

State of New Jersey
Department of Education
Notice of Rule Waiver/Modification/Suspension

**Pursuant to Executive Order No. 103 (Murphy)(March 9, 2020), Executive Orders No. 117
And 119 (Murphy) (April 7, 2020) and
COVID-19 State of Emergency**

**Temporary Rule: Waivers and Modifications at N.J.A.C. 6A:9A – New Jersey Educator
Preparation Programs and N.J.A.C. 6A:9B – State Board of Examiners and Certification**

Date: May 11, 2020

Authority: N.J.S.A. App.A:9-45 and App. A:9-47; Executive Order No. 103 (Murphy)(“EO 103”); Executive Order No. 117 (“EO 117”); and Executive Order No. 119 (Murphy) (“EO 119”)

Effective Date: May 11, 2020

Expiration Date: Concurrent with the end of EO 103 and 119

This is an emergency adoption of temporary rule waivers and modifications of select certification requirements at N.J.A.C. 6A:9A-4.5(a)2, 6A:9A-5.5(a)2, 6A:9B-8.2(a)6, and 6A:9B-8.7(a)4. To be issued teacher certification, candidates must take and pass a performance assessment. Section 6 of EO 103 and Section 1 of EO 117, issued in response to the COVID-19 pandemic, authorize agency heads to waive/suspend/modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, and with the approval of the Governor, and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the Commissioner of Education is waiving and amending Department of Education (Department) rules as follows:

The Department waives the provisions at N.J.A.C. 6A:9A-4.5(a) and 6A:9B-8.2(a)6 that require a teacher certification candidate completing an educator preparation program and seeking a Certificate of Eligibility with Advanced Standing (CEAS) to pass a Commissioner-approved performance assessment to receive a CEAS. For a provisional teacher completing a Certificate of Eligibility (CE) educator preparation program and seeking a standard certificate, the Department also waives the provisions at N.J.A.C. 6A:9A-5.5(a)2 and 6A:9B-8.7(a)4i that require the candidate pass a Commissioner-approved performance assessment to complete a program and receive a standard certificate, respectively.

In lieu of the EdTPA, which is the Commissioner-approved performance assessment, CE and CEAS educator preparation programs will submit to the Department plans explaining how they will determine that each candidate recommended for certification has

demonstrated preparedness to teach. The EdTPA is an electronic portfolio process that requires completers to plan and teach lessons to students, and to submit a video clip showing the candidate teaching in a classroom setting (virtual or in person). COVID-19 school closures have significantly impacted candidates' ability to successfully submit high-quality portfolios of work that span their time in the classroom. Disruptions to school schedules, the transition from in-person to virtual instruction, and the strain on resources have created a situation where candidates who have not already submitted the assessment are unable to meet the performance assessment requirement or to submit a performance assessment indicative of their pedagogical skill.

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

N.J.A.C. 6A:9A, New Jersey Educator Preparation Programs

6A:9A-4.5 Recommendations for a certificate of eligibility with advanced standing (CEAS)

(a) CEAS educator preparation programs shall recommend to the Department certification only for candidates who have:

1. (No change.)
2. Completed all requirements pursuant to N.J.A.C. 6A:9B-8 through 13. Higher education institutions and/or their CEAS educator preparation programs also may apply the exceptions in N.J.A.C. 6A:9B-8.1(a)2i, iii, or iv; and

i. Candidates who are enrolled in a CEAS educator preparation program as of April 28, 2020, and complete the program between April 28, 2020, and September 1, 2020, shall not be required to complete the Commissioner-approved performance assessment set forth at N.J.A.C. 6A:9B-8.2(a)6. Instead, the CEAS educator preparation program shall submit to the Department a plan explaining how it determined each candidate who was unable to

complete the performance assessment demonstrated preparedness for teaching before being recommended for a CEAS.

3. (No change.)

(b) (No change)

6A:9A-5.5 Completion of CE educator preparation program

(a) To complete a CE educator preparation program, a candidate shall:

1. (No change.)

2. Effective for candidates who begin a program in academic year 2017-2018, or thereafter, pass a Commissioner-approved performance assessment.

i. Candidates who are enrolled in a CE educator preparation program as of April 28, 2020, and complete the program between April 28, 2020, and September 1, 2020, shall not be required to complete the Commissioner-approved performance assessment. Instead, the CE educator preparation program shall submit to the Department a plan explaining how it determined each candidate who was unable to complete the performance assessment demonstrated preparedness for teaching.

(b) (No change.)

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

6A:9B-8.2 Requirements for certificates of eligibility with advanced standing (CEAS)

(a) Except as indicated in N.J.A.C. 6A:9B-10 and 11, the candidate shall meet the following criteria to be eligible for a CEAS in instructional areas:

1. – 5. (No change.)

6. Pass a Commissioner-approved performance-based assessment of teaching if graduated on or after September 1, 2017.

i. Candidates who apply for a CEAS between April 28, 2020, and September 1, 2020, shall not be required to pass a Commissioner-approved performance-based assessment.

(b) – (e) (No change.)

6A:9B-8.7 Requirements for the standard certificate

(a) Except as indicated in N.J.A.C. 6A:9B-8.8, 10, and 11, to be eligible for the standard certificate in any instructional area, the candidate shall:

1. – 3. (No change.)

4. For CE holders, do the following:

i. Effective for candidates who begin teaching academic year 2017-2018, pass the performance assessment if the candidate did not pass it prior to earning a CE; and

(1) Candidates who apply for a standard certificate between April 28, 2020, and September 1, 2020, shall not be required to pass the performance assessment required at N.J.A.C. 6A:9A-5.5(a)2;

ii. (No change.)

(b) (No change.)

I find the waiver or modification of select certification requirements at N.J.A.C. 6A:9A-4.5(a)2, 6A:9A-5.5(a)2, 6A:9B-8.2(a)6, and 6A:9B-8.7(a)4 above are necessary because enforcement of the existing rules would be detrimental to the public welfare during this emergency.

May 11, 2020

Lamont O. Repollet, Ed.D., Commissioner
Department of Education