

New Jersey Department of Education



N.J.A.C. 6A:6, State Board of Education Rulemaking Process

Readoption with Amendments

First Discussion

April 7, 2021



Chapter 6



- Sets forth the State Board of Education's process for promulgating or amending rules in Title 6A of the New Jersey Administrative Code (N.J.A.C. 6A).
- Incorporates the requirements of the Administrative Procedure Act (APA) and its implementing regulations at N.J.A.C. 1:30, both of which apply to all State agencies and boards that promulgate rules.



Subchapter Contents



- Subchapter 1: Scope and Definitions
- Subchapter 2: Requirements for State Board of Education annual calendar of meeting dates and monthly public meeting agendas
- Subchapter 3: Steps of the rulemaking process and additional notice of proposed rulemakings
- Subchapter 4: Process by which individuals can submit a petition to adopt a new rule or to amend or repeal an existing rule in Title 6A.



Proposed Amendments



- Update the citation for, and include the full title of, the Senator Byron M. Baer Open Public Meetings Act -- commonly referred to as the OPMA.
- Update or add the email address through which individuals can submit a request for a public hearing or a petition for rulemaking.



Proposed Amendments to Section 3.1



- Existing N.J.A.C. 6A:6-3.1(g) requires “the application of an interested person that has been submitted on a Commissioner-prescribed form” to be considered by the State Board President, in consultation with the Commissioner, when determining whether sufficient public interest has been demonstrated for purposes of conducting a public hearing on a proposed rulemaking.
- Proposed amendments will replace “application” with “request” or “request for a public hearing” and eliminate references to a Commissioner-prescribed form.

