

SENATE, No. 4234

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED DECEMBER 14, 2023

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

Senators Johnson and Steinhardt

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: 1/8/2024)

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.

45 (c) If the employee receives one rating of ineffective or partially
46 effective and one rating of effective or highly effective, the
47 employee shall continue to receive annual summative evaluations

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 until the employee acquires two consecutive ratings of effective or
2 highly effective on annual summative evaluations. Once two
3 consecutive ratings of effective or highly effective are acquired, the
4 employee shall be returned to the evaluation schedule set forth in
5 paragraphs (2) and (3) of this subsection.

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

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

19 (2) As used in this section, “teacher-generated student growth
20 data” means any data collected by a teacher to measure student
21 progress toward individualized goals and does not include
22 standardized testing performance data.

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

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

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

41

42 2. 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;
- 12 (3) a provision that allows the district, in grades in which a
13 standardized test is not required, to determine the methods for
14 measuring student growth;
- 15 (4) a provision that multiple measures of practice and student
16 learning be used in conjunction with professional standards of
17 practice using a comprehensive evaluation process in rating
18 effectiveness with specific measures and implementation processes.
19 Standardized assessments shall be used as a measure of student
20 progress but shall not be the predominant factor in the overall
21 evaluation of a teacher;
- 22 (5) a provision that the rubric be based on the professional
23 standards for that employee;
- 24 (6) a provision ensuring that performance measures used in the
25 rubric are linked to student achievement;
- 26 (7) a requirement that the employee receive multiple
27 observations during the school year which shall be used in
28 evaluating the employee;
- 29 (8) a provision that requires that at each observation of a
30 teacher, either the principal, his designee who shall be an individual
31 employed in the district in a supervisory role and capacity and who
32 possesses a school administrator certificate, principal certificate, or
33 supervisor certificate, the vice-principal, or the assistant principal
34 shall be present;
- 35 (9) an opportunity for the employee to improve his effectiveness
36 from evaluation feedback;
- 37 (10) guidelines for school districts regarding training and the
38 demonstration of competence on the evaluation system to support
39 its implementation;
- 40 (11) a process for ongoing monitoring and calibration of the
41 observations to ensure that the observation protocols are being
42 implemented correctly and consistently;
- 43 (12) a performance framework, associated evaluation tools, and
44 observation protocols, including training and observer calibration
45 resources;
- 46 (13) a process for a school district to obtain the approval of the
47 commissioner to utilize other evaluation tools; and

- 1 (14) a process for ensuring that the results of the evaluation help
2 to inform instructional development.
- 3 c. A board of education shall adopt a rubric approved by the
4 commissioner by December 31, 2012.
- 5 d. Beginning no later than January 31, 2013, a board of
6 education shall implement a pilot program to test and refine the
7 evaluation rubric.
- 8 e. Beginning with the 2013-2014 school year, a board of
9 education shall ensure implementation of the approved, adopted
10 evaluation rubric for all educators in all elementary, middle, and
11 high schools in the district. Results of evaluations shall be used to
12 identify and provide professional development to teaching staff
13 members. Results of evaluations shall be provided to the
14 commissioner, as requested, on a regular basis.
- 15 f. The commissioner shall establish a model evaluation rubric
16 that may be utilized by a school district to assess the effectiveness
17 of its teaching staff members.
- 18 g. Nothing in this section shall be construed as requiring the
19 collection of teacher-generated student growth data by a teacher
20 except in a year in which the teacher is receiving a summative
21 evaluation pursuant to section 1 of P.L. , c. (C.) (pending
22 before the Legislature as this bill).
- 23 h. As used in this section, “teacher-generated student growth
24 data” means any data collected by a teacher to measure student
25 progress toward individualized goals and does not include
26 standardized testing performance data.
27 (cf: P.L.2012, c.26, s.17)

- 28
- 29 3. Section 25 of P.L.2012, c.26 (C.18A:6-17.3) is repealed.
- 30
- 31 4. This act shall take effect immediately and shall first apply to
32 the first full school year following the date of enactment.
- 33

34

35 STATEMENT

36

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

44 For each summative evaluation, the bill provides that if an
45 employee: receives a rating of highly effective, the next summative
46 evaluation will occur three years later; receives a rating of effective,
47 the next summative evaluation will occur either two or three years
48 later, at the discretion of the employee’s supervisor; or receives a

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

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

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