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ASSEMBLY, No. 5877

STATE OF NEW JERSEY
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INTRODUCED DECEMBER 11, 2023

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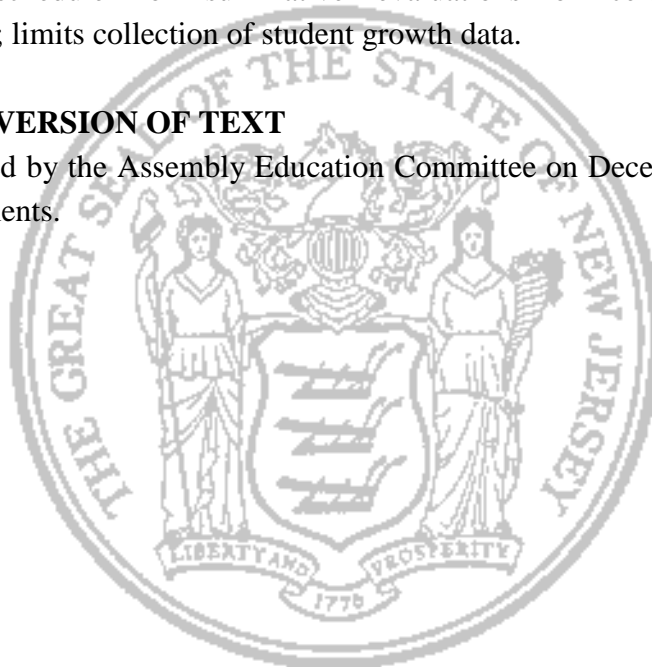
Assemblyman DeAngelo, Assemblywomen McKnight, Swift, Assemblymen Atkins, Spearman, DiMaio, Assemblywomen Tucker, Flynn, Haider, Assemblyman Sampson and Assemblywoman Reynolds-Jackson

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee on December 14, 2023, with amendments.



(Sponsorship Updated As Of: 12/18/2023)

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AED committee amendments adopted December 14, 2023.

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 ¹g. Nothing in this section shall be construed as limiting a
45 school district’s ability to conduct administrative and supervisory
46 practices for purposes other than summative evaluations.¹

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

3 17. a. The Commissioner of Education shall review and approve
4 evaluation rubrics submitted by school districts pursuant to section
5 16 of P.L.2012, c.26 (C.18A:6-122). The board of education shall
6 adopt a rubric approved by the commissioner.

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

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

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

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

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

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

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

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

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

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

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

46 (11) a process for ongoing monitoring and calibration of the
47 observations to ensure that the observation protocols are being
48 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.