurtures diversity and equity for all children, including those who are limited English proficient and those with special needs and which addresses multiple intelligences and diverse learning styles; the integration of play; and language and literacy across the curriculum;

2. Understanding family and community, including studies designed to foster an understanding of the significant roles of families and communities. Required topics are the recognition of children at risk; the establishment of linkages with community resources to support families; the recognition and acceptance of diverse family units, including family participation on the educational team; the impact of children's homes, communities, health and cultural experiences on development and learning; and comprehension of social, historical, political, legal and philosophical constructs that impact upon children, families and communities; and

3. Curriculum and assessment, including studies designed to foster an understanding of the importance of implementing developmentally appropriate principles and practices. Required topics include the CCCS and early childhood expectations; responsiveness to cultural and linguistic differences with an equitable and individualized focus; activities designed to foster intellectual stimulation through play; implementation of developmentally appropriate techniques of guidance and group management to create a safe classroom environment; and assessment that is multidimensional, ongoing and performance based.

(g) The following are requirements for the standard certificate:

1. Candidates shall possess a provisional certificate pursuant to (c) above and complete a State-approved training program pursuant to (d) above; or

2. Candidates shall complete a State-approved college early childhood teacher preparation program in another

state, fulfill the test requirement, and present evidence of a minimum of one year of successful early childhood teaching experience under a valid out-of-State early childhood education certificate/license.

(h) A teacher holding a standard elementary school endorsement valid in grades nursery through eight issued no later than March 1, 2008, with the equivalent of two academic years of full-time experience teaching three- and four-year-olds under the certificate may teach children in preschool in a public school or Department of Human Services facility. The teaching experience must be in a position that would require the preschool through grade three endorsement. It shall be the responsibility of the public school district and Department of Human Services facility to maintain a copy of documentation that supports the preschool teaching experience for each teacher affected by this subsection.

(i) A teacher holding a standard New Jersey nursery school endorsement authorizes the holder to teach in preschool and kindergarten in all public school districts pursuant to N.J.A.C. 6A:9B-9.2(b)4.

(j) Except as indicated in N.J.A.C. 6A:9B-10.2 and 10.7, holders of other standard instructional teaching certificates may obtain a standard teacher of preschool through grade three endorsement upon completion of the academic and test requirements listed in (a) above and a minimum of 13 semester-hour credits in areas listed in (f) above. Except as indicated in N.J.A.C. 6A:9B-10.2 and 10.7, holders of other instructional CEASs may obtain a teacher of preschool through grade three CEAS upon completion of the academic and test requirements listed in (a) above and a minimum of 13 semester-hour credits in areas listed in (f) above.

(k) Holders of a standard instructional certificate with a preschool through grade three endorsement shall be issued additional instructional endorsements where they meet the requirements at N.J.A.C. 6A:9B-8.1(a)1, 3 and 4 and 8.3(b)4.

(l) 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. 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. The candidate shall satisfy all other requirements for certification, without exception.

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

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

Added (j) and (k).

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

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

Rewrote (g).

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

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

Recodified (d)-(g) as (e)-(h) and (h)-(k) as (j)-(m); added (d); in (f), substituted "preschool through grade three pedagogy" for "formal instruction"; in (g)2, substituted "early childhood" and "early childhood education" for "preschool"; added (i); in (k), added "at N.J.A.C. 6A:9-

8.1(a)1, 3 and 4 and 8.3(b)4” at the end; in (m), deleted “on or after September 1, 2004” following “A candidate who graduates”; and added (n).

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)1, substituted “three” for “3” and deleted “and” from the end; in (c)2, substituted “three” for “3” and “; and” for a period at the end; added (c)3; and in (j), inserted “standard”, substituted “three” for “3” and “(f)” for “(e)” in the first sentence, and inserted the last sentence.

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

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

Section was “Preschool through grade 3 certification requirements”. Added (a)4; recodified former (a)4 and (a)5 as (a)5 and (a)6; and in the introductory paragraph of (b), substituted “three” for “3” and inserted the last sentence.

Amended by R.2010 d.294, effective December 20, 2010.

See: 42 N.J.R. 1654(a), 42 N.J.R. 3058(b).

In (a)4, deleted a comma following “content standards” and “four-year” following “accredited”, and substituted “State-approved” for “state-approved”.

Amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Rewrote the section.

Amended by R.2014 d.112, effective July 7, 2014.

See: 45 N.J.R. 2072(a), 46 N.J.R. 1634(a).

Rewrote (a)2; in the introductory paragraph of (b), substituted “shall” for “must” twice, and substituted a colon for a period at the end; in (c)3 and (e), inserted “school”; in (e), substituted “, which” for “. The State-approved district training program”; deleted former (l) and (m), and recodified (n) as (l).

6A:9B-10.2 Career and technical education certification requirements

(a) Career and technical education endorsements authorize the holder to teach career and technical education programs in all public schools. Specific career and technical education endorsements are based on the candidate’s Department-approved employment or self-employment experience, bachelor’s degree, and/or associate degree. Endorsements are organized under the following career clusters and are listed on the Department’s website:

1. Agriculture, Food and Natural Resources: Endorsements are authorized under this career cluster for career and technical education programs that prepare students for careers related to the production, processing, marketing distribution, financing and development of agricultural commodities and resources including food, fiber, wood products, natural resources, horticulture and other plant and animal products and resources.

2. Architecture and Construction: Endorsements are authorized under this career cluster for career and technical education programs that prepare students for careers related to the designing, planning, managing, building and maintaining the built environment.

3. Arts, Audio/Video Technology and Communications: Endorsements are authorized under this career cluster for career and technical education programs that prepare students for careers related to the designing, producing, exhibiting, performing, writing and publishing multimedia content including visual and performing arts and design, journalism and entertainment services.

4. Business, Management and Administrative: Endorsements are authorized under this career cluster for career and technical education programs that prepare students for careers related to the planning, organizing, directing, and evaluating business functions essential to efficient and productive business operations.

5. Education and Training: Endorsements are authorized under this career cluster for career and technical education programs that prepare students for careers related to the planning, management and provision of education and training services, and related learning support services.

6. Finance: Endorsements are authorized under this career cluster for career and technical education programs that prepare students for careers related to services for financial and investment planning, banking, insurance and business financial management.

7. Government and Public Administration: Endorsements are authorized under this career cluster for career and technical education programs that prepare students for careers related to governance, national security, foreign service, revenue and taxation, regulation and management and administration at the local, state and Federal levels.

8. Health Science: Endorsements are authorized under this career cluster for career and technical education programs that prepare students for careers related to the planning, management and provision of therapeutic services, diagnostic services, support services and biotechnology research and development.

9. Hospitality and Tourism: Endorsements are authorized under this career cluster for career and technical education programs that prepare students for careers related to the management, marketing and operations of restaurants and other food services, lodging, attractions, recreation events and travel related services.

10. Human Services: Endorsements are authorized under this career cluster for career and technical education programs that prepare students for careers related to families and human needs.

11. Information Technology: Endorsements are authorized under this career cluster for career and technical education programs that prepare students for careers related to the designing, developing, supporting and managing hardware, software, multimedia and systems integration services.

12. Law, Public Safety, Corrections and Security: Endorsements are authorized under this career cluster for career and technical education programs that prepare students for careers related to the planning, management and provision of legal, public safety, protective services and homeland security, including professional and technical support services.

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 the second sentences in 1 and 2.

6A:9B-10.9 Physical science

(a) In addition to the requirements in N.J.A.C. 6A:9B-8.1, the candidate shall do the following to be eligible for the CE, CEAS, or standard certificate with a physical science endorsement:

1. A 30-credit coherent sequence of courses in physics and a minimum of 15 credits in chemistry; or
2. A 30-credit coherent sequence of courses in chemistry and a minimum of 15 credits in physics.

Amended by R.2013 d.091, effective July 1, 2013.
See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

In the introductory paragraph of (a), inserted "the candidate shall do the following" and a comma following "CEAS", and deleted ", the candidate shall complete one of the following" from the end.

6A:9B-10.10 World languages

(a) In addition to the requirements in N.J.A.C. 6A:9B-8.1, to be eligible for the CE, CEAS or standard certificate with a world language endorsement, the candidate shall:

1. Possess linguistic competency in the designated world language as demonstrated on a Department-approved, nationally recognized test of oral language proficiency for spoken language, reading/writing proficiency for classical languages or receptive/expressive proficiency for American Sign Language; and
2. Complete a minimum of three semester-hour credits in second language acquisition theory and related methodologies offered by a regionally accredited college or university within 12 months of initial assignment. No CEAS or standard world languages certificate shall be issued until this requirement is completed.

(b) Elementary school teachers, preschool through grade three teachers and nursery school teachers who teach world languages more than half-time and complete the requirements in (a) above shall be authorized to teach world languages in the grade levels authorized by their endorsement. Elementary school teachers, preschool through grade three teachers and nursery school teachers who teach world languages half-time or less shall be authorized to teach world languages in the grade levels authorized by their endorsement upon demonstrating linguistic competency in the designated world language as demonstrated on a Department-approved, nationally recognized test of oral language proficiency for spoken language or receptive/expressive proficiency for American Sign Language.

(c) A candidate who matriculated and enrolled in classes in a world language teacher preparation program no later than spring semester 2005 and who met the requirements outlined in N.J.A.C. 6A:9B-8.1(b) and completed the program by September 1, 2007, shall not be required to complete the linguistic competency requirement outlined in (a)1 above.

1. A candidate who meets the requirements in this section but applies to the Office after March 1, 2008, shall be required to complete the linguistic competency requirement.

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 "within 12 months of initial assignment" following "four-year college or university" in 2; rewrote (b).
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 (a)2; rewrote (b); and added (c).
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).
Amended by R.2010 d.294, effective December 20, 2010.
See: 42 N.J.R. 1654(a), 42 N.J.R. 3058(b).

In (a)2, deleted "four-year" following "accredited".
Amended by R.2013 d.091, effective July 1, 2013.
See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Rewrote (c).

Case Notes

Board of Education was entitled to summary decision in its favor of claims by a teacher that the Board's failure to renew his employment violated tenure rights that he claimed to have gained as a full-time teacher of Italian because, notwithstanding his claimed linguistic competency in Italian, his failure to satisfy the requirements of N.J.A.C. 6A:9-11.10(a) (now N.J.A.C. 6A:9B-10.10(a)) until September 2009 meant that he did not accrue tenure credit for school years prior to September 2009. Moreover, because the services he rendered subsequent to September 2009 were under a Certificate of Eligibility per N.J.A.C. 6A:9-6.4 (now N.J.A.C. 6A:9B-6.4) rather than a Provisional Certificate or a Standard Certificate, such employment did not count towards tenure as a matter of law. *Girimonte v. Kearny Bd. of Educ.*, OAL Dkt. No. EDU 08682-12, 2013 N.J. AGEN LEXIS 17, Initial Decision (January 11, 2013).

6A:9B-10.11 Elementary school with subject matter specialization

(a) To be eligible for the elementary school with subject matter specialization endorsement, the candidate shall:

1. Hold a CE or CEAS with an elementary school or preschool through grade 12 subject-matter endorsement in accord with the requirements of N.J.A.C. 6A:9B-8.1 or hold a standard certificate with an elementary school or preschool through grade 12 subject-matter endorsement in accord with the requirements of N.J.A.C. 6A:9B-8.8;
2. Complete a course in child and early adolescent development as aligned with standard two of the Professional Standards for Teachers, N.J.A.C. 6A:9-3.3(a)2. Holders of the CE must complete this study before issuance of the standard certificate;
3. Complete 15 semester-hour credits in any one of the following CCCS subject fields:
 - i. Language arts literacy;
 - ii. Mathematics;
 - iii. Science;
 - iv. Social studies; or
 - v. A single world language; and
4. Pass the appropriate State test in the content area.

(b) To be eligible for the CE, CEAS or standard elementary school with subject matter specialization with a world languages endorsement, the candidate shall, in addition to (a) above:

1. Possess linguistic competency in the designated world language as demonstrated on a Department-approved, nationally recognized test of oral language proficiency for spoken language, reading/writing proficiency for classical languages or receptive/expressive proficiency for American Sign Language; and

2. Complete a minimum of three semester-hour credits in second language acquisition theory and related methodologies offered by a regionally accredited four-year college or university within 12 months of initial assignment. No CEAS or standard elementary school with specialization in a world language certificate shall be issued until this requirement is completed.

(c) Holders of this endorsement may be eligible for additional elementary school with subject matter specialization endorsements in the CCCS subject fields identified in (a)3i through v upon completion of the requirements of (a)3 and 4 and (b) above for each area of specialization requested.

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

Rewrote the section.

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, substituted "a course" for the first occurrence of "study"; added new (b); and recodified former (b) as (c).

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, substituted "child and early adolescent development" for "the characteristics of young adolescents".

Amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Rewrote (a); and in (c), inserted "and (b)".

6A:9B-10.12 Swimming and water safety

(a) To be eligible for the swimming and water safety endorsement, candidates shall hold:

1. A standard New Jersey instructional certificate;
2. A valid Cardiopulmonary Resuscitation for Professional Rescuer Certificate issued by the American Red Cross or the YMCA;
3. A valid Lifeguard Certificate issued by the American Red Cross or YMCA; and
4. A valid Water Safety Instructor Certificate issued by the American Red Cross or the YMCA.

(b) The chief school administrator of the employing district board of education shall:

1. Annually notify the executive county superintendent of all teachers assigned to teach swimming and/or diving; and
2. Annually forward to the executive county superintendent copies of each valid American Red Cross or

YMCA certificate identified in (a)2 through 4 above for every person assigned to teach swimming and/or diving.

(c) Any person otherwise qualified to serve as a substitute under this chapter shall be required to hold all of the safety certificates in (b) above to serve as a substitute for a swimming and water safety teacher.

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 "standard" preceding "New Jersey" in 1.

Petition for Rulemaking.

See: 40 N.J.R. 212(a), 891(a).

Amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

In (b)1, inserted "executive"; in (b)2, substituted "Annually forward to the executive" for "Forward to the"; and added (c).

Petition for Rulemaking.

See: 45 N.J.R. 2146(b), 2360(a).

Petition for Rulemaking.

See: 47 N.J.R. 2311(a).

6A:9B-10.13 Technology education

(a) The technology education endorsement established in N.J.A.C. 6A:9B-9.2(a)8 is required to teach technology education in all public schools. Technology education includes content aligned with the CCCS and the standards for technology literacy published by the International Technology Education Association.

(b) In addition to the requirements established in N.J.A.C. 6A:9B-8.1, to be eligible for the CE, CEAS, or standard certificate with a technology education endorsement, the candidate shall complete study in:

1. The nature of technology or technology and society;
2. Technological design;
3. The use of tools and materials and safety related to using tools and materials; and
4. Three of the following seven technologies:
 - i. Medical;
 - ii. Agricultural and related biotechnologies;
 - iii. Energy and power;
 - iv. Information and communication;
 - v. Transportation;
 - vi. Manufacturing; and/or
 - vii. Construction.

(c) Holders of New Jersey industrial arts endorsements or their equivalent who are employed in a school district prior to April 23, 2004 teaching technology education as defined in (a) above shall be issued the technology education endorsement upon application to the Office.

(d) Holders of New Jersey industrial arts endorsements or their equivalent who do not meet the requirements in (c) above shall be eligible for the technology education endorsement upon completion of the State test requirement and submission of an application to the Office.

preparation program in accordance with the applicable section of N.J.A.C. 6A:9B-10.13 through 10.17, prior to January 7, 2009, and applied to the Office for certification no later than January 7, 2010, shall complete all requirements under former N.J.A.C. 6A:9B-8.1, as effective January 6, 2008. A candidate who did not apply to the Office for certification by January 7, 2010, shall fulfill the applicable requirements under N.J.A.C. 6A:9B-10.13 through 10.17 in this section.

New Rule, R.2008 d.7, effective January 7, 2008.

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

Recodified from N.J.A.C. 6A:9-11.18 and amended by R.2009 d.24, effective January 5, 2009.

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

Substituted "an out-of-State approved teacher preparation program" for "a State-approved degree program".

Recodified from N.J.A.C. 6A:9-11.19 and amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Substituted "applied" for "applies" and "did" for "does", and inserted a comma following "2010". Former N.J.A.C. 6A:9-11.20, Requirements for interstate reciprocity, recodified to N.J.A.C. 6A:9-11.21.

6A:9B-10.21 Requirements for interstate reciprocity

(a) Notwithstanding any other provision of this subchapter, any applicant for instructional certification who presents a valid instructional certificate issued by any other state shall, upon payment of the appropriate fee, be issued a New Jersey instructional certificate for the equivalent and currently-issued New Jersey grade-level or subject endorsement and certificate level covered by this subchapter, that is, a New Jersey CE, CEAS, or standard certificate. If there is no equivalent current New Jersey endorsement, then the provisions of N.J.A.C. 6A:9B-10.1 through 10.18 shall apply to the applicant. There are three limitations to this rule:

1. If New Jersey has an equivalent endorsement with required subject matter test for the applicant's endorsement, the applicant shall have passed a state subject matter test to receive his or her out-of-State endorsement or else must pass the appropriate New Jersey subject matter test;

2. Candidates who have not taught successfully for three years under their out-of-State certificate shall be required to meet the New Jersey GPA requirement. Successful teaching experience shall be documented by a letter of experience from the applicant's supervisor or authorized district representative; and

3. Applicants for the swimming and water safety certificate must meet all requirements specified in N.J.A.C. 6A:9B-10.12.

New Rule, R.2011 d.053, effective February 7, 2011.

See: 42 N.J.R. 1947(a), 43 N.J.R. 282(b).

Recodified from N.J.A.C. 6A:9-11.20 and amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

In the introductory paragraph of (a), substituted "grade-level" for "grade level" and "CE, CEAS" for "certificate of eligibility, certificate of eligibility with advanced standing".

SUBCHAPTER 11. REQUIREMENTS FOR ADMINISTRATIVE CERTIFICATION

6A:9B-11.1 Use of requirements

(a) These requirements will be used by the Department as the basis for the following:

1. Approving college preparation programs for administrative and supervisory personnel;
2. Approving non-traditional programs offered by service providers for administrative and supervisory personnel;
3. Evaluating the eligibility of candidates for administrative or supervisory certification; and
4. Defining the nature and extent of experience used in development of residencies required of administrative candidates for certification.

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

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

Added new (a)2; and recodified former (a)2 and (a)3 as (a)3 and (a)4.

Amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Rewrote (a); and deleted former (b).

6A:9B-11.2 College degrees

All candidates for administrative and supervisory certification, except as indicated in N.J.A.C. 6A:9B-11.7, must hold a master's or higher degree from a regionally accredited college or university.

6A:9B-11.3 Authorization

(a) The school administrator endorsement is required for any position that involves services as a district-level administrative officer. Such positions shall include superintendent, assistant superintendent, and director. Holders of this endorsement are authorized to provide educational leadership by directing the formulation of districtwide goals, plans, policies, and budgets, by recommending their approval by the district board of education and by directing their districtwide implementation. Holders of this endorsement are authorized to recommend all staff appointments and other personnel actions, such as terminations, suspensions, and compensation, including the appointment of school business administrators, for approval by the district board of education. Holders of this endorsement are authorized to direct district operations and programs, and to supervise and evaluate building administrators and central office staff, including school business administrators. They are also authorized to oversee the administration and supervision of school-level operations, staff, and programs.

(b) The principal endorsement is required for any position that involves service as an administrative officer of a school or other comparable unit within a school or school district. Such positions shall include assistant superintendent for

curriculum and instruction, principal, assistant principal, vice-principal, and director. The holder of a standard principal endorsement is also authorized to serve in the position of supervisor. Holders of this endorsement are authorized to provide educational leadership by directing the formulation of goals, plans, policies, budgets, and personnel actions of the school or other comparable unit, and recommending them to the chief district administrator, and by directing their implementation in the school or other comparable unit. Holders of this endorsement also are authorized to direct and supervise all school operations and programs, to evaluate school staff, including teaching staff members, and to direct the activities of school-level supervisors.

(c) The supervisor endorsement is required for both supervisors of instruction and athletic directors who do not hold a standard principal's endorsement. The supervisor shall be defined as any school officer who is charged with authority and responsibility for the continuing direction and guidance of the work of instructional personnel. This endorsement also authorizes appointment as an assistant superintendent in charge of curriculum and/or instruction.

(d) The school business administrator endorsement is required for the chief financial officer of a district. Such positions shall include assistant superintendent for business, school business administrator, and assistant school business administrator. Holders of this endorsement are authorized to perform duties at the school district level in the areas of financial budget planning and administration, financial accounting and reporting, insurance/risk administration, and purchasing. Holders of this endorsement may also engage in facilities planning, construction and maintenance, personnel administration, administration of transportation and food services, and central data processing management.

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

In (b), inserted the third sentence; and in (d), substituted a comma for "and" following the second occurrence of "business" and inserted ", and assistant school business administrator".
Amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

In (a), substituted "districtwide" for "district-wide" twice, and inserted a comma following "policies", "suspensions" and "staff"; in (b) and (d), inserted "school" preceding "district"; in (b), inserted a comma following "vice-principal", "budgets" and "members"; and in (d), inserted a comma following the first occurrence of "business" and following the second occurrence of "administration".

Case Notes

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).

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).

In matters of law governing educational certification, it is the regulations promulgated by the State Board of Education pursuant to the Administrative Procedure Act, not the paper certificate issued by the Department of Education, that control. *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).

Initial Decision (2006 N.J. AGEN LEXIS 373) adopted, which concluded that a tenured former Assistant Superintendent, terminated as a result of a reduction in force, was entitled to appointment to the position of District Director of Elementary Education because the essential duties of the two positions were substantially similar. *Kaprow v. Bd. of Educ. of Berkeley Twp.*, OAL Dkt. No. EDU 8887-04, 2006 N.J. AGEN LEXIS 932, Commissioner's Decision (August 2, 2006).

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

Initial Decision (2006 N.J. AGEN LEXIS 344) adopted, which concluded that pursuant to the express terms of N.J.S.A. 18A:28-5, a former athletic director could not transfer the tenure he acquired as a supervisor under his supervisor endorsement to the separately tenurable position of assistant principal in which he had accrued no work experience and which required a different endorsement. *McGriff v. Bd. of Educ. of Montclair*, OAL Dkt. No. EDU 10927-04, 2006 N.J. AGEN LEXIS 647, Commissioner's Decision (July 13, 2006).

Although the courts have permitted an individual to claim eligibility to a new position based on tenure in another position when the two positions are "substantially identical," a mere overlap of responsibilities does not mean two positions are equivalent for tenure purposes. If a newly-created position is similar to a tenure holder's abolished position but also requires additional duties, the newly-created position is not considered to be substantially similar to the former position. *McGriff v. Bd. of Educ. of Montclair*, OAL Dkt. No. EDU 10927-04, 2006 N.J. AGEN LEXIS 647, Commissioner's Decision (July 13, 2006).

Initial Decision (2006 N.J. AGEN LEXIS 344) adopted, which concluded that a former athletic director failed to show that the Board violated his tenure, seniority and/or preferred eligibility rights by its appointment of a non-tenured individual to the position of Assistant Principal for Athletics and Student Activities; the two positions were not equivalent for tenure purposes, as the job of assistant principal required many responsibilities outside the realm of athletics. *McGriff v. Bd. of Educ. of Montclair*, OAL Dkt. No. EDU 10927-04, 2006 N.J. AGEN LEXIS 647, Commissioner's Decision (July 13, 2006).

6A:9B-11.4 School administrator

(a) To be eligible for the school administrator CE, the candidate shall:

1. Complete one of the following:

i. Hold a master's or higher degree from a regionally accredited college or university in educational

Case Notes

New Jersey State Board of Examiners appropriately denied an applicant's request that the Office of Licensure and Credentials accept an extension on a deadline of an application for a Principal Certificate of Eligibility. The regulatory provision in N.J.A.C. 6A:9-12.5(b) (now N.J.A.C. 6A:9B-11.5(b)) did not provide for an extension of that deadline. *Hutchinson v. N.J. State Bd. of Exam'rs*, OAL Dkt. No. EDU 16373-12, 2013 N.J. AGEN LEXIS 73, Initial Decision (April 5, 2013).

6A:9B-11.6 Supervisor

(a) To be eligible for the standard administrative certificate with a supervisor endorsement, a candidate shall be required to:

1. Hold a master's or higher degree from a regionally accredited college or university;
2. Successfully complete one of the following:
 - i. A college curriculum approved by the Department as the basis for issuing this endorsement;
 - ii. Twelve graduate-level semester-hour credits to include the following:
 - (1) Three credits in general principles of instructional staff supervision in grades preschool through 12;
 - (2) Three credits in general principles of curriculum design and development for grades preschool through 12;
 - (3) Three elective credits in curriculum design and development; and
 - (4) Three elective credits in instructional staff supervision and/or curriculum design and development; or
 - iii. A State-approved training program implemented by a State-approved provider as the basis for issuing this certificate; and
3. Hold a standard New Jersey instructional or educational services certificate or its out-of-State equivalent, and complete three years of successful, full-time teaching and/or educational services experience. Teaching and/or educational services experience completed in a New Jersey public school must have been under an appropriate New Jersey certificate.

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)2ii, deleted "in particular grade levels, or in specific subject fields" at the end of the third sentence.

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 2ii.

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)2i; added (a)2iii; and rewrote (a)3.

Amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

In (a)2i, deleted "of Education" following "Department"; in (a)2ii, deleted a comma following "graduate-level"; in (a)2ii(1) and (a)2ii(4),

inserted "instructional"; in (a)2ii(2), (a)2ii(3), and (a)2ii(4), inserted "design and"; and deleted (b).

Case Notes

New Jersey State Board of Examiners appropriately denied a Supervisor Certificate under N.J.A.C. 6A:9-12.6(a) (now N.J.A.C. 6A:9B-11.6(a)) after concluding that the applicant failed to meet her burden of establishing a one-to-one correspondence of experience to the extensive licensing deficiencies pursuant to N.J.A.C. 6A:9-17.13 (now N.J.A.C. 6A:9B-4.13). Although she worked at a day care center for a number of years, she failed to demonstrate how that experience was equivalent to her lack of a New Jersey standard certificate, her lack of nine required graduate-level course credits, and her lack of three years of successful, full-time teaching. *Hutchinson v. N.J. State Bd. of Exam'rs*, OAL Dkt. No. EDU 16373-12, 2013 N.J. AGEN LEXIS 73, Initial Decision (April 5, 2013).

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:9B-11.7 School business administrator

(a) To be eligible for the school business administrator CE, the candidate shall:

1. Hold a master's degree or higher degree from a regionally accredited college or university or be in possession of a certified public accountant license; and
2. Complete at least 18 credits of graduate or undergraduate study in the following areas:
 - i. Economics;
 - ii. Law;
 - iii. Accounting;
 - iv. Organizational theory;
 - v. Management or administration; and
 - vi. Finance.

(b) To be eligible for a provisional administrative certificate with a school business administrator endorsement, the candidate shall:

1. Hold a school business administrator CE; and

2. Obtain and accept an offer of employment in a position that requires the school business administrator endorsement in a public school district or an approved private school for the disabled that has agreed formally to sponsor the residency.

(c) To be eligible for the standard administrative certificate with a school business administrator endorsement, the candidate shall:

1. Possess a provisional certificate pursuant to (a) and (b) above; and

2. Complete a one- to two-year State-approved district residency program while employed under provisional certification. The residency shall:

i. Take place in a functioning public school district environment or in an approved private school for the disabled, and will require the candidate to develop a thorough understanding of the CCCS; the Professional Standards for Teachers as defined in N.J.A.C. 6A:9-3.3; and the Professional Standards for School Leaders as defined in N.J.A.C. 6A:9-3.4. Candidates shall demonstrate that understanding by providing support for the educational goals of the school district or an approved private school for the disabled;

ii. Be conducted in accordance with a standard agreement issued by the Department and entered into by the Department, the employing school district or approved private school for the disabled, the candidate, and the residency mentor. No residency program may be undertaken without a valid agreement;

iii. Be administered by a State-appointed mentor, an experienced school business administrator who has completed a State-approved orientation and who shall supervise and verify completion of all required experiences and training by the candidate. The mentor and the school district superintendent or administrator of an approved private school for the disabled shall, at the start of the residency, submit to the Department a written recommendation on State-developed forms concerning any areas of professional experience that should be waived and any additional teaching or other special experiences, if any, that the individual candidate should complete before achieving standard certification. Department review and subsequent approval shall consider the candidate's past work experience and recommended professional experiences during residency which shall be specified in the standard written agreement; and

iv. Provide professional experiences, training, and 145 clock hours of formal instruction in the areas of standards listed in (c)2i above; school plant planning, construction and maintenance; school financial and legal practices including budget planning and administration and double entry accounting (GAAP); pupil transportation; labor relations and personnel; insurance/risk administration; and food service administration.

(d) Each candidate for the standard administrative certificate with an endorsement for school business administrator shall be evaluated formally by the mentor on at least three occasions for purposes of certification. The first two evaluations shall be conducted mainly for diagnostic purposes. The final evaluation shall be the basis for issuance of the candidate's standard certificate. All evaluations shall be based on the candidate's performance in areas of authorization defined in N.J.A.C. 6A:9B-11.3(d) and reported on State-developed forms. The mentor shall discuss each evaluation with the candidate, and the mentor and candidate shall sign

each report as evidence of such discussion. Upon completion of each evaluation, the report shall be sent to the Department; the final evaluation shall be accompanied by the recommendation for certification pursuant to (g) below.

(e) Each mentor shall form an advisory panel of practicing educators and shall convene this panel on at least three occasions for purposes of reviewing the resident's progress and soliciting advice concerning the certification of the candidate. The mentor may seek the informal input of the employing district board of education concerning the standard certification of the candidate.

(f) The mentor shall meet with the resident school business administrator at least once a month during the residency. The mentor shall be available on a regular basis to provide assistance or advice upon request of the resident school business administrator. The Department may require resident school business administrators to pay fees to cover the cost of the training and mentoring services that will qualify them for certification and employment.

(g) Standard certification of school business administrator certificate candidates shall be approved or disapproved pursuant to the following procedures:

1. Before the end of the residency year, the mentor shall submit to the Department a comprehensive evaluation report on the candidate's performance pursuant to N.J.A.C. 6A:9B-11.5(c).

2. This final report shall include one of the following certification recommendations:

i. Approved: Recommends issuance of a standard certificate;

ii. Insufficient: Recommends that a standard certificate not be issued but that the candidate be allowed to continue the residency or seek admission to an additional residency for one additional year; or

iii. Disapproved: Recommends that a standard certificate not be issued and that the candidate be prevented from continuing or re-entering a residency.

3. Mentors act as agents of the Board of Examiners in formulating their certification recommendations. Those recommendations shall not be subject to review or approval by local boards of education.

4. Candidates who receive a recommendation of "approved" shall be issued a standard certificate.

5. The mentor shall provide the candidate with a copy of the candidate's written evaluation report and recommendation before submitting it to the Department.

6. If the candidate disagrees with the mentor's recommendation, the candidate may appeal the recommendation pursuant to N.J.A.C. 6A:9B-4.18.

(h) A candidate who receives a recommendation of "disapproved" or two or more recommendations of "insufficient" may petition the Board of Examiners for approval of additional opportunities to seek provisional employment in school districts or approved private schools for the disabled other than those in which he or she received unfavorable recommendations. The candidate shall be responsible for demonstrating why he or she would be likely to succeed if granted the requested opportunity. Disapproval of any candidate's request by the Board of Examiners may be appealed to the Commissioner pursuant to N.J.A.C. 6A:9B-4.18(b).

(i) The requirements listed in (a) through (h) above shall not apply to persons who hold standard administrative certificates with the following endorsements issued before September 1, 1991: school business administrator, assistant superintendent for business, or assistant executive superintendent with specialization in business administration. Holders of those endorsements shall be entitled prospectively to apply for all positions in the general category of business administration.

(j) Board secretaries who lack certification but were assigned prior to September 1, 1991, to perform business administration functions as described in N.J.A.C. 6A:11-12.3(d) shall be permitted to retain indefinitely their positions in the districts in which they were employed prior to September 1, 1991.

(k) The requirements listed in (a)1 above shall not apply to persons who hold a standard administrative certificate or CE with a school business administrator endorsement.

Amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Rewrote the section.

Administrative correction.

See: 46 N.J.R. 1743(a).

Case Notes

Claim on the part of a former school business administrator that the non-renewal of his employment violated N.J.A.C. 6A:9-12.7 (now N.J.A.C. 6A:9B-11.7), which sets forth requirements related to certificates for school business administrators, lacked merit because the regulation placed obligations on candidates for such a certificate and on residency program participants including mentors, but did not impose any specific obligation on a school or school district. That being the case, the board's non-renewal of the administrator's contract did not violate N.J.A.C. 6A:9-12.7 (now N.J.A.C. 6A:9B-11.7). *Jones v. Bd. of Trs. of the Barack Obama Green Charter High School*, OAL Dkt. No EDU 13722-11, 2013 N.J. AGEN LEXIS 41, Initial Decision (February 27, 2013).

6A:9B-11.8 Requirements for interstate reciprocity

(a) Notwithstanding any other provision of this subchapter, any applicant for administrative certification who presents a valid administrative certificate issued by any other state shall, upon payment of the appropriate fee, be issued a New Jersey administrative certificate of eligibility for the equivalent New Jersey endorsements for school administrator, prin-

cipal, or school business administrator, or shall be issued the equivalent New Jersey standard supervisor endorsement. If there is no equivalent current New Jersey endorsement, then the provisions of N.J.A.C. 6A:9B-11.1 through 11.7 shall apply to the candidate. There is one limitation to this rule:

1. If New Jersey has an equivalent endorsement with required subject matter test for the applicant's endorsement, the applicant shall have passed a state subject matter test to receive his or her out-of-State endorsement or else must pass the appropriate New Jersey subject matter test. This limitation shall not apply if the applicant has five years of experience in good standing under the out-of-State certificate. Experience in good standing shall be documented by a letter of experience from the applicant's supervisor or authorized district representative.

New Rule, R.2011 d.053, effective February 7, 2011.

See: 42 N.J.R. 1947(a), 43 N.J.R. 282(b).

SUBCHAPTER 12. REQUIREMENTS FOR EDUCATIONAL SERVICES CERTIFICATION

6A:9B-12.1 Qualifications/general provisions

(a) To be eligible for educational services certification, the candidate shall hold the appropriate degree and complete Department-required test(s) and one of the following:

1. A Department-approved educational services program at a New Jersey college or university;

2. An appropriate NCATE-approved educational services program at an out-of-State college or university;

3. Three years of successful full-time experience, or the equivalent in the appropriate field in another state under that state's standard certificate authorizing such service. The candidate shall hold a currently valid standard certificate from that state in the appropriate field. The experience shall occur in the seven years immediately prior to the application for the New Jersey educational services certificate; or

4. All requirements for individual educational services endorsements pursuant to N.J.A.C. 6A:9B-12.3 through 12.22 as determined through a formal credentials evaluation completed by the Office.

(b) Holders of educational services certificates are authorized to serve in grades preschool through 12.

(c) Holders of educational services certificates that are no longer issued after January 20, 2004 may continue to serve in the service areas in which the teaching staff member was authorized to serve under the former rules.

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

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

Rewrote (a)3; added new (b); and recodified former (b) through (e) as (c) through (f).

Amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Deleted former (b), recodified former (c) and (d) as new (b) and (c), and deleted (e) and (f).

6A:9B-12.2 Student assistance coordinator

(a) The student assistance coordinator endorsement authorizes the holder to perform the functions of a student assistance coordinator (SAC) in grades preschool through 12. The position of SAC shall be separate and distinct from any other employment position in the school. The functions of the SAC may include:

1. Assisting with the in-service training of school staff concerning substance abuse and related issues and with the school district program to combat substance abuse;
2. Serving as an information resource for substance abuse prevention, curriculum development and instruction;
3. Assisting the district in revising and implementing substance abuse and related policies and procedures;
4. Developing and administering substance abuse and related intervention services in the school district;
5. Providing counseling and referral services to students regarding substance abuse and related problems; and
6. Cooperating with community service providers or other officials in the rendering of substance abuse and related treatment services.

(b) To be eligible for the SAC CE, the candidate shall present one of the following:

1. A bachelor's or higher degree from a regionally accredited college or university, a valid New Jersey or out-of-State standard certificate as school psychologist, school social worker, school counselor, director of school counseling services or school nurse and evidence of graduate study in area (c)2i through iv below. These candidates are exempt from (c)2ix below;
2. A bachelor's or higher degree from a regionally accredited college or university and a valid Licensed Clinical Alcohol and Drug Counselor credential issued by the New Jersey Alcohol and Drug Counselor Committee of the Marriage and Family Board and evidence of graduate study in areas (c)2iii and vi through viii below. These candidates are exempt from (c)2ix below; or
3. A bachelor's or higher degree from a regionally accredited college or university and a valid Certified Prevention Specialist credential issued by the Addiction Professionals Certification Board of New Jersey and evidence of graduate study in areas (c)2iv, v, vii and viii below. These candidates are exempt from (c)2ix below.

(c) To be eligible for the SAC CEAS, the candidate shall:

1. Hold a standard instructional certificate; a school psychologist, school social worker, school counselor,

director of school counseling services, or school nurse endorsement; a valid Licensed Clinical Alcohol and Drug Counselor credential issued by the New Jersey Alcohol and Drug Counselor Committee of the Marriage and Family Board; a valid Certified Prevention Specialist credential issued by the Addiction Professionals Certification Board of New Jersey; or a master's or higher degree from a regionally accredited college or university; and

2. Complete a Department-approved graduate program with a range of 21 to 27 semester-hour credits to include study in the following required areas:

- i. Fundamentals of drug and alcohol abuse and dependency and related problems;
- ii. Child and adolescent development, including research-based risk, protective and resiliency factors for students at risk for school failure;
- iii. Curriculum planning, implementation and staff development in chemical health education;
- iv. Coordination and delivery of intervention and referral services in a school setting, including multi-disciplinary intervention teams;
- v. Assessment and counseling of drug and alcohol affected students and their families;
- vi. Coordination of research-based prevention program services in school and community settings;
- vii. School culture and the dynamics of policy and program development;
- viii. School law as it relates to substance abuse and related problems; and
- ix. A college-supervised SAC practicum.

(d) To be eligible for a provisional educational services certificate with a SAC endorsement, the candidate shall:

1. Possess a SAC CE or CEAS; and
2. Obtain an offer of employment in a position that requires the SAC certificate.

(e) To be eligible for a standard educational services certificate with a SAC endorsement, the candidate shall:

1. Possess a provisional educational services certificate with a SAC endorsement pursuant to (d) above;
2. Complete a Department-approved graduate program pursuant to (c) above; and
3. Complete a six-month State-approved school residency while employed full-time under a provisional educational services certificate with a SAC endorsement. If employed half-time, the residency period shall be 12 months. The residency program shall be conducted under the direction of a State-approved residency supervisor who shall hold standard New Jersey supervisor, principal or

school administrator certification. The residency program shall:

i. Operate in accordance with a residency agreement issued by the Department and entered into by the Department, the employing school, the candidate and the State-approved residency supervisor; and

ii. Consist of a supervised residency that includes professional experiences in chemical health curriculum planning, implementation and staff development, development and coordination of substance abuse intervention and referral services, development and coordination of prevention program services, and the development of school drug and alcohol policies and procedures.

(f) The State-approved residency supervisor shall have primary responsibility to assure that the candidate receives appropriate training, support, practicum experiences and professional opportunities in the critical job responsibilities specified in the agreement and consistent with (a) above. The residency supervisor shall also evaluate and verify the completion of all required experiences according to the terms and conditions of the residency agreement.

(g) Upon completion of the residency period, the supervisor shall complete a comprehensive evaluation report on the candidate's performance based on the candidate's ability to complete the job duties pursuant to N.J.S.A. 18A:40A-18(c) and to implement the theoretical concepts pursuant to (c)2 above. The supervisor shall discuss the evaluation report with the candidate, and the supervisor and candidate shall sign the report as evidence of such discussion. Upon completion of the evaluation, the evaluation shall be submitted to the Office. The evaluation on each candidate shall include one of the following recommendations:

1. Approved: Recommends issuance of a standard educational services certificate with a SAC endorsement;

2. Insufficient: Recommends that a standard educational services certificate with a SAC endorsement not be issued but that the candidate be allowed to continue the residency or seek admission to an additional residency. Except for those candidates who receive approval pursuant to N.J.A.C. 6A:9B-4.18(d), a candidate who receives a second insufficient is precluded from continuing or re-entering a residency; or

3. Disapproved: Recommends that a standard educational services certificate with a SAC endorsement not be issued and that the candidate is precluded from continuing or re-entering a residency.

(h) If the candidate disagrees with the residency supervisor's recommendation, the candidate may appeal the recommendation pursuant to N.J.A.C. 6A:9B-4.17.

(i) An emergency certificate is not available for SAC.

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

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

In (b), substituted "Clinical" for "certified" following "Licensed"; in (c), rewrote 1.

Amended by R.2013 d.091, effective July 1, 2013.

See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Section was "Substance awareness coordinator". In the introductory paragraph of (a), substituted "student assistance" for "substance awareness" twice, and in (a)1 and (a)4, inserted "school" preceding "district"; rewrote (c)1; in (c)2 and (d)2, substituted "program" for "curriculum"; and in (g)2, substituted "6A:9-17.18(d)" for "6A:9-17.17(d)".

Case Notes

Psychologist with experience in substance abuse counseling, who did not hold an educational services certificate with a substance awareness coordinator (SAC) endorsement, could perform the duties of counselor to high school students with drug or alcohol abuse problems. *Maren Bristol, v. Board of Education of the Northern Valley Regional High School District, Bergen County, 2004 WL 1853016, N.J. Adm., Jul 01, 2004, (NO. EDU 09053-03).*

6A:9B-12.3 School nurse

(a) The school nurse endorsement authorizes the holder to perform nursing services and to teach in areas related to health in public schools in grades preschool through 12.

(b) To be eligible for the standard educational services certificate with a school nurse endorsement, a candidate shall hold or complete the following professional licenses, degrees, certifications and training:

1. A current New Jersey registered professional nurse license issued by the New Jersey State Board of Nursing;

2. A bachelor's degree from a regionally accredited college or university;

3. A current Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators (AED) certification as issued by the American Heart Association, the American Red Cross, the National Safety Council, or other entities determined by the Department of Health to comply with the American Heart Association's CPR guidelines; and

4. Complete training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards, including, but not limited to, those of the National Institutes of Health and the American Academy of Allergy, Asthma and Immunology.

(c) The candidate shall also complete either a Department-approved college curriculum for the preparation of school nurses or a program of studies, minimum of 21 semester-hour credits, that includes study in the following topics:

1. A minimum of six semester-hour credits in school nursing, including school health services, physical assessments, organization and administration of the school health program and clinical experience in a school nurse office;

2. Health assessment

3. Special education and/or learning disabilities;
4. Methods of teaching health in grades preschool through grade 12 including curriculum development;
5. Public health including such areas as public health nursing, community health problems and communicable disease control;
6. Guidance and counseling; and
7. School law including legal aspects of school nursing.

(d) During the initial three years of employment under this endorsement, the holder of a school nurse endorsement must engage in a minimum of 20 hours of professional development in each of the following: human growth and development; substance abuse and dependency; and human and intercultural relations. The professional development requirements shall be incorporated into each endorsement holder's professional development plan pursuant to N.J.A.C. 6A:9C-3.

(e) An emergency certificate is not available for this endorsement.

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), inserted "educational services" following "To be eligible for the standard" and "with a school nurse endorsement," preceding "a candidate shall hold" in the first sentence of the introductory paragraph, and inserted "urban" following "inter-group relations, and" and substituted "rural" for "inner-city" in Ivii.

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

Added last sentence to (b); deleted (b)1; recodified existing i-viii as 1-8 and redesignated ix and x as 9 and 10 and made a stylistic change; deleted 2; and added 11.

Amended by R.2013 d.091, effective July 1, 2013.
See: 45 N.J.R. 152(a), 45 N.J.R. 1605(a).

Rewrote the section.

Case Notes

Certified school nurse is not required to be in a school building or complex at all times during which a non-certified nurse is regularly scheduled to perform duties supplementing the services provided by the certified school nurse. *Ramsey Teachers Ass'n v. Board of Educ. of Ramsey*, 382 N.J. Super. 241, 888 A.2d 499, 2006 N.J. Super. LEXIS 2 (App.Div. 2006).

6A:9B-12.4 School nurse/non-instructional

(a) The school nurse/non-instructional endorsement authorizes the holder to perform nursing services in public schools in grades preschool through 12. This endorsement does not authorize the holder to teach in areas related to health.

(b) To be eligible for the standard educational services certificate with a school nurse/non-instructional endorsement, a candidate shall hold or complete the following professional licenses, degrees, certifications, and training:

1. A current New Jersey registered professional nurse license issued by the New Jersey State Board of Nursing;

2. A bachelor's degree from a regionally accredited college or university;

3. A current Providers Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators (AED) certification as issued by the American Heart Association, the American Red Cross, the National Safety Council, or other entities determined by the Department of Health to comply with the American Heart Association's CPR guidelines; and

4. Complete training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards, including, but not limited to, those of the National Institutes of Health and the American Academy of Allergy, Asthma and Immunology.

(c) The candidate shall also complete either a Department-approved college curriculum for the preparation of school nurses or a program of studies, minimum of 15 semester-hour credits, that includes study in the following topics:

1. A minimum of six semester-hour credits in school nursing, including school health services, physical assessments, organization and administration of the school health program and clinical experience in a school nurse office;

2. Health assessment;

3. Public health, including such areas as public health nursing, community health problems and communicable disease control;

4. Special education and/or learning disabilities;

5. Guidance and counseling; and

6. School law including legal aspects of school nursing.

(d) During the initial three years of employment under this endorsement, the holder of a school nurse/non-instructional endorsement shall engage in a minimum of 20 hours of professional development in each of the following: human growth and development; substance abuse and dependency; and human and intercultural relations. The professional development requirements shall be incorporated into each endorsement holder's professional development plan pursuant to N.J.A.C. 6A:9C-3.

(e) An emergency certificate may be issued to a candidate who holds a bachelor's degree from a regionally accredited college or university and a current New Jersey registered professional nurse license and current CPR/AED certificates. The candidate shall present evidence of study in public health nursing and child and/or adolescent growth and development. The study must appear on the transcript of a regionally accredited four-year college or university.

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), substituted "endorsement" for "certificate" in the second sentence; in (b)7, inserted "urban" following "intergroup relations, and" and substituted "rural" for "inner-city".