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ASSEMBLY, No. 3413

STATE OF NEW JERSEY
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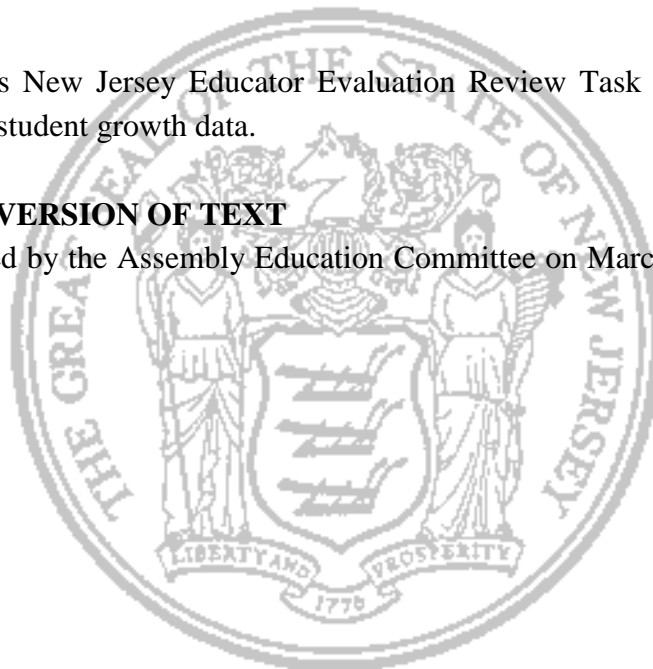
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SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee on March 4, 2024, with amendments.



(Sponsorship Updated As Of: 3/18/2024)

1 AN ACT establishing the “New Jersey Educator Evaluation Review
2 Task Force,” and amending and supplementing 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. (New section) 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. (New section) a. There is established the New Jersey Educator
46 Evaluation Review Task Force for the purpose of examining the

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 March 4, 2024.

1 educator evaluation process, gathering data, evaluating the data, and
2 making recommendations concerning the annual evaluation process
3 for teachers, principals, assistant principals, and vice principals
4 established pursuant to the “TEACHNJ Act,” P.L.2012, c.26
5 (C.18A:6-117 et al.).

6 b. The task force shall consist of ¹[12] ¹13¹ members, each of
7 whom shall have a background in, or special knowledge of, the legal,
8 policy, and administrative aspects of educator evaluation in New
9 Jersey, as follows:

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

11 (2) one member appointed by the Speaker of the General
12 Assembly;

13 (3) one member appointed by the Governor;

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

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

21 (6) one representative appointed by the New Jersey School Boards
22 Association;

23 (7) one representative appointed by the New Jersey Association of
24 School Administrators; ¹[and]¹

25 (8) one representative appointed by the Garden State Coalition of
26 Schools ¹; and

27 (9) one representative appointed by the American Federation of
28 Teachers¹.

29 c. Appointments to the task force shall be made ¹[within 30 days
30 of] as soon as practicable following¹ the effective date of ¹[this act]
31 P.L. _____, c. _____ (C. _____) (pending before the Legislature as this bill)¹.
32 Vacancies in the membership of the task force shall be filled in the
33 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 later
40 than 30 days following the ¹[appointment of its members] effective
41 date of P.L. _____, c. _____ (C. _____) (pending before the Legislature as this
42 bill)¹. The task force shall choose a chairperson from its membership
43 and shall appoint a secretary who shall be an employee of the
44 Department of Education. The secretary shall be a non-voting member
45 of the task force. A majority of the membership of the task force shall
46 constitute a quorum for the transaction of task force business.

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

9
10 3. (New section) 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
25 implementation 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
34 the 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
39 September 30, 2024. The department shall make the final report
40 available to 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 5. (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 New Jersey Educator Evaluation
42 Review Task Force established pursuant to P.L. , c. (C.)
43 (pending before the Legislature as this bill).

44

45 6. Sections 1 through 3, and section 5 of P.L. , c. (C.)
46 (pending before the Legislature as this bill) shall take effect
47 immediately. Section 4 of P.L. , c. (C.) (pending before the
48 Legislature as this bill) shall take effect on the first day of the first

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1 full school year next following the date of enactment. The task
2 force shall expire 30 days after the report required pursuant to
3 section 3 of P.L. , c. (C.) (pending before the Legislature as
4 this bill) is issued.