

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

The following is the accessible version of the notice of proposal 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. The notice includes two sections – [summary](#) and [text of the proposed amendments and new rules](#).

Education

State Board of Education

State Board of Examiners and Certification

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

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

Authorized By: New Jersey State Board of Education, Angelica Allen-McMillan, Ed.D., Acting Commissioner, Department of Education, Acting Secretary, State Board of Education.

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

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

Proposal Number: PRN 2022-029.

Submit written comments by May 6, 2022, to:

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The agency proposal follows:

Summary

The Department of Education (Department) proposes new rules at N.J.A.C. 6A:9B, State Board of Examiners and Certification, to effectuate a new State law authorizing the development of a five-year pilot program for issuance of a limited certificate of eligibility (limited CE) and a

limited certificate of eligibility with advanced standing (limited CEAS) in an instructional area for candidates who meet certain requirements. Limited CE and limited CEAS holders will only be eligible to teach in school districts, charter schools, and renaissance school projects that apply to participate in the pilot program and are approved by the Commissioner of the Department of Education (Commissioner).

Under the existing rules, a candidate for a certificate of eligibility (CE) must possess, at a minimum, a bachelor's degree, complete a minimum number of content credits through subject-specific coursework, have a minimum grade point average, meet the basic skills requirement, and pass a content knowledge assessment. The CE is the "alternate route" pathway. A candidate for a certificate of eligibility with advanced standing (CEAS) must complete an educator preparation program, possess, at a minimum, a bachelor's degree, complete a minimum number of content credits through subject-specific coursework, have a minimum grade point average, pass a content knowledge assessment, and pass a performance assessment. The CEAS is the traditional route to certification. The CE and CEAS, which are issued by the State Board of Examiners, are lifetime certificates that authorize holders to seek and accept employment as a teacher in any New Jersey public school district.

P.L. 2021, c. 224 (N.J.S.A. 18A:26-2b through h) creates a limited CE and a limited CEAS in an instructional area for individuals who have met all but one of the existing certification eligibility requirements. Certificate holders who have a limited CE or a limited CEAS in an instructional area will be eligible to seek employment only in a school district approved to hire such candidates.

The new law also sets forth the criteria for the Commissioner's approval of school districts, charter schools, and renaissance school projects (referred to throughout as "school

districts”) that apply to participate in the pilot program and to hire holders of the limited CE or limited CEAS. Each school district must demonstrate a sufficient capability to provide support to new teachers, as well as one of the following: a demographic disparity between the school district’s or school’s student population and its teaching staff; a shortage of bilingual education teachers; or a critical need to fill teacher vacancies or hardships caused by teacher vacancies. School districts approved to participate in the pilot program will be permitted to hire a specific number of limited CE or limited CEAS holders that equal a maximum of 10 percent of the school district’s total teacher population.

P.L. 2021, c. 224, is intended to expand the teacher candidate pool to provide relief to schools and school districts experiencing staffing challenges due to the COVID-19 public health emergency, while maintaining the integrity of the educator certification process. The limited CE and limited CEAS will provide an on-ramp to the teaching profession by removing a barrier that may be preventing otherwise qualified potential teachers from earning a certificate. To maintain educator quality, limited CE and limited CEAS holders will be expected to meet the same educator preparation program requirements as candidates for a regular CE or CEAS. Limited CE or limited CEAS holders will progress through the provisional teacher process and be provided with new teacher induction, mentoring, and professional learning opportunities in the same manner as holders of a regular CE or CEAS. Limited CE and limited CEAS holders who earn a provisional certificate will also be required to demonstrate competency in the classroom through “effective” or “highly effective” summative ratings, as well as meet all other requirements for the standard certificate.

The new law also will require school districts that participate in the pilot program to submit to the Commissioner an annual report evaluating the impact of hiring limited CE or

limited CEAS holders. School district reporting regarding teachers holding the limited CE or the limited CEAS will allow the Department to study the impact of the pilot program to inform future policy decisions.

The following summarizes the proposed new rules and amendments.

The Department proposes new N.J.A.C. 6A:9B-5.6(b)13 to set – at \$170.00 -- the fee for each limited CE and limited CEAS, which includes the issuance of the provisional certificate and standard certificate. The fee is the same as set forth at existing N.J.A.C. 6A:9B-5.6(b)1 for the regular CE and CEAS.

**Subchapter 8A. Limited Instructional Certificate of Eligibility and Certificate of Eligibility
with Advanced Standing Pilot Program**

N.J.A.C. 6A:9B-8A.1 Scope

The Department proposes new N.J.A.C. 6A:9B-8A.1 to establish the scope of the five-year pilot program created pursuant to P.L. 2021, c. 224, as well as general provisions for the creation and issuance of the limited CE and limited CEAS in an instructional area.

N.J.A.C. 6A:9B-8A.1(a) indicates that the subchapter's rules implement a five-year pilot program for the issuance of limited CEs and CEASs in an instructional area.

N.J.A.C. 6A:9B-8A.1(b) provides that the five-year pilot program established by the Commissioner will begin in the 2022-2023 school year and will result in Board of Examiners-issued limited CEs and CEASs in an instructional area under specific eligibility criteria. The proposed subsection also provides that the Department will maintain a list of Commissioner-approved school districts that are permitted to hire holders of the limited CE or limited CEAS in an instructional area under the pilot program.

N.J.A.C. 6A:9B-8A.1(c) provides that holders of the limited CE or limited CEAS in an instructional area can seek employment only in the school districts, charter schools, and renaissance school projects approved by the Commissioner to participate in the pilot program.

N.J.A.C. 6A:9B-8A.1(d) states that the limited CE and CEAS will not be issued after September 1, 2027. N.J.A.C. 6A:9B-8A.1(d)1 states that school districts, charter schools, and renaissance school projects approved by the Commissioner to participate in the pilot program shall ensure that individuals hired under the pilot program obtain their provisional certificate no later than November 1, 2027.

N.J.A.C. 6A:9B-8A.1(e) states that all limited CEs and CEASs issued under the pilot program, and existing at the expiration of the pilot program, will expire on November 1, 2027.

N.J.A.C. 6A:9B-8A.1(f) states that “school district,” as used in the proposed subchapter, refers to all school districts, charter schools, and renaissance school projects that apply to participate in the pilot program are approved by the Commissioner to participate.

N.J.A.C. 6A:9B-8A.2 School district participation

The Department proposes N.J.A.C. 6A:9B-8A.2 to establish criteria for Commissioner approval of school districts to participate in the pilot program, as well as criteria for their continued participation.

N.J.A.C. 6A:9B-8A.2(a) will require a school district to be approved by the Commissioner prior to hiring holders of the limited CE or limited CEAS in an instructional area.

N.J.A.C. 6A:9B-8A.2(b) will require school districts seeking approval to participate in the pilot program to provide, to the Commissioner, a plan to sufficiently support novice teachers. The proposed subsection also will require school districts to provide data demonstrating one or more of the following: a demographic disparity between the school district’s or school’s student population

and its teachers; a shortage of bilingual education teachers within the school district; or a critical need to fill teacher vacancies or a hardship caused by teacher vacancies within the school district.

N.J.A.C. 6A:9B-8A.2(c) states that school districts approved to participate in the pilot program shall be eligible to hire certificate holders of the limited CE or limited CEAS in an instructional area. The proposed subsection also states that the number of hired holders of a limited CE or limited CEAS cannot exceed, at any time during the pilot program, 10 percent of the school district's total teacher population, as indicated on the school district's position control roster.

To maintain approved status, N.J.A.C. 6A:9B-8A.2(d) will require a school district to annually submit to the Commissioner a report evaluating the impact of hiring certificate holders with limited CEs or limited CEASs in an instructional area. The proposed subsection also will require the content of the annual report to be cumulative, but disaggregated by the school year, to address each year in which the school district participates in the pilot program. The proposed subsection further states that the report shall include, but not be limited to, the following:

- The number of limited certificate holders hired by the school district under the pilot program;
- The subject areas in which the certificate holders teach and the course(s) they teach;
- The impact of hiring certificate holders with limited CEs and limited CEASs on the school district's or school's demographic disparity between its student population and teachers;
- The effect of hiring certificate holders with limited CEs and limited CEASs on the school district's ability to fill teacher vacancies;
- The effect on the school district's ability to fill shortages of bilingual education teachers within the school district;

- The student achievement data for students taught by limited certificate holders who were hired by the school district under the pilot program;
- The teacher evaluation data, pursuant to N.J.A.C. 6A:10, and retention data for certificate holders hired under the pilot program; and
- Any other information the Commissioner deems necessary, pursuant to section 5 at P.L. 2021, c. 224.

N.J.A.C. 6A:9B-8A.2(e) will require approved school districts to enroll all holders of the limited CE or limited CEAS in the provisional teacher program within one month of the certificate holder's employment start date. The proposed rule will ensure that limited CE and limited CEAS holders are in the position to receive their provisional certificates prior to the expiration of the pilot program. Under the proposed new subchapter, limited CEs and limited CEASs will expire on November 1, 2027, and certificate holders will be required to have a provisional certificate as of that date to maintain employment and to progress toward a standard certificate beyond the expiration of the pilot program.

N.J.A.C. 6A:9B-8A.2(f) provides that, upon expiration of the pilot program on September 1, 2027, school districts cannot hire holders of a limited CE or limited CEAS, unless the candidate holds another certificate required for employment in the position.

N.J.A.C. 6A:9B-8A.2(g) states that all Commissioner approvals under the subchapter terminate with the expiration of the pilot program on September 1, 2027.

N.J.A.C. 6A:9B-8A.2(h) will allow certificate holders of a limited CE or limited CEAS who hold a provisional certificate as of November 1, 2027, to continue the provisional teacher program within the time limitations set forth at N.J.A.C. 6A:9B-8.4 and 8.5.

N.J.A.C. 6A:9B-8A.3 Limited CE or CEAS in an instructional area requirements

The Department proposes N.J.A.C. 6A:9B-8A.3 to establish eligibility criteria for the limited CE and limited CEAS in an instructional area.

N.J.A.C. 6A:9B-8A.3(a) will require a candidate for a limited CEAS in an instructional area to meet all the requirements for a CEAS pursuant to N.J.A.C. 6A:9B-8.2, with the exception of one of the following: (1) the minimum grade point average (GPA) requirement pursuant to N.J.A.C. 6A:9B-8.2(a)3 and its exceptions at N.J.A.C. 6A:9B-8.2(c); or (2) the minimum passing score on an appropriate State test(s) of subject matter knowledge pursuant to N.J.A.C. 6A:9B-8.2(a)4 and the alternative requirements or exceptions at N.J.A.C. 6A:9B-9.1(a)2.

N.J.A.C. 6A:9B-8A.3(b) will require a candidate for a limited CE in an instructional area to hold a bachelor's or an advanced degree and to meet all other requirements for a CE pursuant to N.J.A.C. 6A:9B-8.3, with the exception of one of the following: (1) the minimum number of subject area course credits and the alternative requirements or exceptions at N.J.A.C. 6A:9B-8.3(a)4 and 9.1(a)1; (2) the minimum GPA pursuant to N.J.A.C. 6A:9B-8.3(a)3 and its exceptions at N.J.A.C. 6A:9B-8.3(b); (3) 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; or (4) 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.

N.J.A.C. 6A:9B-8A.4 Provisional and standard certificate requirements for certificate holders with a limited CE or CEAS in an instructional area

The Department proposes N.J.A.C. 6A:9B-8A.4 to establish criteria and requirements for holders of a limited CE and CEAS in an instructional area to earn a provisional certificate.

N.J.A.C. 6A:9B-8A.4(a) provides that the limited CE or limited CEAS in an instructional area shall satisfy the CE or CEAS requirement at N.J.A.C. 6A:9B-8.1(a) for purposes of obtaining a provisional certificate until November 1, 2027.

N.J.A.C. 6A:9B-8A.4(b) will require a certificate holder with a limited CE or limited CEAS in an instructional area to meet all the requirements at N.J.A.C. 6A:9B-8.4 to be eligible for a provisional certificate.

N.J.A.C. 6A:9B-8A.4(c) will require a provisional certificate holder hired under the pilot program to meet all the requirements at N.J.A.C. 6A:9B-8.7 to be eligible for a standard certificate.

N.J.A.C. 6A:9B-8A.4(d) will require holders of the limited CE or limited CEAS to meet all the requirements for a provisional certificate at N.J.A.C. 6A:9B-8.4 by no later than September 1, 2027.

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

Social Impact

The proposed amendments and new rules will positively impact both students and educators, as increasing the pool of teachers will ensure that students have quality educators serving in classrooms. These new limited certificates create an additional pathway for potential educators who otherwise would have been ineligible for a certificate. School districts and schools are experiencing educator staffing hardships, exacerbated by the COVID-19 public health emergency and its impact on the State's workforce. Qualitative and quantitative data indicate a slight decline in the number of teachers entering the profession, the number of teaching certificates issued, and the number of teacher candidates completing educator preparation programs in the State. The pilot program could alleviate some of the problems that school districts are facing in

filling vacancies and hiring teachers in hard-to-fill subject areas. This pilot program provides an opportunity to allow additional educators into the profession while maintaining educator quality as the Department studies the data collected to make long-term policy decisions.

Economic Impact

The economic impact of the proposed amendments and new rules on candidates for a limited CE or a limited CEAS will vary. The cost of a limited CE or a limited CEAS will be \$170.00 for all applicants. However, school districts participating in the pilot program may pay the application fee or reimburse limited CE and limited CEAS candidates for the fee. The costs of the required assessments (that is, basic skills and subject-matter knowledge assessments) and CE educator preparation program will depend on the endorsement area and program selected.

Outside of those associated with standard compensation, school districts will not incur additional costs to participate in the pilot program but may decide to invest in recruitment efforts to attract eligible candidates. The Department does not expect these expenses to vastly differ from typical personnel administration expenditure.

The pilot program could result in a positive economic impact by attracting more individuals seeking employment as teachers. The pilot program also could result in a positive economic impact for limited CE and limited CEAS holders who are offered employment as teachers.

Federal Standards Statement

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

Jobs Impact

The proposed amendments and new rules will likely increase the number of individuals eligible for a teaching certificate and result in fewer unfilled vacancies in school districts that participate in the pilot program.

Agriculture Industry Impact

The proposed amendments and new rules will have no impact on the agriculture industry.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required because the proposed new rules and amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Housing Affordability Impact Analysis

The proposed amendments and new rules will have an insignificant impact on housing affordability in New Jersey. There is an extreme unlikelihood that the proposed amendments and new rules would evoke a change in the average costs associated with housing because the proposed amendments and new rules will govern the issuance of limited teaching certificates that will allow certificate holders to seek employment in public schools authorized to participate in the pilot program.

Smart Growth Development Impact Analysis

The proposed amendments and new rules will have an insignificant impact on smart growth. There is an extreme unlikelihood that the proposed amendments and new rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments

and new rules govern the issuance of limited teaching certificates that will allow certificate holders to seek employment in public schools authorized to participate in the pilot program.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

There 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 because the proposed amendments and new rules govern the issuance of limited teaching certificates that will allow certificate holders to seek employment in public schools authorized to participate in the pilot program.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

Subchapter 5. General Certification Policies

6A:9B-5.6 Fees

- (a) (No change.)
- (b) The following nonrefundable fee schedule applies:
 - 1. – 10. (No change.)
 - 11. Upon completion of a State-approved administrator residency program, a one-time administrative fee – \$200.00; [and]
 - 12. Upon completion of a Commissioner-approved CE educator preparation program for holders of an instructional CE, a one-time administrative fee – \$100.00[.]; **and**
 - 13. **For each limited CE and CEAS in instructional areas, which includes the issuance of the provisional certificate and standard certificate – \$170.00.**

**Subchapter 8A. Limited Instructional Certificate of Eligibility and Certificate of Eligibility
with Advanced Standing Pilot Program**

6A:9B-8A.1 Scope

- (a) Pursuant to P.L. 2021 c. 224, this subchapter’s rules implement a five-year pilot program for the issuance of limited certificates of eligibility (CEs) and limited certificates of eligibility with advanced standing (CEASs) in an instructional area.**
- (b) The five-year pilot program established by the Commissioner will begin in the 2022-2023 school year and will result in the following:**

 - 1. A Board of Examiners-issued limited CE or CEAS in an instructional area for candidates who apply for and meet the criteria established in this subchapter; and**
 - 2. A Department-maintained list of Commissioner-approved school districts, charter schools, and renaissance school projects permitted to hire certificate holders who have a limited CE or CEAS in an instructional area.**
- (c) A limited CE or CEAS in an instructional area shall permit a certificate holder to seek employment in only the school districts, charter schools, and renaissance school projects approved by the Commissioner to participate in the pilot program.**
- (d) The limited CE and CEAS will not be issued after September 1, 2027.**

 - 1. School districts, charter schools, and renaissance school projects approved by the Commissioner to participate in the pilot program shall ensure that individuals hired pursuant to the pilot program obtain their provisional certificate by no later than November 1, 2027.**

- (e) All limited CEs and CEASs issued pursuant to the pilot program, and existing at the expiration of the pilot program, shall expire on November 1, 2027.
- (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 are approved by the Commissioner to participate as set forth at N.J.A.C. 6A:9B-8A.2.

6A:9B-8A.2 School district participation

- (a) A school district seeking to hire certificate holders of limited CEs or CEASs in an instructional area pursuant to the pilot program established pursuant to this subchapter shall first be approved by the Commissioner.
- (b) To seek Commissioner approval to hire certificate holders of limited CEs or CEASs in an instructional area, a school district shall provide to the Commissioner, or the Commissioner’s designee, the following:
 - 1. A plan to sufficiently support novice teachers in accordance with N.J.A.C. 6A:9C-5; and
 - 2. Data demonstrating one or more of the following:
 - i. A demographic disparity between the school district’s or school’s student population and its teachers;
 - ii. A shortage of bilingual education teachers within the school district; or
 - iii. A critical need to fill teacher vacancies or a hardship caused by teacher vacancies within the school district.
- (c) Pursuant to P.L. 2021 c. 224, a school district approved to participate in the pilot program shall be eligible to hire certificate holders of limited CEs or CEASs in an

instructional area. The number of certificate holders of limited CEs or CEASs in an instructional area hired shall not exceed, at any time during the pilot program, 10 percent of the school district's total teacher population, as indicated on the school district's position control roster.

(d) To maintain approved status, a school district previously approved to participate in the pilot program shall annually submit to the Commissioner a report evaluating the impact of hiring certificate holders with limited CEs or CEASs in an instructional area. The content of the annual report shall be cumulative, but disaggregated by school year, to address each year in which the school district participates in the pilot program. The report shall include, but not be limited to, the following:

- 1. The number of certificate holders hired by the school district under the pilot program;**
- 2. The subject areas in which the certificate holders teach and the course(s) they teach;**
- 3. The impact of hiring certificate holders with limited CEs and CEASs on the school district's or school's demographic disparity between its student population and teachers;**
- 4. The effect on the school district's ability to fill shortages of bilingual education teachers within the school district;**
- 5. The effect of hiring certificate holders with limited CEs and CEASs on the school district's ability to fill teacher vacancies;**
- 6. The student achievement data for students taught by certificate holders who were hired by the school district under the pilot program;**

7. **The teacher evaluation data, pursuant to N.J.A.C. 6A:10, and retention data for certificate holders hired under the pilot program; and**
 8. **Any other information the Commissioner deems necessary, pursuant to section 5 at P.L. 2021, c. 224.**
- (e) **Approved school districts shall enroll all holders of the limited CE or CEAS in the provisional teacher program within one month of the certificate holder's employment start date.**
 - (f) **Upon expiration of the pilot program on September 1, 2027, school districts shall not hire holders of a limited CE or CEAS, unless the candidate holds another certificate required for employment in the position.**
 - (g) **All Commissioner approvals pursuant to this subchapter shall terminate with the expiration of the pilot program on September 1, 2027.**
 - (h) **Certificate holders of a limited CE or CEAS who hold a provisional certificate as of November 1, 2027, shall be permitted to continue the provisional teacher program within the time limitations set forth at N.J.A.C. 6A:9B-8.4 and 8.5.**

6A:9B-8A.3 Limited CE or CEAS in an instructional area requirements

- (a) **To be eligible for a limited CEAS in an instructional area, the candidate shall successfully complete a State-approved educator preparation program and meet all requirements for a CEAS pursuant to N.J.A.C. 6A:9B-8.2, with the exception of one of the following:**
 1. **The minimum GPA requirement pursuant to N.J.A.C. 6A:9B-8.2(a)3 and its exceptions at N.J.A.C. 6A:9B-8.2(c); or**

2. The minimum passing score on an appropriate State test(s) of subject matter knowledge pursuant to N.J.A.C. 6A:9B-8.2(a)4 and the alternative requirements or exceptions at N.J.A.C. 6A:9B-9.1(a)2.
- (b) To be eligible for the limited CE in an instructional area, the candidate shall hold a bachelor's or an advanced degree pursuant to N.J.A.C. 6A:9B-8.3(a)1 and shall meet all other requirements for a CE pursuant to N.J.A.C. 6A:9B-8.3, with the exception of one of the following:
1. The minimum number of subject area course credits and the alternative requirements or exceptions at N.J.A.C. 6A:9B-8.3(a)4 and 9.1(a)1;
 2. The minimum GPA pursuant to N.J.A.C. 6A:9B-8.3(a)3 and its exceptions at N.J.A.C. 6A:9B-8.3(b);
 3. 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; or
 4. 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.

6A:9B-8A.4 Provisional and standard certificate requirements for certificate holders with a limited CE or CEAS in an instructional area

- (a) The limited CE or CEAS in an instructional area shall satisfy the CE or CEAS requirement at N.J.A.C. 6A:9B-8.1(a) for purposes of obtaining a provisional certificate until November 1, 2027.

- (b) To be eligible for a provisional certificate, a certificate holder with a limited CE or CEAS shall meet all the requirements at N.J.A.C. 6A:9B-8.4.**
- (c) To be eligible for a standard certificate, a provisional certificate holder hired pursuant to this pilot program shall meet all the requirements for a standard instructional certificate pursuant to N.J.A.C. 6A:9B-8.7.**
- (d) Holders of the limited CE or CEAS shall meet all the requirements for a provisional certificate at N.J.A.C. 6A:9B-8.4 no later than September 1, 2027.**