

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

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

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

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

Case Notes

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

6A:9-6.4 Certificate of eligibility

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

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

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

Case Notes

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

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

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

6A:9-6.5 Substitute credential

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

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

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

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

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

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

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

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

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

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

(j) The county superintendent may issue a substitute credential to serve as a substitute educational interpreter to candidates with a high school diploma or GED and who have

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

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

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

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

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

Rewrote (c).

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

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

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

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

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

Section was "County substitute credential". Rewrote the section.

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

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

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

Case Notes

Board of education was directed to submit the position of permanent substitute assigned to the in-school suspension program to the County Superintendent for determination of the certification, if any, necessary to hold it; the board had determined that a tenured teacher with an instructional certificate, who had lost her position due to a reduction in force, was not entitled to be placed in the permanent substitute position over a non-tenured applicant since the position did not call for any instruction to be given. A finding of "no instruction" does not, in itself, necessarily end the inquiry as to whether a position is of such character as to require the individual holding it to possess full certification (reflecting in part 2008 N.J. AGEN LEXIS 831). *Macchia v. Bd. of Educ. of Bayonne*, OAL Dkt. No. EDU 1396-08, 2008 N.J. AGEN LEXIS 1092, Final Decision (December 5, 2008).

While it is clearly permissible for a board of education to retain the holder of a county substitute credential as a permanent employee assigned to report daily for the purpose of filling in for absent teachers on a daily or weekly basis, the credential cannot be used for regular or long-term assignment to duties requiring full certification. *Macchia v. Bd. of Educ. of Bayonne*, OAL Dkt. No. EDU 1396-08, 2008 N.J. AGEN LEXIS 1092, Final Decision (December 5, 2008).

6A:9-6.6 Limited certificate for foreign teachers

(a) Pursuant to N.J.S.A. 18A:26-1 and 18A:26-8.1, a limited certificate for foreign teachers is a non-renewable certificate issued to citizens of other countries and is valid for

three years. Certificate issuance is contingent upon the candidate's enrollment in a Department-approved international agency and completion of the requirements in (d) below.

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

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

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

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

1. Completion of a degree that is equivalent to a United States bachelor's degree as determined by a Department-approved foreign credentials evaluation service;
2. Completion of an academic major in the subject to be taught. Candidates hired to teach world languages are exempt from this requirement. The teacher may teach his or her native language upon demonstration of oral language proficiency as certified by the agency;
3. Achievement of the GPA pursuant to N.J.A.C. 6A:9-8.1(a)2;

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 that meets the requirements outlined in N.J.A.C. 6A:9-8.1(b) and completes the program by September 1, 2007 shall not be required to complete the linguistic competency requirement outlined in (a)1 above.

1. The candidate shall apply to the Office no later than March 1, 2008.

2. 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".

6A:9-11.11 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 endorsement in accord with the requirements of N.J.A.C. 6A:9-8.1 or hold a standard certificate with an elementary school endorsement in accord with the requirements of N.J.A.C. 6A:9-8.8;

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-hours 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 above upon completion of the requirements of (a)3 and 4 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".

6A:9-11.12 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 county superintendent of all teachers assigned to teach swimming and/or diving; and

2. Forward to the 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.

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).

6A:9-11.13 Technology education

(a) The technology education endorsement established in N.J.A.C. 6A:9-9.2(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:9-8.1, 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 areas:
 - i. Medical technologies;
 - ii. Agricultural and related biotechnologies;
 - iii. Energy and power technologies;
 - iv. Information and communication technologies;
 - v. Transportation technologies;
 - vi. Manufacturing technologies; and/or
 - vii. Construction technologies.

(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.

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

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

In (c), inserted "with the exception of (d) below" in the introductory paragraph; added (d).

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

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

Rewrote (a) through (c); and deleted (d).

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

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

Recodified the last sentence of (a) as new (b); recodified former (b) and (c) as (c) and (d); rewrote (b); and in (d), substituted "(c)" for "(b)".

6A:9-11.14 Art

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

1. The candidate shall present studio experience in each of the following required areas of study:

- i. Drawing;
- ii. Painting; and
- iii. Sculpture and/or ceramics.

(b) Candidates who have completed a major in Fine Arts are exempt from the requirements set forth in (a) above.

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

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

6A:9-11.15 Speech arts and dramatics

(a) In addition to the requirements in N.J.A.C. 6A:9-8.1, to be eligible for the CE, CEAS or standard certificate with a speech arts and dramatics endorsement, the candidate shall complete one of the following:

1. A 30-credit coherent sequence of courses in speech arts and a minimum of 15 credits in theater; or
2. A 30-credit coherent sequence of courses in theater and a minimum of 15 credits in speech arts.

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

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

6A:9-11.16 Social studies

In addition to the requirements in N.J.A.C. 6A:9-8.1, to be eligible for the CE, CEAS or standard certificate with a social studies endorsement, the candidate shall complete a minimum of 15 semester hour credits in history to include a minimum of one course in American History and one course in World History.

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

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

6A:9-11.17 Family and consumer sciences

(a) In addition to the requirements in N.J.A.C. 6A:9-8.1, to be eligible for the CE, CEAS or standard certificate with a comprehensive family and consumer sciences endorsement, the candidate shall complete study in the following required areas:

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.

(b) Applicants in possession of a written evaluation for the supervisor certificate completed by the office prior to January 20, 2004 will have until January 20, 2009 to complete the requirements set forth in the written evaluation.

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.

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).

6A:9-12.7 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 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, and will require the candidate to develop a thorough understanding of New Jersey Standards: the Core Curriculum Content Standards; 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 district;

ii. Be conducted in accordance with a standard agreement issued by the Department and entered into by the Department, the employing school district, 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 district superintendent 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:9-12.3(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:9-12.5(d);

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:9-17.18.

(h) Candidates who receive 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 districts other than those in which they 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:9-17.18(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. 6:11-12.3(d) shall be permitted to retain their positions in the districts in which they were employed prior to September 1, 1991 indefinitely.

(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. Persons who are in possession of a formal evaluation for school business administrator certification from the Department, shall be permitted until January 20, 2009 to attain certification as specified in the evaluation.

6A:9-12.8 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, principal, 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:9-12.1 through 12.7 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.

SUBCHAPTER 17. STATE BOARD OF EXAMINERS' PROCEEDINGS

6A:9-17.1 Certificate holder

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

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

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

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

Made a stylistic change.

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

Inserted designation (a); in (a), inserted "credentials,"; and added (b).
Amended by R.2009 d.24, effective January 5, 2009.
See: 40 N.J.R. 4856(a), 41 N.J.R. 128(a).

Added (c).

6A:9-17.2 Conduct barring candidate from certification

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

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

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

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

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

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

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

In (a), inserted "or foreign jurisdiction".

6A:9-17.4 District reporting responsibility

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

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

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

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

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

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

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

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

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

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

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

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

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

In (a)2, inserted "; including substitute teachers,".

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:9-17.5 Grounds for revocation and suspension of certification

The Board of Examiners may revoke or suspend the certificate(s) of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. Other just cause shall include, but not be limited to, offenses within the terms of the forfeiture statute, N.J.S.A. 2C:51-2, or the disqualification statute, N.J.S.A. 18A:6-7.1. The Board of Examiners may revoke or suspend a certificate upon evidence that the holder did not meet the qualifications for the certificate at the time of issuance or no longer satisfies the criteria set forth in N.J.A.C. 6A:9-5.1(b). The Board of Examiners shall not revoke or suspend a certificate without providing the holder an opportunity to be heard pursuant to N.J.A.C. 6A:9-17.6.

Case Notes

Initial Decision (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 comments having no intent other than to make light of a situation or illustrate the students' inappropriate behavior, and, as such, warranted a one-year suspension of the teacher's certificates. In re *Certificates of*

Zantow, OAL Dkt. No. EDE 459-07, State Board of Examiners Decision (July 17, 2008).

Where a teacher was alleged to have breached security procedures in administering the Grade Eight Proficiency Assessment test, the New Jersey State Board of Education reversed the State Board of Examiners' determination to revoke the teacher's certificates under N.J.A.C. 6A:9-17.5 and instead ordered suspension of the teacher's certificates. While the teacher did provide confidential information that would give students an unfair advantage, the teacher did not provide specific answers to the questions on the test and had an excellent employment history. In re *Revocation of Teaching Certificates of Karis*, OAL Dkt. No. EDE 1564-07; SBE No. 0607-111; SB No. 7-08, 2008 N.J. AGEN LEXIS 722, State Board of Education Decision (June 18, 2008).

Teacher engaged in conduct unbecoming a teacher when he masturbated in a public store; thus, the teacher's teaching certificate was revoked under N.J.A.C. 6A:9-17.5. The teacher could not exclude his "out-of-school" behavior from the State Board of Examiners' examination. In re *Certificates of Jordan*, OAL Dkt. No. EDE 00460-07; SBE No. 0506-287, State Board of Examiners Decision (February 21, 2008), *aff'd*, SB No. 17-08 (N.J. Comm'r of Educ. August 13, 2008).

Initial Decision (2007 N.J. AGEN LEXIS 679) adopted, finding that a teacher's Teacher of Elementary School Certificate of Eligibility and Teacher of Elementary School certificates were revoked under N.J.A.C. 6A:9-17.5 for breaching the security of the New Jersey Assessment of Skills and Knowledge Test. The teacher willfully read the reading comprehension sections of the test aloud, ignored time elements, and attempted to provide substantive assistance to a student while she was taking the test. In re *Certificates of Mascuch*, OAL Dkt. No. EDE 00458-07; SBE No. 0607-134, State Board of Examiners Decision (January 17, 2008).

Initial Decision (2007 N.J. AGEN LEXIS 713) adopted, determining that a teacher and co-owner of a preschool, who was alleged to have known that the preschool was making fraudulent payroll payments to an individual who did not perform any duties at the preschool, should not have her teacher of elementary school and teacher of nursery school certificates revoked or suspended under N.J.A.C. 6A:9-17.5 because the teacher was unaware of the payment arrangements. In re *Certificates of Natalini*, OAL Dkt. No. EDE 09629-05; SBE No. 0405-104, State Board of Examiners Decision (January 17, 2008).

Initial Decision (2007 N.J. AGEN LEXIS 604) adopted, which, under N.J.A.C. 6A:9-17.5, revoked a special education teacher's teaching certificates because the teacher had used racial epithets during class, allowed students to play video games during class while conducting very little instruction, yelled at students, advocated violence, and viewed pornography while in the classroom. The ALJ was in the best position to render credibility determinations and concluded that the teacher's deleterious actions rendered him unfit to hold a teaching certificate in New Jersey. In re *Certificates of Grendysa*, OAL Dkt. No. EDE 985-03; SBE No. 726-06/02, State Board of Examiners Decision (January 17, 2008).

Revocation of an educator's certificates was warranted, where the ALJ assessed conflicting testimony and found that the Board of Examiners met its burden of establishing by a preponderance of the credible evidence that the educator, who operated an educator assessment company, engaged in a plan to obtain a position at a charter school for the purpose of enhancing his pension benefits without providing services in return. It was not necessary to prove that the educator engaged in a criminal conspiracy. In re *Certificates of Hayes*, OAL Dkt. No. EDE 978-05; SBE No. 0405-176, 2007 N.J. AGEN LEXIS 202, Initial Decision (April 19, 2007), adopted (State Bd. of Examiners July 19, 2007).

Where there was no direct evidence that a school principal, who held a Teacher of English Standard Certificate, a Principal/Supervisor Certificate, a Principal/Supervisor Standard Certificate, and a School Administrator Certificate of Eligibility, ordered a fire alarm system disabled or did it herself after a trash can fire, neglect allegations were not proven. The Administrative Law Judge found the principal's testimony credible,

and the principal's certificates were not revoked or suspended pursuant to N.J.A.C. 6A:9-17.5 (adopting as modified 2007 N.J. AGEN LEXIS 31). In re Certificates of Brown, OAL Dkt. No. EDE 0012-06; SBE No. 0405-327, State Board of Examiners Decision (May 3, 2007).

Initial Decision (2007 N.J. AGEN LEXIS 37) adopted, finding that the New Jersey Department of Education did not meet its burden of proof to establish corporal punishment and unbecoming conduct by a teacher to warrant suspension or revocation of her teaching certificates under N.J.A.C. 6A:9-17.5. Based on the evidence, the physical intervention by the teacher between fighting students was reasonably justified to quell a disturbance that threatened physical injury to others and for the purpose of self-defense. In re Certificates of Koonce, OAL Dkt. No. EDE 6300-05; SBE No. 405-255, 2007 N.J. AGEN LEXIS 539, State Board of Examiners Decision (May 3, 2007).

Suspension of teacher's Teacher of Industrial Arts certificate was warranted under N.J.A.C. 6A:9-17.5 due to conduct unbecoming of a teacher, including engaging in inappropriate horseplay with a female student, inappropriately touching female students, and making inappropriate comments to his students. Under the facts of the case, revocation of the teacher's certification was too harsh a penalty and a two-year suspension of his teaching certificate was warranted instead. In re Revocation of Teaching Certificate of Chavez, OAL Dkt. No. EDE 11443-03; SBE No. 776-06/03; SB No. 26-06, 2006 N.J. AGEN LEXIS 1091, State Board of Education Decision (April 4, 2007).

ALJ assessed credibility and found that a school nurse left used needles in a common supply closet, failed to maintain the medical waste disposal box, failed to properly treat injured students, and turned out the lights, locked her office door, and failed to answer the door to treat a