

SENATE, No. 2082

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

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

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/25/2024)

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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.

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

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

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

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

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

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

40 f. The only evaluations which may be used for the purposes of
41 this section are those evaluations conducted in accordance with a
42 rubric adopted by the State Board of Education and approved by the
43 commissioner pursuant to P.L.2012, c.26 (C.18A:6-117 et al.).
44

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

47 17. a. The Commissioner of Education shall review and approve
48 evaluation rubrics submitted by school districts pursuant to section

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- 1 16 of P.L.2012, c.26 (C.18A:6-122). The board of education shall
2 adopt a rubric approved by the commissioner.
- 3 b. The State Board of Education shall promulgate regulations
4 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
5 (C.52:14B-1 et seq.), to set standards for the approval of evaluation
6 rubrics for teachers, principals, assistant principals, and vice-
7 principals. The standards at a minimum shall include:
- 8 (1) four defined annual rating categories for teachers, principals,
9 assistant principals, and vice-principals: ineffective, partially
10 effective, effective, and highly effective;
- 11 (2) a provision requiring that the rubric be partially based on
12 multiple objective measures of student learning that use student
13 growth from one year's measure to the next year's measure;
- 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;
- 17 (4) a provision that multiple measures of practice and student
18 learning be used in conjunction with professional standards of
19 practice using a comprehensive evaluation process in rating
20 effectiveness with specific measures and implementation processes.
21 Standardized assessments shall be used as a measure of student
22 progress but shall not be the predominant factor in the overall
23 evaluation of a teacher;
- 24 (5) a provision that the rubric be based on the professional
25 standards for that employee;
- 26 (6) a provision ensuring that performance measures used in the
27 rubric are linked to student achievement;
- 28 (7) a requirement that the employee receive multiple
29 observations during the school year which shall be used in
30 evaluating the employee;
- 31 (8) a provision that requires that at each observation of a
32 teacher, either the principal, his designee who shall be an individual
33 employed in the district in a supervisory role and capacity and who
34 possesses a school administrator certificate, principal certificate, or
35 supervisor certificate, the vice-principal, or the assistant principal
36 shall be present;
- 37 (9) an opportunity for the employee to improve his effectiveness
38 from evaluation feedback;
- 39 (10) guidelines for school districts regarding training and the
40 demonstration of competence on the evaluation system to support
41 its implementation;
- 42 (11) a process for ongoing monitoring and calibration of the
43 observations to ensure that the observation protocols are being
44 implemented correctly and consistently;
- 45 (12) a performance framework, associated evaluation tools, and
46 observation protocols, including training and observer calibration
47 resources;

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

- 30
31 3. Section 25 of P.L.2012, c.26 (C.18A:6-17.3) is repealed.
32
33 4. This act shall take effect immediately and shall first apply to
34 the first full school year following the date of enactment.
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37 STATEMENT
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39 This bill revises the schedule for summative evaluations of
40 tenured teachers, principals, assistant principals, and vice-
41 principals. Under current law these employees are required to
42 receive a summative evaluation every year. Pursuant to the bill’s
43 revised schedule, once an employee acquires tenure, a summative
44 evaluation will not occur until two years following the acquisition
45 of tenure.

46 For each summative evaluation, the bill provides that if an
47 employee: receives a rating of highly effective, the next summative
48 evaluation will occur three years later; receives a rating of effective,

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

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

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