

## **Executive Order No. 103 Notices**

### **Education**

#### **The Commissioner**

#### **Notice of Rule Waiver/Modification/Suspension Pursuant to Executive Order No. 103**

**(2020)**

#### **COVID-19 State of Emergency**

#### **Certification Requirements**

#### **N.J.A.C. 6A:9A-4.5 and 5.5 and 6A:9B-8.2 and 8.7**

Authorized: November 30, 2020, by Angelica Allen-McMillan, Acting Commissioner, Department of Education.

Authority: N.J.S.A. App.A:9-45 and App. A:9-47; and Executive Order No. 103 and 117 (2020).

Effective Date: November 30, 2020

Expiration Date: Upon the Termination of the Public Health Emergency Declaration Made Pursuant to Executive Order No. 103 (2020).

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, 5.5(a)2, and 6.4(a)2, and 6A:9B-8.2(a)6, 8.7(a)4, and 6A:9B-11A.3(a)5. 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 Acting Commissioner of Education is waiving and amending Department of Education (Department) rules as follows:

1. The Department modifies 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 (EPP) and seeking a certificate of eligibility with advanced standing (CEAS) to pass a Commissioner-approved performance assessment to receive a CEAS if certain conditions are met. For a provisional teacher completing a certificate of eligibility (CE) EPP and seeking a standard certificate, the Department also modifies 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 if certain conditions are met. It is imperative that performance assessment requirements in the above context, and in all other instances, be applied liberally in light of COVID-19 related limitations and/or complications.

The edTPA is the Commissioner-approved teacher performance assessment for teacher certification candidates referenced above. It is an electronic portfolio that requires candidates 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). As a result of the impacts from the COVID-19 public health emergency, the Department previously waived the required assessment for certain candidates applying before September 1, 2020. However, the COVID-19 public health emergency has continued to impact candidates' ability to successfully meet the edTPA requirements. Disruptions to school schedules, the transition from in-person to hybrid or virtual instruction mid-semester, and the strain on resources during the 2020-2021 school year have hindered some candidates'

eligibility to meet the performance assessment requirement or to submit a performance assessment indicative of their pedagogical skill.

Due to the ongoing COVID-19 public health emergency, current candidates may be completing the edTPA in a greater variety of settings. In rare cases, limitations of some candidate placements may impact a candidate's ability to provide evidence for the edTPA in accordance with specified guidelines (that is, synchronous instruction, length of video recordings, minimum number of students in video, etc.).

Candidates who can complete the edTPA in the usual course with national scoring shall be required to do so. Nevertheless, to ensure all candidates have an equitable opportunity to demonstrate preparedness to teach within their individual circumstances, this modification provides CE and CEAS EPPs with the ability to accept alternative measures of readiness to teach from candidates seeking CEAS or standard certification during the 2020-2021 school year. If an EPP determines, on a case-by-case basis, that a teacher candidate is unable to complete the edTPA, an EPP may submit to the Department for approval an alternative measure to demonstrate readiness to teach or to recommend the candidate for a certificate of eligibility through reciprocity (CE-R).

The Department also modifies the provisions at N.J.A.C. 6A:9A-6.4(a)2 and 6A:9B-11A.3(a)5 that require candidates for the teacher leader endorsement to complete and pass a Commissioner-approved assessment. Due to COVID-19 related limitations, teacher leader endorsement programs lack an approved performance assessment that candidates must complete before being recommended for the endorsement. Accordingly, the Department maintains that teacher leader endorsement programs can properly ensure

candidates complete and pass an alternative assessment prior to recommending for the endorsement.

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

Chapter 9A, New Jersey Educator Preparation Programs

Subchapter 4. CEAS 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.

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; [and]

**ii. A CEAS educator preparation program may recommend candidates for certification who have not successfully completed the Commissioner-approved**

**performance assessment set forth at N.J.A.C. 6A:9B-8.2(a)6 if the following requirements are met:**

**(1) The candidate was enrolled in the program as of September 1, 2020, and completes the clinical practice requirement during a semester that began during the COVID-19 public health emergency;**

**(2) The CEAS educator preparation program determines that the candidate was unable, due to COVID-19 related limitations outside of the candidate's control, to complete the edTPA in the usual course for national scoring; and**

**(3) The CEAS educator preparation program provided the candidate with an alternative measure of assessment to demonstrate readiness to teach and the candidate successfully completed that alternative measure. The educator preparation program shall submit to the Department details of the alternative measures used to assess candidates prior to recommending candidates for certification. The educator preparation program also shall notify the Department if an alternative measure was used to assess each candidate submitted to the Department for certification as well as confirmation that the passing standard for the alternative measure was met by the candidate; and**

**3. (No change.)**

**(b) (No change)**

#### **Subchapter 5. CE Educator Preparation Programs**

**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.

ii. **A CE educator preparation program may recommend candidates for certification who have not completed the Commissioner-approved performance assessment set forth at N.J.A.C. 6A:9B-8.2(a)6 if the following requirements are met:**

**(1) The candidate was enrolled in the program as of September 1, 2020, and completes the program during a semester that began during the COVID-19 public health emergency;**

**(2) The CE educator preparation program determines that the candidate was unable, due to COVID-19 public health emergency related limitations outside of the candidate's control, to complete edTPA in the usual course for national scoring; and**

**(3) The CE educator preparation program provided the candidate with an alternative measure of assessment to demonstrate readiness to teach**

**and the candidate successfully completed that alternative measure. The educator preparation program shall submit for approval to the Department details of the alternative measures used to assess candidates prior to recommending candidates for certification. The educator preparation program also shall notify the Department if an alternative measure was used to assess each candidate submitted to the Department for certification as well as confirmation that the passing standard for the alternative measure was met by the candidate.**

(b) (No change.)

#### Subchapter 6. Teacher Leader Preparation Programs

##### 6A:9A-6.4 Teacher leader preparation program

(a) The teacher leader preparation program designed to lead to the teacher leader endorsement shall include:

1. (No change.)

2. Assessments that measure a candidate's knowledge of and ability to demonstrate the Teacher Leader Model Standards, including, but not limited to, a Commissioner-approved performance assessment; [and]

**i. Effective until the end of any semester that began during the COVID-19 public health emergency, a teacher leader preparation program shall be permitted to offer candidates an alternative assessment in lieu of a Commissioner-approved performance assessment. The alternative**

**assessment shall be submitted to the Department for review and approval prior to recommending candidates for the endorsement; and**

3. (No change.)

Chapter 9B, State Board Of Examiners And Certification

Subchapter 8. Requirements For Instructional 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.

**ii. Candidates may be exempt from this requirement if the state-approved educator preparation program recommends the candidate for certification pursuant to N.J.A.C. 6A:9A-4.5(a)2ii.**

(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.

(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; and

(2) **Candidates shall be exempt from this requirement if the state-approved educator preparation program recommends the candidate for certification consistent with N.J.A.C. 6A:9A-4.5(a)2ii or 5.5(a)2ii;**

(3) **Interstate reciprocity candidates holding a CE issued pursuant to N.J.A.C. 6A:9B-8.8 who meet all eligibility requirements for standard certification after September 1, 2020, except completion and passage of the performance assessment shall not be required to complete the performance assessment for the duration of the COVID-19 public health emergency. The candidates shall demonstrate readiness to teach via teacher evaluations completed pursuant to N.J.A.C. 6A:9B-8.6; and**

ii. (No change.)

(b) (No change.)

Subchapter 11A. Requirements For Teacher Leader Endorsement

6A:9B-11A.3 Requirements

(a) To be eligible for the teacher leader endorsement, the candidate shall meet the following requirements:

1. – 4. (No change.)

5. Pass a Commissioner-approved performance assessment.

**i. Candidates who successfully complete the teacher leader preparation program during the COVID-19 public health emergency shall be exempt from the requirement at (a)5 above but shall complete and pass an alternative assessment required by the teacher leader preparation program pursuant to N.J.A.C. 6A:9A-6.4(a)2i.**

(b) (No change.)

The Commissioner of Education finds that the modification of the rules above are necessary because enforcement of the existing rules would be detrimental to the public welfare during this emergency.

November 30, 2020  
Date

Dr. Angelica Allen-McMillan  
Acting Commissioner  
Department of Education