

CHAPTER 14

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

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

1. The Legislature finds and declares that:

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

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

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

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

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

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

b. The task force shall consist of 13 members, each of whom shall have a background in, or special knowledge of, the legal, policy, and administrative aspects of educator evaluation in New Jersey, as follows:

(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;
- (8) one representative appointed by the Garden State Coalition of Schools ; and
- (9) one representative appointed by the American Federation of Teachers.

c. Appointments to the task force shall be made as soon as practicable following the effective date of P.L. 2024, c.14 (C.18A:6-123.1 et al.). Vacancies in the membership of the task force shall be filled in the same manner as the original appointments were made.

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

e. The task force shall organize as soon as practicable, but no later than 30 days following the effective date of P.L.2024, c.14 (C.18A:6-123.1 et al.). The task force shall choose a chairperson from its membership and shall appoint a secretary who shall be an employee of the Department of Education. The secretary shall be a non-voting member of the task force. A majority of the membership of the task force shall constitute a quorum for the transaction of task force business.

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

3. a. It shall be the duty of the New Jersey Educator Evaluation Review Task Force to study and evaluate the educator evaluation system established pursuant to the “TEACHNJ Act,” P.L.2012, c.26 (C.18A:6-117 et al.), and implemented in New Jersey public schools. The task force shall 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:

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

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

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

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

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

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

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

C.18A:6-123 Review, approval of evaluation rubrics.

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

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

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

(2) a provision requiring that the rubric be partially based on multiple objective measures of student learning that use student growth from one year's measure to the next year's measure using data from the most recent year in which an educator completed student growth objectives;

(3) a provision that allows the district, in grades in which a standardized test is not required, to determine the methods for measuring student growth, provided that the student growth objective data used is data collected in the most recent year in which an educator completed student growth objectives;

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

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

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

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

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

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

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

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

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

(13) a process for a school district to obtain the approval of the commissioner to utilize other evaluation tools; and

(14) a process for ensuring that the results of the evaluation help to inform instructional development.

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

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

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

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

C.18A:6-123.1 Collection, new student growth objective data, 2024-2025 school year, prohibited; existing data shall be used.

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

b. Beginning with the 2025-2026 school year, school districts shall implement guidelines for the collection of student growth objective data consistent with any law, rule, or regulation enacted as a result of the findings of the New Jersey Educator Evaluation Review Task Force established pursuant to P.L.2024, c.14 (C.18A:6-123.1 et al.).

6. Sections 1 through 3 and section 5 of P.L.2024, c.14 (C.18A:6-123.1) shall take effect immediately. Section 4 of P.L.2024, c.14 (C.18A:6-123) shall take effect on the first day of the first full school year next following the date of enactment. The task force shall expire 30 days after the report required pursuant to section 3 of P.L.2024, c.14 is issued.

Approved May 17, 2024.