

Education

State Board of Education

Educator Effectiveness

Readoption with Amendments: N.J.A.C. 6A:10

Proposed: March 16, 2020, at 52 N.J.R. 498(a).

Adopted: July 6, 2020, by the New Jersey State Board of Education, Kevin Dehmer, Acting Commissioner, Department of Education, and Acting Secretary, State Board of Education.

Filed: July 6, 2020, as R.2020 d.071, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.5).

Authority: N.J.S.A. 18A:4-15, 18A:6-34 and 38, and 18A:26-2.7 and 10; and P.L. 2012, c. 11.

Effective Dates: July 6, 2020, Readoption;
 August 3, 2020, Amendments.

Expiration Date: July 6, 2027.

Summary of Public Comments and Agency Responses:

The following is a summary of the comments received from members of the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Senator M. Teresa Ruiz, Chair of Senate Education Committee
2. Irene Gilman, Retired educator and current district board of education member
3. Michael Ostroff, Director, Office of Curriculum and Instruction, Penns Grove - Carneys Point Regional School District
4. Elisabeth Yucis, Associate Director, New Jersey Education Association

1. Comment: The commenter expressed support for the amendment at N.J.A.C. 6A:10-2.5(a) that will require school districts to adopt an appeals process policy for when a teacher and his or her supervisor disagree about the contents of the teacher's CAP. (4)

Response: The Department acknowledges the comment, but is not adopting the amendment. Please see the Agency-Initiated Change for details.

2. Comment: The commenter expressed concerns that the CAP appeals process proposed at N.J.A.C. 6A:10-2.5(a) will complicate the CAP process. The commenter stated that clearer guidance on CAPs from the Department would make more sense. (3)

Response: The Department is not adopting the amendment. Please see the Agency-Initiated Change for details.

3. Comment: The commenter expressed support for the amendment at N.J.A.C. 6A:10-2.5(b) to change the existing October 31 deadline for teachers and their designated supervisors to meet to discuss a CAP to within 25 teaching staff member working days following September 1. (4)

Response: The Department acknowledges the support, but is not adopting the amendment. Please see the Agency-Initiated Change for details.

4. Comment: The commenter supported new N.J.A.C. 6A:10-3.1(e), which will require SciPs to meet three times per year, in addition to an annual intra-district meeting. (4)

Response: The Department acknowledges the support, but is not adopting the rule. Please see the Agency-Initiated Change for details.

5. Comment: The commenter requested that the Department reconsider the amendment at N.J.A.C. 6A:10-4.1(d)1 that would reduce the impact of student achievement on the overall rating of non-tested subject and grade level teachers. The commenter stated the amendment would lower the maximum amount that student achievement will count in an educator's overall summative score. The commenter stated it appears as if the decision to reduce the impact of student achievement was made hastily and against research. (1)

Response: COVID-19 has resulted in tremendous disruption to all aspects of education, including the evaluation of educators. The Department contends that maintaining the stability/predictability of the existing evaluation system is critical as school districts grapple with the "new normal" of post-COVID-19 operations. Executive Order No. 107 (2020) closed schools across the State, resulting in tremendous disruption to all aspects of education, including the evaluation of educators. Executive Order 117 No. (2020) removed all student learning measures from the summative scores for educators. Under enhanced authority extended during these extraordinary times, the Commissioner further modified the rules for evaluating educators for the 2019-2020 school year. Under the modified rules, most educators did not receive a summative rating and, for educators required to receive one, the summative rating was based solely on the observation of practice.

The Department has determined that substantively amending N.J.A.C. 6A:10 at this time would likely add an unnecessary layer of confusion for the 2020-2021 school year, a time when educators will be trying to reestablish norms, including setting new baselines for student learning measures and establishing interrater reliability on the evaluation of educators who may continue to deliver instruction remotely. The

Department maintains that the burden on school districts is best reduced by avoiding non-essential regulatory changes. Therefore, the Department is withdrawing amendments put forth at the proposal level and moving forward only with the technical changes introduced at first discussion.

6. Comment: The commenter supported the Department's amendment at N.J.A.C. 6A:10-4.1(d)1 to reduce to 20 percent the weight of student achievement for teachers of tested subjects and grade levels. (2)

Response: The Department thanks the commenter for the support; however, the Department has determined that it is not in the best interest of school districts to move ahead with adoption of the amendment. Please see the Agency-Initiated Change for details.

7. Comment: The commenter supported the amendment at N.J.A.C. 6A:10-4.1(d)1 to reduce the weight of student achievement for teachers of tested subject and grade levels. (4)

Response: The Department is not adopting the amendment at N.J.A.C. 6A:10-4.1(d)1. Please see the Agency-Initiated Change for details.

8. Comment: The commenter requested the Department conduct a deeper review of the mSGP measure counting for only five percent of the overall score for eligible teachers. The commenter stated that equating the SGP to only five percent of the overall weight is a waste of time. The commenter also stated that it is troubling that SGP weighs heavier for principals than for teachers. The commenter further stated that SGPs are the most

valid measure of school and teacher performance, and that the Department is misguided in its choice to disregard the importance of the assessment by lowering SGP for teachers while still using it to measure principals, schools, and school districts. (3)

Response: The amount that an mSGP score counts toward an eligible teacher's summative score must fall within a range set forth at N.J.A.C. 6A:10-4.1(d) and the weight is determined by the Commissioner. The mSGP weight has been five percent for the past two school years.

Summary of Agency-Initiated Changes:

The Department is not adopting the amendment proposed at N.J.A.C. 6A:10-2.5(a), which would have required school districts to implement a policy establishing a process for appeals when a teacher and his or her designated supervisor disagree about the contents of a CAP. COVID-19 has resulted in tremendous disruption to all aspects of education, including the evaluation of educators. The Department is also not adopting the amendment proposed at N.J.A.C. 6A:10-2.5(b) that would have required that CAPs be in place within 25 teaching staff member working days following September 1. The Department is not adopting the new rule proposed at N.J.A.C. 6A:3.1(e), which would have required ScIPs to meet at least three times during each school year plus an annual meeting consisting of representatives from each building's ScIP to engage building-level input on school district policies and practices. Finally, the Department is not adopting the amendment proposed at N.J.A.C. 6A:10-4.1(d)1, which would have lowered the student achievement component to at least 20 percent of a tested subject and grade level teachers overall summative rating.

The Department contends that maintaining the stability/predictability of the existing evaluation system is critical as school districts grapple with the “new normal” of post-COVID-19 operations. Executive Order No. 107 (2020) closed schools across the State, resulting in tremendous disruption to all aspects of education, including the evaluation of educators. Executive Order No. 117 (2020) removed all student learning measures from the summative scores for educators. Under enhanced authority extended during these extraordinary times, the Commissioner further modified the rules for evaluating educators for the 2019-2020 school year. Under the modified rules, most educators did not receive a summative rating and, for educators required to receive one, the summative rating was based solely on the observation of practice.

The Department has determined that substantively amending N.J.A.C. 6A:10 at this time would likely add an unnecessary layer of confusion for the 2020-2021 school year, a time when educators will be trying to reestablish norms, including setting new baselines for student learning measures and establishing interrater reliability on the evaluation of educators who may continue to deliver instruction remotely. The Department maintains that the burden on school districts is best reduced by avoiding non-essential regulatory changes. Therefore, the Department is withdrawing amendments put forth at the proposal level and moving forward only with the technical changes introduced at first discussion.

Federal Standards Statement

The rules readopted with amendments are in compliance with Federal requirements under the Every Student Succeeds Act (PL 114-95) and will continue to advance the mission to ensure the State’s educator evaluation system is focused on the development of both struggling and effective teachers to enhance the education of every student in New Jersey’s public school

system. There are no other Federal requirements that impact the readopted rules and adopted amendments.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 6A:10.

Full text of the adopted amendments follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

6A:10-2.5 Corrective action plans for all teaching staff

- (a) For each teaching staff member rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teaching staff member and the teaching staff member's designated supervisor. ***[In accordance with N.J.A.C. 6A:10-2.4(b), school districts shall create and implement a policy establishing a process for appeals when a teacher and the designated supervisor disagree about the corrective action plan's content. The policy shall not allow the final determination regarding a disputed CAP to be made solely by the designated supervisor.]*** ***If the teaching staff member does not agree with the corrective action plan's content, the designated supervisor shall make the final determination.***
- (b) The corrective action plan shall be developed and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan ***[within 25 teaching staff member working days following September 1]*** ***by October 31*** of the school year following the year of evaluation, except:
 - 1. (No change.)

(c)-(m) (No change.)

6A:10-3.1 School Improvement Panel membership

(a)-(d) (No change.)

[(e) The School Improvement Panel shall meet at least three times during each school year. The school district's administration shall also hold an annual meeting consisting of representatives from each building's School Improvement Panel to engage building-level input on school district policies and practices.]

6A:10-4.1 Components of teacher evaluation rubric

(a)-(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:10-4.2(b), a teacher receives a median student growth percentile, the student achievement component shall be at least ***[20]*** ***30*** percent and no more than 50 percent of a teacher's evaluation rubric rating as determined by the Department.

2. – 3. (No change.)

(e) (No change.)