

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: May 1, 2020, by Lamont O. Repollet, Ed.D., Commissioner, Department of Education.

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

Effective Date: May 1, 2020.

Expiration Date: Upon the Termination of the 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, 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 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[; 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; 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.

(b) (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.

(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; and

ii. (No change.)

(b) (No change.)