

Public Notice

Education

State Board of Education

Notice of Action on Petition for Rulemaking

State Board of Examiners and Certification

Limited CE or CEAS in an Instructional Area Requirements

N.J.A.C. 6A:9B-8A.3

Petitioner: Jeremiah Price-Williams.

Take notice that on October 17, 2024, the State Board of Education (State Board) received a petition for rulemaking from the above petitioner, requesting the State Board amend, repeal, and create regulations related to the Commissioner-approved test of basic reading, writing, and mathematical skills.

The petitioner provided the text of the rule regarding the limited certificate of eligibility (CE) at N.J.A.C. 6A:9B-8A.3(b)3, but did not specify which regulations at Title 6A of the New Jersey Administrative Code should be amended, repealed, or created. The petitioner's request questioned why the five percent margin of error for the Praxis passing score when a candidate's grade point average (GPA) is 3.50 or higher applies to only a select few tests and not the Commissioner-approved test of basic reading, writing, and mathematical skills (Praxis CORE). The petitioner stated that the Department of Education (Department) should accept a score on the Praxis CORE that is within a five percent margin of error if the candidate's GPA is 3.50 or higher.

A notice acknowledging receipt of the petition was published in the November 18, 2024, New Jersey Register at 56 N.J.R. 2251(b).

P.L. 2021, c. 224 (N.J.S.A. 18A:26-2b et seq.), authorized a five-year pilot program that provides qualified candidates with a limited CE or limited certificate of eligibility with advanced

standing (CEAS). Pursuant to N.J.S.A. 18A:26-2d and 2e, the limited CE/limited CEAS pilot program exempts a candidate from one certificate requirement if the candidate meets all other requirements and works in a school district that participates in the pilot program. N.J.S.A. 18A:26-2e and N.J.A.C. 6A:9B-8A.3(b) authorize the issuance of a limited CE in an instructional area to a candidate who holds a bachelor's degree, at a minimum, and meets all other CE eligibility requirements pursuant to N.J.A.C. 6A:9B-8.3, except any one of the following:

1. The requirement to complete a minimum number of subject area course credits and all other related alternative requirements or exceptions;
2. The minimum GPA requirement and all other alternative GPA requirements or exceptions;
3. The requirement to achieve a minimum score on a Commissioner-approved test of basic reading, writing, and mathematical skills and all other alternative basic skills requirements or exceptions; or
4. The requirement to achieve a minimum passing score on an appropriate State test of subject matter knowledge and all other alternative requirements or exceptions.

N.J.A.C. 6A:9B-8A.3(b)3 allows a limited CE candidate who has a GPA that exceeds 3.00 and meets all other requirements for a CE to seek an exemption from having to achieve a minimum score on a Commissioner-approved test of basic reading, writing, and mathematical skills. Therefore, the petitioner's requested change is not necessary.

To the extent the petition seeks to amend the regulation to allow a candidate to receive an exemption from N.J.S.A. 18A:26-2e.a(1) or (4), and also receive another exemption for the minimum score on a Commissioner-approved test of basic reading, writing, and mathematical skills when the candidate's GPA exceeds the minimum requirement, such an amendment would not be permitted pursuant to N.J.S.A. 18A:26-2e. The statute allows only one exemption per candidate and

authorizing a second exemption would exceed statutory authority. (See N.J.S.A. 18A:26-2e.a: “[T]he State Board of Education shall authorize the issuance of a limited certificate of eligibility to a teacher candidate who meets all other eligibility requirements to receive a certificate of eligibility, except any *one* of the following”) (emphasis added).)

Furthermore, N.J.A.C. 1:30-4.1(b) and 6A:6-4.1(b) require a petition for rulemaking to state the substance or nature of the rulemaking that is requested, the reasons for the request and the petitioner's interest in the request, and references to the authority of the agency to take the requested action. The petitioner's request provided the rule at N.J.A.C. 6A:9B-8A.3(b)3, rather than a reference to the agency's authority to take the requested action.

For all of the above-mentioned reasons, after due consideration pursuant to law, the petitioner's request is hereby denied.