

January 21, 2021

NJDOE releases broadcast on Gov. Murphy's Executive Order 214

On Jan. 11, Gov. Phil Murphy issued Executive Order 214. The executive order addresses the exit-testing requirement for graduation, student growth objectives (SGOs) in teacher evaluations, and time limitations for substitute teaching assignments. NJEA is awaiting further guidance from the New Jersey Department of Education (NJDOE) on these issues and will provide additional updates as they are made available.

Assessment – Graduation Requirements

At the time of this advisory, the federal requirement for statewide standardized assessment remains in place for the 2020-21 school year. The [NJ Statewide Assessment Schedule](#) provides an overview of these assessments and implementation timelines.

New Jersey state statute requires all graduating seniors to fulfill an exit-testing requirement, either through the New Jersey Student Learning Assessment (NJSLA) or another approved pathway. Executive Order 214 *waives* the exit-testing requirement for any 12th-grade student who has yet to fulfill the requirement, but has fulfilled all other credit, curricular, and attendance [requirements for graduation](#).

It is NJEA's understanding that the portfolio process will not occur in the 2020-21 school year.

Educator Effectiveness – Student Growth Objectives

Ordinarily, there are two or three components of annual evaluation scores: teacher practice (observations); student growth objectives (SGOs); and, for some individuals, the median student growth percentile (mSGP). Last year's abrupt statewide shift to remote instruction prompted the suspension of evaluation for most educators, the cancellation of the mSGP and SGO components, and shifts in evaluation procedures for those who needed scores.

Paragraph 2 of Executive Order 214 affects SGOs for the 2020-21 school year, stating that "student growth data shall not be used as a measure of educator effectiveness in the overall summative evaluation of any educator." Accordingly, summative evaluations for 2020-21 will only be based on teacher practice: whether traditional in-class observations, the submission of portfolios, or a combination of the two. But, although SGO performance will not be a factor in educators' summative ratings, the executive order states that "all other requirements concerning the development and measurement of student growth objectives... shall remain in effect." In essence, the executive order appears to allow districts to still require educators to administer and score SGOs, even though these

scores will not be used in calculating an educator's summative evaluation score. At the time of this field advisory, we are still awaiting further guidance from the NJDOE around all aspects of executive order.

The regulations around SGOs that are still in effect describe processes that must be followed around developing and scoring SGOs. At the time of the issuance of Executive Order 214, administrators have already approved SGOs that were developed by teaching staff members. In most cases, educators have already determined student starting points to set the course for this year's SGOs. Educators may have already submitted revisions to their SGOs due to the regulatory provision that these must be recorded on or before Feb. 15, or may be planning to do so in the coming days.

The regulations state in NJAC 6A:10-4.2(e)(6) that SGOs scores shall be discussed "if available" at the annual summary conference. Taking into context the fact that the NJDOE's 2020-21 Evaluation Guidance (issued in September) urges administrators to "minimize paperwork or administrative burdens on staff whenever possible," it is our position that a district can still be in compliance with the regulations even if a teacher does not have a calculated SGO score available at their annual conference. Local associations can advocate for the development of streamlined procedures that will allow educators to engage in reflective conversations about the process of setting learning goals during this unprecedented year, without having to require teachers to complete the cumbersome and tedious paperwork undertakings that are typically associated with SGO scoring.

Certification – Substitutes

Executive Order 214 allows teachers who hold Certificates of Eligibility with Advanced Standing (CEAS) or Certificates of Eligibility (CE) and who substitute teach in an area not authorized by their credential, to serve for a maximum of 40 days in the same classroom. Teachers holding a standard certificate who are teaching outside the authorization of their credential continue to be permitted to teach for a maximum of 40 days in the same classroom. However the order further permits CE, CEAS and standard certificate holders substituting in an area outside the authorization of their credential to work an additional 20 days for a maximum of 60 days in the same classroom. To secure the 20-day extension, the school district must submit an application to the commissioner of education, or her designee, documenting efforts to fill the position with an authorized teacher. Additionally, substitutes working under such an extension must be periodically monitored by a supervisor.

Throughout the COVID-19 public health crisis, NJEA staff and leadership have been working tirelessly alongside and on behalf of our members and the students they serve. As further guidance from the NJDOE becomes available, we will update our resources for members. If you have any questions about this field advisory, please reach out to the Professional Development and Instructional Issues Division.