

## **Proposed Readoption with Amendments of N.J.A.C. 10, Educator Effectiveness**

The following is the accessible version of the proposed readoption with amendments of N.J.A.C. 6A:10. The adoption level document includes three sections – [comment and response](#), [summary of the proposed rulemaking](#) and [text of the chapter's rules and proposed amendments](#).

**State Board of Education  
Administrative Code  
Comment/Response Form**

This comment and response form contains comments from the February 5, 2020, meeting of the State Board of Education when the rulemaking was considered at Proposal Level.

**Topic:** Educator Effectiveness                      **Meeting Date:** July 1, 2020  
**Code Citation:** N.J.A.C. 6A:10                      **Level:** Adoption  
**Division:** Academics and Performance                      **Completed by:** Office of Professional Learning

**Summary of Comments and Agency Responses:**

The following is a summary of the comments received from State Board of Education (State Board) members and members of the public and the Department of Education’s (Department) responses. Each commenter is identified at the end of the comment by a letter or number that corresponds to the following list:

- A. Andrew J. Mulvihill, Vice President, State Board of Education
  - B. Dr. Joseph Ricca, Member, State Board of Education
  - C. Dr. Ronald K. Butcher, Member, State Board of Education
  - 1. Senator M. Teresa Ruiz, Chair of Senate Education Committee
  - 2. Irene Gilman, Retired educator and current district board of education member
  - 3. Michael Ostroff, Director, Office of Curriculum and Instruction, Penns Grove - Carneys Point Regional School District
  - 4. Elisabeth Yucis, Associate Director, New Jersey Education Association
- 1. Comment:** The commenter expressed support for the proposed amendments at N.J.A.C. 6A:10-2.1(c) that will move the date by which school districts must submit evaluation rubrics to the Commissioner to August 1 annually rather than the existing date of June 1.  
**(B)**
- Response:** The Department appreciates the support.
- 2. Comment:** The commenter expressed concerns regarding the late time/date in which a corrective action plan (CAP) for an educator is implemented. The commenter stated the ideal time to implement a CAP is at the end of the school year in which the teacher receives the summative evaluation. The commenter also stated it a shortcoming that school districts cannot be provided data early enough to enable important conversations to take place within the academic year in which the concern arises. The commenter further stated that having the conversation regarding a CAP as late as October 31 puts the

teacher at a disadvantage. The commenter stated that while it is understandable that all data needs to be received prior to implementation, it still should be done as early in the school year as possible. **(B)**

**Response:** The Department is not adopting the proposed amendment to change the due date for the completion of CAPs. (See Agency-initiated Change 2 for details.) Like professional development plans (PDPs), CAPs are meant to be looked at as living documents. Existing N.J.A.C. 6A:10-2.5(b) sets October 31 as the due date for CAP approval for the school year. However, school districts have always been encouraged to begin developing all PDPs and CAPs as early as possible for the reasons cited by the commenter. The Department will continue to recommend this practice to school districts.

- 3. Comment:** The commenter opposed the proposed amendment at N.J.A.C. 6A:10-2.5(a) to change the process for when an educator disagrees with a CAP. The commenter stated that a third party should not be asked to step in if an educator and his or her supervisor disagree regarding contents of the educator's CAP. **(A)**

**Response:** The Department is not adopting the amendments at N.J.A.C. 6A:10-2.5(a). Please see Agency-initiated Change 1 for details.

- 4. Comment:** The commenter expressed concern with the proposal at N.J.A.C. 6A:10-3.2(e) to require the School Improvement Panel (ScIP) to meet three times per school year. The commenter recognized the importance of ScIPs in implementing professional development, but said the number of times ScIPs need to meet should be negotiated between the school district and the union representing educators. **(B)**

**Response:** COVID-19 has resulted in tremendous disruption to all aspects of education, including the evaluation of educators. The Department contends that maintaining the stability/predictability of the existing evaluation system is critical as school districts grapple with the "new normal" of post-COVID-19 operations. Executive Order 107 (Murphy) (2020) closed schools across the State, resulting in tremendous disruption to all aspects of education, including the evaluation of educators. Executive Order 117 (Murphy) (2020) removed all student learning measures from the summative scores for educators. Under enhanced authority extended during these extraordinary times, the Commissioner further modified the rules for evaluating educators for the 2019-2020 school year. Under the modified rules, most educators did not receive a summative rating and, for educators required to receive one, the summative rating was based solely on the observation of practice.

The Department has determined that substantively amending N.J.A.C. 6A:10 at this time would likely add an unnecessary layer of confusion for the 2020-2021 school, a time when educators will be trying to reestablish norms, including setting new baselines for student learning measures and establishing interrater reliability on the evaluation of educators who may continue to deliver instruction remotely. The Department maintains that the burden on school districts is best reduced by avoiding non-essential regulatory changes. Therefore, the Department is withdrawing amendments put forth at proposal level and moving forward only with the technical changes introduced at first discussion.

5. **Comment:** The commenter asked if there was a reduction in the overall effect of student achievement, which would result in a reduction in student growth objectives (SGOs), and how much of the SGO score is related to standardized testing. (C)

**Response:** No part of a SGO is related to standardized testing. A SGO is an academic goal that teachers and designated supervisors set for groups of students. Locally developed assessments, which are different than standardized tests, are used to measure SGOs.

6. **Comment:** Regarding the proposed amendment to reduce the overall effect of student achievement on tested subject and grade-level teachers, the commenter stated that the State Board needs to consider raising the percentage in a teacher's evaluation that is related to student growth. The commenter stated it was at 30 percent at one time and now it is down to only 5 percent. The commenter asked what was the rationale of lowering the percentage for teachers of tested grades instead of increasing the weight of SGOs in the evaluations for teachers of classes that are not tested. (A)

**Response:** Research from 2018 shows that tying student outcomes to educator evaluation did not produce the type and level of impact that was intended. [Research by the Research and Development \(RAND\) Corporation](#) looked at three very large comprehensive school districts along with four charter management organizations that attempted to tie student outcomes to measures of educator effectiveness as part of the evaluation system. The research found that it did not produce higher student achievement. An effective evaluation system enhances teaching skills and strategies by building each educator's capacity to have data-driven conversations about student outcomes. Building the capacity of educators can drive changes in curriculum, instruction, and assessment. It is important that there is a real understanding by all educators of what standards-based curriculum, instruction, and assessment look like and how to use State assessment data.

7. **Comment:** The commenter asked if Linda Darling Hammond has studied the connection between student outcomes and teacher practice. The commenter stated that there is a substantial body of evidence suggesting that there is a lack of connection between standardized test scores and teacher practice. The commenter also asked if the Department could provide an executive summary of hard and fast research or data that has come to that same conclusion. The commenter also stated that this research should be presented to the State Board to inform the decision-making process. (C)

**Response:** The Department has been consistent with its approach that performance is a by-product of practice. Policy drives practice but does not produce performance. While researchers such as Linda Darling Hammond have studied this connection and have come to the conclusion that attaching student outcomes to evaluation ratings is not the preferred method of evaluating educators, the rules require that measures of student learning be part of the overall rating of teachers and principals. However, the Department's guidance throughout the implementation of AchieveNJ has been driven by the principle that research-based instructional practices are the key to raising student achievement. The Department will continue to work with schools across the State to support best practices in evaluation.

8. **Comment:** The commenter asked the Department to provide data regarding the percentage of student growth that was included in summative ratings in the years prior to the median student growth percentiles (mSGP) being set at 5 percent for the 2018-2019 school year. **(A)**

**Response:** AchieveNJ went into effect in the 2013-2014 school year. For teachers of tested subjects and grade levels, mSGPs factor into a teacher's summative rating. Up until the 2018-2019 school year, the weight mSGP scores held in the overall summative rating of tested subject and grade teachers was substantial enough that it did not factor into the required overall percentage SGOs would count toward the summative ratings of those same teachers. In the 2018-2019 school year, the mSGP was set at 5 percent. Therefore, SGOs for tested subject and grade level teachers counted more toward their overall summative rating than for teachers of non-tested subjects and grade levels. Prior to the 2018-19 school year, the weight of SGOs in a teacher's summative score was the same for both teachers of non-tested subjects and grade levels and for teachers of tested subjects and grade levels. For the 2013-2014 through 2017-2018 school years, the SGO weight was as follows: 15 percent in the 2013-2014 school year, 20 percent in the 2014-2015 and 2015-2016 school years, and 15 percent in the 2016-2017 and 2017-2018 school years.

9. **Comment:** The commenter expressed support for the proposed amendments at N.J.A.C. 6A:10-7.3(a)1 that will require all principal evaluation rubrics to be aligned to the 2015 Professional Standards for Educational Leaders (PSEL) instead of the 2008 Interstate School Leaders Licensure Consortium (ISLLC) Professional Standards for Educational Leaders. **(B)**

**Response:** The Department appreciates the support.

10. **Comment:** The commenter asked what individual or association made the comments that lead to the proposed amendments related to changes in CAPs, ScIPs, and the overall percentage that student achievement counts toward a teacher's overall effectiveness. **(A)**

**Response:** The concerns were submitted by Gabriel Tanglao, Associate Director of Professional Development and Instructional Issues at the New Jersey Education Association. The amendments are not proposed for adoption. Please see Agency-initiated Changes 1 through 4 for details.

11. **Comment:** The commenter stated that it is optimal for the Department to provide more autonomy to school districts in terms of educator evaluation and professional improvement. The commenter also stated that it is difficult to implement a one-size-fits-all requirement for every school district in a state as diverse as New Jersey. **(B)**

**Response:** The Department agrees and will continue to listen to school districts regarding their experiences in evaluation to inform future rulemakings and accompanying guidance.

12. **Comment:** The commenter asked for clarification regarding the flexibility for school districts in terms of selecting and using evaluation rubrics. **(B)**

**Response:** School districts can choose which rubric on the Department’s official list will be used to evaluate teachers and principals. All rubrics on the list are aligned to the proper professional standards and lead to a rating scale of one through four to rate an educator’s effectiveness. The weight of the rubric in an educator’s summative rating also is consistent throughout the State.

13. **Comment:** The commenter expressed support for the proposed amendment at N.J.A.C. 6A:10-2.5(a) that will require school districts to adopt an appeals process policy for when a teacher and his or her supervisor disagree about the contents of the teacher’s CAP. (4)

**Response:** The Department acknowledges the comment, but is not adopting the proposed amendment. Please see Agency-initiated Change 1 for details.

14. **Comment:** The commenter expressed concerns that the CAP appeals process proposed at N.J.A.C. 6A:10-2.5(a) will complicate the CAP process. The commenter stated that clearer guidance on CAPs from the Department would make more sense. (3)

**Response:** The Department is not adopting the proposed amendment. Please see Agency-initiated Change 1 for details.

15. **Comment:** The commenter expressed support for the proposed amendment at N.J.A.C. 6A:10-2.5(b) to change the existing October 31 deadline for teachers and their designated supervisors to meet to discuss a CAP to within 25 teaching staff member working days following September 1. (4)

**Response:** The Department acknowledges the support, but is not adopting the proposed amendment. Please see Agency-initiated Change 2 for details.

16. **Comment:** The commenter supported proposed N.J.A.C. 6A:10-3.1(e), which will require ScIPs to meet three times per year, in addition to an annual intra-district meeting. (4)

**Response:** The Department acknowledges the support, but is not adopting the proposed rule. Please see Agency-initiated Change 3 for details.

17. **Comment:** The commenter requested that the Department reconsider the proposed amendment at N.J.A.C. 6A:10-4.1(d)1 that would reduce the impact of student achievement on the overall rating of non-tested subject and grade level teachers. The commenter stated the proposed amendment would lower the maximum amount that student achievement will count in an educator’s overall summative score. The commenter stated it appears as if the decision to reduce the impact of student achievement was made hastily and against research. (1)

**Response:** The Department is not adopting the proposed amendment at N.J.A.C. 6A:10-4.1(d)1. Please see Agency-initiated Change 4 for details.

- 18. Comment:** The commenter supported the Department’s proposed amendment at N.J.A.C. 6A:10-4.1(d)1 to reduce to 20 percent the weight of student achievement for teachers of tested subjects and grade levels. (2)

**Response:** The Department thanks the commenter for the support; however, the Department has determined that it is not in the best interest of school districts to move ahead with adoption of the proposed amendment. Please see Agency-initiated Change 4 for details.

- 19. Comment:** The commenter supported the proposed amendment at N.J.A.C. 6A:10-4.1(d)1 to reduce the weight of student achievement for teachers of tested subject and grade levels. (4)

**Response:** The Department is not adopting the proposed amendment at N.J.A.C. 6A:10-4.1(d)1. Please see Agency-initiated Change 4 for details.

- 20. Comment:** The commenter requested the Department conduct a deeper review of the mSGP measure counting for only 5 percent of the overall score for eligible teachers. The commenter stated that equating the SGP to only 5 percent of the overall weight is a waste of time. The commenter also stated that it is troubling that SGP weighs heavier for principals than for teachers. The commenter further stated that SGPs are the most valid measure of school and teacher performance, and that the Department is misguided in its choice to disregard the importance of the assessment by lowering SGP for teachers while still using it to measure principals, schools, and school districts. (3)

**Response:** The amount that an mSGP score counts toward an eligible teacher’s summative score must fall within a range set forth at N.J.A.C. 6A:10-4.1(d) and the weight is determined by the Commissioner. The mSGP weight has been 5 percent for the past two school years.

### Agency-initiated Changes

Note: Additions to rule text are indicated below in boldface **thus** or **thus** and deletions are indicated in brackets [thus] or [[**thus**]].

- 1.** The Department is not adopting the amendment proposed at N.J.A.C. 6A:10-2.5(a), which would have required school districts to implement a policy establishing a process for appeals when a teacher and his or her designated supervisor disagree about the contents of a CAP. COVID-19 has resulted in tremendous disruption to all aspects of education, including the evaluation of educators. The Department contends that maintaining the stability/predictability of the existing evaluation system is critical as school districts grapple with the “new normal” of post-COVID-19 operations. Executive Order 107 (Murphy) (2020) closed schools across the State, resulting in tremendous disruption to all aspects of education, including the evaluation of educators. Executive Order 117 (Murphy) (2020) removed all student learning measures from the summative scores for educators. Under enhanced authority extended during these extraordinary times, the Commissioner further modified the rules for evaluating educators for the 2019-

2020 school year. Under the modified rules, most educators did not receive a summative rating and, for educators required to receive one, the summative rating was based solely on the observation of practice.

The Department has determined that substantively amending N.J.A.C. 6A:10 at this time would likely add an unnecessary layer of confusion for the 2020-2021 school year. a time when educators will be trying to reestablish norms, including setting new baselines for student learning measures and establishing interrater reliability on the evaluation of educators who may continue to deliver instruction remotely. The Department maintains that the burden on school districts is best reduced by avoiding non-essential regulatory changes. Therefore, the Department is withdrawing amendments put forth at proposal level and moving forward only with the technical changes introduced at first discussion.

- (a) For each teaching staff member rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teaching staff member and the teaching staff member's designated supervisor. [If the teaching staff member does not agree with the corrective action plan's content, the designated supervisor shall make the final determination.] **[[In accordance with N.J.A.C. 6A:10-2.4(b), school districts shall create and implement a policy establishing a process for appeals when a teacher and the designated supervisor disagree about the corrective action plan's content. The policy shall not allow the final determination regarding a disputed corrective action plan to be made solely by the designated supervisor.]]** **If the teaching staff member does not agree with the corrective action plan's content, the designated supervisor shall make the final determination.**
2. The Department is not adopting the amendment proposed at N.J.A.C. 6A:10-2.5(b) that would have required that CAPs be in place within 25 teaching staff member working days following September 1. Please see Agency-Initiated Change 1 for the rationale.
  - (b) The corrective action plan shall be developed and the teaching staff member and



his or her designated supervisor shall meet to discuss the corrective action plan [by October 31] **[[within 25 teaching staff member working days following September 1]]** **by October 31** of the school year following the year of evaluation.

3. The Department is not adopting the new rule proposed at N.J.A.C. 6A:3.1(e), which would have required ScIPs to meet at least three times during each school year plus an annual meeting consisting of representatives from each building's ScIP to engage building-level input on school district policies and practices. Please see Agency-Initiated Change 1 for the rationale.

**[[e) The School Improvement Panel shall meet at least three times during each school year. The school district's administration shall also hold an annual meeting consisting of representatives from each building's School Improvement Panel to engage building-level input on school district policies and practices.]]**

4. The Department is not adopting the amendment proposed at N.J.A.C. 6A:10-4.1(d)1, which would have lowered the student achievement component to at least 20 percent of a tested subject and grade level teachers overall summative rating. Please see Agency-Initiated Change 1 for the rationale.

1. If, according to N.J.A.C. 6A:10-4.2(b), a teacher receives a median student growth percentile, the student achievement component shall be at least [30] **[[20]]** **30** percent and no more than 50 percent of a teacher's evaluation rubric rating as determined by the Department.



## State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

**Adoption Level  
July 1, 2020**

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

LAMONT O. REPOLLET, ED.D.  
*Commissioner*

To: Members, State Board of Education

From: Lamont O. Repollet, Ed.D.  
Commissioner

Subject: N.J.A.C. 6A:10, Educator Effectiveness

Reason for Action: Readoption with Amendments

Authority: N.J.S.A. 18A:4-15, 18A:6-34 and 38, and 18A:26-2.7 and 10, and P.L. 2012, c. 11.

Sunset Date: August 31, 2020

### Summary

The Department of Education (Department) proposes to readopt with amendments N.J.A.C. 6A:10, Educator Effectiveness. The chapter, which establishes the system of evaluation for teachers, principals, assistant principals, vice principals, and other certificated staff, is scheduled to expire on March 4, 2020. As the Department filed this notice of readoption with the Office of Administrative Law before that date, the expiration date was extended 180 days to August 31, 2020, pursuant to N.J.S.A. 52:14B-5.1. The chapter provides the requirements for the evaluation of teaching staff members' effectiveness to further the development of a professional corps of State educators and to increase student achievement.

In schools, teachers and leaders have the greatest influence on student learning. For this reason, the Department remains committed to the goal of providing every New Jersey student with a great teacher. While no one factor in isolation will ensure that this goal is met, effective evaluation systems and high-quality performance feedback enhance teacher and leader development and practice, which then help to advance student achievement.

The chapter originally was adopted in March 2013, and amended in December 2016. Effective April 7, 2020, and June 4, 2020, temporary modifications of portions of the chapter were adopted pursuant to Executive Order No. 103 (Murphy) ordering a State of Emergency due to the COVID-19 pandemic. That temporary modifications will expire on the date the State of Emergency ends. At that time, the rules will revert to those being readopted through the current State Board of Education rulemaking process. The temporary modifications related to [N.J.A.C. 6A:10-2.2, 2.5, 4.1, 4.4, 5.1, 5.4, and 6.2](#) and [N.J.A.C. 6A:10-8.1](#) can be found on the Department's website.

The Department proposes amendments to align the rules based on current practice and feedback from the education field.

The following is a brief summary of each section within the chapter and the proposed amendments. All proposed amendments are for clarity or grammatical improvement, unless otherwise stated.

### **Subchapter 1. General Provisions**

This subchapter establishes the purpose and scope of the chapter, as well as the definitions of words and terms used in the chapter. The subchapter also establishes the effects of the chapter on collective bargaining provisions.

#### **N.J.A.C. 6A:10-1.1 Purpose and scope**

This section establishes the chapter's purpose.

#### **N.J.A.C. 6A:10-1.2 Definitions**

This section establishes definitions relevant to the chapter.

#### **N.J.A.C. 6A:10-1.3 Applicability of rules on collective bargaining agreements**

This section establishes that the chapter's rules do not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013. The section also establishes that no collective bargaining agreements made after July 1, 2013, can conflict with the educator evaluation system established pursuant to the chapter or any other specific statute or rule.

#### **N.J.A.C. 6A:10-1.4 Educator evaluation data, information, and annual performance reports**

This section establishes that all information contained in written performance reports and all information collected, compiled, and/or maintained by school district employees for the purpose of evaluation are confidential and not subject to public inspection under the Open Public Records Act, N.J.S.A. 47:1A-1 et. seq. The section also states that nothing in the section shall be construed as prohibiting the Department or a school district from collecting evaluation data or distributing aggregate statistics regarding evaluation data.

### **Subchapter 2. Evaluation of Teaching Staff Members**

This subchapter establishes the rules for evaluating teaching staff members and for district board of education responsibility in ensuring all teaching staff members are properly evaluated. The subchapter also establishes the composition of the District Evaluation Advisory Committee (DEAC) and the rules for developing, implementing, and placing a teaching staff member on a corrective action plan (CAP).

#### **N.J.A.C. 6A:10-2.1 Evaluation of teaching staff members**

This section identifies the requirements for the annual adoption of evaluation instruments.

The Department proposes amendments at N.J.A.C. 6A:10-2.1(c), which requires school districts to submit evaluation rubrics to the Commissioner by June 1 for approval by August 1 of each year, to change the submission date to August 1 and the approval date to August 15. School districts submit evaluation rubrics to the Department each July through the Evaluation Information System (EIS). Changing the submission date will align the rule with the annual submission window, which is open from early July through August 1. In addition, changing the date will also align with the August 1 deadline for Commissioner approval of modifications to currently used evaluation instruments and new district-developed practice instruments.

## **N.J.A.C. 6A:10-2.2 Duties of district boards of education**

This section establishes the duties of district boards of education in ensuring teaching staff members are properly evaluated each year. The section requires district boards of education to annually adopt policies and procedures regarding the evaluation of teaching staff and the evaluation practice instrument, ensure each school has established a School Improvement Panel, ensure related data is collected, and ensure specific training procedures are followed.

## **N.J.A.C. 6A:10-2.3 District Evaluation Advisory Committee**

This section establishes the composition of the DEAC. Beginning in 2018-2019, district boards of education have discretion over whether to continue the DEAC.

## **N.J.A.C. 6A:10-2.4 Evaluation procedures for all teaching staff**

This section establishes the minimum requirements for teaching staff member evaluations. The section also requires an annual summary conference between designated supervisors and teaching staff members and establishes the required elements of a teaching staff member's annual performance report.

## **N.J.A.C. 6A:10-2.5 Corrective action plans for all teaching staff**

This section establishes the rules for developing, implementing, and placing a teaching staff member on a CAP. The section requires a CAP to be developed for each teaching staff member rated ineffective or partially effective on the annual summative evaluation. The section also sets the parameters for documenting a teaching staff member's progress toward the goals outlined in the CAP. The section further requires all teachers with a CAP to receive a mid-year evaluation.

### **Subchapter 3. School Improvement Panel**

This subchapter establishes the composition and responsibilities of the School Improvement Panel (ScIP).

#### **N.J.A.C. 6A:10-3.1 School Improvement Panel membership**

This section establishes the ScIP's composition and requires all members of a ScIP to be chosen by August 31 annually.

#### **N.J.A.C. 6A:10-3.2 School Improvement Panel responsibilities**

This section establishes the ScIP's responsibilities, which include overseeing the mentoring of teachers, supporting the implementation of the school district mentoring plan, conducting teacher evaluations, as appropriate, ensuring CAPs are created according to the provisions of the chapter, and requiring mid-year evaluations to be conducted.

### **Subchapter 4. Components of Teacher Evaluation**

This subchapter describes the various measurements of practice and student learning that are used within teacher evaluations, which are intended to provide specific feedback to educators and promote student achievement.

#### **N.J.A.C. 6A:10-4.1 Components of teacher evaluation rubric**

This section establishes the components of the teacher evaluation rubric and the weight attached to each component relative to a teacher's summative evaluation. The section also states that standardized

tests, used as a measure of student progress, shall not be the predominant factor in determining a teacher's annual summative rating.

#### **N.J.A.C. 6A:10-4.2 Student achievement components**

This section describes the two elements that can comprise the student achievement component of a teacher's evaluation rubric. The first element, student growth objectives (SGOs), comprises one part of every teacher's summative score. The second element, student growth percentiles (SGPs), comprises part of the evaluation scores for teachers assigned to an English language arts class in grades four through eight, or to a mathematics class in grades four through seven.

#### **N.J.A.C. 6A:10-4.3 Teacher practice components**

This section requires the teaching practice component rating to be based on a Commissioner-approved teacher practice instrument.

#### **N.J.A.C. 6A:10-4.4 Teacher observations**

This section establishes rules for observing tenured and nontenured teachers and for conducting pre- and post-observation conferences. Tenured teachers must have two observations with post-observation conferences and one face-to-face pre-observation conference, while non-tenured teachers must have three observations with post-observation conferences and one face-to-face pre-observation conference.

### **Subchapter 5. Components of Principal Evaluation**

This subchapter describes the various measurements of practice and student learning that are used within principal, vice principal, and assistant principal evaluations, which are intended to provide specific feedback to educators and promote student achievement.

#### **N.J.A.C. 6A:10-5.1 Components of principal evaluation rubrics**

This section establishes the components of the principal evaluation rubric, which apply to teaching staff members who hold the position of principal, vice principal, or assistant principal and have a valid and effective standard, provisional, or emergency administrative certificate. The section also establishes the weight attached to each component relative to a principal's summative evaluation. The section also states that standardized tests, used as a measure of student progress, shall not be the predominant factor in determining a principal's annual summative rating.

#### **N.J.A.C. 6A:10-5.2 Student achievement components of principal evaluation rubrics**

This section establishes the elements that comprise the student achievement component of a principal's evaluation rubric. The required components include the schoolwide student growth percentile of all students assigned to the principal, average student growth objective scores of each teacher assigned to the principal, and the specific and measurable administrator goals.

#### **N.J.A.C. 6A:10-5.3 Principal practice component of evaluation rubric**

This section establishes the required elements of the principal practice component of the principal evaluation rubric.

## **N.J.A.C. 6A:10-5.4 Principal, assistant principal, and vice principal observations**

This section establishes rules for observing principals, assistant principals, and vice principals and for conducting post-observation conferences. The section also requires each tenured principal, assistant principal, and vice principal to be observed at least twice each school year and requires three observations annually for each nontenured principal, assistant principal, and vice principal.

### **Subchapter 6. Evaluation of Teaching Staff Members Other Than Teachers, Principals, Vice Principals, and Assistant Principals**

This subchapter describes the various measurements that are used within evaluations for teaching staff members other than teachers, principals, vice principals, and assistant principals.

## **N.J.A.C. 6A:10-6.1 Components of evaluation rubrics**

This section establishes the teaching staff members to whom the rules of the subchapter apply, specifically teaching staff members other than teachers, principals, vice principals, and assistant principals (hereinafter “other teaching staff members”). The section also allows school districts to establish the components of the evaluation rubric for other teaching staff members.

## **N.J.A.C. 6A:10-6.2 Required observations for teaching staff members**

This section contains the rules for observing other teaching staff members. The section requires observations of other teaching staff members to be at least 20 minutes in length, followed by a conference. The section also requires all tenured other teaching staff members to receive at least one observation per school year, while nontenured teaching staff members must receive at least three observations.

### **Subchapter 7. Commissioner Approval of Educator Practice Instruments**

This subchapter sets forth the rules regarding the approval of teacher and principal practice instruments.

## **N.J.A.C. 6A:10-7.1 Educator practice instrument**

This section establishes the rules for Commissioner approval of educator practice instruments. The section also requires the Department to maintain on its website a list of Commissioner-approved educator practice instruments.

## **N.J.A.C. 6A:10-7.2 Teacher practice instrument**

This section establishes criteria for all Commissioner-approved teacher practice instruments.

## **N.J.A.C. 6A:10-7.3 Principal practice instrument**

This section establishes criteria for all Commissioner-approved principal practice instruments.

The Department proposes an amendment at N.J.A.C. 6A:10-7.3(a)1, which currently requires instruments to incorporate domains of practice and/or performance criteria that align to the 2008 Interstate School Leaders Licensure Consortium (ISLLC) Professional Standards for Educational Leaders. The Department proposes to replace the 2008 ISLLC standards with the 2015 Professional Standards for Educational Leaders (PSEL). N.J.A.C. 6A:9-3.4 defines the professional standards for school leaders in New Jersey.

## **Subchapter 8. Evaluation of Chief School Administrators**

This subchapter establishes the rules for evaluating chief school administrators.

### **N.J.A.C. 6A:10-8.1 Evaluation of chief school administrators**

This section requires each district board of education to adopt a policy and implement procedures requiring the annual evaluation of the chief school administrator by the district board of education. The section also establishes the minimum requirements for the evaluation of a chief school administrator.

## **Subchapter 9. Procedure for Nontenured Notice of Non-Reemployment**

This subchapter establishes the procedures for non-tenured notice of non-reemployment.

### **N.J.A.C. 6A:10-9.1 Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of a notice of non-reemployment**

This section establishes the process by which a nontenured teacher who receives a written statement of reasons for non-reemployment, pursuant to N.J.S.A. 18A:27-3.2, can request in writing an informal appearance before the district board of education.

The proposed amendment will clarify that the notification deadline is three working days following the informal appearance, rather than “three days,” which could be calendar or working days.

As the Department has provided a 60-day comment period on this notice of proposal, the notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

Under the existing evaluation system, school leaders have evaluated teachers through the use of multiple measures of practice and student achievement, and they have been able to differentiate teacher effectiveness across four domains. The differentiation has enabled school leaders to recognize excellent professional performance and to identify professionals needing additional support. Through this efficient system, school districts have had more resources available to support both struggling and effective teaching staff members. In turn, this has fostered more frequent professional conversations among teachers, as well as between teachers and their supervisors, leading to the enhancement of the quality of teaching in New Jersey’s classrooms and, most importantly, an increased benefit to students.

The proposed amendments will have little social impact as they are more technical in nature, designed to streamline already existing processes, and update outdated language to ensure evaluation instruments comply with New Jersey’s recognized standards to which all school leaders are currently held. Administrators will receive the greatest benefit from the proposed amendments, as they will ensure school districts are evaluating them based on the most current accepted standards of professional practice for their positions as school leaders.

### **Economic Impact**

The Department does not anticipate that the rules proposed for readoption will create any additional economic impact on school districts, as the need to maintain the evaluation system has not created any additional costs since the system’s initial implementation. The initial costs of implementation were offset by funds already provided for professional development, flexibility throughout the rules (for instance, the allowance of a school district to create its own educator practice instrument, rather than invest in an outside vendor), and structures that existed prior to the enactment of TEACHNJ, such as the annual summary conference and observations for non-tenured teachers.

In addition, the Department does not anticipate that the proposed amendments will create additional costs for school districts, school leaders, or individual educators. The proposed amendments do not change the responsibilities of district boards of education and school leaders in ensuring each educator receives a robust evaluation using multiple measures. Rather, the proposed amendments will align evaluation requirements to the most currently recognized standards of practice.

### **Federal Standards Statement**

The rules proposed for re adoption with amendments are in compliance with Federal requirements under the Every Student Succeeds Act (PL 114-95) and will continue to advance the mission to ensure the State’s educator evaluation system is focused on the development of both struggling and effective teachers to enhance the education of every student in New Jersey’s public school system. There are no other Federal requirements that impact the rules proposed for re adoption with amendments.

### **Jobs Impact**

The Department does not anticipate that rules proposed for re adoption with amendments will result in the generation or loss of jobs.

### **Agriculture Industry Impact**

The rules proposed for re adoption with amendments will have no impact on the agriculture industry in New Jersey.

### **Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the rules proposed for re adoption with amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for re adoption with amendments solely impact individual educators and school districts.

### **Housing Affordability Impact Analysis**

There is an extreme unlikelihood that the rules proposed for re adoption with amendments will have any impact on the affordability of housing in New Jersey and there is an extreme unlikelihood the rules proposed for re adoption with amendments would evoke a change in the average costs associated with housing because the rules proposed for re adoption with amendments solely impact the evaluation and professional development of individual educators and school districts.

### **Smart Growth Development Impact Analysis**

The rules proposed for re adoption with amendments will have an insignificant to no impact on smart growth and there is an extreme unlikelihood the rules proposed for re adoption with amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules proposed for re adoption with amendments concern the evaluation and professional development of individual educators and school districts.

### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

There is an extreme unlikelihood that the rules proposed for re adoption with amendments would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the rules proposed for re adoption with amendments concern the evaluation and professional development of individual educators and school districts.



**Full text** of the rules proposed for readoption and the proposed amendments follows (addition indicated in boldface **thus** or **thus**; deletions indicated in brackets [thus] or [[**thus**]]):

## **Chapter 10. Educator Effectiveness**

### **Subchapter 1. General Provisions**

#### **6A:10-1.1 Purpose and scope**

- (a) The rules in this chapter are intended to provide minimum requirements for evaluation rubrics for the evaluation of teaching staff members' effectiveness to further the development of a professional corps of State educators and to increase student achievement. Thus, the purpose of the rules is to support a system that facilitates:
1. Continual improvement of instruction;
  2. Meaningful differentiation of educator performance using four performance levels;
  3. Use of multiple valid measures in determining educator performance levels, including objective measures of student performance and measures of professional practice;
  4. Evaluation of educators on a regular basis;
  5. Delivery of clear, timely, and useful feedback, including feedback that identifies areas for growth and guides professional development; and
  6. School district personnel decisions.
- (b) The rules in this chapter shall apply to all public schools, except insofar as they are defined for charter schools in N.J.A.C. 6A:11, Charter Schools. The evaluation system in charter schools is subject to the review and approval of the Office of Charter Schools.
- (c) District boards of education shall ensure evaluations of all teaching staff members and chief school administrators are conducted in accordance with this chapter.

## **6A:10-1.2 Definitions**

The following words and terms shall have the following meanings when used in this chapter, unless the context clearly indicates otherwise:

"Announced observation" means an observation in which the person conducting an observation for the purpose of evaluation will notify the teaching staff member of the date and the class period that the observation will be conducted.

"Annual performance report" means a written appraisal of the teaching staff member's performance prepared by the teaching staff member's designated supervisor based on the evaluation rubric for his or her position.

"Annual summative evaluation rating" means an annual evaluation rating that is based on appraisals of educator practice and student performance, and includes all measures captured in a teaching staff member's evaluation rubric. The four summative performance categories are highly effective, effective, partially effective, and ineffective.

"Calibration" in the context of educator evaluation means a process to monitor the competency of a trained evaluator to ensure the evaluator continues to apply an educator practice instrument accurately and consistently according to the standards and definitions of the specific instrument.

"Chief school administrator" means the superintendent of schools or the administrative principal if there is no superintendent.

"Co-observation" means two or more supervisors who are trained on the practice instrument who observe simultaneously, or at alternate times, the same lesson or portion of a lesson for the

purpose of training.

"Designated supervisor" means the supervisor designated by the chief school administrator or his or her designee as the teaching staff member's supervisor.

"District Evaluation Advisory Committee" means a group created to oversee and guide the planning and implementation of the district board of education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

"Educator practice instrument" means an assessment tool that provides scales or dimensions that capture competencies of professional performance and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from the teacher practice instrument or the principal practice instrument are components of the teaching staff member's evaluation rubrics and the scores are included in the summative evaluation rating for the individual. The scores from educator practice instruments for teaching staff members other than teachers, principals, vice principals, and assistant principals may be applied to the teaching staff member's summative evaluation rating in a manner determined by the school district.

"Evaluation" means an appraisal of an individual's professional performance in relation to his or her job description and professional standards and based on, when applicable, the individual's evaluation rubric.

"Evaluation rubric" means a set of criteria, measures, and processes used to evaluate all teaching staff members in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments, and student

outcomes. Each district board of education will have an evaluation rubric specifically for teachers, another specifically for principals, assistant principals, and vice principals, and evaluation rubrics for other categories of teaching staff members.

"Indicators of student progress and growth" means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

"Individual professional development plan" means as defined in N.J.S.A. 18A:6-119.

"Job description" means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

"Observation" means a method of collecting data on the performance of a teaching staff member's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-2.1.

"Post-observation conference" means a meeting, either in-person or remotely, between the supervisor who conducted the observation and the teaching staff member for the purpose of evaluation to discuss the data collected in the observation.

"Scoring guide" means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Educator practice instruments include a scoring guide that an evaluator uses to structure

his or her assessments and ratings of professional practice.

"Semester" means half of the school year.

"Signed" means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Student growth objective" means an academic goal that teachers and designated supervisors set for groups of students.

"Student growth percentile" means a specific metric for measuring individual student progress on Statewide assessments by tracking how much a student's test scores have changed relative to other students Statewide with similar scores in previous years.

"Supervisor" means an appropriately certified teaching staff member, as defined in N.J.S.A. 18A:1-1, or superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, principal, or supervisor endorsement as described in N.J.A.C. 6A:9B-12.

"Teacher" means a teaching staff member who holds the appropriate standard, provisional, or emergency instructional certificate issued by the State Board of Examiners and is assigned a class roster of students for at least one particular course.

"Teaching staff member" means a member of the professional staff of any district or regional board of education, or any county vocational school district board of education, holding office, position, or employment of such character that the qualifications for such office, position, or

employment require him or her to hold a valid, effective, and appropriate standard, provisional, or emergency certificate issued by the State Board of Examiners. Teaching staff members include the positions of school nurse and school athletic trainer. There are three different types of certificates that teaching staff members work under:

1. An instructional certificate;
2. An administrative certificate; and
3. An educational services certificate.

"Unannounced observation" means an observation in which the person conducting an observation for the purpose of evaluation will not notify the teaching staff member of the date or time that the observation will be conducted.

#### **6A:10-1.3 Applicability of rules on collective bargaining agreements**

The rules in this chapter shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to these rules or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

#### **6A:10-1.4 Educator evaluation data, information, and annual performance reports**

All information contained in annual performance reports and all information collected, compiled, and/or maintained by employees of a district board of education for the purposes of conducting the educator evaluation process pursuant to this chapter, including, but not limited to, digital

records, shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in this section shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

## **Subchapter 2. Evaluation of Teaching Staff Members**

### **6A:10-2.1 Evaluation of teaching staff members**

- (a) A district board of education annually shall adopt evaluation rubrics for all teaching staff members. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.
- (b) The evaluation rubrics for teachers, principals, vice principals, and assistant principals shall include all other relevant minimum standards set forth in N.J.S.A. 18A:6-123 (P.L. 2012, c. 26, § 17c).
- (c) Evaluation rubrics shall be submitted to the Commissioner by [June] **August** 1 for approval by August [1] **15** of each year.

### **6A:10-2.2 Duties of district boards of education**

- (a) Each district board of education shall meet the following requirements for the annual evaluation of teaching staff members, unless otherwise specified:
  - 1. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the school district board of education's evaluation policies and procedures as set forth in this subchapter;



2. Annually adopt policies and procedures developed by the chief school administrator pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c);
  - i. The chief school administrator shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to teaching staff members who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to teaching staff members who are or will be primarily responsible for instructing the applicable students in the subsequent school year.
3. Ensure the chief school administrator annually notifies all teaching staff members of the adopted evaluation policies and procedures no later than October 1. If a staff member is hired after October 1, the district board of education shall notify the teaching staff member of the policies at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy within 10 working days of adoption;
4. Annually adopt by June 1, Commissioner-approved educator practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;
5. Ensure the principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be

established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;

6. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and
  7. Ensure that each chief school administrator or his or her designee in the district certifies to the Department that any observer who conducts an observation of a teaching staff member for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4, 5.4, and 6.2, shall meet the statutory observation requirements of N.J.S.A. 18A:6-119, 18A:6-123.b(8), and 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.
- (b) Each district board of education shall ensure the following training procedures are followed when implementing the evaluation rubric for all teaching staff members and, when applicable, applying the Commissioner-approved educator practice instruments:
1. Annually provide training on and descriptions of each component of the evaluation rubric for all teaching staff members who are being evaluated in the school district and provide more thorough training for any teaching staff member who is being evaluated in the school district for the first time. Training shall include detailed descriptions of all evaluation rubric components, including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;
  2. Annually provide updates and refresher training for supervisors who are conducting evaluations in the school district and more thorough training for any

supervisor who will evaluate teaching staff members for the first time. Training shall be provided on each component of the evaluated teaching staff member's evaluation rubric before the evaluation of a teaching staff member;

3. Annually require each supervisor who will conduct observations for the purpose of evaluation of a teacher to complete at least two co-observations during the school year.
  - i. Co-observers shall use the co-observation to promote accuracy and consistency in scoring.
  - ii. A co-observation may count as one required observation for the purpose of evaluation pursuant to N.J.A.C. 6A:10-4.4, as long as the observer meets the requirements set forth in N.J.A.C. 6A:10-4.3 and 4.4, but the co-observation shall not count as two or more required observations. If a co-observation counts as one required observation, the score shall be determined by the teacher's designated supervisor; and
4. Chief school administrators shall annually certify to the Department that all supervisors of teaching staff members in the school district who are utilizing evaluation rubrics have completed training on and demonstrated competency in applying the evaluation rubrics.

### **6A:10-2.3 District Evaluation Advisory Committee**

- (a) Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and

administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the chief school administrator, a special education administrator, a parent, and a member of the district board of education.

- (b) The chief school administrator may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.
- (c) Beginning in 2018-2019, the District Evaluation Advisory Committees shall no longer be required and district boards of education shall have the discretion to continue the District Evaluation Advisory Committee.

**6A:10-2.4 Evaluation procedures for all teaching staff**

- (a) This section's provisions shall be the minimum requirements for the evaluation of teaching staff members.
- (b) Evaluation policies and procedures requiring the annual evaluation of all teaching staff members shall be developed under the direction of the chief school administrator, who may consult with the District Advisory Evaluation Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:
  - 1. Roles and responsibilities for implementation of evaluation policies and procedures;
  - 2. Job descriptions, evaluation rubrics for all teaching staff members, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in this chapter;
  - 3. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers,

principals, assistant principals, and vice principals for calculating the median and schoolwide student growth percentile;

4. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;
5. Process for developing and scoring student growth objectives;
6. The process for preparation of individual professional development plans; and
7. The process for preparation of an annual performance report by the teaching staff member's designated supervisor and an annual summary conference between the teaching staff member and his or her designated supervisor.

(c) The annual summary conference between designated supervisors and teaching staff members shall be held before the annual performance report is filed. The conference shall occur on or before June 30 of each school year and shall include, but not be limited to, a review of the following:

1. The performance of the teaching staff member based upon the job description and the scores or evidence compiled using the teaching staff member's evaluation rubric, including, when applicable:
  - i. The educator's practice instrument; and
  - ii. Available indicators or student achievement measures such as student growth objective scores and student growth percentile scores;
2. The progress of the teaching staff member toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan; and
3. The preliminary annual performance report.

- (d) If any scores for the teaching staff member's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.
- (e) The annual performance report shall be prepared by the designated supervisor. The annual performance report shall include, but not be limited to:
  - 1. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component as described in N.J.A.C. 6A:10-4 and 5;
  - 2. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the teaching staff member's evaluation rubric; and
  - 3. The teaching staff member's individual professional development plan or corrective action plan from the evaluation year being reviewed in the report.
- (f) The teaching staff member and the designated supervisor shall sign the report within five working days of the review.
- (g) Each district board of education shall include all performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of his or her personnel file, or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

#### **6A:10-2.5 Corrective action plans for all teaching staff**

- (a) For each teaching staff member rated ineffective or partially effective on the annual

summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teaching staff member and the teaching staff member's designated supervisor. [If the teaching staff member does not agree with the corrective action plan's content, the designated supervisor shall make the final determination.] **[[In accordance with N.J.A.C. 6A:10-2.4(b), school districts shall create and implement a policy establishing a process for appeals when a teacher and the designated supervisor disagree about the corrective action plan's content. The policy shall not allow the final determination regarding a disputed corrective action plan to be made solely by the designated supervisor.]]** **If the teaching staff member does not agree with the corrective action plan's content, the designated supervisor shall make the final determination.**

- (b) The corrective action plan shall be developed and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan [by October 31] **[[within 25 teaching staff member working days following September 1]]** **by October 31** of the school year following the year of evaluation, except:
1. If the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan within 25 teaching staff member working days following the school district's receipt of the teaching staff member's summative rating.
- (c) The content of the corrective action plan shall replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and

shall:

1. Address areas in need of improvement identified in the educator evaluation rubric;
  2. Include specific, demonstrable goals for improvement;
  3. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
  4. Include timelines for meeting the goal(s).
- (d) The teaching staff member's designated supervisor and the teaching staff member on a corrective action plan shall discuss the teaching staff member's progress toward the goals outlined in the corrective action plan during each required post-observation conference, pursuant to N.J.S.A. 18A:27-3.1 or N.J.A.C. 6A:10-4.4. The teaching staff member and his or her designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teaching staff member's progress, position, or role.
- (e) Progress toward the teaching staff member's goals outlined in the corrective action plan:
1. Shall be documented in the teaching staff member's personnel file and reviewed at the annual summary conference and the mid-year evaluation. Both the teaching staff member on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the teaching staff member's progress toward his or her corrective action plan goals; and
  2. May be used as evidence in the teaching staff member's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.
- (f) Responsibilities of the evaluated employee on a corrective action plan shall not be



exclusionary of other plans for improvement determined to be necessary by the teaching staff member's designated supervisor.

- (g) The School Improvement Panel shall ensure teachers with a corrective action plan receive a mid-year evaluation as required by N.J.S.A. 18A:6-120.c. The mid-year evaluation shall occur approximately midway between the development of the corrective action plan and the expected receipt of the next annual summative rating. The mid-year evaluation shall include, at a minimum, a conference to discuss progress toward the teacher's goals outlined in the corrective action plan. The mid-year evaluation conference may be combined with a post-observation conference.
- (h) The School Improvement Panel shall ensure teachers with a corrective action plan receive one observation, including a post-observation conference, in addition to the observations required in N.J.A.C. 6A:10-4.4 for the purpose of evaluation as described in N.J.A.C. 6A:10-1.2 and 4.4(a).
- (i) Except where a school district employs only one administrator whose position requires a supervisor, principal, or school administrator endorsement, tenured teachers with a corrective action plan shall be observed by multiple observers for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4(c)4.
- (j) A chief school administrator, or his or her designee, and the principal, as appropriate, shall conduct a mid-year evaluation of any principal, assistant principal, or vice principal pursuant to N.J.S.A. 18A:6-121.c. The mid-year evaluation shall occur approximately midway between the development of the corrective action plan and the expected receipt of the next annual summative rating. The mid-year evaluation shall include, at a minimum, a conference to discuss progress toward the principal, vice principal, or

assistant principal's goals outlined in the corrective action plan. The mid-year evaluation conference may be combined with a post-observation conference.

- (k) The chief school administrator shall ensure principals, vice principals, and assistant principals with a corrective action plan receive one observation and a post-observation conference in addition to the observations required in N.J.A.C. 6A:10-5.4 for the purpose of evaluation, as described in N.J.A.C. 6A:10-1.2 and 5.4.
- (l) The corrective action plan shall remain in effect until the teaching staff member receives his or her next summative evaluation rating.
- (m) There shall be no minimum number of teaching staff member working days that a teaching staff member's corrective action plan can be in place.

### **Subchapter 3. School Improvement Panel**

#### **6A:10-3.1 School Improvement Panel membership**

- (a) The School Improvement Panel shall include the principal, a vice principal, and a teacher who is chosen in accordance with (b) below by the principal in consultation with the majority representative. If an assistant principal or vice principal is not available to serve on the panel, the principal shall appoint an additional member who is employed in the school district in a supervisory role and capacity, in accordance with N.J.S.A. 18A:6-120.a. The principal may appoint additional members to the School Improvement Panel as long as all members meet the criteria outlined in this section and N.J.S.A. 18A:6-120.a and the teacher(s) on the panel represents at least one-third of its total membership.
- (b) The principal annually shall choose the teacher(s) on the School Improvement Panel through the following process:

1. The teacher member shall be a person with a demonstrated record of success in the classroom. Beginning in school year 2015-2016, a demonstrated record of success in the classroom means the teacher member shall have been rated effective or highly effective in the most recent available annual summative rating.
  2. The majority representative, in accordance with (a) above, may submit to the principal teacher member nominees for consideration.
  3. The principal shall have final decision-making authority and is not bound by the majority representative's list of nominees.
- (c) The teacher member shall serve a full school year, except in case of illness or authorized leave, but may not be appointed more than three consecutive school years.
- (d) All members of the School Improvement Panel shall be chosen by August 31 of each year.
- [[e) The School Improvement Panel shall meet at least three times during each school year. The school district's administration shall also hold an annual meeting consisting of representatives from each building's School Improvement Panel to engage building-level input on school district policies and practices.]]**

**6A:10-3.2 School Improvement Panel responsibilities**

- (a) The School Improvement Panel shall:
1. Oversee the mentoring of teachers according to N.J.A.C. 6A:9C-5.3(a)2 and support the implementation of the school district mentoring plan;
  2. Conduct evaluations of teachers pursuant to N.J.A.C. 6A:10-2.4 and 4.4;
  3. Ensure corrective action plans for teachers are created in accordance to N.J.A.C. 6A:10-2.5; and ensure mid-year evaluations are conducted for teachers who are

- on a corrective action plan; and
4. Identify professional development opportunities for all teaching staff members based on the review of aggregate school-level data, including, but not limited to, educator evaluation and student performance data to support school-level professional development plans described in N.J.A.C. 6A:9C-4.2.
- (b) To conduct observations for the purpose of evaluation, the teacher member shall have:
1. Agreement of the majority representative;
  2. An appropriate supervisory certificate; and
  3. Approval of the principal who supervises the teacher being observed.
- (c) The teacher member who participates in the evaluation process shall not serve concurrently as a mentor under N.J.A.C. 6A: 9C-5.2(a)3.

#### **Subchapter 4. Components of Teacher Evaluation**

##### **6A:10-4.1 Components of teacher evaluation rubric**

- (a) The components of the teacher evaluation rubric described in this section shall apply to teaching staff members holding the position of teacher and holding a valid and effective standard, provisional, or emergency instructional certificate.
- (b) Evaluation rubrics for all teachers shall include the requirements described in N.J.S.A. 18A:6-123, including, but not limited to:
1. Measures of student achievement pursuant to N.J.A.C. 6A:10-4.2; and
  2. Measures of teacher practice pursuant to N.J.A.C. 6A:10-4.3 and 4.4.

- (c) To earn a summative rating, a teacher shall have a student achievement score, including median student growth percentile and/or student growth objective(s) scores, and a teacher practice score pursuant to N.J.A.C. 6A:10-4.4.
- (d) Each score shall be converted to a percentage weight, so all components make up 100 percent of the evaluation rubric. By August 31 prior to the school year in which the evaluation rubric applies, the Department shall provide on its website the required percentage weight of each component and the required summative rating scale. All components shall be worth the following percentage weights or fall within the following ranges:
1. If, according to N.J.A.C. 6A:10-4.2(b), a teacher receives a median student growth percentile, the student achievement component shall be at least [30] ~~[[20]]~~ **30** percent and no more than 50 percent of a teacher's evaluation rubric rating as determined by the Department.
  2. If, according to N.J.A.C. 6A:10-4.2(b), a teacher does not receive a median student growth percentile, the student achievement component shall be at least 15 percent and no more than 50 percent of a teacher's evaluation rubric rating as determined by the Department.
  3. Measures of teacher practice described in N.J.A.C. 6A:10-4.3 and 4.4 shall be at least 50 percent and no more than 85 percent of a teacher's evaluation rubric rating as determined by the Department.
- (e) Standardized tests, used as a measure of student progress, shall not be the predominant factor in determining a teacher's annual summative rating.

#### **6A:10-4.2 Student achievement components**

(a) Measures of student achievement shall be used to determine impact on student learning.

The student achievement measure shall include the following components:

1. If the teacher meets the requirements in (b) below, the median student growth percentile of all students assigned to a teacher, which shall be calculated as set forth in (d) below; and
2. Student growth objective(s), which shall be specific and measurable, based on available student learning data, aligned to New Jersey Student Learning Standards, and based on growth and/or achievement.
  - i. For teachers who teach subjects or grades not covered by the New Jersey Student Learning Standards, student growth objectives shall align to standards adopted or endorsed, as applicable, by the State Board.

(b) The median student growth percentile shall be included in the annual summative rating of a teacher who:

1. Teaches at least one course or group within a course that falls within a standardized-tested grade or subject. The Department shall maintain on its website a course listing of all standardized-tested grades and subjects for which student growth percentile can be calculated pursuant to (d) below;
2. Teaches the course or group within the course for at least 60 percent of the time from the beginning of the course to the day of the standardized assessment; and
3. Has at least 20 individual student growth percentile scores attributed to his or her name during the school year of the evaluation. If a teacher does not have at least 20 individual student growth percentile scores in a given school year, the student

growth percentile scores attributed to a teacher during the two school years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the school year of the evaluation. Only student growth percentile scores from school year 2013-2014 or any school year after shall be used to determine median student growth percentiles.

- (c) The Department shall periodically collect data for all teachers that include, but are not limited to, student achievement and teacher practice scores.
- (d) The Department shall calculate the median student growth percentile for teachers using students assigned to the teacher by the school district. For teachers who have a student growth percentile score:
  - 1. District boards of education shall submit to the Department final ratings for all components, other than the student growth percentile, for the annual summative rating; and
  - 2. The Department then shall report to the employing district board of education the annual summative rating, including the median student growth percentile for each teacher who receives a median student growth percentile.
- (e) Student growth objectives for teachers shall be developed and measured according to the following procedures:
  - 1. The chief school administrator shall determine the number of required student growth objectives for teachers, including teachers with a student growth percentile. A teacher with a student growth percentile shall have at least one and not more than four student growth objectives. A teacher without a student growth percentile shall have at least two and a maximum of four student growth

objectives. By August 31, prior to the school year in which the evaluation rubric applies, the Department shall provide on its website the minimum and maximum number of required student growth objectives within this range.

2. A teacher with a student growth percentile shall not use the standardized assessment used in determining the student growth percentile to measure progress toward a student growth objective.
3. Each teacher shall develop, in consultation with his or her supervisor or a principal's designee, each student growth objective. If the teacher does not agree with the student growth objectives, the principal shall make the final determination.
4. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, recorded, and retained by the teacher and his or her supervisor by October 31 of each school year, or within 25 working days of the teacher's start date if the teacher begins work after October 1.
5. Adjustments to student growth objectives may be made by the teacher in consultation with his or her supervisor only when approved by the chief school administrator or designee. Adjustments shall be recorded in the teacher's personnel file on or before February 15.
  - i. If the SGO covers only the second semester of the school year, or if a teacher begins work after October 1, adjustments shall be recorded before the mid-point of the second semester.
6. The teacher's designated supervisor shall approve each teacher's student growth objective score. The teacher's student growth objective score, if available, shall be



discussed at the teacher's annual summary conference and recorded in the teacher's personnel file.

#### **6A:10-4.3 Teacher practice components**

The teacher practice component rating shall be based on the measurement of the teacher's performance according to the school district's Commissioner-approved teacher practice instrument. Observations pursuant to N.J.A.C. 6A:10-4.4 shall be used as one form of evidence for the measurement.

#### **6A:10-4.4 Teacher observations**

- (a) For **the** purpose of teacher evaluation, observers shall conduct the observations pursuant to N.J.S.A. 18A:6-123.b(8) and N.J.A.C. 6A:10-2.5 and 3.2, and they shall be trained pursuant to N.J.A.C. 6A:10-2.2(b).
- (b) Observation conferences shall include the following procedures:
  - 1. A supervisor who is present at the observation shall conduct a post-observation conference with the teacher being observed. A post-observation conference shall occur no more than 15 teaching staff member working days following each observation.
  - 2. The post-observation conference shall be for the purposes of reviewing the data collected at the observation, connecting the data to the teacher practice instrument and the teacher's individual professional development plan, collecting additional information needed for the evaluation of the teacher, and offering areas to improve effectiveness. Within a school year, the post-observation conference shall be held prior to the occurrence of further observations for the purpose of

evaluation.

3. If agreed to by the teacher, one required post-observation conference and any [pre-conference(s)] **pre-observation conferences(s)** for observations of tenured teachers who are not on a corrective action plan may be conducted via written communication, including electronic.
4. One post-observation conference may be combined with a teacher's annual summary conference, as long as it occurs within the required 15 teaching staff member working days following the observation for the purpose of evaluation.
5. A pre-conference, when required, shall occur at least one but not more than seven teaching staff member working days prior to the observation.

(c) Each teacher shall be observed as described in this section. For all teachers, at least one of the required observations shall be announced and preceded by a [pre-conference(s)] **pre-observation conferences(s)**, and at least one of the required observations shall be unannounced. The chief school administrator shall decide whether additional required observations are announced or unannounced, if applicable. The following additional requirements shall apply:

1. Each observation required for the purpose of evaluation shall be conducted for at least 20 minutes.
2. Nontenured teachers shall be observed at least three times each school year but not less than once each semester. The observations shall be conducted in accordance with the timeframe set forth in N.J.S.A. 18A:27-3.1.
  - i. Except where a school district employs only one administrator whose position requires a supervisor, principal, or school administrator

endorsement, nontenured teachers shall be observed during the course of the year by more than one appropriately certified supervisor.

3. Tenured teachers shall be observed at least two times during each school year. Observations for all tenured teachers shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year.
  - i. If a tenured teacher was rated highly effective on his or her most recent summative evaluation and if both the teacher and the teacher's designated supervisor agree to use this option, one of the two required observations may be an observation of a Commissioner-approved activity other than a classroom lesson. The Department shall post annually to its website a list of Commissioner-approved activities that may be observed in accordance with this section.
4. Teachers on a corrective action plan shall receive, in accordance with N.J.A.C. 6A:10-2.5(h), one additional observation, including a post-observation conference.
5. Upon receiving a final summative evaluation that necessitates a corrective action plan, in accordance with N.J.A.C. 6A:10-2.5(a), any remaining required observation(s) shall not be conducted until the corrective action plan has been finalized.
6. A written or electronic observation report shall be signed by the supervisor who conducted the observation and post-observation and the teacher who was observed.
7. The teacher shall submit his or her written objection(s) of the evaluation within 10

teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.

- (d) To earn a teacher practice score, a nontenured teacher shall receive at least three observations.
  - 1. If a nontenured teacher is present for less than 40 percent of the total student school days in a school year, he or she shall receive at least two observations to earn a teacher practice score.

### **Subchapter 5. Components of Principal Evaluation**

#### **6A:10-5.1 Components of principal evaluation rubrics**

- (a) Unless otherwise noted, the components of the principal evaluation rubrics shall apply to teaching staff members holding the position of principal, vice principal, or assistant principal and holding a valid and effective standard, provisional, or emergency administrative certificate.
- (b) The principal evaluation rubric shall meet the standards provided in N.J.S.A. 18A:6-123, including, but not limited to:
  - 1. Measures of student achievement pursuant to N.J.A.C. 6A:10-5.2; and
  - 2. Measures of principal practice pursuant to N.J.A.C. 6A:10-5.3 and 5.4.
- (c) To earn a summative rating, the principal, vice principal, or assistant principal shall have a student achievement score, pursuant to N.J.A.C. 6A:10-5.2 and a principal practice score pursuant to N.J.A.C. 6A:10-5.3 and 5.4.
- (d) Each score shall be converted to a percentage weight so all components make up 100 percent of the evaluation rubric. By August 31 prior to the school year in which the

evaluation rubric applies, the Department shall provide on its website the required percentage weight of each component and the required summative rating scale. All components shall be worth the following percentage weights or fall within the following ranges:

1. If, according to N.J.A.C. 6A:10-5.2(b), the principal, vice principal, or assistant principal receives a schoolwide student growth percentile score as described in N.J.A.C. 6A:10-5.2(c), the score shall be at least 10 percent and no greater than 40 percent of evaluation rubric rating as determined by the Department.
  2. Measure of average student growth objective for all teachers, as described in N.J.A.C. 6A:10-5.2(d), shall be at least 10 percent and no greater than 20 percent of evaluation rubric rating as determined by the Department.
  3. Measure of administrator goal, as described in N.J.A.C. 6A:10-5.2(e), shall be no less than 10 percent and no greater than 40 percent of evaluation rubric rating as determined by the Department.
  4. Measure of principal practice, as described in N.J.A.C. 6A:10-5.3(b), shall be no less than 50 percent of evaluation rubric rating.
- (e) Standardized assessments, used as a measure of student progress, shall not be the predominant factor in determining a principal's annual summative rating.
- (f) The Department shall periodically collect principal evaluation rubric data that shall include, but are not limited to, component-level scores and annual summative ratings.

#### **6A:10-5.2 Student achievement components of principal evaluation rubrics**

- (a) Measures of student achievement shall be used to determine impact on student learning and shall include the following components:

1. The schoolwide student growth percentile of all students assigned to the principal;
  2. Average student growth objective scores of every teacher, as described in N.J.A.C. 6A:10-4.2(e), assigned to the principal; and
  3. Administrator goals set by principals, vice principals, and assistant principals in consultation with their supervisor pursuant to (e) below, which shall be specific and measurable, based on student growth and/or achievement data.
- (b) The schoolwide student growth percentile score shall be included in the annual summative rating of principals, assistant principals, and vice principals who are assigned to a school as of October 15 and who are employed in schools where student growth percentiles are available for students in one or more grades. If a principal, assistant principal, or vice principal is employed in more than one school, the chief school administrator shall assign to the administrator, as appropriate, the schoolwide student growth percentile from one school and shall notify the administrator at the beginning of the school year of the school student growth percentile assignment.
- (c) The Department shall calculate the schoolwide student growth percentile for principals, assistant principals, and vice principals.
- (d) The average student growth objective scores of all teachers, as described in N.J.A.C. 6A:10-4.2(e), shall be a component of the principal's annual summative rating. The average student growth objective scores for assistant principals or vice principals shall be determined according to the following procedures:
1. The principal, in consultation with the assistant principal or vice principal, shall determine prior to the start of the school year, which teachers, if not all teachers in

the school, shall be linked to the assistant principal and vice principal's average student growth objective score.

2. If the assistant principal or vice principal does not agree with the list of teachers linked to his or her name for the purposes of this measurement, the principal shall make the final determination.

(e) Administrator goals for principals, assistant principals, or vice principals shall be developed and measured according to the following procedures:

1. The designated supervisor shall determine for all principals, assistant principals, or vice principals, the number of required administrator goals which shall reflect the achievement of a significant number of students within the school. By August 31 prior to the school year in which the evaluation rubric applies, the Department shall provide on the Department's website the minimum and maximum number of required goals, which will be at least one goal and no more than four goals.
2. Principals, assistant principals, or vice principals shall develop in consultation with their designated supervisor, each administrator goal. Each vice principal and assistant principal shall set goals specific to his or her job description or adopt the same goals as his or her principal. If the principal, assistant principal, or vice principal and his or her designated supervisor do not agree upon the administrator goal, the principal, assistant principal, or vice principal's designated supervisor shall make the final determination.
3. Administrator goals and the criteria for assessing performance based on those objectives shall be determined, recorded, and retained by the principal, vice principal, or assistant principal and his or her designated supervisor by October 31

of each school year, or within 25 working days of the principal's, vice principal's, or assistant principal's start date if he or she begins work after October 1.

4. The administrator goal score shall be approved by the designated supervisor of the principal, vice principal, or assistant principal. The principal's, vice principal's, or assistant principal's administrator goal score, if available, shall be discussed at his or her annual summary conference and recorded in his or her personnel file.

#### **6A:10-5.3 Principal practice component of evaluation rubric**

- (a) Measures of principal practice shall include a measure determined through a Commissioner-approved principal practice instrument and may include a leadership measure determined through the Department-created leadership rubric.
- (b) Principal practice component rating shall be based on the measurement of the principal, assistant principal, or vice principal's performance according to the school district's Commissioner-approved principal practice instrument. Observations pursuant to N.J.A.C. 6A:10-5.4 shall be used as one form of evidence for this measurement.
- (c) Leadership practice shall be determined by a score on a leadership rubric, which will assess the principal, vice principal, or assistant principal's ability to improve student achievement and teaching staff member effectiveness through identified leader behaviors. The rubric will be posted on the Department's website and annually maintained.

#### **6A:10-5.4 Principal, assistant principal, and vice principal observations**

- (a) A chief school administrator, or his or her designee, shall conduct observations for the evaluation of principals pursuant to N.J.S.A. 18A:6-121 and he or she shall be trained pursuant to N.J.A.C. 6A:10-2.2(b).



- (b) A principal, or a chief school administrator or his or her designee, shall conduct observations for the evaluation of assistant principals and vice principals pursuant to N.J.S.A. 18A:6-121.
- (c) For the purpose of collecting data for the evaluation of a principal, assistant principal, or vice principal, an observation, as described in N.J.S.A. 18A:6-119 and N.J.A.C. 6A:10:1-2, may include, but is not limited to: building walk-through, staff meeting observation, parent conference observation, or case study analysis of a significant student issue.
- (d) Post-observation conferences shall include the following procedures:
1. A supervisor who is present at the observation shall conduct a post-observation conference with the principal, assistant principal, or vice principal being observed. A post-observation conference shall occur no more than 15 teaching staff member working days following each observation.
  2. The post-observation conference shall be for the purposes of reviewing the data collected at the observation, connecting the data to the principal practice instrument and the principal, assistant principal, or vice principal's individual professional development plan, collecting additional information needed for the evaluation, and offering areas to improve effectiveness.
  3. With the consent of the observed principal, assistant principal, or vice principal, post-observation conferences for individuals who are not on a corrective action plan may be conducted via written communication, including electronic communication.
  4. One post-observation conference may be combined with the principal, assistant principal, or vice principal's annual summary conference as long as it occurs

within the required 15 teaching staff member working days following the observation.

5. A written or electronic observation report shall be signed by the supervisor who conducted the observation and post-observation and the principal, assistant principal, or vice principal who was observed.
  6. The principal, assistant principal, or vice principal shall submit his or her written objection(s) of the evaluation within 10 working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.
- (e) Each tenured principal, assistant principal, and vice principal shall be observed as described in this section, at least two times during each school year. Each nontenured principal, assistant principal, and vice principal shall be observed as described in this section, at least three times during each school year, as required by N.J.S.A. 18A:27-3.1. An additional observation shall be conducted pursuant to N.J.A.C. 6A:10-2.5(h) for principals, assistant principals, and vice principals who are on a corrective action plan.

**Subchapter 6. Evaluation of Teaching Staff Members Other Than Teachers, Principals,  
Vice Principals, and Assistant Principals**

**6A:10-6.1 Components of evaluation rubrics**

- (a) The components of the evaluation rubric described in this section shall apply to teaching staff members other than a teacher, as described in N.J.A.C. 6A:10-4.1, or a principal, vice principal, or assistant principal, as described in N.J.A.C. 6A:10-5.1.
- (b) Each school district shall determine the components of the evaluation rubric for teaching

staff members discussed in this section and shall follow the evaluation procedures as set forth in N.J.A.C. 6A:10-2.

**6A:10-6.2 Required observations for teaching staff members other than teachers, principals, vice principals, and assistant principals**

- (a) For the purpose of this subsection, observations include, but are not limited to: observations of meetings, student instruction, parent conferences, and case-study analysis of a significant student issue. The observation shall:
1. Be at least 20 minutes in length;
  2. Be followed within 15 teaching staff member working days by a conference between the supervisor who made the observation and the nontenured teaching staff member;
  3. Be followed by both parties to such a conference signing the written or electronic observation report and each retaining a copy for his or her records; and
  4. Allow the nontenured teaching staff member to submit his or her written objection(s) of the evaluation within 10 teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.
- (b) All tenured teaching staff members as described in this section shall receive at least one observation per school year.
- (c) All nontenured teaching staff members as described in N.J.A.C. 6A:10-6.1(a) shall receive at least three observations, as required pursuant to N.J.S.A. 18A:27-3.1.

**Subchapter 7. Commissioner Approval of Educator Practice Instruments**

### **6A:10-7.1 Educator practice instrument**

- (a) The Department shall provide and maintain on its website a list of Commissioner-approved educator practice instruments as determined by the criteria in this subchapter.
- (b) For Commissioner approval, an educator practice instrument shall be either evidence- or research-based as it applies to the evaluation of teachers and principals.
  - 1. To be evidence-based, data collected when using the instrument shall be positively correlated with student outcomes.
  - 2. To be research-based, studies shall show the degree to which data collected by the instrument is positively correlated with student outcomes. To obtain the correlation, the current form of the instrument shall be applied through rigorous, systematic, and objective observation and evaluation procedures.
- (c) The Department shall periodically review the approved instruments to ensure the instruments continue to meet the criteria set forth in N.J.A.C. 6A:10-7.2 and 7.3.
  - 1. If the Department determines the instrument(s) no longer meets the criteria set forth in N.J.A.C. 6A:10-7.2 and 7.3, the Department shall notify the instrument's sponsors or creators and they shall have 30 calendar days to correct the deficiencies outlined by the Department.
  - 2. If the deficiencies are not corrected, the Department shall notify the schools using the instrument that it is no longer approved by the Department. The school shall have 90 calendar days to choose a new educator practice instrument.

### **6A:10-7.2 Teacher practice instrument**

- (a) The teacher practice instrument approved by the Department shall meet the following

criteria:

1. Include domains of professional practice that align to the New Jersey Professional Standards for Teachers pursuant to N.J.A.C. 6A:9-3;
2. Include scoring guides for assessing teacher practice that differentiate among a minimum of four levels of performance, and the differentiation has been shown in practice and/or research studies. Each scoring guide shall:
  - i. Clearly define the expectations for each rating category;
  - ii. Provide a conversion to four rating categories;
  - iii. Be applicable to all grades and subjects; or to specific grades and/or subjects if designed explicitly for the grades and/or subjects; and
  - iv. Use clear and precise language that facilitates common understanding among teachers and administrators;
3. Rely on, to the extent possible, specific, discrete, observable, and/or measurable behaviors of students and teachers in the classroom with direct evidence of student engagement and learning; and
4. Include descriptions of specific training and implementation details required for the instrument to be effective.

### **6A:10-7.3 Principal practice instrument**

- (a) The principal practice instrument approved by the Department shall meet the following criteria:
1. Incorporate domains of practice and/or performance criteria that align to the [\[2008 ISLLC Professional Standards for School\]](#) **2015 Professional Standards for Educational Leaders** developed by the [Interstate School Leadership

Licensure Consortium] **National Policy Board for Educational Administration (NPBEA)**, incorporated herein by reference, available at [\[http://www.ccsso.org/documents/2008/educational\\_leadership\\_policy\\_standards\\_2008.pdf\]](http://www.ccsso.org/documents/2008/educational_leadership_policy_standards_2008.pdf) [http://npbea.org/wp-content/uploads/2017/06/Professional-Standards-for-Educational-Leaders\\_2015.pdf](http://npbea.org/wp-content/uploads/2017/06/Professional-Standards-for-Educational-Leaders_2015.pdf);

2. Include scoring guides for assessing principal practice that differentiate among a minimum of four levels of performance, and the differentiation has been shown in practice and/or research studies. Each scoring guide shall clearly define the expectations for each category and provide a conversion to four rating categories;
3. Rely on, to the extent possible, multiple sources of evidence collected throughout the school year, including, but not limited to, evaluation of a principal's leadership related to:
  - i. Implementing high-quality and standards-aligned [curriculum] **curricula**, assessments, and instruction; and
  - ii. Evaluating the effectiveness of teaching staff members and supporting their professional growth; and
4. Include descriptions of specific training and implementation details required for the instrument to be effective.

## **Subchapter 8. Evaluation of Chief School Administrators**

### **6A:10-8.1 Evaluation of chief school administrators**

- (a) Each district board of education shall adopt a policy and [implementation] **implement** procedures requiring the annual evaluation of the chief school administrator by the

district board of education.

(b) The purpose of the annual evaluation shall be to:

1. Promote professional excellence and improve the skills of the chief school administrator;
2. Improve the quality of the education received by the students served by the public schools; and
3. Provide a basis for the review of the chief school administrator's performance.

(c) The policy and procedures shall be developed by the district board of education after consultation with the chief school administrator and shall include, but not be limited to:

1. Determination of roles and responsibilities for the implementation of the annual evaluation policy and procedures;
2. Development of a job description and evaluation criteria based upon the district board of education's local goals, program objectives, policies, instructional priorities, State goals, statutory requirements, and the functions, duties, and responsibilities of the chief school administrator;
3. Specification of data collection and reporting methods appropriate to the job description;
4. Provision for the preparation of an individual professional growth and development plan based in part upon any need(s) identified in the evaluation. The plan shall be mutually developed by the district board of education and the chief school administrator; and
5. Preparation of an annual performance report by a majority of the full membership of the district board of education and an annual summary conference between a majority of the total membership of the district board of education and the chief

school administrator.

- (d) The district board of education may hire a qualified consultant to assist or advise in the evaluation process; however, the evaluation itself shall be the responsibility of the district board of education.
- (e) The evaluation policy shall be distributed to the chief school administrator upon adoption by the district board of education. Amendments to the policy shall be distributed within 10 teaching staff member working days after adoption.
- (f) The annual summary conference between the district board of education, with a majority of its total membership present, and the chief school administrator shall be held before the annual performance report is filed. The conference shall be held in private, unless the chief school administrator requests that it be held in public. The conference shall include, but not be limited to, review of the following:
  - 1. Performance of the chief school administrator based upon the job description;
  - 2. Progress of the chief school administrator in achieving and/or implementing the school district's goals, program objectives, policies, instructional priorities, State goals, and statutory requirements; and
  - 3. Indicators of student progress and growth toward program objectives.
- (g) The annual performance report shall be prepared by July 1 by a majority of the district board of education's total membership and shall include, but not be limited to:
  - 1. Performance area(s) of strength;
  - 2. Performance area(s) needing improvement based upon the job description and evaluation criteria set forth in (c)2 above;
  - 3. Recommendations for professional growth and development;



4. A summary of indicators of student progress and growth, and a statement of how the indicators relate to the effectiveness of the overall program and the chief school administrator's performance; and
  5. Provision for performance data not included in the report to be entered into the record by the chief school administrator within 10 teaching staff member working days after the report's completion.
- (h) The provisions of this section are the minimum requirements for the evaluation of a chief school administrator.
  - (i) The evaluation procedure for a nontenured chief school administrator shall be completed by July 1 each year.
  - (j) Each newly appointed or elected district board of education member shall complete a New Jersey School Boards Association training program on the evaluation of the chief school administrator within six months of the commencement of his or her term of office pursuant to N.J.S.A. 18A:17-20.3.b.
  - (k) Each district board of education shall add to a chief school administrator's personnel file all performance reports and supporting data, including, but not limited to, indicators of student progress and growth. The records shall be confidential and not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

## Subchapter 9. Procedure for Nontenured Notice of Non-Reemployment

### 6A:10-9.1 Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of a notice of non-reemployment

- (a) Whenever a nontenured teaching staff member has requested in writing and has received a written statement of reasons for non-reemployment pursuant to N.J.S.A. 18A:27-3.2, he or she may request in writing an informal appearance before the district board of education. The written request shall be submitted to the district board of education within 10 calendar days of teaching staff member's receipt of the district board of education's statement of reasons.
- (b) The informal appearance shall be scheduled within 30 calendar days from the teaching staff member's receipt of the district board of education's statement of reasons.
- (c) Under the circumstances described in this section, a nontenured teaching staff member's appearance before the district board of education shall not be an [adversary] **adversarial** proceeding. The purpose of the appearance shall be to provide the staff member the opportunity to convince board of education members to offer reemployment.
- (d) Each district board of education shall exercise discretion in determining a reasonable length of time for the proceeding, depending upon each instance's specific circumstances.
- (e) Each district board of education shall provide to the employee adequate written notice regarding the date and time of the informal appearance.
- (f) The nontenured teaching staff member may be represented by counsel or one individual of his or her choosing.
- (g) The staff member may present on his or her behalf witnesses who do not need to present testimony under oath and shall not be cross-examined by the district board of education.

Witnesses shall be called one at a time into the meeting to address the board and shall be excused from the meeting after making their statements.

- (h) The proceeding of an informal appearance before the district board of education, as described in this section, may be conducted pursuant to N.J.S.A. 10:4-12.b(8).
- (i) Within three **working** days following the informal appearance, the district board of education shall notify the affected teaching staff member, in writing, of its final determination. The district board of education may delegate notification to the chief school administrator or board secretary.