

Notice of Adoption for N.J.A.C. 6A:9B, State Board of Examiners and Certification

The following is the accessible version of the notice of adoption related to the proposed amendments and new rules at N.J.A.C. 6A:9B related to the limited certificate of eligibility (CE) and limited certificate of eligibility with advanced standing (CEAS) pilot program.

Education

State Board of Education

State Board of Examiners and Certification

Adopted Amendment: N.J.A.C. 6A:9B-5.6

Adopted New Rules: N.J.A.C. 6A:9B-8A

Proposed: March 7, 2022, at 54 N.J.R. 401(a).

Adopted: June 1, 2022, by the New Jersey State Board of Education, Angelica Allen-McMillan, Ed.D., Acting Commissioner, Department of Education, and Acting Secretary, State Board of Education.

Filed: June 6, 2022, as R.2022 d.082, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: P.L. 2021, c. 224.

Effective Date: July 5, 2022.

Expiration Date: November 12, 2022.

Summary of Comments and Agency Responses:

The following is a summary of the comments received from State Board members and the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Jamie Gough, Instructional Assistant, Long Branch Public Schools
2. Richard G. Bozza, Ed.D., Executive Director, New Jersey Association of School Administrators
3. Ann Bowers, Teacher
4. Patricia C. Morgan, Executive Director, JerseyCAN

5. Ashley Bencan, Co-Founder, ConnectED Workforce; Jackie Burke, Executive Director, New Jersey Council of County Vocational-Technical Schools; Elisabeth Ginsburg, Executive Director, Garden State Coalition of Schools; Larry Feinsod, Executive Director, New Jersey School Boards Association (NJSBA); Harry Lee, Executive Director, New Jersey Charter Schools Association; Karen Bingert, Executive Director, New Jersey Principals and Supervisors Association; Naeha Dean, Executive Director, Camden Education Fund; Patricia C. Morgan, Executive Director, JerseyCAN; Tahina Perez, Executive Director, Teach for America New Jersey; and Kyle Rosenkrans, Executive Director, New Jersey Children's Foundation
 6. Jean Public
 7. Jonathan Pushman, Director of Governmental Relations, NJSBA
 8. Camy Kobylinski and Elizabeth Yucis, Associate Directors of Professional Development and Instructional Issues; Dayna Orlak, Chair of the Certification, Evaluation, and Tenure Committee; and Francine Pfeffer, Associate Director of Government Relations, New Jersey Education Association
 9. Terrence E. Gilchrist
1. Comment: The commenter expressed appreciation for the Department's consideration of the limited certificate of eligibility (CE) and certificate of eligibility with advanced standing (CEAS) pilot program. The commenter expressed personal difficulty in completing a bachelor's degree during the public health emergency with a grade point average (GPA) that met the educator certificate requirements at N.J.A.C. 6A:9B. The commenter stated that the GPA requirement has impacted the commenter's career and

family. The commenter asked that student educators who completed their degrees during the public health emergency be considered for the pilot program. The commenter also stated that the public health emergency should not prevent future endeavors or act as a barrier to pursuing a dream of education. (1)

Response: The Department appreciates the comment and agrees that the public health emergency has impacted individuals across the State. The proposed rules address the commenter's concerns and may provide individuals who completed their degree during the public health emergency with an opportunity to obtain an educator certificate that may be used for employment at specific school districts across the State.

2. Comment: The commenters stated that the pilot program will provide local education agencies (LEAs) and prospective teachers with needed flexibility to ensure placement of educators in classrooms. (2 and 5)

Response: The Department thanks the commenters for the support.

3. Comment: The commenter expressed appreciation for another route to earning an educator certification and stated that it will benefit many school districts in need of educators. (3)

Response: The Department appreciates the commenter's support.

4. Comment: The commenters stated that the broad support for the limited CE and limited CEAS pilot program indicates the need for acceptance of all LEAs that demonstrate the qualifications for participation. (2, 4, and 5)

Response: The Department appreciates the commenters' support and anticipates approving all eligible LEAs. The enabling statute, P.L. 2021, c. 224, requires the

Commissioner of the Department of Education (Commissioner) to approve at least 10 LEAs, but does not set a maximum number of participating LEAs.

5. Comment: The commenters also stated that stakeholder groups and schools are eagerly awaiting release of the application for LEAs to participate in the pilot program and requested that its release be expedited. The commenters requested that the Department release the application as expeditiously as possible and said it is necessary due to the lack of teachers available to fill high-demand positions. (2 and 5)

Response: The Department announced the release of the application for LEAs to participate in the pilot program through [broadcast memorandum](#) on March 23, 2022. The memorandum included a link to the application and related information.

6. Comment: The commenter stated that schools are struggling to provide adequate teachers and staff to meet the needs of students. The commenter also stated that the lack of teachers available to fill high-demand positions results in difficult decisions to limit courses. The commenter further stated that quick implementation of the proposed rules will help address this issue. The commenter requested clarification as to when the Department expects to approve the first round of LEAs to participate in the pilot program. (4)

Response: The application for LEAs to participate in the pilot program was released through a broadcast memorandum on March 23, 2022. The applications are being reviewed and approved on an ongoing basis and as expeditiously as possible. As of May 23, 2022, 111 LEAs have been approved to participate. The application will remain open to all LEAs for the duration of the pilot program.

7. Comment: The commenter expressed support for the proposed rules and stated that the pilot program will permit greater flexibility in certification requirements while increasing the supply of qualified candidates. The commenter also stated that the proposed removal of certification barriers will not negatively impact teacher quality due to the robust accountability system, recruitment, induction, mentoring, and teacher evaluation. The commenter further stated that this system provides greater assurance of teacher quality than the arbitrary cut scores on teacher assessments and GPAs. Finally, the commenter stated that these authentic measurements of teacher quality provide school districts with significantly greater information with which to ensure teacher quality and success. (7)

Response: The Department appreciates the commenter's support of the proposed amendments and new rules.

8. Comment: The commenter stated that the proposed rules are a small part of needed action to address teacher shortage issues. The commenter urged the Department and the State Board to engage with stakeholders on other initiatives that will address shortages but not compromise educator quality. The commenter expressed concern with the pilot program and also stated that "lowering the bar on the minimum requirements to become a certified teacher in New Jersey" may reduce teacher quality and the esteem of the profession. The commenter further stated that different solutions could be pursued. (8)

Response: The Department must implement the five-year pilot program as required at P.L. 2021, c. 224. The Department remains committed to educator quality. The pilot program is an additional pathway into the teaching profession that eliminates a single requirement that may serve as a barrier for potential educators. New Jersey's tiered

certification structure remains in place, as teachers will need to progress through the minimum two-year provisional period and meet all standard certificate requirements, which include mentoring and evaluations. School districts have the final determination of whether a teacher holding a limited CE or limited CEAS meets their expectations for serving in classrooms, as they will still interview and screen individuals prior to hiring. School districts will continue to support and develop new teachers beyond hiring, as there are mentoring and induction programs and extensive professional learning opportunities to ensure new teachers continue to develop as educators while serving students in classrooms.

9. Comment: The commenter requested clarification regarding whether an educator holding a limited CE or limited CEAS would receive a limited standard certificate or a regular standard certificate and whether the certificate would expire. The commenter also asked if the credits, test, or GPA exempted under the pilot program would need to be met by a limited CE or limited CEAS holder before a standard certificate can be issued. (3)

Response: The proposed rules and the enabling statute, P.L. 2021, c. 224, provide that the holder of a limited CE or limited CEAS who has been hired under the pilot program and was issued a provisional certificate must meet all requirements for a standard instructional certificate pursuant to N.J.A.C. 6A:9B-8.7. Regulations governing the standard certificate require, in part, that a candidate hold a CE or CEAS. A candidate who holds a limited CE or a limited CEAS will satisfy that part of the standard certificate requirements without having to fulfill the credit, test score, or GPA requirement exempted under the pilot program. Standard instructional certificates do not expire.

10. Comment: The commenter asked why the proposed rules permit issuance of a limited CE to a candidate without completion of the 30-semester hour content area credits but would not permit an educator with a standard instructional certificate to obtain a limited CEAS in another content area without completion of the required 30 semester hour content area credits. (3)

Response: The enabling statute, P.L. 2021, c. 224, sets forth the specific eligibility requirements for the limited CE and limited CEAS. The law does not authorize the Department to create additional exemptions or requirements.

11. Comment: The commenter requested clarification as to whether a current educator holding a standard instructional certificate would need to complete the professional teacher program again if seeking a new endorsement type under the proposed rules. (3)

Response: The enabling statute, P.L. 2021, c. 224, does not authorize an exemption to standard instructional certificate requirements at N.J.A.C. 6A:9B-8.7. Standard instructional certificate holders who are issued a limited CE will be required to meet the standard certificate requirements for the specific endorsement, which may include completion of a preparation program.

12. Comment: The commenter requested that the Department amend N.J.A.C. 6A:9B-8A.1(b) to clarify whether individual teachers hired under the limited CE or limited CEAS can transfer from one participating school district to another or if the holder must remain in the original school district for the duration of the pilot program. (8)

Response: The Department finds that the requested clarification is unnecessary. Enabling legislation, P.L. 2021, c. 224, does not prohibit or limit holders of the limited CE or limited CEAS who are employed by one approved LEA from seeking employment in

other approved LEAs. The issue will be addressed through the Department's guidance to LEAs upon adoption of the proposed amendments and new rules.

13. Comment: The commenter requested deletion of N.J.A.C. 6A:9B-8A.2(d)6, which requires LEAs to provide the Department with student achievement data for teachers hired under the pilot program. The commenter stated that empirical data has provided that standardized test scores correlate most strongly with socioeconomic status and should not be used as an indication of teacher quality. (8)

Response: The Department declines to make the requested change because it would contradict the enabling statute. P.L. 2021, c. 224, requires approved LEAs to annually submit a report to the Commissioner evaluating the impact of hiring limited CE and limited CEAS holders. The statute requires the report to include student achievement data.

14. Comment: The commenter requested amendments at N.J.A.C. 6A:9B-8A.2(d)7, which requires approved LEAs to report evaluation and retention data for teachers participating in the pilot program. The commenter asked the Department to amend the new rule to require reporting district-level teacher evaluation and retention data along with participant data. The commenter stated that district-level data is crucial to determining program effectiveness. (8)

Response: The Department declines to make the requested change because the enabling statute and proposed N.J.A.C. 6A:9B-8A.2(d)8 provide the Commissioner with the discretion to expand the scope of the data submitted by approved LEAs. The Department appreciates the commenter's concern regarding this issue and will consider it when developing the reporting templates for approved LEAs.

15. Comment: The commenter expressed concern that new N.J.A.C. 6A:9B-8A.3(b)1 would permit an individual to work under a limited CE without completion of subject area coursework credits. The commenter stated that the statute empowers the Commissioner to set a different minimum number of subject area course credits, but not to waive the minimum altogether. The commenter requested amendments at N.J.A.C. 6A:9B-8A.3(b)1 to require a minimum number of subject area course credits. The commenter also stated that subject area coursework is a crucial component of teacher preparation. (8)

Response: The Department declines to make the requested amendment because it would contradict the enabling statute. P.L. 2021, c. 224, requires candidates to be eligible for the limited CE without meeting the minimum number of subject area course credits, assuming all other applicable requirements are met.

16. Comment: The commenter requested an amendment at N.J.A.C. 6A:9B-8A.3(b)2 to impose a minimum GPA, such as 2.75, instead of waiving the minimum GPA requirement altogether. The commenter stated that the Department should consider GPA flexibility, such as requiring a minimum GPA for courses required for the candidate's major, in place of waiving the requirement. The commenter also stated that the Commissioner's role is to set a new minimum, which could act as a guardrail for potential candidates. (8)

Response: The Department declines to make the requested amendment because it would contradict the enabling statute. P.L. 2021, c. 224, requires candidates to be eligible for the limited CE/CEAS without meeting applicable GPA requirements (generally a 3.0), assuming all other certificate requirements are met. The enabling statute does not permit the Department to require a different minimum GPA in this situation.

17. Comment: The commenter stated that proposed N.J.A.C. 6A:9B-8A.3(b)3 provides an exception for the minimum score on a Commissioner-approved test of basic reading, writing, and mathematical skills pursuant to N.J.A.C. 6A:9B-8.3(a)5 and the alternative requirements or exceptions at N.J.A.C. 6A:9B-8.3(a)5i. The commenter asked if an applicant who has satisfied this requirement with comparable tests taken in other states can use the score reports from the comparable tests to meet the eligibility requirement without having to unnecessarily choose this as the one permissible exception. The commenter stated that although the Department accepts the Praxis Core developed by ETS, the 17 states use subject matter assessments for educator licensure developed by Pearson Education Inc. (Pearson), and seven states use a reading test developed by Pearson. The commenter stated that the Department has stated in response to comments on previous rulemakings that it allows "flexibility to candidates with previously demonstrated proficiency" (see the Response to Comment 18 at 46 N.J.R. 1634(a)). (9)
- Response: The only Commissioner-approved assessments for basic reading, writing, and mathematics skills are the Praxis Core Academic Skills for Educators Reading (5713), Writing (5723), and Math (5733), Scholastic Aptitude Test (SAT), Graduate Record Examination (GRE), or American College Testing (ACT). N.J.A.C. 6A:9B-8.3(a)5i does not allow for any other comparable out-of-State tests to fulfill this requirement.
18. Comment: The commenter stated that proposed N.J.A.C. 6A:9B-8A.3(b)4 provides an exception for meeting the minimum passing score on an appropriate State test(s) of subject matter knowledge pursuant to N.J.A.C. 6A:9B-8.3(a)4 and the alternative requirements or exceptions at N.J.A.C. 6A:9B-9.1(a)2. The commenter asked when the Department will fully implement the Alternate Route Interstate Reciprocity Pilot Program required at

N.J.S.A. 18A:26-26.b and to what extent the Department will implement the subject matter component of the law. The commenter further stated that applicants who satisfy the requirements at N.J.S.A. 18A:26-26.b will then not unnecessarily use the exemption at N.J.A.C. 6A:9B-8A.3(b)4, thereby receiving a CE rather than funneled into receiving a limited CE. (9)

Response: The commenter's first statement about the exceptions provided at proposed N.J.A.C. 6A:9B-8A.3(b)4 is accurate. The remainder of the comment is outside the scope of the rulemaking, which does not concern the Alternate Route Reciprocity Pilot Program.

19. Comment: The commenter asked how the Department will accommodate applicants who initially apply for the limited CE or limited CEAS, as a matter of expediency, but can eventually substantiate meeting the requirements for the regular CE or CEAS. The commenter stated that, as an example, applicants who qualify for the CE under the provisions of the Alternate Route Interstate Reciprocity Pilot Program at N.J.S.A. 18A:26-25 et seq., and encounter a delay in obtaining documentation, will be able, pursuant to N.J.A.C. 6A:9B-8A, to subsequently apply for the CE and submit the remaining substantiating documents. (9)

Response: Candidates who hold a limited CE or a limited CEAS and later meet the requirements for issuance of a regular CE or CEAS can apply for the latter certificates if they choose, but will not be required to do so. The proposed regulations provide a pathway for limited CE or limited CEAS holders to achieve a standard certificate without issuance of a regular CE or CEAS.

20. Comment: The commenter asked to what extent the Department will publicly provide quarterly aggregate data about the applicant pool, including: bilingual or multilingual

ability; common mistakes; correctly completed parts or sections of applications; different ways of substantiating the meeting of requirements; endorsements sought; exceptions chosen pursuant to N.J.A.C. 6A:9B-8A.3(a) and (b); the extent of attrition and the demographics of those who did not persevere; length of time of completion for various categories of applicants; and the requirements that remained outstanding for applicants who did not complete the process. The commenter stated that this data is related to new N.J.A.C. 6A:9B-8A.2(d)8, which requires the participating LEA report to include any other information the Commissioner deems necessary. (9)

Response: The enabling statute, P.L. 2021, c. 224, requires approved school districts, charter schools, and renaissance school projects to submit an annual report evaluating the impact of hiring limited CE or limited CEAS holders to inform this data collection. In turn, the Commissioner will annually submit, to the State Board, a report summarizing the information submitted. The Department intends to collect data to review and analyze the effectiveness and/or educational impact of the proposed rules and to provide the results in the annual report to the State Board. The Department has not yet determined how, or if, data will be shared publicly.

21. Comment: The commenter stated that an increase of teachers in school districts approved to participate in the pilot program will positively influence youth development. The commenter stated that proposed rulemaking's Racial and Ethnic Community Criminal Justice and Public Safety Impact statement declares, in part, that "[t]here is an extreme unlikelihood that the proposed amendments and new rules would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State." The commenter requested that the Department confer with the

Juvenile Justice Commission to discern an estimate of the positive impact. The commenter also encouraged the Department to reflect upon school districts that have increased the number of students taking advanced placement courses. (9)

Response: The Department appreciates the commenter's viewpoint that the pilot program will have a positive impact on youth development. The Racial and Ethnic Community Criminal Justice and Public Safety Impact statement is about the proposed rules' impact on pretrial detention, sentencing, probation, or parole policies. While the pilot program could positively effect student outcomes, it will not alter any policy related to pretrial detention, sentencing, probation, or parole.

22. Comment: The commenter requested clarification as to how school districts applying to participate in the pilot program will receive confirmation of acceptance. (4)

Response: The Department implemented a process within each county office of education whereby applying LEAs receive a letter of approval.

23. Comment: The commenter requested clarification regarding the Department's plan to share the pilot program's success and/or challenges with the Legislature. (4)

Response: The enabling statute, P.L. 2021, c. 224, requires the Commissioner to annually submit, to the State Board, a report summarizing information submitted by school districts, charter schools, and renaissance school projects. The Department intends to collect data to review and analyze the effectiveness and/or educational impact of the proposed rules and to provide the results in the annual report to the State Board. Approved LEAs will be required to submit an annual report evaluating the impact of hiring limited CE or limited CEAS holders to inform this data collection.

24. Comment: The commenter requested clarification as to how many staff have been identified to support the implementation of these regulations. (4)

Response: The Department has made available appropriate resources to adequately support implementation of the proposed rules.

25. Comment: The commenter stated that individuals do not only learn in a college course and that life teaches many important rules about surviving. The commenter requested that the rules on college courses be changed. The commenter also stated that the State should enlarge who can be teachers because students can learn in many different ways. (6)

Response: The limited CE, as well as the existing CE, will enable individuals who have not yet completed an educator preparation program to be eligible for employment as a teacher in approved LEAs if they meet the requirements under the pilot program or the existing rules related to the CE. Except for career and technical education and military science endorsements, State law requires candidates for an educator certificate to hold a bachelor's or higher degree. Therefore, the college degree requirement cannot be changed.

26. Comment: The commenter indicated that all charter schools should be shut down, as they are an unfortunate financial load on the public. The commenter also stated that children who are brought to the United States by their parents outside of the established immigration process should not be entitled to an education at taxpayers' expense. The commenter also contended that a judge's decision from many years ago when immigration was not a problem is used as a cornerstone for a massive giveaway program. (6)

Response: The comments are outside the scope of the rulemaking, which concerns five sections at N.J.A.C. 6A:9B.

Summary of Agency-Initiated Change:

The Department will change new N.J.A.C. 6A:9B-8A.1(f) to correct a change made in error in the published notice of proposal. As approved by the State Board at proposal level on February 2, 2022, N.J.A.C. 6A:9B-8A.1(f) stated that, throughout the subchapter, “school district” refers to school districts, charter schools, and renaissance school projects that apply to participate in the pilot program or are approved by the Commissioner to participate as set forth at N.J.A.C. 6A:9B-8A.2. During the pre-publication process, the proposed regulation was changed so that the term applied to school districts, charter schools, and renaissance school projects that applied and were accepted to participate in the pilot program. As some of the new rules at N.J.A.C. 6A:9B-8A apply to applicants before the Commissioner’s decision is made, the Department proposes to replace “and” with “or.”

Federal Standards Statement

There are no Federal requirements that impact the adopted amendments and new rules.

Full text of the adoption follows (addition to proposal indicated in boldface with asterisks ***thus***; deletion from proposal indicated in brackets with asterisks *[thus]*).

Subchapter 8A. Limited Instructional Certificate of Eligibility and Certificate of Eligibility with

Advanced Standing Pilot Program

6A:9B-8A.1 Scope

(a)-(e) (No change from proposal.)

(f) Throughout this subchapter, “school district” shall refer to school districts, charter schools, and renaissance school projects that apply to participate in the pilot program

[and] *or* are approved by the Commissioner to participate as set forth at N.J.A.C.
6A:9B-8A.2.