

**Notice of Adoption Regarding Readoption with Amendments of
N.J.A.C. 6A:9, Professional Standards**

The following is the accessible version of the notice of adoption for the
readoption with amendments of N.J.A.C. 6A:9.

Education

State Board of Education

Professional Standards

Readoption with Amendments: N.J.A.C. 6A:9

Proposed: December 19, 2022, at 54 N.J.R. 2277(a).

Adopted: April 5, 2023, by the New Jersey State Board of Education, Angelica Allen-McMillan, Ed.D, Acting Commissioner, Department of Education, Acting Secretary, State Board of Education.

Filed: April 6, 2023, as R.2023 d.059, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 18A:1-1, 18A:4-15, 18A:6-34, 18A:6-38, 18A:26-2.7, and 18A:26-10; and P.L. 2012, c. 11.

Effective Dates: April 6, 2023, Readoption;
 May 1, 2023, Amendments.

Expiration Date: April 6, 2030.

Summary of Public Comments and Agency Responses:

The following is a summary of the comments received from members of the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Debra J. Bradley, Esq., Director of Government Relations, New Jersey Principals and Supervisors Association
2. Jacy Lance, Director of Public Affairs for Porzio Governmental Affairs, on behalf of the New Jersey Speech Hearing Association

3. David J. Shernoff, Ph.D., Director, Center for Mathematics, Science, and Computer Education, and Associate Professor, Department of School Psychology, Graduate School of Applied and Professional Psychology, Rutgers University
 4. Sehba Mahmood, Ph.D., edTPA, and Early Childhood Undergraduate Coordinator, Kean University
 5. Matthew Konowicz, Director of Instruction, Northern Burlington County Regional School District
 6. Brian J. Drelick, Supervisor of STEM, High Point Regional High School
 7. Nick Beykirch, Technology Education teacher, William Annin Middle School, Bernards Township Public Schools
 8. A. Smith, elementary school teacher
 9. Dr. David Aderhold, Superintendent of Schools, West Windsor-Plainsboro Regional School District, and John “Kenyon” Kummings, Superintendent of Schools, Wildwood City School District, on behalf of the New Jersey Association of School Administrators’ Recruitment and Retention Committee
 10. Jean Public
1. Comment: The commenter stated that many of the barriers to individuals entering the education field are archaic and have created a teaching shortage. The commenter also stated that the barriers must be removed, but the proposed amendments at N.J.A.C. 6A:9, 9A, 9B, and 9C are not sufficient to increase the pool of teaching candidates. The commenter further stated that the proposed amendments show a misunderstanding of, and a disconnect to, the current staffing crisis in school districts. (9)
 Response: The Department disagrees with the commenter’s statements that the

amendments at N.J.A.C. 6A:9, 9A, 9B, and 9C are not sufficient to remove barriers to entry into the teaching field. The amendments create additional pathways and opportunities for individuals to meet certification requirements. The amendments offer add-on endorsement opportunities, streamlined reciprocity rules, and address mentoring and professional development for new and novice teachers. The amendments will increase the educator pool while maintaining educator standards and quality. The Department has an understanding of the staffing crisis in school districts, which is why the Department has proposed the above-mentioned pathways.

2. Comment: The commenter thanked the Department for its efforts to keep teacher education in New Jersey current. The commenter asked for an update regarding the rules proposed for readoption with amendments at N.J.A.C. 6A:9, Professional Standards. (4)

Response: The Department thanks the commenter for the support. The amendments at N.J.A.C. 6A:9, Professional Standards, will take effect when the notice of adoption is published in the New Jersey Register, which could be as early as May 1, 2023, or on a subsequent publication date.

3. Comment: The commenter stated that the New Jersey Principals and Supervisors Association (NJPSA) conducted an informal survey to ascertain the extent of current staffing vacancies and the resulting impact on students, the Department certification process, and student teachers. The commenter acknowledged that the readoptions with amendments at N.J.A.C. 6A:9, 9A, 9B, and 9C present a pivotal opportunity and urged the Department to strategically address these long-term issues. The commenter urged the State Board to become advocates for the education profession and, as it reviews the

proposals at N.J.A.C. 6A:9, 9A, 9B, and 9C, consider the current school district context to proactively adopt policies that:

- Foster early interest in the profession;
- Increase completion rates of educator preparation programs;
- Incorporate flexibility and multiple pathways, including online learning opportunities, for candidates to demonstrate their knowledge;
- Remove unnecessary barriers to certification while balancing the foundational need for quality teaching for all students;
- Recognize that instructional decisions should not be driven by staffing availability (for example, increased class size, decreased course offerings, and increased use of substitutes);
- Streamline Department certification policies and procedures to expedite the issuance of educator certificates;
- Consider the need for expanding candidate pools by reducing the “over-specialization” approach of the existing certification system;
- Expand New Jersey’s approach to reciprocity with other states to attract out-of-State teachers who have proven to be successful in other states;
- Recognize the high demand at the school district level for increased candidate pools and incorporate trust in school districts’ ability to develop and support novice teachers on the job;
- Promote the retention of teachers through fair and balanced workplace policies (that is, mentoring, evaluation, and professional development) on issues within the New Jersey Administrative Code; and

- Collaborate and support the higher education community to ensure that new educator preparation program proposals are feasible, developed in a timely manner to meet student needs, have clear requirements, and are well-communicated to teachers. (1)

Response: The Department appreciates the comment, as the amendments at N.J.A.C. 6A:9, 9A, 9B, and 9C aim to create additional pathways and opportunities for individuals to meet certification requirements. The Department's intent is to increase the educator pool while maintaining educator standards and quality. The amendments offer add-on endorsement opportunities, streamlined reciprocity rules, and address mentoring and professional development for new and novice teachers.

4. Comment: The commenter stated that the definition of "authorization," as proposed for amendment, has the potential to present a significant issue for school-based speech-language pathologists, known in New Jersey's schools as speech-language specialists (SLSs), if the proposals allow any SLS applicant certified by another state's department of education to obtain New Jersey's educational services certificate with the SLS endorsement. The commenter also stated that some states require only a bachelor's degree to work as a speech-language professional in schools and contended that those candidates should not automatically be granted New Jersey's SLS endorsement unless they hold a master's degree. The commenter stated that the recommended changes would prevent an individual from securing an SLS endorsement without the minimal standard of a master's degree, regardless of the certification held from another state.

The commenter stated that, counter to the mandates at N.J.A.C. 6A:14-5.1(c)1v, some school districts contract with private agencies for full-time SLSs, rather than hiring

them as school district employees. The commenter also stated that this leads to privatization and discourages contracted SLSs from becoming a true part of their school communities and results in significant yearly turnover. The commenter further stated that amending the proposed definition of “authorization” as the commenter suggested may promote the hiring of more agency-employed SLSs who are contracted hourly and, therefore, often do not have time to collaborate or conference effectively with school staff. The commenter also stated that contracted employees have little or no opportunity to deliver in-class services, which provide many students with instruction in the least restrictive environments mandated by the Individuals with Disabilities Education Act (IDEA). The commenter further stated that SLSs working for agencies often do not evaluate students and, instead, in-house SLSs may be assigned increased workload responsibilities, which the commenter contends negatively impacts services to own students, as well as mandated timelines. The commenter also stated that although individuals who have a license from the New Jersey Division of Consumer Affairs or a Certificate of Clinical Competence from the American Speech-Language Association are qualified speech-language pathologists, the standard set by the Department for working as an SLS in a school should be the same standard for those hired through an agency from any state or any professional organization. (2)

Response: The amendments to the definition of “authorization” read as follows:

“‘Authorization’ means any requirement, license, certificate, or endorsement established by State or Federal law or by a professional licensing board for the individual to serve in a position.” Therefore, the Department disagrees with the commenter’s suggestion, as the definition ensures that individuals are appropriately certified in accordance with N.J.A.C.

6A:9B when serving in roles within schools or school districts that require a certificate.

The amendments will not negatively impact certified SLSs from serving in the necessary capacity to appropriately serve students.

The Department disagrees that limiting reciprocity of out-of-State licenses is ideal in the current climate. The Department's goal is to create opportunities for additional qualified professionals to enter the profession, including through reciprocity. The definition, as amended, still requires individuals to meet all the requirements set forth at N.J.A.C. 6A:9B to be authorized to serve in roles requiring a certificate. Pursuant to N.J.A.C. 6A:9B-14.21(a), New Jersey offers reciprocity to applicants who hold valid educational services certificates issued by another state. This provision includes educational services certificates with speech language specialist endorsements, regardless of the other state's certification requirements. Therefore, if another state requires a degree less than master's level for the issuance of a speech language specialist certificate, an applicant could earn a New Jersey educational services certificate with a speech language specialist endorsement through reciprocity without holding a master's degree.

While the Department agrees that educational professionals should collaborate and coordinate to support students, the suggested change would not impact a school district's ability to contract external agencies for educational services, nor does the Department find it necessary to do so because school districts know the needs of their student populations. School districts are well positioned to make such decisions and will continue to have the discretion to obtain contracted services to meet district staffing needs to adequately service their students and families.

5. Comment: The commenter stated that school districts should be afforded the same flexibilities for certificates as afforded to charter schools. (9)

Response: The Department disagrees with the commenter that school districts require the same flexibilities as charter schools in terms of educator certification. Candidates seeking instructional positions in charter schools can apply for a charter school certificate of eligibility (CSCE), a charter school provisional certificate, and a charter school standard certificate. Educators who hold the charter school certificates can be employed only by charter schools and cannot work in traditional public schools. Charter school educators who are eligible for the traditional CE, CEAS, provisional certificate, or standard certificate can be employed by school districts or charter schools. The flexibilities provided pursuant to the CSCE and charter school provisional and standard certificate recognize that educators who work in charter schools are not held to the same tenure rules as educators employed by school districts. Likewise, the rules regarding educator evaluation pursuant to the TEACHNJ Act do not apply to charter school employees. Further, charter schools are required to have a mission and the mission's uniqueness and its implementation necessitate additional flexibilities for educators who work in charter schools.

6. Comment: The commenter requested an amendment to the proposed definition for "chief school administrator" at N.J.A.C. 6A:9-2.1. The commenter requested that the Department add "where the lead person position requires an administrative certificate at the superintendent level" at the end of the definition. The commenter indicated that charter schools employ individuals with the title of lead persons who may not hold a superintendent-level certificate. The commenter stated that the requested amendment will clarify that chief school administrators, whatever the title used in a charter school context,

must hold the administrative certificate required for superintendents in New Jersey. (1)

Response: The Department disagrees with the commenter’s suggested language for the proposed definition of “chief school administrator,” which means the superintendent of schools, or the administrative principal if there is no superintendent, and includes charter school or renaissance school project lead persons. The Department contends that clarification is unnecessary because lead persons in charter schools, regardless of working title, are required to hold a New Jersey standard administrative certificate with a school administrator, supervisor, or principal endorsement, or a New Jersey provisional administrator certificate with a principal endorsement to direct and guide the work of instructional personnel, including, but not limited to, the supervision and evaluation of staff and the development and implementation of curriculum.

7. Comment: The commenter recommended that the definition of “technology education” at N.J.A.C. 6A:9-2.1 be amended to include “engineering” to match the title of the standard in New Jersey Student Learning Standards (NJSLS), as well as, the title of the professional organization, International Technology and Engineering Educators Association (ITEEA). (3)

Response: The Department declines to propose the commenter’s suggested changes because adding engineering to the “technology education definition” would be misaligned with the intent of the current NJSLS, which acknowledge the integration of technology throughout the standards. In 2020, the NJSLS were updated to incorporate the concepts and skills previously included in 8.1 Educational Technology by integrating technology across multiple disciplinary concepts, such as Career Readiness, Life Literacies, and Key Skills. NJSLS 8.1 is now “Computer Science” and NJSLS 8.2 is

“Design Thinking.” Given the adjustments, the Department expects students to demonstrate increasing levels of proficiency to access, manage, evaluate, and synthesize information in their personal, academic, and professional lives. Furthermore, the Department is deleting, upon adoption, the term “technology education” at N.J.A.C. 6A:9-2.1, for consistency. Please see the Summary of Agency-Initiated Change below.

8. Comment: The commenters stated that the reference material included at N.J.A.C. 6A:9-2.1 is outdated. The commenters contended that the Department misunderstood NJSL 8.2 Design Thinking and confused it with the definition of “educational technology.” The commenters suggested revisions to the definition of “technology education” to represent the proper association name and current 2020 national Standards for Technology and Engineering Literacy (STEL). Specifically, the commenters suggested adding “and engineering” after “technology” in the term and adding it in the referenced “Standards for Technological Literacy.” The commenters also suggested moving “and Engineering” in “International Technology Education and Engineering Association (ITEEA)” to after “Technology.” Lastly, the commenters suggested updating the link to the ITEEA standards. (5, 6, and 7)

Response: The Department disagrees that the commenters’ suggested changes are necessary. The amendments at N.J.A.C. 6A:9B-9.3(a)8 authorize an individual with an endorsement in technology education to teach NJSL 8.2 Design Thinking. Furthermore, the Department is deleting, upon adoption, the term “technology education” at N.J.A.C. 6A:9-2.1, for consistency. The amendment at adoption will delete the content alignment to the “[Standards for Technology Literacy](#)®” published by the International Technology

and Engineering Educators Association (ITEEA). Please see the Summary of Agency-initiated Change for further details.

9. Comment: The commenter supported the Professional Standards for Teachers and the Professional Standards for School Leaders at N.J.A.C. 6A:9-3.1 as the foundation for educator preparation programs, certification requirements, induction programs, evaluation systems, and continuing professional learning for educators. The commenter stated that the standards form the bedrock of an educator’s training, practice, and continued development with the goal of meeting the needs of the State’s diverse students, families, and school communities. (1)

Response: The Department appreciates the support.

10. Comment: The commenters stated that N.J.S.A. 18A:7F-4.2 recognized the importance of technology education and schools have excelled in creating inclusive, authentic, and project-based learning classrooms. The commenters contended that the Department, through the adoption of the NJSLS in 2020, has shifted away from the original law and from technological literacy. The commenters also contended that local education agencies (LEAs) are struggling to find certified technology and engineering education teachers for design and problem-solving laboratories. The commenters expressed support for the Department’s review of NJSLS 8.2 and optimism that the Department will continue following the spirit of the law. (5, 6, and 7)

Response: The commenters’ statements regarding N.J.S.A. 18A:7F-4.2 and the NJSLS are outside the scope of this rulemaking because the NJSLS are not set forth at, or governed by, N.J.A.C. 6A:9. Regarding the commenters’ contention that LEAs are struggling to find certified technology and engineering education teachers for design and

problem-solving, the Department notes that the amendments at N.J.A.C. 6A:9, 6A:9A, 6A:9B, and 6A:9C will provide flexibility and additional pathways for candidates to enter educator preparation programs and, thereby, increase the candidate pool and address the staffing issues that school districts are experiencing, while maintaining the quality of educators entering classrooms.

11. Comment: The commenter stated that the Department previously responded to a comment that the speech-language specialist endorsement at N.J.A.C. 6A:9B-14 is not impacted by the proposed definition of “authorization.” The commenter asked whether the statement means that speech-language personnel from other states who do not meet the requirement of a master’s degree pursuant to the New Jersey speech-language specialist endorsement requirements will be denied the endorsement. The commenter contended that the Department’s approval of the candidate’s application in this scenario would violate the Federal IDEA. The commenter also stated that the IDEA, pursuant to 34 CFR §300.156(b)(1), does not allow related services personnel, including speech-language specialists, to have a certification or licensure requirement waived on an emergency, temporary, or provisional basis. (2)

Response: The Department disagrees with the commenter. IDEA requires appropriate licensure or certification, as determined and issued by the licensing authority. In accordance with N.J.S.A. 18A:6-34 et seq., the State Board of Examiners is the licensing authority and issues speech-language specialist endorsements according to the requirements at N.J.A.C. 6A:9B-14.6. Candidates seeking reciprocity for out-of-State licenses are issued a New Jersey certification in accordance with N.J.A.C. 6A:9B-14.21. In accordance with 34 CFR 300.156(b)(2)(ii), the State Board of Examiners does not

waive certification requirements or issue sub-par endorsements for the speech-language specialists. Therefore, N.J.A.C. 6A:9B-14 complies with the IDEA and its regulations. Pursuant to N.J.A.C. 6A:9B-14.21(a), New Jersey offers reciprocity to applicants who hold valid educational services certificates issued by another state. This provision includes educational services certificates with speech language specialist endorsements regardless of the other state's certification requirements. Therefore, if another state requires a degree less than master's level for the issuance of a speech language specialist certificate, an applicant could earn a New Jersey educational services certificate with a speech language specialist endorsement through reciprocity without holding a master's degree.

12. Comment: The commenter stated that members of the public should be brought into schools to talk about their professions more often. (10)

Response: The comment is outside of the scope of this rulemaking.

13. Comment: The commenter stated that there has been no public acceptance of the use of new gender pronouns or of putting boys in girls' restrooms. (10)

Response: The comment is outside of the scope of this rulemaking.

14. Comment: The commenter suggested that only individuals who have criminal backgrounds should be required to have their fingerprints taken for a temporary certificate because it costs money and substitute teachers are not paid much. (10)

Response: The Department disagrees with the commenter's suggestion. Pursuant to N.J.S.A. 18A:6-4.13 et seq., 18A:6-7.1 et seq., 18A:12-1 et seq., and 18A:39-17 et seq., the Department is required to oversee the criminal history record check process, which includes a fingerprint search of each applicant conducted by the New Jersey State Police and the

Federal Bureau of Investigation. All individuals working in a school building must undergo fingerprinting without exception. The fingerprinting process is how the Department is made aware that an individual has a disqualifying criminal offense and ensures that individuals with certain criminal histories are not permitted in school buildings.

Summary of Agency-Initiated Change:

The Department is deleting, at N.J.A.C. 6A:9-2.1, the term “technology education” because it is unnecessary. Technology education is an endorsement to the instructional certificate and is defined at N.J.A.C. 6A:9B-9.3(a)8 to mean any technology education course with the exception of approved career and technical education programs. N.J.A.C. 6A:9-2.1 does not include a definition for the authorized instruction under any other endorsement because all endorsement authorizations are set forth at N.J.A.C. 6A:9B.

Federal Standards Analysis

The rules readopted with amendments will further align New Jersey’s rules with Federal requirements pursuant to the Every Student Succeeds Act (P.L. 114-95, 20 U.S.C. §§ 6301 et al.) and ensure New Jersey’s public-school system prepares students for postsecondary education and the 21st century workplace. The rules readopted with amendments are in compliance with both Federal regulations and State statutes, rules, and regulations.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 6A:9.

Full text of the adopted amendments follows (deletion from proposal indicated in brackets with asterisks *[thus]*):

Subchapter 2. Definitions

6A:9-2.1 Definitions

The following words and terms shall have the following meanings when used in this chapter and N.J.A.C. 6A:9A, 6A:9B, and 6A:9C, unless the context clearly indicates otherwise:

...

[“Technology education” means instruction by a teacher holding the Technology Education endorsement and covering NJSLS 8.2 and the International Technology Education and Engineering Association (ITEEA) standards. The ITEEA standards are published in “[Standards for Technological Literacy](#),” © ITEA, incorporated herein by reference, as amended and supplemented and are available at <https://www.iteea.org/File.aspx?id=67767&v=b26b7852>.]