

SENATE, No. 1455

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED FEBRUARY 6, 2012

Sponsored by:
Senator M. TERESA RUIZ
District 29 (Essex)

SYNOPSIS

“Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) Act.”

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning school employees, revising various parts of the
2 statutory law, and supplementing chapters 6 and 28 of Title 18A
3 of the New Jersey Statutes.

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

7
8 1. (New section) This act shall be known and may be cited as
9 the "Teacher Effectiveness and Accountability for the Children of
10 New Jersey (TEACHNJ) Act."

11
12 2. (New section) The Legislature finds and declares:

13 a. The goal of this legislation is to raise student achievement
14 by improving instruction through the adoption of evaluations that
15 provide specific feedback to educators, inform the provision of
16 aligned professional development, and inform personnel decisions.

17 b. The New Jersey Supreme Court has found that a multitude
18 of factors play a vital role in the quality of a child's education,
19 including effectiveness in teaching methods and evaluations.
20 Changing the current evaluation system to focus on improved
21 student outcomes, including objective measures of student growth,
22 is critical to improving teacher effectiveness, raising student
23 achievement, and meeting the objectives of the federal "No Child
24 Left Behind Act of 2001."

25 c. Existing resources from federal, State, and local sources
26 should be used in ways consistent with this law.

27
28 3. N.J.S.18A:6-11 is amended to read as follows:

29 18A:6-11. Any charge made against any employee of a board of
30 education under tenure during good behavior and efficiency shall be
31 filed with the secretary of the board in writing, and a written
32 statement of evidence under oath to support such charge shall be
33 presented to the board. The board of education shall forthwith
34 provide such employee with a copy of the charge, a copy of the
35 statement of the evidence and an opportunity to submit a written
36 statement of position and a written statement of evidence under oath
37 with respect thereto. After consideration of the charge, statement of
38 position and statements of evidence presented to it, the board shall
39 determine by majority vote of its full membership whether there is
40 probable cause to credit the evidence in support of the charge and
41 whether such charge, if credited, is sufficient to warrant a dismissal
42 or reduction of salary. The board of education shall forthwith
43 notify the employee against whom the charge has been made of its
44 determination, personally or by certified mail directed to his last
45 known address. In the event the board finds that such probable

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.

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1 cause exists and that the charge, if credited, is sufficient to warrant
2 a dismissal or reduction of salary, then it shall forward such written
3 charge to the commissioner for a hearing pursuant to N.J.S. 18A:6-
4 16, together with a certificate of such determination. **【Provided,**
5 however, that if the charge is inefficiency, prior to making its
6 determination as to certification, the board shall provide the
7 employee with written notice of the alleged inefficiency, specifying
8 the nature thereto, and allow at least 90 days in which to correct and
9 overcome the inefficiency. **】** The consideration and actions of the
10 board as to any charge shall not take place at a public meeting.

11 (cf: P.L.1975, c. 304, s. 1)

12

13 4. N.J.S.18A:6-13 is amended to read as follows:

14 18A:6-13. If the board does not make such a determination
15 within 45 days after receipt of the written charge **【,** or within 45
16 days after the expiration of the time for correction of the
17 inefficiency, if the charge is of inefficiency**】**, the charge shall be
18 deemed to be dismissed and no further proceeding or action shall be
19 taken thereon.

20 (cf: N.J.S.18A:6-13)

21

22 5. N.J.S.18A:6-16 is amended to read as follows:

23 18A:6-16. Upon receipt of such a charge and certification, or of
24 a charge lawfully made to the commissioner, the commissioner or
25 the person appointed to act in the commissioner's behalf in the
26 proceedings shall examine the charges and certification. The
27 individual against whom the charges are certified shall have 15 days
28 to submit a written response to the charges to the commissioner.
29 Upon a showing of good cause, the commissioner may grant an
30 extension of time. The commissioner shall render a determination
31 on the sufficiency of charges and shall refer the case to the Office
32 of Administrative Law, if appropriate, as set forth below within
33 **【15】** 10 days immediately following the period provided for a
34 written response to the charges.

35 If, following receipt of the written response to the charges, the
36 commissioner is of the opinion that they are not sufficient to
37 warrant dismissal or reduction in salary of the person charged, he
38 shall dismiss the same and notify said person accordingly. If,
39 however, he shall determine that such charge is sufficient to warrant
40 dismissal or reduction in salary of the person charged, he shall
41 **【within 10 days of making that determination】** refer the case to the
42 Office of Administrative Law for further proceedings, except that
43 when a motion for summary decision has been made prior to that
44 time, the commissioner may retain the matter for purposes of
45 deciding the motion.

46 (cf: P.L.1998, c.42, s.2)

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1 6. N.J.S.18A:28-5 is amended to read as follows:

2 18A:28-5. a. The services of all teaching staff members
3 employed prior to the effective date of P.L. , c. (C.) (pending
4 before the Legislature as this bill) in the positions of teacher,
5 principal, other than administrative principal, assistant principal,
6 vice-principal, assistant superintendent, and all school nurses
7 including school nurse supervisors, head school nurses, chief school
8 nurses, school nurse coordinators, and any other nurse performing
9 school nursing services, school athletic trainer and such other
10 employees as are in positions which require them to hold
11 appropriate certificates issued by the board of examiners, serving in
12 any school district or under any board of education, excepting those
13 who are not the holders of proper certificates in full force and effect
14 and school business administrators shared by two or more school
15 districts, shall be under tenure during good behavior and efficiency
16 and they shall not be dismissed or reduced in compensation except
17 for inefficiency, incapacity, or conduct unbecoming such a teaching
18 staff member or other just cause and then only in the manner
19 prescribed by subarticle B of article 2 of chapter 6 of this Title,
20 after employment in such district or by such board for:

21 **[(a)]** (1) Three consecutive calendar years, or any shorter period
22 which may be fixed by the employing board for such purpose; or

23 **[(b)]** (2) Three consecutive academic years, together with
24 employment at the beginning of the next succeeding academic year;
25 or

26 **[(c)]** (3) The equivalent of more than three academic years
27 within a period of any four consecutive academic years.

28 b. The services of all teaching staff members employed on or
29 after the effective date of P.L. , c. (C.) (pending before the
30 Legislature as this bill) in the position of assistant superintendent,
31 school nurse, including school nurse supervisors, head school
32 nurses, chief school nurses, school nurse coordinators, and any
33 other nurse performing school nursing services, school athletic
34 trainer and such other employees as are in positions which require
35 them to hold appropriate certificates issued by the board of
36 examiners, serving in any school district or under any board of
37 education, excepting employees in the position of teacher, principal,
38 assistant principal, and vice-principal, those who are not the holders
39 of proper certificates in full force and effect, and school business
40 administrators shared by two or more school districts, shall be
41 under tenure during good behavior and efficiency and they shall not
42 be dismissed or reduced in compensation except for inefficiency,
43 incapacity, or conduct unbecoming such a teaching staff member or
44 other just cause and then only in the manner prescribed by
45 subarticle B of article 2 of chapter 6 of this Title, after employment
46 in such district or by such board for:

47 (1) Three consecutive calendar years, or any shorter period
48 which may be fixed by the employing board for such purpose; or

1 (2) Three consecutive academic years, together with
2 employment at the beginning of the next succeeding academic year;
3 or

4 (3) The equivalent of more than three academic years within a
5 period of any four consecutive academic years.

6 c. The services of all teaching staff members employed on or
7 after the effective date of P.L. , c. (C.)(pending before the
8 Legislature as this bill) by a district or a board in the position of
9 teacher, principal, other than administrative principal, assistant
10 principal, and vice-principal shall be under tenure during good
11 behavior and efficiency and they shall not be dismissed or reduced
12 in compensation except for inefficiency, incapacity, or conduct
13 unbecoming such a teaching staff member or other just cause and
14 then only in the manner prescribed by subarticle B of article 2 of
15 chapter 6 of this Title, after the employee receives a rating of
16 effective or highly effective in each of three consecutive annual
17 summative evaluations with the first effective rating being received
18 on or after the completion of the second year of employment.

19 In order to achieve tenure pursuant to this subsection, a teacher
20 shall also complete a district mentorship program during the initial
21 year of employment.

22 For purposes of this subsection, “effective” or “highly effective”
23 means the employee has received an annual summative evaluation
24 rating of “effective” or “highly effective” based on the performance
25 standards for his position established through the evaluation rubric
26 adopted by the board of education and approved by the
27 commissioner.

28 d. For purposes of this chapter, tenure in any of the
29 administrative or supervisory positions enumerated herein shall
30 accrue only by employment in that administrative or supervisory
31 position. Tenure so accrued shall not extend to any other
32 administrative or supervisory position and nothing herein shall limit
33 or restrict tenure rights which were or may be acquired pursuant to
34 N.J.S.18A:28-6 in a position in which the individual actually
35 served.

36 (cf: P.L.1999, c.87, s.3)

37

38 7. N.J.S.18A:28-6 is amended to read as follows:

39 18A:28-6. Any such teaching staff member under tenure or
40 eligible to obtain tenure under this chapter, who is transferred or
41 promoted with his consent to another position covered by this
42 chapter on or after July 1, 1962, shall not obtain tenure in the new
43 position until after:

44 (a) the expiration of a period of employment of two consecutive
45 calendar years in the new position unless a shorter period is fixed
46 by the employing board for such purpose; or

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1 (b) employment for two academic years in the new position
2 together with employment in the new position at the beginning of
3 the next succeeding academic year; or

4 (c) employment in the new position within a period of any three
5 consecutive academic years, for the equivalent of more than two
6 academic years;

7 provided that the period of employment in such new position
8 shall be included in determining the tenure and seniority rights in
9 the former position held by such teaching staff member, and in the
10 event the employment in such new position is terminated before
11 tenure is obtained therein, if he then has tenure in the district or
12 under said board of education, such teaching staff member shall be
13 returned to his former position at the salary which he would have
14 received had the transfer or promotion not occurred together with
15 any increase to which he would have been entitled during the period
16 of such transfer or promotion.

17 In order to receive tenure pursuant to this section, a teacher,
18 principal, assistant principal, or vice-principal shall be evaluated as
19 effective or highly effective in three consecutive annual summative
20 evaluations.

21 For purposes of this subsection, “effective” or “highly effective”
22 means the employee has received an annual summative evaluation
23 rating of “effective” or “highly effective” based on the performance
24 standards for his position established through the evaluation rubric
25 adopted by the board of education and approved by the
26 commissioner.

27 (cf: N.J.S.18A:28-6)

28

29 8. N.J.S.18A:28-10 is amended to read as follows:

30 18A:28-10. **【Dismissals】** Except as otherwise provided in
31 section 23 of P.L. , c. (C.) (pending before the Legislature as
32 this bill), dismissals resulting from any such reduction shall not be
33 made by reason of residence, age, sex, marriage, race, religion or
34 political affiliation but shall be made on the basis of seniority
35 according to standards to be established by the commissioner with
36 the approval of the state board.

37 (cf: N.J.S.18A:28-10)

38

39 9. N.J.S. 18A:28-12 is amended to read as follows:

40 18A:28-12. **【If】** Except as otherwise provided in section 23 of
41 P.L. , c. (C.) (pending before the Legislature as this bill), if
42 any teaching staff member shall be dismissed as a result of such
43 reduction, such person shall be and remain upon a preferred eligible
44 list in the order of seniority for reemployment whenever a vacancy
45 occurs in a position for which such person shall be qualified and he
46 shall be reemployed by the body causing dismissal, if and when
47 such vacancy occurs and in determining seniority, and in computing
48 length of service for reemployment, full recognition shall be given

1 to previous years of service, and the time of service by any such
2 person in or with the military or naval forces of the United States or
3 of this State, subsequent to September 1, 1940, and the time of
4 service of any member of the American Merchant Marine during
5 World War II who is declared by the United States Department of
6 Defense to be eligible for federal veterans' benefits, shall be
7 credited to him as though he had been regularly employed in such a
8 position within the district during the time of such military or naval
9 service, except that the period of that service shall not be credited
10 toward more than four years of employment or seniority credit.

11 (cf: P.L.1991, c.389, s.3)

12

13 10. (New section) A teacher, principal, assistant principal, or
14 vice-principal under tenure pursuant to State law who accepts
15 employment in the same position in an underperforming school
16 district shall be under tenure in that position in the new district
17 during good behavior and efficiency and shall not be dismissed or
18 reduced in compensation except for inefficiency, incapacity, or
19 conduct unbecoming such a teaching staff member or other just
20 cause and then only in the manner prescribed by subarticle B of
21 article 2 of chapter 6 of this Title, after the employee receives a
22 rating of effective or highly effective in each of two consecutive
23 annual summative evaluations.

24 For purposes of this subsection, "effective" or "highly effective"
25 means the employee has received an annual summative evaluation
26 rating of "effective" or "highly effective" based on the performance
27 standards for his position established through the evaluation rubric
28 adopted by the board of education and approved by the
29 commissioner.

30

31 11. (New section) Notwithstanding N.J.S.18A:6-17 or any other
32 section of law to the contrary, any tenure charge transmitted to the
33 Office of Administrative Law pursuant to N.J.S.18A:6-16 shall be
34 adjudicated in an expeditious and timely manner as follows:

35 a. The initial hearing on the charge shall commence within 30
36 days of its transmittal to the Office of Administrative Law.

37 b. Upon transmittal of the charge, the employing board of
38 education shall provide all evidence to the employee or the
39 employee's representative. At least 10 days prior to the hearing, the
40 employee shall provide all evidence upon which he will rely to the
41 employing board of education or its representative. Both parties
42 shall be precluded from presenting any additional evidence at the
43 hearing except for purposes of impeachment of witnesses.

44 c. Notwithstanding the provisions of N.J.S.18A:6-25 or any
45 other section of law to the contrary, the final determination on the
46 controversy or dispute shall be rendered within 30 days of the start
47 of the hearing by the administrative law judge.

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1 12. (New section) a. If the decision of the administrative law
2 judge is in support of the tenure charges, the Commissioner of
3 Education shall notify the State Board of Examiners, in writing, of
4 the decision.

5 b. The State Board of Examiners shall only review a tenure
6 charge case referred to an administrative law judge pursuant to
7 N.J.S.18A:6-16 if it has received notification pursuant to subsection
8 a. of this section.

9
10 13. (New section) For the purposes of sections 14 through 18 of
11 P.L. , c. (C.) (pending before the Legislature as this bill),
12 “ineffective” or “partially effective” means the employee receives
13 an annual summative evaluation rating of “ineffective” or “partially
14 effective” based on the performance standards for his position
15 established through the evaluation rubric adopted by the board of
16 education and approved by the commissioner.

17
18 14. (New section) a. In order to ensure the effectiveness of its
19 teachers, each school shall convene a school improvement panel. A
20 panel shall include the principal, an assistant or vice-principal, and
21 a teacher from the district who shall not be employed at the school
22 at which the panel is convened. The teacher shall be a person with
23 a demonstrated record of success in the classroom. An individual
24 teacher shall not serve more than three consecutive years on any
25 one school improvement panel. In the event that an assistant or
26 vice-principal is not available to serve on the panel, the principal
27 shall appoint an additional member to the panel.

28 b. The panel shall oversee the mentoring of teachers and
29 conduct evaluations of teachers, including an annual summative
30 evaluation. The panel shall also identify professional development
31 opportunities for all instructional staff members that are tailored to
32 meet the unique needs of the students and staff of the school.

33 c. The panel shall conduct a mid-year evaluation of any
34 employee in the position of teacher who is evaluated as ineffective
35 or partially ineffective in his most recent annual summative
36 evaluation.

37 d. Information related to the evaluation of a particular
38 employee shall be maintained by the school district, shall be
39 confidential, and shall not be accessible to the public pursuant to
40 P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented.

41
42 15. (New section) a. In order to ensure the effectiveness of the
43 schools in the district, the superintendent of schools or his designee
44 shall conduct evaluations of each principal employed by the school
45 district, including an annual summative evaluation.

46 b. The principal, in conjunction with the superintendent or his
47 designee, shall conduct evaluations of each assistant principal and

1 vice-principal employed in his school, including an annual
2 summative evaluation.

3 c. The superintendent or his designee and the principal, as
4 appropriate, shall conduct a mid-year evaluation of any principal,
5 assistant principal, or vice-principal who is evaluated as ineffective
6 or partially effective in his most recent annual summative
7 evaluation.

8 d. Information related to the evaluation of a particular
9 employee shall be maintained by the school district, shall be
10 confidential, and shall not be accessible to the public pursuant to
11 P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented.

12

13 16. (New section) a. The superintendent shall identify the pool
14 of qualified candidates from which the principal shall select
15 teachers, assistant principals, and vice-principals for his school.

16 Notwithstanding the provisions of section 1 of P.L.1995, c.125
17 (C.18A:27-4.1) to the contrary, a superintendent of schools may not
18 recommend a candidate for employment as a teacher, assistant
19 principal, or vice-principal to the board of education for
20 appointment as a new employee of the district without the consent
21 of the principal of the school at which the employee will be
22 assigned upon employment.

23 b. Except as otherwise provided pursuant to N.J.S.18A:28-10,
24 an employee in the position of teacher, assistant principal, or vice-
25 principal may be assigned to another school in the district only with
26 the mutual consent of the principal and the employee. The school
27 improvement panel may make recommendations to the principal on
28 the assignment of an employee, but it shall be the responsibility of
29 the principal to make a formal determination on the assignment.

30 In the event that no principal in the district consents to the
31 assignment of a teacher, assistant principal or vice-principal, and
32 the person in the prior school year was rated effective or highly
33 effective, the person shall be placed in the priority hiring pool in
34 accordance with the provisions of section 23 of P.L. ,c. (C.)
35 (pending before the Legislature as this act).

36 c. Notwithstanding any provision of law to the contrary, the
37 principal shall revoke the tenure granted to an employee in the
38 position of teacher, assistant principal, or vice-principal, regardless
39 of when the employee acquired tenure, if the employee is evaluated
40 as ineffective or partially effective in one year's annual summative
41 evaluation and in the next year's annual summative evaluation the
42 employee does not show improvement by being evaluated in a
43 higher rating category. The only evaluations which may be used by
44 the principal for tenure revocation are those evaluations conducted
45 in the 2013-2014 school year and thereafter which use the rubric
46 adopted by the board and approved by the commissioner. The
47 school improvement panel may make recommendations to the
48 principal on a teacher's tenure revocation.

1 d. The revocation of the tenure status of a teacher, assistant
2 principal, or vice-principal shall not be subject to grievance or
3 appeal except where the ground for the grievance or appeal is that
4 the principal failed to adhere substantially to the evaluation process.
5 Any such appeal initiated by an employee shall be directed to an
6 administrative law judge within 30 days of the revocation of the
7 employee's tenure status. The appeal shall be reviewed by an
8 administrative law judge within 30 days of the receipt of the appeal.

9 e. Information related to the revocation of an individual
10 employee's tenure status shall be maintained by the school district,
11 shall be confidential, and shall not be accessible to the public
12 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and
13 supplemented.

14 f. Notwithstanding any provision of law to the contrary, in the
15 case of all nontenured teachers, assistant principals or vice-
16 principals, including those whose tenure is revoked pursuant to this
17 section, the principal shall have the sole authority to determine to
18 terminate the employment of that person or not renew the
19 employment contract. The principal shall inform the superintendent
20 of his determination and that determination by the principal may not
21 be overruled by the superintendent or the board of education.

22
23 17. (New section) a. Notwithstanding any provision of law to
24 the contrary, the superintendent, or a designee with expertise in
25 school district personnel, shall revoke the tenure granted to a
26 principal, regardless of when the principal acquired tenure, if the
27 principal is evaluated as ineffective or partially effective in one
28 year's annual summative evaluation and in the next year's annual
29 summative evaluation the principal does not show improvement by
30 being evaluated in a higher rating category. The only evaluations
31 which may be used by the superintendent or a designee for tenure
32 revocation are those evaluations conducted in the 2013-2014 school
33 year and thereafter which use the rubric adopted by the board and
34 approved by the commissioner.

35 b. Except as otherwise provided pursuant to N.J.S.18A:28-10, a
36 principal may be assigned to another school in the district only with
37 the mutual consent of the principal and the superintendent.

38 c. Notwithstanding the provisions of section 1 of P.L.1995,
39 c.125 (C.18A:27-4.1) to the contrary, a superintendent of schools
40 may not recommend a candidate for employment as a principal to
41 the board of education for appointment as a new employee of the
42 district without the consent of the candidate to a particular school
43 assignment upon employment.

44 d. The revocation of the tenure status of a principal shall not be
45 subject to grievance or appeal except where the ground for the
46 grievance or appeal is that the superintendent or designee failed to
47 adhere substantially to the evaluation process. Any such appeal
48 initiated by a principal shall be made to an administrative law judge

1 within 30 days of the revocation of the principal's tenure status. The
2 appeal shall be reviewed by an administrative law judge within 30
3 days of the receipt of the appeal.

4 e. Information related to the revocation of an individual
5 principal's tenure status shall be maintained by the school district,
6 shall be confidential, and shall not be accessible to the public
7 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and
8 supplemented.

9
10 18. (New section) A teacher, principal, assistant principal, or
11 vice-principal whose tenure is revoked pursuant to the provisions of
12 section 16 or 17 of P.L. , c. (C.) (pending before the
13 Legislature as this bill) shall reacquire tenure in that position, in the
14 event that a determination has been made to continue his
15 employment in the district, during good behavior and efficiency and
16 shall not be dismissed or reduced in compensation except for
17 inefficiency, incapacity, or conduct unbecoming such a teaching
18 staff member or other just cause and then only in the manner
19 prescribed by subarticle B of article 2 of chapter 6 of this Title,
20 after the employee receives a rating of effective or highly effective
21 in each of two consecutive annual summative evaluations.

22
23 19. (New section) a. A board of education shall implement a
24 researched-based mentoring program that pairs effective,
25 experienced teachers with first-year teachers to provide observation
26 and feedback, opportunities for modeling, and confidential support
27 and guidance in accordance with the Professional Standards for
28 Teachers and the evaluation rubric.

29 b. The mentoring program shall: enhance teacher knowledge
30 of, and strategies related to, the core curriculum content standards
31 in order to facilitate student achievement and growth; identify
32 exemplary teaching skills and educational practices necessary to
33 acquire and maintain excellence in teaching; and assist first-year
34 teachers in the performance of their duties and adjustment to the
35 challenges of teaching. To the greatest extent feasible, mentoring
36 activities shall be developed in consultation with the school
37 improvement panels established pursuant to section 14 of P.L. , c.
38 (C.) (pending before the Legislature as this bill) in order to be
39 responsive to the unique needs of different teachers in different
40 instructional settings.

41
42 20. (New section) a. A board of education shall provide its
43 teaching staff members with ongoing professional development that
44 supports student achievement. To the greatest extent feasible,
45 professional development opportunities shall be developed in
46 consultation with the school improvement panels established
47 pursuant to section 14 of P.L. , c. (C.) (pending before the
48 Legislature as this bill) in order to be responsive to the unique

1 needs of different instructional staff members in different
2 instructional settings.

3 b. A board of education shall provide additional professional
4 development for any teaching staff member who fails or is
5 struggling to meet the performance standards established by the
6 board, as documented in the teaching staff member's annual
7 summative evaluation. The additional professional development
8 shall be designed to correct the needs identified in the annual
9 summative evaluation.

10 c. All funds budgeted by a school district for professional
11 development shall be used primarily to provide the professional
12 development required pursuant to the provisions of P.L. , c. (C.)
13 (pending before the Legislature as this bill).

14

15 21. (New section) a. A school district shall annually submit to
16 the Commissioner of Education, for review and approval, the
17 evaluation rubrics that the district will use to assess the
18 effectiveness of its teachers, principals, assistant principals, and
19 vice-principals. The board shall ensure that an approved rubric
20 meets the minimum standards established by the State Board of
21 Education.

22 b. Notwithstanding the provisions of subsection a. of this
23 section, a school district may choose to use the model evaluation
24 rubric established by the commissioner pursuant to subsection f. of
25 section 22 of P.L. , c. (C.) (pending before the Legislature as
26 this bill) to assess the effectiveness of its teachers, principals,
27 assistant principals, and vice-principals. In the case in which the
28 district fails to submit a rubric for review and approval, the model
29 rubric shall be used by the district to assess the effectiveness of its
30 teachers, principals, assistant principals, and vice-principals.

31

32 22. (New section) a. The Commissioner of Education shall
33 review and approve evaluation rubrics submitted by school districts
34 pursuant to section 21 of P.L. , c. (C.) (pending before the
35 Legislature as this bill).

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

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

44 (2) a provision requiring that the rubric be partially based on
45 multiple objective measures of student learning that use student
46 growth from one year's quantifiable measure to the next year's
47 quantifiable measure;

- 1 (3) a provision that allows the district, in grades in which a
2 standardized test is not required, to determine the method for
3 measuring student growth;
 - 4 (4) a provision that multiple measures of practice and student
5 learning be used in rating effectiveness with specific measures and
6 implementation processes;
 - 7 (5) a provision that the rubric be based on the professional
8 standards for that employee;
 - 9 (6) a provision ensuring that all performance measures used in
10 the rubric are linked to student achievement;
 - 11 (7) a requirement that the employee receive multiple
12 observations during the school year which shall be used in
13 evaluating the employee, at least one annual summative evaluation
14 for the school year, and a conference with his superior or superiors
15 following this evaluation;
 - 16 (8) a provision that requires that at each observation of a
17 teacher, either the principal, the vice-principal, or the assistant
18 principal shall be present;
 - 19 (9) an opportunity for the employee to improve his effectiveness
20 from routine evaluation feedback;
 - 21 (10) guidelines for school districts regarding training on the
22 evaluation system to support its implementation;
 - 23 (11) a process for ongoing monitoring and calibration of the
24 observations to ensure that the observation protocols are being
25 implemented correctly and consistently;
 - 26 (12) a performance framework, associated evaluation tools, and
27 observation protocols, including training and observer calibration
28 resources; and
 - 29 (13) a process for a school district to obtain the approval of the
30 commissioner to utilize other evaluation tools.
- 31 c. A board of education shall adopt a rubric approved by the
32 commissioner by December 31, 2012.
 - 33 d. Beginning no later than January 31, 2013, a board of
34 education shall implement a pilot program to test and refine the
35 evaluation rubric.
 - 36 e. Beginning with the 2013-2014 school year, a board of
37 education shall ensure implementation of the approved, adopted
38 evaluation rubric for all educators in all elementary, middle, and
39 high schools in the district. Results of evaluations shall be used to
40 identify and provide professional development to teaching staff
41 members. Results of evaluations shall be provided to the
42 commissioner, as requested, on a regular basis.
 - 43 f. The commissioner shall establish a model evaluation rubric
44 that may be utilized by a school district to assess the effectiveness
45 of its teachers, principals, assistant principals, and vice-principals.
 - 46
 - 47 23. (New section) a. Beginning with the 2014-2015 school
48 year, in the event of a reduction in force, tenured and nontenured

1 teachers, principals, assistant principals and vice-principals, other
2 than those who acquired tenure prior to the effective date of P.L. ,
3 c. (C.) (pending before the Legislature as this bill) and
4 continuously maintain their tenure, shall be dismissed based on
5 district and school needs in each certification area, and then in the
6 following order:

7 (1) rating of ineffective on the annual summative evaluation
8 from the previous school year, and then on the basis of seniority;

9 (2) rating of partially effective on the annual summative
10 evaluation from the previous school year, and then on the basis of
11 seniority;

12 (3) rating of effective on the annual summative evaluation from
13 the previous school year, and then on the basis of seniority;

14 (4) rating of highly effective on the annual summative
15 evaluation from the previous school year, and then on the basis of
16 seniority.

17 b. Beginning in the 2014-2015 school year, in the event of a
18 reduction in force for a teacher, principal, assistant principal or
19 vice-principal or the inability of a principal and teacher, assistant
20 principal or vice-principal to reach mutual consent on the
21 assignment of the employee to a school pursuant to subsection a. of
22 section 16 of P.L. ,c. (C.) (pending before the Legislature as
23 this bill), a teacher, principal, assistant principal or vice principal
24 who has acquired tenure on or after the effective date of P.L. ,
25 c. (C.) (pending before the Legislature as this bill) whose
26 position is eliminated due to a reduction in force or who is unable to
27 be assigned to a school due to the inability of the principal and the
28 employee to reach mutual consent, shall be designated by the school
29 district as a member of a priority hiring pool. A member of a
30 priority hiring pool shall be provided an opportunity to interview
31 for vacant in-district teaching positions for which he is qualified
32 before a principal may consider outside applicants. In order to
33 qualify as a member of the priority hiring pool, the employee shall
34 have received an effective or highly effective rating on the prior
35 school year's annual summative evaluation.

36 c. A member of the priority hiring pool shall continue to
37 receive his salary and benefits in the 12 months following
38 designation as a member of the pool or until such time as he secures
39 another position within the district or submits his resignation.

40 d. Notwithstanding any provision of law to the contrary, in the
41 event that the teacher has not secured an in-district teaching
42 position within 12 months following designation as a member of the
43 pool, the district shall place the teacher on an unpaid leave of
44 absence. The teacher shall remain a member of the priority hiring
45 pool until such time as he secures employment in the district.

46 e. In the event that a member of a priority hiring pool secures
47 employment in the district in a position that is comparable to the
48 position that he previously held, the district shall compensate the

1 member at the same level that was received during his employment
2 in the position that he previously held.

3
4 24. (New section) Any tenure charge transmitted to the Office
5 of Administrative Law pursuant to N.J.S.18A:6-16 prior to the
6 effective date of P.L. , c. (C.) (pending before the Legislature
7 as this bill) shall be determined in accordance with the provisions of
8 subarticle B of Article 2 of chapter 6 of Title 18A of the New Jersey
9 Statutes, N.J.S.18A:6-10 et seq., as the same read prior to the
10 effective date of P.L. , c. (C.) (pending before the Legislature
11 as this bill).

12
13 25. (New section) The provisions of N.J.S.18A:28-5, N.J.S.
14 18A:28-6, and section 10 and sections 13 through 22 of the
15 “Teacher Effectiveness and Accountability for the Children of New
16 Jersey (TEACHNJ) Act,” P.L. , c. (C.) (pending before the
17 Legislature as this bill) shall apply to a charter school that is
18 established pursuant to P.L.1995, c.426 (C.18A:36A-1 et seq.).

19
20 26. (New section) A school district’s evaluation rubric
21 approved by the commissioner pursuant to section 21 of P.L. , c.
22 (C.) (pending before the Legislature as this bill) shall not be
23 subject to collective negotiations.

24
25 27. (New section) The Department of Education shall provide
26 the funds necessary to effectuate the provisions of this act.

27
28 28. (New section) No collective bargaining agreement or other
29 contract entered into by a school district after July 1, 2013 shall
30 conflict with the educator evaluation system established pursuant to
31 P.L. , c. (C.) (pending before the Legislature as this bill). A
32 district with an existing collective bargaining agreement on July 1
33 2013 which conflicts in whole or in part with the educator
34 evaluation system established pursuant to that act, shall implement
35 in accordance with that act those provisions not in conflict with the
36 collective bargaining agreement.

37
38 29. The following section is repealed:
39 Section 1 of P.L.1998, c. 42 (C.52:14B-10.1).

40
41 30. This act shall take effect in the 2013-2014 school year,
42 except that section 22 of this act shall take effect immediately. The
43 Department of Education shall take such anticipatory administrative
44 action in advance thereof as shall be necessary for the
45 implementation of this act.

STATEMENT

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This bill requires each school district to annually submit to the Commissioner of Education the evaluation rubric that the district will use to assess the effectiveness of its teachers, principals, assistant principals, and vice-principals. The district may use the model rubric which the commissioner is required to establish or it may use one that meets the minimum standards provided in the bill.

Under current law, teachers, principals, and other teaching staff members whose positions require that they hold a certificate issued by the State Board of Examiners receive tenure after completing three years of employment in a school district. This bill provides that a person who is employed as a teacher, principal, assistant principal, or vice-principal on or after the bill's effective date will receive tenure after the employee receives a rating of effective or highly effective in each of three consecutive annual summative evaluations, with the first effective rating being received on or after the completion of the second year of employment. This means that, under the bill, a newly hired employee in one of these positions could qualify for tenure after 4 or more years of employment in the district, depending on his evaluations. Also, in the case of a teacher, he must complete a mentorship program in the first year of employment. All other school district employees currently eligible for tenure will be able to obtain tenure after a three-year period of employment, as established by existing law.

The bill provides that a teacher, principal, assistant principal, or vice-principal who is transferred or promoted to another position in the same district must be evaluated as effective or highly effective in three consecutive annual summative evaluations in order to qualify for tenure in the new position. In the case of any teacher, principal, assistant principal, or vice-principal under tenure who accepts employment in the same position in an underperforming school district, that person will be eligible for tenure after being evaluated as effective or highly effective in two consecutive annual summative evaluations.

The bill provides for mutual consent by the principal and a teacher, assistant principal and vice-principal for assignment to another school in the district. If no principal consents to an employee's placement, and that employee was rated effective or highly effective in the prior year, then the employee would be placed in a priority hiring pool, in accordance with the provisions of the bill. The superintendent will identify a pool of qualified candidates from which the principal will select teachers, assistant principals, and vice-principals for his school. In the case of a candidate for employment for teacher, assistant or vice-principal in a district, the bill provides that the superintendent may not recommend that person to the board of education for appointment in the district without the consent of the principal of the school at

1 which the person will be assigned upon appointment. In the case of
2 a principal, both the principal and the superintendent must consent
3 to the assignment of the principal to a particular school. In
4 addition, when a person is a candidate for employment as a
5 principal in the district, the superintendent may not recommend the
6 person to the board of education for appointment without the
7 consent of the candidate to a particular school assignment upon
8 employment.

9 In order to ensure the effectiveness of its teachers, the bill directs
10 each school to convene a school improvement panel. The panel will
11 include the principal, an assistant or vice-principal, and a teacher
12 who will not be employed at the school at which the panel is
13 convened. The panel will: oversee the mentoring of teachers;
14 conduct evaluations of teachers; and identify professional
15 development opportunities for all instructional staff members.

16 Under the bill the principal must revoke the tenure granted to an
17 employee in the position of teacher, assistant principal, or vice-
18 principal, regardless of when the employee acquired tenure, if the
19 employee is evaluated as ineffective or partially effective in one
20 year's annual summative evaluation and in the next year's annual
21 summative evaluation the employee does not show improvement.
22 Similarly, the bill provides that the superintendent, or his designee,
23 must revoke a principal's tenure, regardless of when the principal
24 acquired tenure, if the principal is evaluated as ineffective or
25 partially effective in one year's annual summative evaluation and in
26 the next year's annual summative evaluation the principal does not
27 show improvement. Under the bill, the revocation of the tenure
28 status of a teacher, principal, assistant principal, or vice-principal
29 will not be subject to grievance or appeal except where the ground
30 for the grievance or appeal is that the principal, superintendent or
31 the superintendent's designee failed to adhere substantially to the
32 evaluation process.

33 The bill provides that, beginning in the 2014-2015 school year,
34 in the event of a reduction in force or the inability of a teacher,
35 assistant principal or vice-principal to reach mutual consent on the
36 assignment of the employee, the employee who acquires tenure on
37 or after the effective date of the bill and whose position was
38 eliminated due to a reduction in force or who is unable to be
39 assigned to a school due to the inability of the principal and
40 employee to reach mutual consent, must be designated by the
41 school district as a member of a priority hiring pool. A member of
42 a priority hiring pool must be provided an opportunity to interview
43 for vacant in-district teaching positions for which he is qualified
44 before a principal may consider outside applicants. A member will
45 continue to receive his salary and benefits in the 12 months
46 following placement in the pool, or until such time as he secures
47 another position within the district or submits his resignation. In
48 the event that the teacher has not secured an in-district teaching

1 position within 12 months of being placed in the pool, the district
2 will place the teacher on an unpaid leave of absence but will keep
3 him in the priority hiring pool until such time as he secures
4 employment in the district.

5 Under the bill, each board of education must:

- 6 • implement a mentoring program in which effective
7 experienced teachers are paired with first-year teachers to
8 provide confidential support and guidance;
- 9 • provide its teaching staff members with ongoing
10 professional development and provide additional
11 professional development for any teaching staff member
12 who fails or is struggling to meet the performance
13 standards established by the board for his job.

14 This bill streamlines the process under the current tenure hearing
15 laws by establishing timelines designed to expedite the process.
16 The bill shortens the timeframe under which the Commissioner of
17 Education must render a determination on the sufficiency of a
18 tenure charge and refer the case to the Office of Administrative Law
19 from a 25-day period to a 10-day period. The bill provides that the
20 hearing on a tenure charge before an administrative law judge will
21 be held within 30 days of the transmittal of the charge to the Office
22 of Administrative Law. The bill further provides that the final
23 determination on the charge will be made by an administrative law
24 judge rather than the Commissioner of Education and such
25 determination must be made within 30 days of the start of the
26 hearing. Under current law, a determination of any controversy or
27 dispute must be made within 60 days after the close of the hearing.
28 The bill also provides that the State Board of Examiners may only
29 review those tenure cases in which the administrative law judge's
30 findings were in support of the charges.

31 The bill repeals section 1 of P.L.1998, c.42 (C.52:14B-10.1),
32 which outlines the procedure tenure cases currently follow when
33 referred to the Office of Administrative Law.

34 The provisions of this bill will take effect in the 2013-2014
35 school year, except that the provision of the bill that sets forth the
36 requirements of the new evaluation rubric will take effect
37 immediately.