



STATE OF NEW JERSEY  
**DEPARTMENT OF EDUCATION**

A Memo from the New Jersey Department of Education

Date: April 8, 2020  
To: Chief School Administrators, Charter School and Renaissance School Project Leads  
Route To: Principals, Teachers, Business Administrators  
From: Linda Eno, Ed.D., Assistant Commissioner  
Division of Academics and Performance

### **Executive Orders Regarding State Assessment Requirements, Educator Evaluation, and April District Deadlines**

The following provides notification of two Executive Orders signed yesterday by Governor Phil Murphy. The Executive Orders:

- Waive certain statutory requirements for State assessment requirements and educator evaluation; and
- Empower the Commissioner of Education on a temporary basis to waive, suspend, or modify any existing New Jersey Department of Education (NJDOE) regulation where the enforcement of which would be detrimental to the public welfare during this Public Health Emergency.
- Extend certain budget and other deadlines for boards of education in Type II school districts that have not moved their elections to November pursuant to *N.J.S.A. 19:60-1.1* ("April Districts");

#### **Executive Order 117**

On March 24, 2020, Governor Murphy announced that the State of New Jersey would be cancelling statewide student assessments for the spring 2020 testing window. Yesterday, Governor Murphy signed [Executive Order 117](#) to address certain state statutory requirements implicated by the cancellation of statewide assessments. This Executive Order waives, among other requirements, certain components of educator evaluation and the graduation assessment requirement for certain students.

Specifically, the Executive Order waives, for the 2019-2020 school year:

- The statutory graduation assessment requirement pursuant to *N.J.S.A. 18A:7C-1 et seq.* for any twelfth-grade student who is expected to graduate in the class of 2020 but, as of March 18, 2020, had not met the graduation assessment requirement. As such, the portfolio appeals process is waived for the 2019-2020 school year;
- *N.J.S.A. 18A:6-123(b)(2), (3), (4), and (6)*. These provisions correspond, respectively, to requirements that evaluation rubrics for teachers, principals, assistant principals and vice-principals include: objective measures of student growth (i.e., **median Student Growth Percentile**); a provision that allows for determination of student growth in grades in which a standardized test is not required (i.e., **Student Growth Objectives**); multiple measures of practice and student learning, where standardized assessment shall be used as a measure of student progress; and a provision ensuring that performance measures used in the rubric are linked to student achievement;
- The statutory requirement pursuant to *N.J.S.A. 18A:27-3.1* of three observations and evaluations for all non-tenured teaching staff; and
- The statutory requirement pursuant to *N.J.S.A. 18A:6-121* for school district superintendents to conduct evaluations of each principal employed by the school district, and for a principal, in conjunction with the superintendent or his or her designee, to conduct evaluations of each assistant principal and vice principal employed in the principal's school.

- The statutory requirement for a statewide assessment of all eighth-grade students pursuant to *N.J.S.A. 18A:7C-6.2* is waived and such assessment is cancelled for the 2019-2020 school year

Through these waivers, Executive Order 117 helps ensure that summative ratings assigned to educators for the 2019-2020 year are based exclusively on observations conducted prior to March 18, 2020. In the coming days, the NJDOE will announce additional guidance in light of these changes. The NJDOE requests that administrators refrain from continued activity related to educator evaluations until the Department releases this guidance.

For additional information regarding waiver of the graduation assessment requirement, please see the NJDOE's [COVID-19 Assessments webpage](#).

### **Executive Order 116**

On March 19, 2020, Governor Murphy signed Executive Order 105 which, in part, postponed April District elections from April 21, 2020 to May 12, 2020. Yesterday, Governor Murphy signed [Executive Order 116](#) to align the April District budget process with the directives in Executive Order 105. Executive Order 116 extends the following statutory deadlines for April Districts:

- Determination and Certification of Tax Levy Where Items are Rejected at Election (*N.J.S.A. 18A:22-37* and *18A:13-19*): Deadline extended from May 19, 2020 to June 9, 2020;
- Nontenured Teaching Staff Offer of Employment or Notice of Termination (*N.J.S.A. 18A:27-10*): Deadline extended from May 15, 2020 to June 5, 2020; and
- Nontenured Teaching Staff Accept Offer of Employment (*N.J.S.A. 18A:27-12*): Deadline extended from June 1, 2020 to June 22, 2020.

This Executive Order also adjusts the term start and end dates for April District board members as necessitated by the postponement of elections from April 21, 2020 to May 12, 2020. The NJDOE will post an updated election calendar to its website shortly.

c: Members, State Board of Education  
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