

Executive Order No. 103 Notices

Education

The Commissioner

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

COVID-19 State of Emergency

Evaluation of Chief School Administrators

N.J.A.C. 6A:10-8.1

Authorized: June 3, 2020, by Lamont O. Repollet, Ed.D., 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: June 4, 2020.

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

This is an emergency adoption of a temporary modification to the rule governing the evaluation of chief school administrators, N.J.A.C. 6A:10-8.1.

Section 6 of EO 103 and Section 1 of EO 117, issued in response to the COVID-19 pandemic, authorize agency heads 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 rules as follows:

Current N.J.A.C. 6A:10-8.1 requires school district boards of education to complete the evaluation procedure for chief school administrators by July 1st of each school year. As part of the evaluation procedure, a majority of the full membership of the board must participate in an annual summary conference with the chief school administrator. At the annual summary conference, the district board of education is required to review, among other things, the performance of the chief school administrator based upon the job description and the progress of the chief school administrator in achieving and/or implementing the school district's goals and policies. To support his/her performance, the chief school administrator compiles and provides data for the district board of education to consider. Following the annual summary conference, the district board of education must prepare an annual performance report by July 1st.

As a result of the extended public health-related school closures, chief school administrators are devoting their time to guiding staff members and students through the transition to remote instruction and addressing various challenges arising during these unprecedented times. Most recently, with the Governor announcing on May 4, 2020 that schools will remain closed for the rest of the school year, chief school administrators are now tasked with updating their Public Health-Related School Closure Plans. Therefore, requiring chief school administrators to compile data and prepare for annual summary conferences under the current deadline, which must allot time for district boards of education to prepare the annual performance reports by July 1st, would be burdensome during the public health-related closures. Under the modified rule, the deadline for school district boards of education to complete the annual performance report and evaluation procedure for chief school administrators will be extended from July 1st to July 31st. With the 30 day extension, chief school administrators and school district boards of education will be able to focus on wrapping-up the end of the school

year and then will have a window to complete the evaluation process before the demands of the next school year are in full swing.

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

Subchapter 8. Evaluation of Chief School Administrators

6A:10-8.1 Evaluation of chief school administrators

(a) – (f) (No change.)

(g) The annual performance report shall be prepared by July [1] **31** by a majority of the district board of education's total membership and shall include, but not be limited to:

1. – 5. (No change.)

(h) (No change.)

(i) The evaluation procedure for a nontenured chief school administrator shall be completed by July [1] **31** each year.

(j)-(k) (No change.)