Sponsored by:
Senator VIN GOPAL
District 11 (Monmouth)

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

CURRENT VERSION OF TEXT
As introduced.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) a process for a school district to obtain the approval of the commissioner to utilize other evaluation tools; and
(14) a process for ensuring that the results of the evaluation help
to inform instructional development.
c. A board of education shall adopt a rubric approved by the
commissioner by December 31, 2012.
d. Beginning no later than January 31, 2013, a board of
education shall implement a pilot program to test and refine the
evaluation rubric.
e. Beginning with the 2013-2014 school year, a board of
education shall ensure implementation of the approved, adopted
evaluation rubric for all educators in all elementary, middle, and
high schools in the district. Results of evaluations shall be used to
identify and provide professional development to teaching staff
members. Results of evaluations shall be provided to the
commissioner, as requested, on a regular basis.
f. The commissioner shall establish a model evaluation rubric
that may be utilized by a school district to assess the effectiveness
of its teaching staff members.
g. Nothing in this section shall be construed as requiring the
collection of teacher-generated student growth data by a teacher
except in a year in which the teacher is receiving a summative
evaluation pursuant to section 1 of P.L. , c. (pending
before the Legislature as this bill).
h. As used in this section, “teacher-generated student growth
data” means any data collected by a teacher to measure student
progress toward individualized goals and does not include
standardized testing performance data.
(cf: P.L.2012, c.26, s.17)
4. This act shall take effect immediately and shall first apply to
the first full school year following the date of enactment.

STATEMENT

This bill revises the schedule for summative evaluations of
tenured teachers, principals, assistant principals, and vice-
principals. Under current law these employees are required to
receive a summative evaluation every year. Pursuant to the bill’s
revised schedule, once an employee acquires tenure, a summative
evaluation will not occur until two years following the acquisition
of tenure.
For each summative evaluation, the bill provides that if an
employee: receives a rating of highly effective, the next summative
evaluation will occur three years later; receives a rating of effective,
the next summative evaluation will occur either two or three years
later, at the discretion of the employee’s supervisor; or receives a
rating of partially effective or ineffective, then the employee is required to receive a summative evaluation for the each of the following two years. In the latter case, the bill provides that: if the employee is rated ineffective or partially effective in the first year and in the following year is rated ineffective, then the superintendent is to file a charge of inefficiency. However, if the employee is rated partially effective in two consecutive summative evaluations or is rated ineffective in the first year and partially effective the following year, the superintendent is to file a charge of inefficiency but may defer the filing of tenure charges. Finally, if the employee receives one rating of ineffective or partially effective and one rating of effective or highly effective, the employee will continue to receive annual summative evaluations until receiving two consecutive ratings of effective or highly effective. The employee will at that point return to the evaluation schedule established under the bill.

This bill also provides that each school is to annually issue a statement of assurance detailing the employees who did not receive an evaluation in that year and attesting that those employees were rated effective or highly effective in their most recent evaluation. Finally, the bill provides that teacher generated student growth data is not to be collected except by a teacher in years in which the teacher is receiving a summative evaluation. Summative evaluations for principals, assistant principals, and vice principals may consider any available cumulative data but are not to require the collection of additional teacher generated student growth data. Teacher generated student growth data is defined as any data collected by a teacher to measure student progress toward individualized goals and does not include standardized testing performance data.