

[First Reprint]

ASSEMBLY SUBSTITUTE FOR  
**ASSEMBLY, No. 5877**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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ADOPTED DECEMBER 21, 2023

**Sponsored by:**

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**District 6 (Burlington and Camden)**

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**Co-Sponsored by:**

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

**SYNOPSIS**

Establishes New Jersey Educator Evaluation Review Task Force; clarifies collection of student growth data.

**CURRENT VERSION OF TEXT**

As reported by the Assembly State and Local Government Committee on January 4, 2024, with amendments.

(Sponsorship Updated As Of: 1/8/2024)

1 AN ACT establishing the “New Jersey Educator Evaluation Review  
2 Task Force,” and amending <sup>1</sup>and supplementing<sup>1</sup> P.L.2012, c.26.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. <sup>1</sup>(New section)<sup>1</sup> The Legislature finds and declares that:

8 a. The “Teacher Effectiveness and Accountability for the  
9 Children of New Jersey (TEACHNJ) Act,” P.L.2012, c.26  
10 (C.18A:6-117 et al.), was enacted in 2012 with the goal of raising  
11 student achievement by improving instruction through the adoption  
12 of an educator evaluation system that provides specific feedback to  
13 educators, informs the provision of aligned professional  
14 development, and informs personnel decisions.

15 b. Since the enactment of the TEACHNJ Act, educators have  
16 benefited from the individualized feedback, provision of targeted  
17 professional development resources, annual review of student  
18 performance data, collaborative exchange of educational strategies  
19 with their certified supervisors, and administrative support provided  
20 through the evaluation systems established pursuant to the  
21 TEACHNJ Act.

22 c. On November 10, 2022, Governor Philip D. Murphy issued  
23 Executive Order No. 309 to establish the Task Force on Public  
24 School Staff Shortages in New Jersey to develop recommendations  
25 to address teacher and education support professional shortages in  
26 school districts across New Jersey. In February 2023, the 25-  
27 member task force issued 31 initial recommendations with a goal of  
28 addressing Statewide educator staffing shortages in the public  
29 schools of the State. The task force recommendations focused on  
30 both short-term and long-term solutions to increase recruitment to  
31 the educator workforce, identify best practices to increase the  
32 educator pipeline, and ensure the retention of school staff members.

33 d. To address the retention of existing school employees,  
34 including teachers, the task force recommended that administrative  
35 burdens, and other tasks that pull teachers from classroom  
36 instruction, be reassessed and reduced, if appropriate, including the  
37 reassessment of student growth objectives within the educator  
38 evaluation process established by the TEACHNJ Act and  
39 regulations issued by the Department of Education.

40 e. In response to the ongoing and widespread staffing challenges  
41 facing New Jersey schools, and considering the recommendations of  
42 the task force report, it is fitting and proper to examine revisions to  
43 the TEACHNJ Act.

**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:

<sup>1</sup>Assembly ASL committee amendments adopted January 4, 2024.

1       2. <sup>1</sup>(New section)<sup>1</sup> a. There is established the New Jersey  
2 Educator Evaluation Review Task Force for the purpose of  
3 examining the educator evaluation process, gathering data,  
4 evaluating the data, and making recommendations concerning the  
5 annual evaluation process for teachers, principals, assistant  
6 principals, and vice principals established pursuant to the  
7 “TEACHNJ Act,” P.L.2012, c.26 (C.18A:6-117 et al.).

8       b. The task force shall consist of 12 members, each of whom  
9 shall have a background in, or special knowledge of, the legal,  
10 policy, and administrative aspects of educator evaluation in New  
11 Jersey, as follows:

12       (1) one member appointed by the President of the Senate;

13       (2) one member appointed by the Speaker of the General  
14 Assembly;

15       (3) one member appointed by the Governor;

16       (4) three representatives of the New Jersey Education  
17 Association, at least two of whom shall be employed as full-time  
18 teachers in a public school in the State;

19       (5) three representatives of the New Jersey Principals and  
20 Supervisors Association, one of whom shall be employed as a  
21 principal in a public school in the State and one of whom shall be  
22 employed as a vice principal in a public school in the State;

23       (6) one representative appointed by the New Jersey School  
24 Boards Association;

25       (7) one representative appointed by the New Jersey Association  
26 of School Administrators; and

27       (8) one representative appointed by the Garden State Coalition of  
28 Schools.

29       c. Appointments to the task force shall be made <sup>1</sup>[within 30 days  
30 of] as soon as practicable following<sup>1</sup> the effective date of <sup>1</sup>[this  
31 act] P.L. , c. (C. ) (pending before the Legislature as this  
32 bill)<sup>1</sup>. Vacancies in the membership of the task force shall be filled  
33 in the same manner as the original appointments were made.

34       d. Members of the task force shall serve without compensation,  
35 but shall be reimbursed for necessary expenditures incurred in the  
36 performance of their duties as members of the task force within the  
37 limits of funds appropriated or otherwise made available to the task  
38 force for its purposes.

39       e. The task force shall organize as soon as practicable, but no  
40 later than 30 days following the <sup>1</sup>[appointment of its members]  
41 effective date of P.L. , c. (C. ) (pending before the  
42 Legislature as this bill)<sup>1</sup>. The task force shall choose a chairperson  
43 from its membership and shall appoint a secretary who shall be an  
44 employee of the Department of Education. The secretary shall be a  
45 non-voting member of the task force. A majority of the membership  
46 of the task force shall constitute a quorum for the transaction of task  
47 force business.

1 f. The Department of Education shall provide such stenographic,  
2 clerical, and other administrative assistants, and such professional  
3 staff as the task force requires to carry out its work. The task force  
4 shall be entitled to call to its assistance and avail itself of any non-  
5 confidential data maintained by the department and the services of  
6 the employees of any State, county, or municipal department, board,  
7 bureau, commission, or agency as it may require and as may be  
8 available for its purposes.

9  
10 3. <sup>1</sup>(New section)<sup>1</sup> a. It shall be the duty of the New Jersey  
11 Educator Evaluation Review Task Force to study and evaluate the  
12 educator evaluation system established pursuant to the “TEACHNJ  
13 Act,” P.L.2012, c.26 (C.18A:6-117 et al.), and implemented in New  
14 Jersey public schools. The task force shall consider the law in the  
15 current context of the State’s schools, identify areas for  
16 improvement, and make any recommendations regarding any  
17 appropriate changes or updates to the law or regulations  
18 implementing the law. The task force shall:

19 (1) examine the educational value, administrative burden, and  
20 impacts on teachers, principals, and vice principals of the use of  
21 student growth objectives in annual summative evaluations, and  
22 identify potential alternative approaches to the use of student  
23 growth objectives in annual summative evaluations;

24 (2) examine any unintended consequences of the implementation  
25 of the TEACHNJ Act;

26 (3) review current educational research on best practices in  
27 educator evaluation in order to promote student achievement and  
28 success; and

29 (4) present any recommendations deemed necessary and  
30 appropriate to modify or update the TEACHNJ Act and its  
31 implementing regulations to the Governor, the Legislature, the  
32 Department of Education, and the public.

33 b. The task force shall hold at least one public hearing during the  
34 course of its work in order to receive public input on the issues  
35 being studied by the task force.

36 c. The task force shall issue a final report of its findings and  
37 recommendations to the Governor, and to the Legislature pursuant  
38 to section 2 of P.L.1991, c.164 (C.52:14-19.1), no later than July  
39 31, 2024. The department shall make the final report available to  
40 the public on its Internet website.

41  
42 4. Section 17 of P.L.2012, c.26 (C.18A:6-123) is amended to  
43 read as follows:

44 17. a. The Commissioner of Education shall review and approve  
45 evaluation rubrics submitted by school districts pursuant to section  
46 16 of P.L.2012, c.26 (C.18A:6-122). The board of education shall  
47 adopt a rubric approved by the commissioner.

- 1       b. The State Board of Education shall promulgate regulations  
2 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
3 (C.52:14B-1 et seq.), to set standards for the approval of evaluation  
4 rubrics for teachers, principals, assistant principals, and vice-  
5 principals. The standards, at a minimum, shall include:
- 6       (1) four defined annual rating categories for teachers, principals,  
7 assistant principals, and vice-principals: ineffective, partially  
8 effective, effective, and highly effective;
- 9       (2) a provision requiring that the rubric be partially based on  
10 multiple objective measures of student learning that use student  
11 growth from one year's measure to the next year's measure using  
12 data from the most recent year in which an educator completed  
13 student growth objectives;
- 14       (3) a provision that allows the district, in grades in which a  
15 standardized test is not required, to determine the methods for  
16 measuring student growth, provided that the student growth  
17 objective data used is data collected in the most recent year in  
18 which an educator completed student growth objectives;
- 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 (cf: P.L.2012, c.26, s.17)

24

25 <sup>15.</sup> (New section) a. Notwithstanding the provisions of section  
26 17 of P.L.2012, c.26 (C.18A:6-123) or any other law, rule, or  
27 regulation to the contrary, in the 2024-2025 school year, teachers  
28 shall not collect new student growth objective data. For the  
29 purposes of conducting evaluations of teachers, principals, assistant  
30 principals, and vice principals in the 2024-2025 school year,  
31 existing student growth objective data from the most recent year in  
32 which the educator completed student growth objectives shall be  
33 used. For any teacher in their first year of employment in a district,  
34 any teacher without a record of pre-existing student growth  
35 objectives, or any non-tenured teacher, the teacher shall be required  
36 to set student growth objectives and collect data pertaining to these  
37 objectives during the 2024-2025 school year.

38 b. Beginning with the 2025-2026 school year, school districts  
39 shall implement guidelines for the collection of student growth  
40 objective data consistent with any law, rule, or regulation enacted as  
41 a result of the findings of the task force.<sup>1</sup>

42

43 <sup>1</sup>[5. This act] 6. Sections 1 through 3, and section 5 of P.L. , c.  
44 (C. ) (pending before the Legislature as this bill)<sup>1</sup> shall take  
45 effect immediately <sup>1</sup>[, and the] . Section 4 of P.L. , c. (C. )  
46 (pending before the Legislature as this bill) shall take effect on the  
47 first day of the first full school year next following the date of

1 enactment. The<sup>1</sup> task force shall expire 30 days after the report  
2 required pursuant to section 3 of P.L. , c. (C. ) (pending  
3 before the Legislature as this bill) is issued.