

Notice of Adoption for N.J.A.C. 6A:3, Controversies and Disputes

The following is the accessible version of the notice of adoption for the readoption with amendments at N.J.A.C. 6A:3. The notice of adoption document includes two sections – [comments and responses](#) and [amendments made upon adoption](#).

Education

State Board of Education

Controversies and Disputes

Readoption with Amendments: N.J.A.C. 6A:3

Proposed: December 18, 2023, at 55 N.J.R. 2451(a).

Adopted: April 3, 2024, by the State Board of Education, Kevin Dehmer, Acting Commissioner, Department of Education, and Acting Secretary, State Board of Education.

Filed: April 8, 2024, as R.2024 d.043, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 18A:6-9, 18A:6-10, 18A:7-4, 18A:7A-15, 18A:7A-42.a(3), 18A:7F-9, 18A:7F-12, 18A:11-3, 18A:12-29, 18A:20-36, 18A:26-10, 18A:28-8, 18A:29-4, 18A:29-14, 18A:33-2, 18A:38-1, 18A:38-13, 18A:39-28 et seq., 18A:54-4, and 18A:60-1; and P.L. 2007, c. 260 and P.L. 2012, c. 26.

Effective Dates: April 8, 2024, Readoption;
May 6, 2024, Amendments.

Expiration Date: April 8, 2031.

Summary of Public Comments and Agency Responses:

The following is a summary of the comments received from members of the public and the Department of Education's (Department) responses:

1. Kaitlyn Dunphy, Esq., Associate Director of Legal Services/Member Rights, New Jersey Education Association
1. Comment: The commenter requested that the Department amend N.J.A.C. 6A:3-5.1(b)3 and 4 and (c)3 to afford tenured employees more time to respond to tenure charges filed by

superintendents with district boards of education. Specifically, the commenter proposed providing tenured employees 15 days instead of 10 days to respond to inefficiency charges, and 21 days instead of 15 days to respond to other charges. The commenter asserted that extending the deadlines would give tenured employees adequate time to competently respond to tenure charges, which are often lengthy and nuanced.

Response: The Department declines to extend the deadlines as requested by the commenter. The Department maintains that the current deadlines provide tenured employees with ample time to competently respond to tenure charges. Moreover, N.J.S.A. 18A:6-13 requires district boards of education to make determinations regarding tenure charges within 45 days after receipt of the charges, or else the charges are deemed dismissed. Altering the deadlines for responses as requested could hinder the ability of district boards of education to comply with the 45-day timeframe imposed by the Legislature.

Summary of Agency-Initiated Changes:

1. The Department is changing the definition of “district board of education” at N.J.A.C. 6A:3-1.2 because the “or” following “county special services school district” was incorrectly removed during the editing process. The “or” is required to restore the definition’s original and intended meaning.
2. The Department is changing N.J.A.C. 6A:3-1.14(a) to delete the commas inserted before and after “in writing” because the commas were incorrectly inserted during the editing process.

Federal Standards Statement

The rules readopted with amendments are not inconsistent and do not exceed any Federal standard or requirement because no Federal standard or requirement addresses the chapter’s rules.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 6A:3.

Full text of the adopted amendments follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

Subchapter 1. General Provisions

6A:3-1.2 Definitions

The words and terms used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

...

“District board of education” means the board of education of a local or regional school district, a county special services school district, ***or*** a county vocational school district, the State district superintendent of a school district under full State intervention, the board of directors of an educational services commission or jointure commission, or the board of trustees of a charter school or a renaissance school project.

...

6A:3-1.14 Written decision

(a) Final decisions of the Commissioner in matters transmitted to the OAL shall be ***[,]*** in writing ***[,]*** and shall set forth findings of fact, conclusions of law, and an appropriate order pursuant to applicable rules of the OAL.

(b) – (c) (No change from proposal.)