

**N.J.A.C. 6A:2, Commissioner**

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## **Chapter 2. Commissioner**

### **Subchapter 1. General Provisions**

#### **6A:2-1.1 Title and aim**

- (a) By statute, the Commissioner of Education is the chief executive and administrative officer of the Department of Education, is the official agent of the State Board of Education for all purposes and is the budget request and approval officer of the Department of Education. The Commissioner is Secretary of the State Board of Education and Chairperson of the State Board of Examiners.
- (b) The Commissioner is appointed by the Governor, with the advice and consent of the Senate, and serves at the pleasure of the Governor during the Governor's term of office and until his/her successor is appointed.

#### **6A:2-1.2 Powers and duties**

- (a) The powers and duties of the Commissioner are as follows:
  - 1. The Commissioner is empowered to decide legal controversies and disputes arising under school laws or State Board regulations and his/her decisions have the force of law;
  - 2. To apportion State aid to local school districts;
  - 3. To issue teacher certificates;
  - 4. To approve vocational schools;
  - 5. To issue rules and regulations for the classification of students with disabilities;
  - 6. To conduct Statewide tests;
  - 7. To prescribe minimum courses of study for elementary and high schools;
  - 8. To withhold State aid from local school districts which fail to comply with school law or State Board regulations; and

9. To promulgate such other rules and regulations as may be authorized by statute or the State Board.

## **Subchapter 2. Organization of The Department**

### **6A:2-2.1 Organizational structure**

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

### **6A:2-2.2 Personnel: methods of operations**

- (a) The Commissioner shall appoint, subject to the approval of the State Board, the assistant commissioners of the Department, the chief officers reporting directly to the assistant commissioners, the superintendent of the Katzenbach School for the Deaf, the director of compliance investigation, and the managers of those offices that coordinate board meetings, and hear and determine controversies and disputes.
- (b) The Commissioner shall recommend for appointment by the State Board the State District Superintendent for each State operated school district.
- (c) All other personnel appointments shall be made by the Commissioner subject to the notification procedure in (d) below.
- (d) The Commissioner shall regularly report to the State Board as to all appointments and removals including resignations, transfers, and vacancies. The Commissioner shall also report to the State Board as to any acting appointments that he or she has made for the positions specified in (a) above. In the event an acting appointment to one of the positions

specified in (a) above continues for more than 60 days, the Commissioner shall report to the State Board on the progress toward filling that position on a permanent basis.

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

### **6A:2-2.3 Basic composition of the Department**

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

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

1. Pursuant to N.J.S.A. 18A:4-9 and 18A:4-22, the Commissioner of Education is:
  - i. Secretary of the State Board of Education;
  - ii. The chief executive and administrative officer of the Department of Education, having general charge and supervision of the work of the Department;
  - iii. The official agent of the State Board for all purposes; and
  - iv. The budget request officer and approval officer of the Department.
2. Pursuant to N.J.S.A. 18A:4-33, the Commissioner shall designate an assistant commissioner as deputy commissioner with full power to act in his or her place and stead during any absence or inability of the Commissioner and at such other times as the Commissioner may designate.

### **6A:2-2.4 Reporting responsibilities**

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

1. The Director of the Office of the State Board of Education;
2. The Chief of Staff;
3. The Director of the Office of Equal Employment Opportunity;
4. Special Assistants to the Commissioner;
5. The Assistant Commissioner for the Division of Teaching and Learning Services.

The following organizational units and/or their chief officers report directly to the Assistant Commissioner for the Division of Teaching and Learning Services:

- i. The Director of the Office of Career Readiness;
  - ii. The Director of the Office of Assessment;
  - iii. The Director of the Office of Educator Effectiveness;
  - iv. The Director of the Office of Standards; and
  - v. The Director of the Office of Innovation;
6. The Assistant Commissioner for the Division of Educational Services. The following organizational units and/or their chief officers report directly to the Assistant Commissioner for the Division of Educational Services:
    - i. The Director of the Office of Fiscal and Data Services;
    - ii. The Director of the Office of Performance Management;
    - iii. The Director of the Office of Student Support Services;
    - iv. The Director of the Office of Supplemental Educational Programs;
    - v. The Director of the Office of Special Education; and
    - vi. The Superintendent of the Marie H. Katzenbach School for the Deaf;
  7. The Assistant Commissioner for the Division of Field Support and Services. The following organizational units and/or their chief officers report directly to the Assistant Commissioner for the Division of Field Support and Services:
    - i. The Director of the Office of Recruitment, Preparation, and Certification;
    - ii. The Director of the Office of Comprehensive Support;

- iii. The Director of the Office of Fiscal Accountability and Compliance;
  - iv. The County Offices of Education;
  - v. The Director of the Office of Charter and Renaissance Schools;
  - vi. The Director of the Office of Learning, Intervention, and Support; and
  - vii. The Director of the Office of Interdistrict School Choice and Non-Public Schools;
8. The Chief Financial Officer/Assistant Commissioner for the Division of Finance and Business Services. The following organizational units and/or their chief officers report directly to the Chief Financial Officer/Assistant Commissioner for the Division of Finance and Business Services:
- i. The Director of the Office of Fiscal Policy and Planning;
  - ii. The Director of the Office of State Monitors;
  - iii. The Director of the Office of Budget and Accounting;
  - iv. The Director of the Office of School Finance;
  - v. The Director of the Office of Grants Management;
  - vi. The Director of the Office of School Facility Projects;
  - vii. The Chief of the Office of Information Technology;
  - viii. The Director of the Office of School Facility Planning; and
  - ix. The Director of the Office of School Bus Safety;
9. The Assistant Commissioner for the Division of Early Childhood Services. The following organizational units and their chief officers report directly to the Assistant Commissioner for the Division of Early Childhood Services:
- i. The Director of the Office of K-3 Education; and
  - ii. The Director of the Office of Preschool Education;
10. The Assistant Commissioner for the Division of Administrative Services. The following organizational units and/or their chief officers report directly to the Assistant Commissioner for the Division of Administrative Services:

- i. The Director of the Office of Human Resources;
  - ii. The Director of the Office of Strategic Operations; and
  - iii. The Director of the Office of Facilities and Operations; and
11. The Assistant Commissioner for the Division of Legal and External Services. The following organizational units and their chief officers report directly to the Assistant Commissioner for the Division of Legal and External Services:
- i. The Director of the Office of the Commissions;
  - ii. The Director of the Office of Legal Affairs;
  - iii. The Director of the Office of School Ethics;
  - iv. The Director of the Office of Controversies and Disputes;
  - v. The Director of the Office of Legislative Affairs; and
  - vi. The Director of the Office of Communications.

#### **6A:2-2.5 Public information requests**

Members of the public may obtain general information from the Department of Education by writing to or telephoning the Department of Education, PO Box 500, Trenton, NJ 08625-0500, (609) 376-9072.