

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

### **Education**

#### **The Commissioner**

#### **Notice of Rule Waiver/Modification/Suspension Pursuant to Executive Order No. 103 (2020)**

#### **Educator Effectiveness**

#### **Evaluation of Teaching Staff Members**

#### **N.J.A.C. 6A:10-2.2, 4.1, 5.1, and 5.2**

Authorized: February 12, 2021, by Angelica Allen-McMillan, Ed.D., Acting 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: February 10, 2021.

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

This is an emergency adoption of temporary modifications to rules governing the provision of educator evaluation pursuant to N.J.A.C. 6A:10.

Section 6 of EO 103 and Section 1 of EO 117, issued in response to the COVID-19 pandemic, authorizes the Commissioner of Education 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 modifying Department of Education (Department) rules as follows:

Current Department regulations specify procedures that school districts must follow to formulate and issue an annual summative rating for educators. These rules identify the educators who must be evaluated, specify the components that must be included in evaluations (observations and measures of student growth), and provide dates by which educators must be notified of the components and the percentage weight associated with each component. The disruption caused by the ongoing pandemic has created unprecedented circumstances that impact learning conditions and present challenges for students and educators, making the prediction of the overall trajectory of student growth more difficult to pinpoint or rely on as a fair and equitable measure of educator effectiveness. Therefore, pursuant to EO 214, it is necessary to remove the student growth component as a measure of evaluating the effectiveness of any New Jersey educator for the 2020-2021 school year. The modification of these rules addresses only student growth as part of an educator's summative score. The processes that lead to the development of these component scores remain in effect.

N.J.A.C. 6A:10-4.1(c) states the requirements that must be met for teachers to earn a summative score and accompanying rating. In addition, N.J.A.C. 6A:10-4.1(d) provides ranges for each component of the evaluation rubric, which typically comprises a teacher's summative score. Modifications to this rule will ensure that no student growth measures will be used to measure a teacher's effectiveness for the 2020-2021 school year. All other rules that require the processes for the development of student growth measurements (in the form of student growth objectives) and the completion of these measures shall remain in effect.

N.J.A.C. 6A:10-5.1(b)1 and (d) state the requirements that must be met for principals, vice principals (VPs), and assistant principals (APs) to earn a summative score and accompanying rating. Modifications to these rules will ensure that no student growth measures will be used to measure a principal's, VP's, or AP's effectiveness for the 2020-2021 school year.

The formulation of summative scores will be completed using both the principal practice score, pursuant to N.J.A.C. 6A:10-5.3 and 5.4, as well as administrator goal(s) that do not measure student achievement.

N.J.A.C. 6A:10-5.2 determines the rules for the development of administrator goals. N.J.A.C. 6A:10-5.2(a)1 and 2, (d), and (e)1 are modified to waive the student growth requirement of the administrator goal construction process. N.J.A.C. 6A:10-5.2(e)3 is modified to allow 25 working days for those principals, VPs, and APs who may need to develop new goals based on these modifications. The 25-working day limit aligns with the current rule, which states that goals must be developed within 25 working days for principals, APs, and VPs hired after October 1 of a given school year.

Finally, N.J.A.C. 6A:10-2.2(a)3 outlines the duties of the chief school administrator in notifying staff members of amendments to evaluation policies. This period is defined as 10 working days. In light of all the changes stated above, an extension of the 10 working days rule is warranted. This rule modification will extend that window to 20 working days in an effort to provide districts with the time necessary to digest the information contained here, seek clarification (if necessary), review current local policies and procedures, make any necessary changes, and communicate those changes to staff.

The Department will issue revised guidance for educator evaluations in alignment with the regulatory modifications described here. As stated above, chief school administrators, in turn, must notify staff of local evaluation policies and procedures within 20 working days of the Department's official notice.

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

Subchapter 2. Evaluation of Teaching Staff Members

## 6A:10-2.2 Duties of district boards of education

- (a) Each district board of education shall meet the following requirements for the annual evaluation of teaching staff members, unless otherwise specified:

1.-2. (No change.)

3. Ensure the chief school administrator annually notifies all teaching staff members of the adopted evaluation policies and procedures no later than October 1. If a staff member is hired after October 1, the district board of education shall notify the teaching staff member of the policies at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy within [10] **20** working days of adoption;

4.-7. (No change.)

- (b) (No change.)

## Subchapter 4. Components of Teacher Evaluation

### 6A:10-4.1 Components of teacher evaluation rubric

- (a)-(b) (No change.)

- (c) To earn a summative rating, a teacher shall have a [student achievement score, including median student growth percentile and/or student growth objective(s) scores, and a] teacher practice score, pursuant to N.J.A.C. 6A:10-4.4.

- [(d) Each score shall be converted to a percentage weight so all components make up 100 percent of the evaluation rubric. By August 31 prior to the school year in which the evaluation rubric applies, the Department shall provide on its website the required percentage weight of each component and the required summative rating scale. All

components shall be worth the following percentage weights or fall within the following ranges:

1. If, according to N.J.A.C. 6A:10-4.2(b), a teacher receives a median student growth percentile, the student achievement component shall be at least 30 percent and no more than 50 percent of a teacher's evaluation rubric rating as determined by the Department.
2. If, according to N.J.A.C. 6A:10-4.2(b), a teacher does not receive a median student growth percentile, the student achievement component shall be at least 15 percent and no more than 50 percent of a teacher's evaluation rubric rating as determined by the Department.
3. Measures of teacher practice described in N.J.A.C. 6A:10-4.3 and 4.4 shall be at least 50 percent and no more than 85 percent of a teacher's evaluation rubric rating as determined by the Department.]

**(d) The teacher practice score shall make up 100 percent of the summative score for all teachers for the 2020-2021 school year.**

(e) (No change.)

#### Subchapter 5. Components of Principal Evaluation

##### 6A:10-5.1 Components of principal evaluation rubrics

(a) (No change.)

(b) The principal evaluation rubric shall meet the standards provided in N.J.S.A. 18A:6-123, including, but not limited to:

[1. Measures of student achievement pursuant to N.J.A.C. 6A:10-5.2; and]

[2.] **1.** (No change in text.)

- (c) (No change.)
- (d) Each score shall be converted to a percentage weight so all components make up 100 percent of the evaluation rubric. [By August 31 prior to the school year in which the evaluation rubric applies, the Department shall provide on its website the required percentage weight of each component and the required summative rating scale.] All components shall be worth the following percentage weights or fall within the following ranges:

- [1. If, according to N.J.A.C. 6A:10-5.2(b), the principal, vice principal, or assistant principal receives a schoolwide student growth percentile score as described in N.J.A.C. 6A:10-5.2(c), the score shall be at least 10 percent and no greater than 40 percent of evaluation rubric rating as determined by the Department.
- 2. Measure of average student growth objective for all teachers, as described in N.J.A.C. 6A:10-5.2(d), shall be at least 10 percent and no greater than 20 percent of evaluation rubric rating as determined by the Department.]

Recodify existing 3.-4. as **1.-2.** (No change in text.)

- (e) - (f) (No change.)

#### 6A:10-5.2 Student achievement components of principal evaluation rubrics

- (a) Measures of student achievement shall be used to determine impact on student learning and shall include the following components:
  - [1. The schoolwide student growth percentile of all students assigned to the principal;
  - 2. Average student growth objective scores of every teacher, as described in N.J.A.C. 6A:10-4.2(e), assigned to the principal; and]
  - [3.] **1.** (No change in text.)

(b)-(c) (No change.)

[(d) The average student growth objective scores of all teachers, as described in N.J.A.C. 6A:10-4.2(e), shall be a component of the principal's annual summative rating. The average student growth objective scores for assistant principals or vice principals shall be determined according to the following procedures:

1. The principal, in consultation with the assistant principal or vice principal, shall determine prior to the start of the school year, which teachers, if not all teachers in the school, shall be linked to the assistant principal and vice principal's average student growth objective score.
2. If the assistant principal or vice principal does not agree with the list of teachers linked to his or her name for the purposes of this measurement, the principal shall make the final determination.]

[(e)] (d) Administrator goals for principals, assistant principals, or vice principals shall be developed and measured according to the following procedures:

1. The designated supervisor shall determine for all principals, assistant principals, or vice principals, the number of required administrator goals [which shall reflect the achievement of a significant number of students within the school]. By August 31 prior to the school year in which the evaluation rubric applies, the Department shall provide on the Department's website the minimum and maximum number of required goals, which will be at least one goal and no more than four goals.
2. (No change.)
3. Administrator goals and the criteria for assessing performance based on those objectives shall be determined, recorded, and retained by the principal, vice principal, or assistant principal and his or her designated supervisor by October 31

of each school year, [or] within 25 working days of the principal's, vice principal's, or assistant principal's start date if he or she begins work after October 1, **or within 25 working days of staff notification of the district's amendments to adopted evaluation policies.**