

4. For each request for a duplicate copy of a certificate or change of holder's name, a fee of \$25.00 shall be charged.

5. For each request for evaluation of credentials to determine eligibility to take a particular State licensing examination or to obtain information concerning qualification for certification, a fee of \$30.00 shall be charged.

6. In cases where a single application results in the sequential issuance of a certificate of eligibility or certificate of eligibility with advanced standing, and a provisional certificate in the same endorsement field, a fee of \$10.00 shall be charged for the provisional certificate.

7. A fee of \$50.00 shall be charged for each standard certificate.

8. Fees and refunds for obtaining a qualifying academic certificate as defined in N.J.S.A. 18A:6-40 are provided in N.J.S.A. 18A:6-41.

(c) The State Board may establish from time to time a fee schedule for services related to the issuance of certificates which includes, but is not limited to, fees charged by district boards of education to provisional teachers to pay for their training. This fee schedule shall be in addition to any tuition and fees charged by institutions of higher education for courses and credits offered in connection with State-approved training programs.

(d) The State Department of Education may establish fees which candidates shall pay in order to obtain services which are offered but not required such as the inclusion of candidates' names or other personal information in publications of available candidates.

Amended by R.1981 d.82, effective March 5, 1981.

See: 13 N.J.R. 8(b), 13 N.J.R. 191(a).

(a): Fee language clarified; (b) added.

Amended by R.1983 d.40, effective February 22, 1983.

See: 14 N.J.R. 1188(b), 15 N.J.R. 244(a).

Added that fee shall be subject to change by formal resolution which cannot be adopted less than 30 days after its introduction. Also added (c).

Amended by R.1984 d.469, effective October 15, 1984 (operative September 1, 1985).

See: 16 N.J.R. 1646(a), 16 N.J.R. 2788(a).

Section substantially amended.

Amended by R.1985 d.665, effective January 6, 1986.

See: 17 N.J.R. 2181(a), 18 N.J.R. 85(a).

Substantially amended.

Amended by R.1988 d.307, effective July 5, 1988.

See: 20 N.J.R. 865(b), 20 N.J.R. 1539(c).

Substantially amended.

Amended by R.1990 d.510, effective October 15, 1990.

See: 22 N.J.R. 1873(a), 22 N.J.R. 3240(a).

Recodified from N.J.A.C. 6:11-3.3; minor editorial changes.

N.J.A.C. 6:11-3.2 was formerly entitled "Employment without certificate prohibited" and the following annotations pertain to that rule: Amended by R.1984 d.469, effective October 15, 1984 (operative September 1985).

See: 16 N.J.R. 1646(d), 16 N.J.R. 2788(a).

Repealed by R.1990 d.510, effective October 15, 1990.

See: 22 N.J.R. 1873(a), 22 N.J.R. 3240(a).

Public Notice: Public testimony session.

See: 25 N.J.R. 721(a).

Amended by R.1993 d.266, effective June 7, 1993.

See: 25 N.J.R. 1111(a), 25 N.J.R. 2263(a).

Fees increased by 25 percent.

Amended by R.1995 d.355, effective July 3, 1995.

See: 27 N.J.R. 1380(a), 27 N.J.R. 2581(a).

Substituted "certificate of eligibility or certificate of eligibility with advanced standing" for references to standard and provisional; in (b)2 increased the fee from \$38.00 to \$50.00; in (b)6 decreased the fee from \$25.00 to \$10.00; added a new (b)7 and renumbered former (b)7 as (b)8.

### 6:11-3.3 Assignment of titles

(a) District boards of education shall assign position titles to teaching staff members which are recognized in these rules.

(b) If a district board of education determines that the use of an unrecognized position title is desirable, or if a previously established unrecognized title exists, such district board of education shall submit a written request for permission to use the proposed title to the county superintendent of schools, prior to making such appointment. Such request shall include a detailed job description. The county superintendent shall exercise his or her discretion regarding approval of such request, and make a determination of the appropriate certification and title for the position. The county superintendent of schools shall review annually all previously approved unrecognized position titles, and determine whether such titles shall be continued for the next school year. Decisions rendered by county superintendents regarding titles and certificates for unrecognized positions shall be binding upon future seniority determinations on a case-by-case basis.

Amended by R.1977 d.422, effective November 10, 1977.

See: 9 N.J.R. 458(a), 9 N.J.R. 559(c).

Amended by R.1984 d.469, effective October 15, 1984 (operative September 1, 1985).

See: 16 N.J.R. 1646(a), 16 N.J.R. 2788(a).

"rules" substituted for "regulations" and "district" substituted for "local".

Amended by R.1985 d.665, effective January 6, 1986.

See: 17 N.J.R. 2181(a), 18 N.J.R. 85(a).

Substantially amended.

Recodified from N.J.A.C. 6:11-3.6 by R.1990 d.510, effective October 15, 1990.

See: 22 N.J.R. 1873(a), 22 N.J.R. 3240(a).

### Case Notes

Requirement explained. *Mora v. Bd. of Ed., Jackson, Ocean Cty.*, 1979 S.L.D. 81, 1979 S.L.D. 89.

Requirement explained and applied. *Freehold Reg. H.S. Ed. Ass'n and W. Holcomb v. Bd. of Ed. of Freehold Reg. H.S. District, Monmouth Cty.*, 1978 S.L.D. 960. See also *Vieland v. Bd. of Ed., Princeton Regional School District, Mercer Cty.*, 1976 S.L.D. 892, 1977 S.L.D. 1308. See for historical purposes. *Appel v. Bd. of Ed., Camden*, 1975 S.L.D. 562. *Boeshore v. Bd. of Ed., Tp. of N. Bergen, Hudson Cty.*, 1974 S.L.D. 804.

### 6:11-3.4 Grounds for revocation and suspension of certification

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teach-

er, or other just cause. Other just cause shall include, but not be limited to, offenses within the terms of the forfeiture (N.J.S.A. 2C:51-2) or disqualification statutes (N.J.S.A. 18A:6-7.1). The State Board of Examiners may revoke or suspend a certificate upon evidence that the applicant did not meet the qualifications for the certificate at the time of issuance. The Board may not revoke or suspend a certificate without providing the applicant an opportunity to be heard pursuant to N.J.A.C. 6:11-3.

Amended by R.1982 d.122, effective April 19, 1982.  
See: 14 N.J.R. 73(a), 14 N.J.R. 383(d).

(b)-(b)3 added.

Amended by R.1984 d.469, effective October 15, 1984 (operative September 1, 1985).

See: 16 N.J.R. 1646(a), 16 N.J.R. 2788(a).

Amended by R.1985 d.665, effective January 6, 1986.

See: 17 N.J.R. 2181(a), 18 N.J.R. 85(a).

Added "or suspension" throughout rule.

Amended by R.1990 d.510, effective October 15, 1990.

See: 22 N.J.R. 1873(a), 22 N.J.R. 3240(a).

Recodified from N.J.A.C. 6:11-3.7, (b) deleted and reference to due process rules added.

The following annotations pertain to the former rule at N.J.A.C. 6:11-3.4:

Amended by R.1985 d.665, effective January 6, 1986.

See: 17 N.J.R. 2181(a), 18 N.J.R. 85(a).

Repealed by R.1990 d.510, effective October 15, 1990.

See: 22 N.J.R. 1873(a), 22 N.J.R. 3240(a).

Teaching staff member defined.

#### Case Notes

Allegation that state board did not pursue revocation until district made inquiry after teacher reinstated Title VII action against district raised genuine issues of material fact. *Charlton v. Paramus Bd. of Educ., C.A.3 (N.J.)1994, 25 F.3d 194, certiorari denied 115 S.Ct. 590, 130 L.Ed.2d 503.*

Teacher terminated contract without good cause; certificate properly suspended. *Penns Grove-Carneys Point Board of Education v. Leinen, 94 N.J.A.R.2d (EDU) 405.*

Conduct unbecoming a teaching staff member; revocation of elementary school teacher's certificate. In the Matter of the Certificate of April Renee Bradley, 92 N.J.A.R.2d (EDE) 5.

Conduct unbecoming a teacher; revocation of his New Jersey teaching certificates. In the Matter of the Certificates of Shaffer, 92 N.J.A.R.2d (EDE) 1.

Evidence was sufficient to find physical education teacher guilty of conduct unbecoming a teacher; dismissal. N.J.S.A. 18A:6-10. In the Matter of the Tenured Hearing of David Borrelli, 91 N.J.A.R.2d (EDU) 77.

Conduct unbecoming a teacher; revocation of teaching certificate. *State Bd. of Examiners v. Brown, 91 N.J.A.R.2d (EDE) 5.*

Revocation of teaching certificates for conduct unbecoming a teacher warranted. In the Matter of Certificate of John Fargo, 91 N.J.A.R.2d (EDE) 1.

Commissioner has jurisdiction to decide scope of negotiability issue pertaining to annual evaluation deadline. *Willingboro Administrators Assn. v. Willingboro Education Assn., 1 N.J.A.R. 327 (1980).*

Conviction for first degree murder found to be conduct unbecoming a teacher. In re Otto Krupp, OAL DKT EDE 5617-80 (5/15/81) adopted State Board of Examiners (6/29/81).

#### 6:11-3.5 District reporting responsibility

In cases in which teaching staff members accused of misdemeanors, crimes or conduct unbecoming which might warrant revocation or suspension, resign or retire from their positions, either before tenure proceedings have been brought or prior to the conclusion of such proceedings, it shall be the responsibility of the chief school administrator of that district to notify the State Board of Examiners of the alleged conduct pursuant to N.J.A.C. 6:11-3.6(a)2. Should the Board of Examiners issue an Order to Show Cause, it shall be the responsibility of the district which reported the conduct to cooperate with the Board of Examiners in ascertaining and presenting the facts underlying such allegations.

New Rule, R.1990 d.510, effective October 15, 1990.

See: 22 N.J.R. 1873(a), 22 N.J.R. 3240(a).

The following annotations pertain to the former rule at N.J.A.C. 6:11-3.5, Enforcement:

Amended by R.1984 d.469, effective October 15, 1984 (operative September 1, 1985).

See: 16 N.J.R. 1646(a), 16 N.J.R. 2788(a).

Changed title of "Chief School Administrator".

Repealed by R.1990 d.510, effective October 15, 1990.

See: 22 N.J.R. 1873(a), 22 N.J.R. 3240(a).

#### 6:11-3.6 Procedures for revocation or suspension of certificates

(a) The procedure for issuance of an Order to Show Cause shall in all cases afford the individual notification of the charges and an opportunity to be heard with respect thereto. The following procedures are applicable to cases brought to the State Board of Examiners by reason of specific statutes and regulations:

1. Upon the decision of the Commissioner of Education, cases contested before the Commissioner of Education, resulting in loss of tenure or dismissal of a teacher or teaching staff member for inefficiency, incapacity, conduct unbecoming a teacher, or other just cause, shall be forwarded to the State Board of Examiners for determination of possible revocation or suspension. The State Board of Examiners, after review of the record, shall determine by public vote whether or not the offense as proven is of such a nature as to warrant revocation or suspension consideration, or dismissal of the case. In such cases where the decision of the State Board of Examiners is to move for revocation or suspension of certification, the Secretary of the State Board of Examiners shall issue an order to show cause and shall issue a statement of charges upon which revocation or suspension will be considered, which shall not preclude the subsequent inclusion of new findings, and shall notify the certificate holder that an answer must be filed with the State Board of Examiners no later than 20 days from the receipt of that notice. After an answer has been filed on behalf of the certificate holder, the board shall refer the case to the Office of Administrative Law for a hearing in accordance with the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq.). Where no answer is received to the allegations set forth in the Order to Show Cause, the State Board of Examiners shall proceed to a decision as to the revocation or suspension on the basis of the evidence before it.