

April 8, 2020

Order Addresses Educator Evaluation

On Tuesday, April 7, Gov. Phil Murphy issued Executive Order 117, which contains several implications for educator evaluation. The order gives the commissioner of education permission to “waive, suspend, or modify any existing rules” within Title 6A of the New Jersey Administrative Code in order to protect the public welfare during the COVID-19 crisis. At the time of this advisory, we do not yet know how the commissioner will interpret this directive or exercise this authority.

Executive Order 117 waives the “statutory requirement of three observations and evaluations for all non-tenured teaching staff.” Based on this information, it is our position that this school year will count towards the accrual of tenure for nontenured teaching staff members even if they have not been observed three times. This executive order, however, does not alter districts’ discretion to non-renew nontenured teaching staff members. Likewise, teaching staff members on provisional certifications may continue their path toward standard certification.

The executive order also states that “student growth data shall not be used as a measure of educator effectiveness in the overall evaluation of any educator.” Therefore, teaching staff members cannot be directed to administer or submit student growth objectives (SGOs) as a portion of their annual summative rating. With the cancellation of statewide assessment, median student growth percentile (mSGP) data will likewise not be available to include in teaching staff member evaluations for 2019-20.

Another provision of Executive Order 117 is the cancellation of statutory requirements for assessment, including eighth grade promotion and high school graduation requirements. For more information on this aspect of the executive order, please refer to the PDII Advisory to the Field disseminated on April 6, 2020.

The NJEA’s Professional Development and Instructional Issues Division is actively monitoring developments in the wake of the COVID-19 outbreak, and we remain in constant communication with the New Jersey Department of Education (NJDOE) to advocate in the best interests of our members.

Upon the issuance of further guidance from the NJDOE, we will disseminate updated communications to support our members. Please reach out to NJEA’s Professional Development and Instructional Issues Division with questions, concerns, or requests for additional support.