

**ASSEMBLY, No. 5877**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED DECEMBER 11, 2023

**Sponsored by:**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblywoman LINDA S. CARTER**

**District 22 (Middlesex, Somerset and Union)**

**Assemblywoman MICHELE MATSIKLOUDIS**

**District 21 (Morris, Somerset and Union)**

**Co-Sponsored by:**

**Assemblyman DeAngelo, Assemblywomen McKnight, Swift, Assemblymen  
Atkins, Spearman, DiMaio, Assemblywomen Tucker and Flynn**

**SYNOPSIS**

Revises schedule for summative evaluations of certain education professionals; limits collection of student growth data.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/14/2023)**

1 AN ACT concerning evaluations of certain education professionals,  
2 amending and supplementing P.L.2012, c.26, and repealing  
3 section 25 of P.L.2012, c.26.

4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7

8 1. (New section) a. Notwithstanding the provisions of  
9 N.J.S.18A:6-11 or any other section of law to the contrary, in the  
10 case of a tenured teacher, principal, assistant principal, and vice-  
11 principal, summative evaluations shall occur on a schedule subject  
12 to the employee's previous evaluation as set forth in this section.

13 (1) The first summative evaluation shall occur two years after  
14 tenure is acquired.

15 (2) If an employee receives a rating of highly effective in any  
16 summative evaluation, the next summative evaluation shall occur  
17 three years later, except as provided for in subparagraph (c) of  
18 paragraph (4) of this subsection.

19 (3) If an employee receives a rating of effective in any  
20 summative evaluation, the next summative evaluation shall occur  
21 either two or three years later, at the discretion of the employee's  
22 supervisor and to be determined and made known to the employee  
23 by the annual summative conference.

24 (4) If an employee receives a rating of partially effective or  
25 ineffective in any summative evaluation, the employee shall receive  
26 annual summative evaluations in each of the following two years,  
27 which shall be conducted as follows:

28 (a) If the employee is rated ineffective or partially effective in  
29 an annual summative evaluation and the following year is rated  
30 ineffective in the annual summative evaluation, the superintendent  
31 shall promptly file with the secretary of the board of education a  
32 charge of inefficiency.

33 (b) If the employee is rated partially effective in two  
34 consecutive annual summative evaluations or is rated ineffective in  
35 an annual summative evaluation and the following year is rated  
36 partially effective in the annual summative evaluation, the  
37 superintendent shall promptly file with the secretary of the board of  
38 education a charge of inefficiency, except that the superintendent,  
39 upon a written finding of exceptional circumstances, may defer the  
40 filing of tenure charges and the employee shall continue to receive  
41 annual summative evaluations in each of the following two years. If  
42 the employee is not rated effective or highly effective on each of  
43 these two consecutive annual summative evaluations, the  
44 superintendent shall promptly file a charge of inefficiency.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (c) If the employee receives one rating of ineffective or partially  
2 effective and one rating of effective or highly effective, the  
3 employee shall continue to receive annual summative evaluations  
4 until the employee acquires two consecutive ratings of effective or  
5 highly effective on annual summative evaluations. Once two  
6 consecutive ratings of effective or highly effective are acquired, the  
7 employee shall be returned to the evaluation schedule set forth in  
8 paragraphs (2) and (3) of this subsection.

9 b. Each school district shall annually issue to the commissioner  
10 a statement of assurance which includes a list of all tenured  
11 teachers, principals, assistant principals, and vice-principals who  
12 did not receive a summative evaluation in that year and which  
13 affirms that these employees have all been rated effective or highly  
14 effective in their most recent evaluation.

15 c. (1) Teacher-generated student growth data shall not be  
16 collected by a teacher except in those years in which the teacher is  
17 subject to a summative evaluation pursuant to subsection a. of this  
18 section. In the case of a principal, assistant principal, or vice-  
19 principal, a summative evaluation may consider any available  
20 cumulative data but shall not require the collection of additional  
21 teacher-generated student growth data.

22 (2) As used in this section, "teacher-generated student growth  
23 data" means any data collected by a teacher to measure student  
24 progress toward individualized goals and does not include  
25 standardized testing performance data.

26 d. Within 30 days of filing a charge of inefficiency pursuant to  
27 subsection a. of this section, the board of education shall forward a  
28 written charge to the commissioner, unless the board determines  
29 that the evaluation process has not been followed.

30 e. Notwithstanding the provisions of N.J.S.18A:6-16 or any  
31 other section of law to the contrary, upon receipt of a charge of  
32 inefficiency pursuant to subsection a. of this section, the  
33 commissioner shall examine the charge. The individual against  
34 whom the charges are filed shall have 10 days to submit a written  
35 response to the charges to the commissioner. The commissioner  
36 shall, within five days immediately following the period provided  
37 for a written response to the charges, refer the case to an arbitrator  
38 and appoint an arbitrator to hear the case, unless the commissioner  
39 determines that the evaluation process has not been followed.

40 f. The only evaluations which may be used for the purposes of  
41 this section are those evaluations conducted in accordance with a  
42 rubric adopted by the State Board of Education and approved by the  
43 commissioner pursuant to P.L.2012, c.26 (C.18A:6-117 et al.).

44  
45 2. Section 17 of P.L.2012, c.26 (C.18A:6-123) is amended to  
46 read as follows:

1        17. a. The Commissioner of Education shall review and approve  
2 evaluation rubrics submitted by school districts pursuant to section  
3 16 of P.L.2012, c.26 (C.18A:6-122). The board of education shall  
4 adopt a rubric approved by the commissioner.

5        b. The State Board of Education shall promulgate regulations  
6 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
7 (C.52:14B-1 et seq.), to set standards for the approval of evaluation  
8 rubrics for teachers, principals, assistant principals, and vice-  
9 principals. The standards at a minimum shall include:

10        (1) four defined annual rating categories for teachers, principals,  
11 assistant principals, and vice-principals: ineffective, partially  
12 effective, effective, and highly effective;

13        (2) a provision requiring that the rubric be partially based on  
14 multiple objective measures of student learning that use student  
15 growth from one year's measure to the next year's measure;

16        (3) a provision that allows the district, in grades in which a  
17 standardized test is not required, to determine the methods for  
18 measuring student growth;

19        (4) a provision that multiple measures of practice and student  
20 learning be used in conjunction with professional standards of  
21 practice using a comprehensive evaluation process in rating  
22 effectiveness with specific measures and implementation processes.  
23 Standardized assessments shall be used as a measure of student  
24 progress but shall not be the predominant factor in the overall  
25 evaluation of a teacher;

26        (5) a provision that the rubric be based on the professional  
27 standards for that employee;

28        (6) a provision ensuring that performance measures used in the  
29 rubric are linked to student achievement;

30        (7) a requirement that the employee receive multiple  
31 observations during the school year which shall be used in  
32 evaluating the employee;

33        (8) a provision that requires that at each observation of a  
34 teacher, either the principal, his designee who shall be an individual  
35 employed in the district in a supervisory role and capacity and who  
36 possesses a school administrator certificate, principal certificate, or  
37 supervisor certificate, the vice-principal, or the assistant principal  
38 shall be present;

39        (9) an opportunity for the employee to improve his effectiveness  
40 from evaluation feedback;

41        (10) guidelines for school districts regarding training and the  
42 demonstration of competence on the evaluation system to support  
43 its implementation;

44        (11) a process for ongoing monitoring and calibration of the  
45 observations to ensure that the observation protocols are being  
46 implemented correctly and consistently;

1 (12) a performance framework, associated evaluation tools, and  
2 observation protocols, including training and observer calibration  
3 resources;

4 (13) a process for a school district to obtain the approval of the  
5 commissioner to utilize other evaluation tools; and

6 (14) a process for ensuring that the results of the evaluation help  
7 to inform instructional development.

8 c. A board of education shall adopt a rubric approved by the  
9 commissioner by December 31, 2012.

10 d. Beginning no later than January 31, 2013, a board of  
11 education shall implement a pilot program to test and refine the  
12 evaluation rubric.

13 e. Beginning with the 2013-2014 school year, a board of  
14 education shall ensure implementation of the approved, adopted  
15 evaluation rubric for all educators in all elementary, middle, and  
16 high schools in the district. Results of evaluations shall be used to  
17 identify and provide professional development to teaching staff  
18 members. Results of evaluations shall be provided to the  
19 commissioner, as requested, on a regular basis.

20 f. The commissioner shall establish a model evaluation rubric  
21 that may be utilized by a school district to assess the effectiveness  
22 of its teaching staff members.

23 g. Nothing in this section shall be construed as requiring the  
24 collection of teacher-generated student growth data by a teacher  
25 except in a year in which the teacher is receiving a summative  
26 evaluation pursuant to section 1 of P.L. , c. (C. ) (pending  
27 before the Legislature as this bill).

28 h. As used in this section, "teacher-generated student growth  
29 data" means any data collected by a teacher to measure student  
30 progress toward individualized goals and does not include  
31 standardized testing performance data.

32 (cf: P.L.2012, c.26, s.17)

33  
34 3. Section 25 of P.L.2012, c.26 (C.18A:6-17.3) is repealed.

35  
36 4. This act shall take effect immediately and shall first apply to  
37 the first full school year following the date of enactment.

#### 38 39 40 STATEMENT

41  
42 This bill revises the schedule for summative evaluations of  
43 tenured teachers, principals, assistant principals, and vice-  
44 principals. Under current law these employees are required to  
45 receive a summative evaluation every year. Pursuant to the bill's  
46 revised schedule, once an employee acquires tenure, a summative  
47 evaluation will not occur until two years following the acquisition  
48 of tenure.

1 For each summative evaluation, the bill provides that if an  
2 employee: receives a rating of highly effective, the next summative  
3 evaluation will occur three years later; receives a rating of effective,  
4 the next summative evaluation will occur either two or three years  
5 later, at the discretion of the employee's supervisor; or receives a  
6 rating of partially effective or ineffective, then the employee is  
7 required to receive a summative evaluation for the each of the  
8 following two years. In the latter case, the bill provides that: if the  
9 employee is rated ineffective or partially effective in the first year  
10 and in the following year is rated ineffective, then the  
11 superintendent is to file a charge of inefficiency. However, if the  
12 employee is rated partially effective in two consecutive summative  
13 evaluations or is rated ineffective in the first year and partially  
14 effective the following year, the superintendent is to file a charge of  
15 inefficiency but may defer the filing of tenure charges. Finally, if  
16 the employee receives one rating of ineffective or partially effective  
17 and one rating of effective or highly effective, the employee will  
18 continue to receive annual summative evaluations until receiving  
19 two consecutive ratings of effective or highly effective. The  
20 employee will at that point return to the evaluation schedule  
21 established under the bill.

22 This bill also provides that each school is to annually issue a  
23 statement of assurance detailing the employees who did not receive  
24 an evaluation in that year and attesting that those employees were  
25 rated effective or highly effective in their most recent evaluation.

26 Finally, the bill provides that teacher generated student growth  
27 data is not to be collected except by a teacher in years in which the  
28 teacher is receiving a summative evaluation. Summative  
29 evaluations for principals, assistant principals, and vice principals  
30 may consider any available cumulative data but are not to require  
31 the collection of additional teacher generated student growth data.  
32 Teacher generated student growth data is defined as any data  
33 collected by a teacher to measure student progress toward  
34 individualized goals and does not include standardized testing  
35 performance data.