

(a)

THE COMMISSIONER Organizational Rules

Proposed Readoption: N.J.A.C. 5:2

Authorized By: Charles A. Richman, Acting Commissioner,
Department of Community Affairs.

Authority: N.J.S.A. 52:27D-3 and 52:14-3 and 4.

Calendar Reference: See Summary below for explanation of
exception to calendar requirement.

Proposal Number: PRN 2009-334.

Submit written comments by January 1, 2010 to:

Michael L. Ticktin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
PO Box 802
Trenton, NJ 08625
Fax No. (609) 633-6729

The agency proposal follows.

Summary

Pursuant to N.J.S.A. 52:14B-5.1, the Organizational Rules of the Department of Community Affairs, N.J.A.C. 5:2, are scheduled to expire on December 25, 2010. The Department has reviewed these rules and finds that they continue to be necessary for the purpose for which they were promulgated and is therefore proposing that they be readopted.

The chapter proposed for readoption includes subchapters on the processing of petitions for rules that are submitted to the Department under N.J.S.A. 52:14B-4(f) and for automatic extension of licenses and certifications issued by the Department to persons who are on active duty in the armed forces.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

Readoption of these rules will allow members of the public to easily obtain information as to how they might go about filing petitions for changes to the Department's administrative rules. It will also keep in place a license or certification extension program that was adopted in order to make sure that persons who are called to active military do not lose their licenses or certifications because of their temporary inability to comply with renewal requirements while they are otherwise occupied in the service of our country.

Economic Impact

Readoption of this chapter is necessary in order to avoid any adverse economic impact upon any license or certification holder serving in the armed forces who might otherwise lose his or her license or certification because of inability to renew it in a timely manner.

Federal Standards Statement

No Federal standards analysis is required because these rules are not being readopted under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State law that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The Department does not expect that rules proposed for readoption would result in the creation or loss of any jobs.

Agriculture Industry Impact

The Department does not anticipate any impact upon the agriculture industry as a result of the rules proposed for readoption.

Regulatory Flexibility Analysis

These rules affect the Department, persons seeking information about the filing of petitions for rules and persons holding licenses or certifications from the Department who are on active duty in the armed forces. They do not impose any reporting or recordkeeping requirements upon "small businesses," as defined in the New Jersey Regulatory

Flexibility Act, N.J.S.A. 52:14B-16 et seq. Small businesses seeking to petition the Department to adopt, amend or repeal a rule are required to follow the few simple procedures set forth in the chapter, in the same manner as any other person or entity petitioning for a rule change.

Smart Growth Impact

The rules proposed for readoption would not have any impact upon the implementation of the State Plan or the achievement of smart growth.

Housing Affordability Impact

The rules proposed for readoption concern the procedures for filing of a petition for a rule and license/certification extensions for military personnel on active duty. The rules would be most unlikely to have any impact upon housing production costs or to affect affordability.

Smart Growth Development Impact

The rules proposed for readoption concern the procedures for filing of a petition for a rule and license/certification extensions for military personnel on active duty. The rules would be most unlikely to have any impact upon housing production within Planning Areas 1 and 2 or within designated centers under the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:2.

EDUCATION

(b)

STATE BOARD OF EDUCATION

Controversies and Disputes

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

Authorized By: State Board of Education, Lucille E. Davy,
Commissioner, Department of Education and Secretary, State
Board of Education.

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

Calendar Reference: See Summary below for explanation of
exception to calendar requirement.

Proposal Number: PRN 2009-327.

Submit written comments by January 1, 2010 to:

Ms. Kathleen Duncan, Director
Office of Controversies and Disputes
New Jersey Department of Education
River View Executive Plaza
Building 100, P.O. Box 500
Trenton, New Jersey 08625-0500

The agency proposal follows:

Summary

The Department of Education is proposing to readopt N.J.A.C. 6A:3, Controversies and Disputes, with amendments. The existing rules are due to expire September 6, 2010, pursuant to N.J.S.A. 52:14B-5.1c.

Since 1903, the Commissioner of Education has been designated by the Legislature to hear and decide controversies and disputes arising under the school laws and rules of the State Board of Education, generally through N.J.S.A. 18A:6-9 and specifically through enactments including: N.J.S.A. 18A:6-10 et seq. (hearing of tenure charges); N.J.S.A. 18A:7G-12 (bond issuance following defeated referendum); N.J.S.A. 18A:11-3 (appeals of New Jersey State Interscholastic Athletic Association (NJSIAA) decisions); N.J.S.A. 18A:12-29 (review of recommended School Ethics Commission penalties); N.J.S.A. 18A:38-1 (student domicile/residency disputes); N.J.S.A. 18A:38-13 (severance of sending-receiving relationships); N.J.S.A. 18A:29-14 (withholding of