COVID-19 & Evaluation FAQ
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Observations, Pre-Conferences, and Post-Conferences

Note: although the circumstances we find ourselves in are unforeseen, teachers might refer to their district’s Evaluation Policies and Procedures document for additional guidance and insight. Districts are required to maintain this document, the components of which are described in NJAC 6A:10-2.4(b), and distribute it annually by October 1.

Q: My supervisor observed me a few days before schools closed, but our scheduled post-observation conference did not occur. What happens?

A: It depends. Tenured teachers not on a CAP, who have not yet had a post-observation conference remotely (such as via email), may agree to having one electronic or written post-observation conference. Teachers who are not tenured, who are on a CAP, or who have already participated in a post-conference remotely, cannot exercise this option.

Q: My administrator and I completed a pre-observation conference just before schools closed. When we return to our buildings, must the pre-observation conference be repeated?

A: A pre-conference must occur “at least one but not more than seven” teaching staff member working days prior to the observation. School closure times will exceed this window, so the pre-observation conference will need to be repeated. However, the repeat pre-observation conference will give teachers a chance to update administrators on any changes or considerations that have occurred because of the school closure.

Q: Do In-Service days count towards the 15-day window between an observation and a post-observation conference? What about the 5-day window between the annual summary conference and the signing of the annual performance report?

A: Yes. In-service days are considered “teaching staff member working days.”

Q: Can administrators observe teachers during “remote learning”?

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1 NJAC 6A:10-4.4(b)(3): “If agreed to by the teacher, one required post-observation conference and any pre-conference(s) for observations of tenured teachers who are not on a corrective action plan may be conducted via written communication, including electronic.”

2 NJAC 6A:10-4.4(b)(5): “A pre-conference, when required, shall occur at least one but not more than seven teaching staff member working days prior to the observation.”
A: The remote learning models currently in place in New Jersey were developed and implemented under emergency conditions, in response to a health crisis. While there are no regulations that govern observations of remote learning, there are also no guidelines that set up fair expectations either. None of the evaluation models currently in place were created for remote learning, nor is there any research on the models being used in such a way. There has also been no training for evaluators on how to use the tool in a remote learning situation, and to our knowledge, there have been no required co-observations in a remote setting anywhere in the state\(^3\). As this is largely uncharted territory, it is hoped that common sense will prevail, and administrators will not attempt observations of remote learning.

Q: My administrator wants to count an alternate activity towards an observation. Is this allowed?

A: The regulations include a fairly broad definition of “observation\(^4\)” that could encompass non-traditional activities as observable. Further, the regulations advise that in certain circumstances, the teacher and their designated supervisor can agree to an observation of a “Commissioner-approved activity other than a classroom lesson.” Please note that the regulations specifically state that only tenured teachers who were rated highly effective on their most recent observation can take advantage of this option.\(^5\) Details can be found in the Alternative Observation Guide.

Q: My administrator wants to count a viewing of a video of me “teaching” remotely as an observation. Can they do this?

A: There is nothing in the regulations to suggest that this could count as an observation. The evaluation instruments currently approved by the Commissioner rely on student/teacher interaction as a fundamental means of assessing teaching quality. Furthermore, classroom environment, behavior of students towards one another, and other areas would not be observable in this format.

Q: How soon after we return to school can my administrator observe me?

A: If a district has policies establishing “blackout dates” prohibiting observations during certain windows, these may apply. Otherwise, administrators may observe teachers for purposes of evaluation at any time school is in session. Consult your district’s Evaluation Policies and Procedures document for any additional local information that has already been put in place. Consider working as an association on how to approach administrators to come to an agreement that will enable fair observations after schools reopen.

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\(^3\) NJAC 6A:10-2.2(b)(3) describes mandated co-observation requirements “to promote accuracy and consistency in scoring.”

\(^4\) NJAC 6A:10-1.2 defines “observation” as “a method of collecting data on the performance of a teaching staff member’s assigned duties and responsibilities” conducted by a certified administrator.

\(^5\) NJAC 6A:10-4.4(c)(3)(i) specifies that a list of approved activities will be posted on the NJDOE’s website.
Student Achievement Components (SGOs and mSGP)

Q: I did not complete my SGO before schools closed. When schools reopen, can I adjust my SGO?

A: As the regulations stand, SGO adjustments were due by February 15.\(^6\) Surely, teachers wrote SGOs with no intention of a weeks-long break interrupting learning and, depending on conditions around school closure, an SGO that was previously seen as achievable could be rendered unrealistic. There currently exists no mechanism for SGO revision after February 15 and no guidance on whether/how to adjust SGO scoring considering these circumstances. However, school districts have a great deal of leeway in the construction and reporting of SGOs. There is nothing that precludes the district from removing students from the results of the SGO, so members should keep track of attendance to remote sessions and completion of assignments by students.

Q: An mSGP is part of my annual rating. What will happen to my score?

A: As of this update, the NJDOE has announced they will apply for a federal waiver to cancel the NJSLA assessments for this year. This leaves us with the question: what will happen to the 5% mSGP portion of certain teachers’ annual evaluation score? We expect that the NJDOE will adjust the evaluation components in the coming days for teachers of tested subjects and provide much-needed clarification on this important issue.

Annual Summary Conferences & Annual Performance Reports

Q: I completed my SGO and all of my required observations and conferences before schools closed. What will happen to my summative rating?

A: If all required observations have taken place and the SGO is finalized, the annual summary conference can take place when schools reopen.

Q: Can my administrator calculate my summative rating if all my required observations have not taken place?

A: No. The statute and regulations clearly require multiple observations and multiple measures of student growth and achievement to attain an annual summative rating, along with any pre-

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\(^6\) NJAC 6A:10-4.2(e)(5) “Adjustments to student growth objectives may be made by the teacher in consultation with his or her supervisor only when approved by the chief school administrator or designee. Adjustments shall be recorded in the teacher's personnel file on or before February 15.”
and post-conferences.\textsuperscript{7} An administrator cannot submit an annual summary report without the required number of observations and multiple measures of student growth and achievement.

**Q:** Can my administrator calculate my summative rating if I am not able to complete my SGO before the scheduled annual summary conference?

**A:** As stated above, districts have wide latitude when it comes to SGO practices. The regulations state that a teacher can participate in an annual summary conference even if their SGO is not finalized.\textsuperscript{8} In other words, a teacher can continue with pursuing completion of their SGO until the final days of school and, later, submit their scored SGO for purposes of evaluation. Upon this submission, their annual performance rating will be calculated. It is easy to imagine circumstances where this course of action is not advisable.

**Corrective Action Plans**

**Q:** I’m on a Corrective Action Plan. What additional concerns do I need to be aware of?

**A:** For teaching staff members on Corrective Action Plans, all conferences must take place in person and one additional observation is required.\textsuperscript{9} In addition to the observer who conducted the observation, the designated supervisor in charge of executing the CAP must also be present at all conferences, even if they did not conduct the observation.\textsuperscript{10} In light of extended school closures, there are some unique implications for teaching staff members on CAPs. Any member on a CAP should be certain that they are in touch with their Association Representative or local leadership to ensure they receive the representation they might require.

**Q:** Anything else about CAPs?

**A:** Now is the time for teachers on CAPs to read carefully through their Corrective Action Plan and seek out the support and guidance of their local association. If the hard copy of the CAP was left in the building when schools transitioned to remote learning, the teacher should immediately contact their designated supervisor to have an electronic copy of the CAP provided. If there are elements of a CAP that cannot be carried out due to school closures, the teacher should discuss this with their local association representative and design a plan to approach

\textsuperscript{7} NJAC 6A:10-4.4 addresses this comprehensively
\textsuperscript{8} NJAC 6A:10-2.4(d) “If any scores for the teaching staff member's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.”
\textsuperscript{9} NJAC 6A:10-4.4(c)(4) “Teachers on a corrective action plan shall receive, in accordance with N.J.A.C. 6A:10-2.5(h), one additional observation, including a post-observation conference.”
\textsuperscript{10} NJAC 6A:10-2.5(d) “The teaching staff member's designated supervisor and the teaching staff member on a corrective action plan shall discuss the teaching staff member's progress toward the goals outlined in the corrective action plan during each required post-observation conference” (emphasis added)
their designated supervisor. Members should not be communicating with their supervisor without the support of their association.

**Implications on Certification**

**Q:** I am a provisional teacher. How might I be impacted?

**A:** Provisional teachers need to earn ratings of “effective” or “highly effective” for two out of three years to qualify for a standard certification. Extension of a provisional certificate, under the procedures established by NJDOE, is not automatic and involves some steps and fees, so this is not to be taken lightly. If it appears that a provisional teacher might earn a “partially effective” or “ineffective” rating, they should enlist the support of their local association so that they can get informed on how this might impact their path to certification.