

April 16, 2020

NJDOE communication on educator evaluation for 2019-20

On April 15, 2020, the New Jersey Department of Education (NJDOE) disseminated a resource titled [“Educator Evaluation During Extended School Closure as a Result of COVID-19.”](#) Within this communication are several implications for our members.

For tenured teachers who received ratings of Effective or Highly Effective for the 2018-19 school year, the NJDOE advises administrators to designate them as **NE** (Not Evaluated) for the current school year. The NJDOE maintains that this practice enables teachers in good standing to remain so, despite school building closures and/or the lack of applicable evaluation data for the current year. It is our position that allowing educators in good standing to remain in good standing is the right thing to do.

For all other teaching staff members, we notice a degree of ambiguity in the NJDOE’s position. The NJDOE details several instructions to guide administrators in completing annual ratings for teaching staff members who must receive them: nontenured teachers, teachers working under provisional certificates, and teachers on Corrective Action Plans (CAPs).

Regarding nontenured teachers:

- Observations completed after the school building closure date cannot be included in the teacher’s summative rating. This prohibits the use of “virtual” observations of remote learning.
- Summative ratings must be based on at least two observations. The NJDOE is asking administrators to reach out to the department directly in cases where two observations were not completed prior to school closure.
- As is the case with tenured teachers, measures of student growth (student growth objectives and/or median student growth percentiles) cannot factor into the teacher’s summative rating, in accordance with Gov. Phil Murphy’s Executive Order 117.
- Summative conferences “should be conducted remotely via a video conference if possible.”

For teachers on provisional certificates:

- In addition to the above directives, the teacher’s summative rating must be entered into the Provisional Licensure Registration Management System (PLRMS).

For teachers on Corrective Action Plans (CAPs):

- The NJDOE directs administrators to continue “coaching” staff members on CAPs.

- The CAP may be kept in place into the next academic year, unless the teacher has made a degree of progress on the CAP that, by the administrator's discretion, would produce an Effective or Highly Effective summative rating and exit the teacher from the CAP. If a teacher is not on track to be exited from the CAP, they should be given an NE rating. In short, if the summative rating would place the teacher in good standing, it should be issued; if not, the CAP should be continued and collaboratively reviewed in the next school year.
- It is unclear what objective criteria are to be used in making decisions about CAPs, including the feasibility and logistics around coaching a teacher on a CAP. It is not known whether the NJDOE will publish further information advising administrators on what constitutes "progress" toward a rating such as may deem a teacher to be exited from the CAP.

At the time of this advisory, there are many unanswered questions regarding evaluation. For example, there is no alternate procedure suggested for districts to follow if a remote conference cannot be conducted. Additionally, the guidance does not make provisions for a member to be represented by their association if there is a concern that the conversation may result in discipline, although, of course, representation rights have not been altered and members should continue to insist on representation in those situations.

For teachers who are required to receive a summative score, the *sole* factor that can be used to calculate this score is observations conducted prior to building closures. If a teacher has not been observed twice, the NJDOE advises administrators to contact the department, presumably on a case-by-case basis. Teachers who have been observed only once should contact their local association leadership *immediately*; local association leaders should, then, reach out to their field rep.

In the event of non-renewals of nontenured teachers, if field representatives believe the current crisis has impacted that decision or will impact the Donaldson hearing procedures, they should reach out to the network attorney assigned to their regional office for guidance on COVID-19 related issues.

The NJEA Professional Development and Instructional Issues Division continues to actively monitor the actions taken by the NJDOE and provide information to support all our members and advocate for their needs. Please reach out to the PDII Division with any questions or concerns.