

Readoption with Amendments at N.J.A.C. 6A:2, Commissioner

The following is the accessible version of the readoption with amendments at N.J.A.C. 6A:2. The adoption level document includes the rule text of the existing rules and the amendments.

Full text of the readopted rules and the amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

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] **the Commissioner's** 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] **the Commissioner's** 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] **promulgate, with the approval of the State Board,** 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] **that** 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] **that** 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 **Marie H. 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] **State-operated** school district.
- (c) All other personnel appointments shall be made by the Commissioner subject to the notification procedure [in] **at** (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] **the**

Commissioner has made for the positions specified [in] **at** (a) above. [In the event] **If** an acting appointment to one of the positions specified [in] **at** (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] **the Commissioner's** 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;]

1. Special Assistant to the Commissioner

2. The Chief of Staff[;]. **The following organizational unit and/or its chief officer reports directly to the Chief of Staff:**

i. The Director of the Office of Communications;

3. The Director of the Office of the State Board of Education;

[3.] **4. 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 Assessments;

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;

vi. The Director of the Office of Recruitment, Preparation, and Certification; and

vii. The Director of the Office of Learning Equity and Academic Recovery;

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; **and**
 - vii. The Director of the Office of Comprehensive Support;**
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.] **i. The County Offices of Education;**
 - [v.] **ii. 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;]
 - iii. The Director of the Office of the Commissions;**
 - iv. The Director of the Office of Student Safety and School Preparedness; and**
 - v. The Director of the Office of School Bus Safety;**
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; **and**
 - vi. The Director of the Office of School [Facility Projects] **Facilities**;
 - [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.] **i. The Director of the Office of Preschool Education Programs;**
 - ii. The Director of the Office of Preschool Expansion; and**
 - iii. The Director of the Office of Preschool Finance;**
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
 - iv. The Chief of the Office of Information Technology; 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.] **i.** The Director of the Office of Legal Affairs, **Accountability, and Compliance;**
- [iii.] **ii.** The Director of the Office of School Ethics;
- [v.] **iii.** The Director of the Office of Controversies and Disputes; **and**
- [v.] **iv.** 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.