

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

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

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ADOPTED DECEMBER 21, 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:**

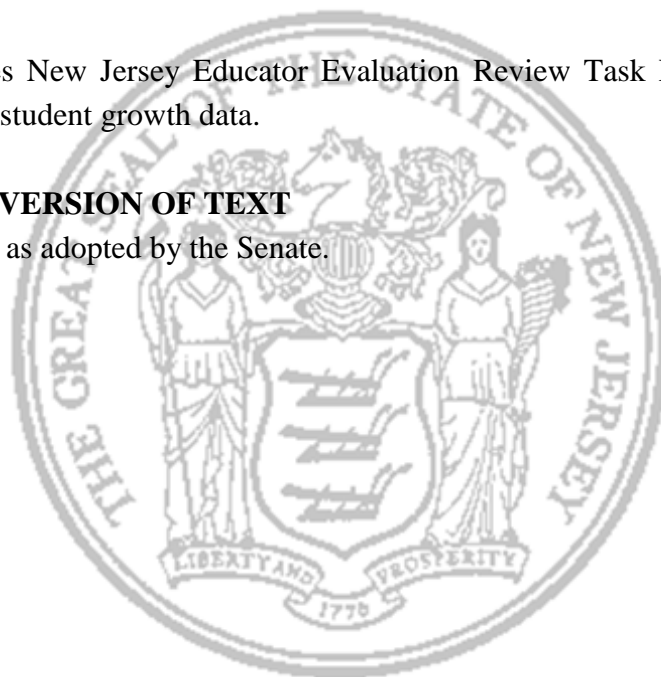
**Assemblyman DeAngelo, Assemblywomen McKnight, Swift, Assemblymen  
Atkins, Spearman, DiMaio, Assemblywomen Tucker, Flynn, Haider,  
Assemblyman Sampson and Assemblywoman Reynolds-Jackson**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate.



1 AN ACT establishing the “New Jersey Educator Evaluation Review  
2 Task Force,” and amending 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. 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.

44

45 2. a. There is established the New Jersey Educator Evaluation  
46 Review Task Force for the purpose of examining the educator  
47 evaluation process, gathering data, evaluating the data, and making  
48 recommendations concerning the annual evaluation process for

- 1 teachers, principals, assistant principals, and vice principals  
2 established pursuant to the “TEACHNJ Act,” P.L.2012, c.26  
3 (C.18A:6-117 et al.).
- 4 b. The task force shall consist of 12 members, each of whom  
5 shall have a background in, or special knowledge of, the legal,  
6 policy, and administrative aspects of educator evaluation in New  
7 Jersey, as follows:
- 8 (1) one member appointed by the President of the Senate;
  - 9 (2) one member appointed by the Speaker of the General  
10 Assembly;
  - 11 (3) one member appointed by the Governor;
  - 12 (4) three representatives of the New Jersey Education  
13 Association, at least two of whom shall be employed as full-time  
14 teachers in a public school in the State;
  - 15 (5) three representatives of the New Jersey Principals and  
16 Supervisors Association, one of whom shall be employed as a  
17 principal in a public school in the State and one of whom shall be  
18 employed as a vice principal in a public school in the State;
  - 19 (6) one representative appointed by the New Jersey School  
20 Boards Association;
  - 21 (7) one representative appointed by the New Jersey Association  
22 of School Administrators; and
  - 23 (8) one representative appointed by the Garden State Coalition of  
24 Schools.
- 25 c. Appointments to the task force shall be made within 30 days  
26 of the effective date of this act. Vacancies in the membership of the  
27 task force shall be filled in the same manner as the original  
28 appointments were made.
- 29 d. Members of the task force shall serve without compensation,  
30 but shall be reimbursed for necessary expenditures incurred in the  
31 performance of their duties as members of the task force within the  
32 limits of funds appropriated or otherwise made available to the task  
33 force for its purposes.
- 34 e. The task force shall organize as soon as practicable, but no  
35 later than 30 days following the appointment of its members. The  
36 task force shall choose a chairperson from its membership and shall  
37 appoint a secretary who shall be an employee of the Department of  
38 Education. The secretary shall be a non-voting member of the task  
39 force. A majority of the membership of the task force shall  
40 constitute a quorum for the transaction of task force business.
- 41 f. The Department of Education shall provide such stenographic,  
42 clerical, and other administrative assistants, and such professional  
43 staff as the task force requires to carry out its work. The task force  
44 shall be entitled to call to its assistance and avail itself of any non-  
45 confidential data maintained by the department and the services of  
46 the employees of any State, county, or municipal department, board,  
47 bureau, commission, or agency as it may require and as may be  
48 available for its purposes.

1 3. a. It shall be the duty of the New Jersey Educator Evaluation  
2 Review Task Force to study and evaluate the educator evaluation  
3 system established pursuant to the "TEACHNJ Act," P.L.2012, c.26  
4 (C.18A:6-117 et al.), and implemented in New Jersey public  
5 schools. The task force shall consider the law in the current context  
6 of the State's schools, identify areas for improvement, and make  
7 any recommendations regarding any appropriate changes or updates  
8 to the law or regulations implementing the law. The task force shall:

9 (1) examine the educational value, administrative burden, and  
10 impacts on teachers, principals, and vice principals of the use of  
11 student growth objectives in annual summative evaluations, and  
12 identify potential alternative approaches to the use of student  
13 growth objectives in annual summative evaluations;

14 (2) examine any unintended consequences of the implementation  
15 of the TEACHNJ Act;

16 (3) review current educational research on best practices in  
17 educator evaluation in order to promote student achievement and  
18 success; and

19 (4) present any recommendations deemed necessary and  
20 appropriate to modify or update the TEACHNJ Act and its  
21 implementing regulations to the Governor, the Legislature, the  
22 Department of Education, and the public.

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

26 c. The task force shall issue a final report of its findings and  
27 recommendations to the Governor, and to the Legislature pursuant  
28 to section 2 of P.L.1991, c.164 (C.52:14-19.1), no later than July  
29 31, 2024. The department shall make the final report available to  
30 the public on its Internet website.

31

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

34 17. a. The Commissioner of Education shall review and approve  
35 evaluation rubrics submitted by school districts pursuant to section  
36 16 of P.L.2012, c.26 (C.18A:6-122). The board of education shall  
37 adopt a rubric approved by the commissioner.

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

43 (1) four defined annual rating categories for teachers, principals,  
44 assistant principals, and vice-principals: ineffective, partially  
45 effective, effective, and highly effective;

46 (2) a provision requiring that the rubric be partially based on  
47 multiple objective measures of student learning that use student  
48 growth from one year's measure to the next year's measure using

- 1 data from the most recent year in which an educator completed  
2 student growth objectives;
- 3 (3) a provision that allows the district, in grades in which a  
4 standardized test is not required, to determine the methods for  
5 measuring student growth, provided that the student growth  
6 objective data used is data collected in the most recent year in  
7 which an educator completed student growth objectives;
- 8 (4) a provision that multiple measures of practice and student  
9 learning be used in conjunction with professional standards of  
10 practice using a comprehensive evaluation process in rating  
11 effectiveness with specific measures and implementation processes.  
12 Standardized assessments shall be used as a measure of student  
13 progress but shall not be the predominant factor in the overall  
14 evaluation of a teacher;
- 15 (5) a provision that the rubric be based on the professional  
16 standards for that employee;
- 17 (6) a provision ensuring that performance measures used in the  
18 rubric are linked to student achievement;
- 19 (7) a requirement that the employee receive multiple  
20 observations during the school year which shall be used in  
21 evaluating the employee;
- 22 (8) a provision that requires that at each observation of a  
23 teacher, either the principal, his designee who shall be an individual  
24 employed in the district in a supervisory role and capacity and who  
25 possesses a school administrator certificate, principal certificate, or  
26 supervisor certificate, the vice-principal, or the assistant principal  
27 shall be present;
- 28 (9) an opportunity for the employee to improve his effectiveness  
29 from evaluation feedback;
- 30 (10) guidelines for school districts regarding training and the  
31 demonstration of competence on the evaluation system to support  
32 its implementation;
- 33 (11) a process for ongoing monitoring and calibration of the  
34 observations to ensure that the observation protocols are being  
35 implemented correctly and consistently;
- 36 (12) a performance framework, associated evaluation tools, and  
37 observation protocols, including training and observer calibration  
38 resources;
- 39 (13) a process for a school district to obtain the approval of the  
40 commissioner to utilize other evaluation tools; and
- 41 (14) a process for ensuring that the results of the evaluation help  
42 to inform instructional development.
- 43 c. A board of education shall adopt a rubric approved by the  
44 commissioner by December 31, 2012.
- 45 d. Beginning no later than January 31, 2013, a board of  
46 education shall implement a pilot program to test and refine the  
47 evaluation rubric.

1 e. Beginning with the 2013-2014 school year, a board of  
2 education shall ensure implementation of the approved, adopted  
3 evaluation rubric for all educators in all elementary, middle, and  
4 high schools in the district. Results of evaluations shall be used to  
5 identify and provide professional development to teaching staff  
6 members. Results of evaluations shall be provided to the  
7 commissioner, as requested, on a regular basis.

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

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

12

13 5. This act shall take effect immediately, and the task force shall  
14 expire 30 days after the report required pursuant to section 3 of P.L.  
15 c. (C. ) (pending before the Legislature as this bill) is issued.

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#### STATEMENT

19

20 This Assembly substitute establishes the New Jersey Educator  
21 Evaluation Review Task Force to study and evaluate the educator  
22 evaluation system established pursuant to the TEACHNJ Act and  
23 implemented in New Jersey public schools.

24 The task force is to examine the educator evaluation process,  
25 gather data, evaluate the data, and make recommendations  
26 concerning the annual evaluation process for teachers, principals,  
27 assistant principals, and vice principals established pursuant to the  
28 TEACHNJ Act. The task force is to consist of 12 members who  
29 have a background in, or special knowledge of, the legal, policy,  
30 and administrative aspects of educator evaluation in New Jersey.  
31 The members are to include:

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

33 (2) one member appointed by the Speaker of the General  
34 Assembly;

35 (3) one member appointed by the Governor;

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

39 (5) three representatives of the New Jersey Principals and  
40 Supervisors Association, one of whom shall be employed as a  
41 principal in a public school in the State and one of whom shall be  
42 employed as a vice principal in a public school in the State;

43 (6) one representative appointed by the New Jersey School  
44 Boards Association;

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

47 (8) one representative appointed by the Garden State Coalition of  
48 Schools.

1       The task force is to consider the law in the current context of the  
2 State's schools, identify areas for improvement, and make any  
3 recommendations regarding any appropriate changes or updates to  
4 the law or regulations implementing the law. The task force shall  
5 issue a final report of its findings and recommendations to the  
6 Governor and the Legislature no later than July 31, 2024. The  
7 department shall make the final report available to the public on its  
8 Internet website.

9       Additionally, the substitute clarifies that student growth data  
10 used for the purposes of educator evaluations is data collected in the  
11 most recent year in which an educator completed student growth  
12 objectives.