

ASSEMBLY, No. 3413

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 1, 2024

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman LINDA S. CARTER

District 22 (Somerset and Union)

Assemblywoman MICHELE MATSIKLOUDIS

District 21 (Middlesex, Morris, Somerset and Union)

Co-Sponsored by:

Assemblymen Simonsen, Miller and Assemblywoman Reynolds-Jackson

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/4/2024)

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1 AN ACT establishing the “New Jersey Educator Evaluation Review
2 Task Force,” and amending and supplementing P.L.2012, c.26.

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

6

7 1. (New section) The Legislature finds and declares that:

8 a. The “Teacher Effectiveness and Accountability for the
9 Children of New Jersey (TEACHNJ) Act,” P.L.2012, c.26
10 (C.18A:6-117 et al.), was enacted in 2012 with the goal of raising
11 student achievement by improving instruction through the adoption
12 of an educator evaluation system that provides specific feedback to
13 educators, informs the provision of aligned professional
14 development, and informs personnel decisions.

15 b. Since the enactment of the TEACHNJ Act, educators have
16 benefited from the individualized feedback, provision of targeted
17 professional development resources, annual review of student
18 performance data, collaborative exchange of educational strategies
19 with their certified supervisors, and administrative support provided
20 through the evaluation systems established pursuant to the
21 TEACHNJ Act.

22 c. On November 10, 2022, Governor Philip D. Murphy issued
23 Executive Order No. 309 to establish the Task Force on Public
24 School Staff Shortages in New Jersey to develop recommendations
25 to address teacher and education support professional shortages in
26 school districts across New Jersey. In February 2023, the 25-
27 member task force issued 31 initial recommendations with a goal of
28 addressing Statewide educator staffing shortages in the public
29 schools of the State. The task force recommendations focused on
30 both short-term and long-term solutions to increase recruitment to
31 the educator workforce, identify best practices to increase the
32 educator pipeline, and ensure the retention of school staff members.

33 d. To address the retention of existing school employees,
34 including teachers, the task force recommended that administrative
35 burdens, and other tasks that pull teachers from classroom
36 instruction, be reassessed and reduced, if appropriate, including the
37 reassessment of student growth objectives within the educator
38 evaluation process established by the TEACHNJ Act and
39 regulations issued by the Department of Education.

40 e. In response to the ongoing and widespread staffing challenges
41 facing New Jersey schools, and considering the recommendations of
42 the task force report, it is fitting and proper to examine revisions to
43 the TEACHNJ Act.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. (New section) a. There is established the New Jersey
2 Educator Evaluation Review Task Force for the purpose of
3 examining the educator evaluation process, gathering data,
4 evaluating the data, and making recommendations concerning the
5 annual evaluation process for teachers, principals, assistant
6 principals, and vice principals established pursuant to the
7 “TEACHNJ Act,” P.L.2012, c.26 (C.18A:6-117 et al.).

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

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

13 (2) one member appointed by the Speaker of the General
14 Assembly;

15 (3) one member appointed by the Governor;

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

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

23 (6) one representative appointed by the New Jersey School
24 Boards Association;

25 (7) one representative appointed by the New Jersey Association
26 of School Administrators; and

27 (8) one representative appointed by the Garden State Coalition of
28 Schools.

29 c. Appointments to the task force shall be made within 30 days
30 of the effective date of this act. Vacancies in the membership of the
31 task force shall be filled in the same manner as the original
32 appointments were made.

33 d. Members of the task force shall serve without compensation,
34 but shall be reimbursed for necessary expenditures incurred in the
35 performance of their duties as members of the task force within the
36 limits of funds appropriated or otherwise made available to the task
37 force for its purposes.

38 e. The task force shall organize as soon as practicable, but no
39 later than 30 days following the appointment of its members. The
40 task force shall choose a chairperson from its membership and shall
41 appoint a secretary who shall be an employee of the Department of
42 Education. The secretary shall be a non-voting member of the task
43 force. A majority of the membership of the task force shall
44 constitute a quorum for the transaction of task force business.

45 f. The Department of Education shall provide such stenographic,
46 clerical, and other administrative assistants, and such professional
47 staff as the task force requires to carry out its work. The task force
48 shall be entitled to call to its assistance and avail itself of any non-

1 confidential data maintained by the department and the services of
2 the employees of any State, county, or municipal department, board,
3 bureau, commission, or agency as it may require and as may be
4 available for its purposes.

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6 3. (New section) a. It shall be the duty of the New Jersey
7 Educator Evaluation Review Task Force to study and evaluate the
8 educator evaluation system established pursuant to the "TEACHNJ
9 Act," P.L.2012, c.26 (C.18A:6-117 et al.), and implemented in New
10 Jersey public schools. The task force shall consider the law in the
11 current context of the State's schools, identify areas for
12 improvement, and make any recommendations regarding any
13 appropriate changes or updates to the law or regulations
14 implementing the law. The task force shall:

15 (1) examine the educational value, administrative burden, and
16 impacts on teachers, principals, and vice principals of the use of
17 student growth objectives in annual summative evaluations, and
18 identify potential alternative approaches to the use of student
19 growth objectives in annual summative evaluations;

20 (2) examine any unintended consequences of the implementation
21 of the TEACHNJ Act;

22 (3) review current educational research on best practices in
23 educator evaluation in order to promote student achievement and
24 success; and

25 (4) present any recommendations deemed necessary and
26 appropriate to modify or update the TEACHNJ Act and its
27 implementing regulations to the Governor, the Legislature, the
28 Department of Education, and the public.

29 b. The task force shall hold at least one public hearing during the
30 course of its work in order to receive public input on the issues
31 being studied by the task force.

32 c. The task force shall issue a final report of its findings and
33 recommendations to the Governor, and to the Legislature pursuant
34 to section 2 of P.L.1991, c.164 (C.52:14-19.1), no later than
35 September 30, 2024. The department shall make the final report
36 available to the public on its Internet website.

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

40 17. a. The Commissioner of Education shall review and approve
41 evaluation rubrics submitted by school districts pursuant to section
42 16 of P.L.2012, c.26 (C.18A:6-122). The board of education shall
43 adopt a rubric approved by the commissioner.

44 b. The State Board of Education shall promulgate regulations
45 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
46 (C.52:14B-1 et seq.), to set standards for the approval of evaluation
47 rubrics for teachers, principals, assistant principals, and vice-
48 principals. The standards ₂ at a minimum ₂ shall include:

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

1 c. A board of education shall adopt a rubric approved by the
2 commissioner by December 31, 2012.

3 d. Beginning no later than January 31, 2013, a board of
4 education shall implement a pilot program to test and refine the
5 evaluation rubric.

6 e. Beginning with the 2013-2014 school year, a board of
7 education shall ensure implementation of the approved, adopted
8 evaluation rubric for all educators in all elementary, middle, and
9 high schools in the district. Results of evaluations shall be used to
10 identify and provide professional development to teaching staff
11 members. Results of evaluations shall be provided to the
12 commissioner, as requested, on a regular basis.

13 f. The commissioner shall establish a model evaluation rubric
14 that may be utilized by a school district to assess the effectiveness
15 of its teaching staff members.

16 (cf: P.L.2012, c.26, s.17)

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18 5. (New section) a. Notwithstanding the provisions of section
19 17 of P.L.2012, c.26 (C.18A:6-123) or any other law, rule, or
20 regulation to the contrary, in the 2024-2025 school year, teachers
21 shall not collect new student growth objective data. For the
22 purposes of conducting evaluations of teachers, principals, assistant
23 principals, and vice principals in the 2024-2025 school year,
24 existing student growth objective data from the most recent year in
25 which the educator completed student growth objectives shall be
26 used. For any teacher in their first year of employment in a district,
27 any teacher without a record of pre-existing student growth
28 objectives, or any non-tenured teacher, the teacher shall be required
29 to set student growth objectives and collect data pertaining to these
30 objectives during the 2024-2025 school year.

31 b. Beginning with the 2025-2026 school year, school districts
32 shall implement guidelines for the collection of student growth
33 objective data consistent with any law, rule, or regulation enacted as
34 a result of the findings of the New Jersey Educator Evaluation
35 Review Task Force established pursuant to P.L. , c. (C.)
36 (pending before the Legislature as this bill).

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38 6. Sections 1 through 3, and section 5 of P.L. , c. (C.)
39 (pending before the Legislature as this bill) shall take effect
40 immediately. Section 4 of P.L. , c. (C.) (pending before the
41 Legislature as this bill) shall take effect on the first day of the first
42 full school year next following the date of enactment. The task
43 force shall expire 30 days after the report required pursuant to
44 section 3 of P.L. , c. (C.) (pending before the Legislature as
45 this bill) is issued.

STATEMENT

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This bill establishes the New Jersey Educator Evaluation Review Task Force to study and evaluate the educator evaluation system established pursuant to the TEACHNJ Act and implemented in New Jersey public schools.

The task force is to examine the educator evaluation process, gather data, evaluate the data, and make recommendations concerning the annual evaluation process for teachers, principals, assistant principals, and vice principals established pursuant to the TEACHNJ Act. The task force is to consist of 12 members who have a background in, or special knowledge of, the legal, policy, and administrative aspects of educator evaluation in New Jersey.

The members are to include:

- (1) one member appointed by the President of the Senate;
- (2) one member appointed by the Speaker of the General Assembly;
- (3) one member appointed by the Governor;
- (4) three representatives of the New Jersey Education Association, at least two of whom shall be employed as full-time teachers in a public school in the State;
- (5) three representatives of the New Jersey Principals and Supervisors Association, one of whom shall be employed as a principal in a public school in the State and one of whom shall be employed as a vice principal in a public school in the State;
- (6) one representative appointed by the New Jersey School Boards Association;
- (7) one representative appointed by the New Jersey Association of School Administrators; and
- (8) one representative appointed by the Garden State Coalition of Schools.

The task force is to consider the law in the current context of the State's schools, identify areas for improvement, and make any recommendations regarding any appropriate changes or updates to the law or regulations implementing the law. The task force shall issue a final report of its findings and recommendations to the Governor and the Legislature no later than September 30, 2024. The department shall make the final report available to the public on its Internet website.

Additionally, the bill clarifies that student growth data used for the purposes of educator evaluations is data collected in the most recent year in which an educator completed student growth objectives. Under the bill, teachers are not to collect new student growth observation data in the 2024-2025 school year, and are instead to use, for the purposes of educator evaluations, existing student growth objective data from the most recent year in which the educator completed student growth objectives. For any teacher in their first year of employment in a district, any teacher without a

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1 record of pre-existing student growth objectives, or any non-tenured
2 teacher, the teacher is to set student growth objectives and collect
3 data pertaining to these objectives during the 2024-2025 school
4 year. Beginning in the 2025-2026 school year, school districts are to
5 implement guidelines for the collection of student growth objective
6 data consistent with any law, rule, or regulation enacted as a result
7 of the findings of the task force.