

CHAPTER 10 **EDUCATOR EFFECTIVENESS**

Authority
N.J.S.A. 18A:4-15.

Source and Effective Date
R.2013 d.046, effective March 4, 2013.
See: 44 N.J.R. 2420(a), 45 N.J.R. 461(b).

Chapter Expiration Date
Chapter 10, Educator Effectiveness, expires on March 4, 2020.

Chapter Historical Note
Chapter 10, Improving Standards-Driven Instruction and Literacy in Abbott Districts, was adopted as special new rules by R.2003 d.312, effective July 2, 2003. See: 35 N.J.R. 3701(a). Chapter 10, Improving Standards-Driven Instruction and Literacy in Abbott Districts, expired on June 30, 2004.

Chapter 10, Financing Foundational and Demonstrably Needed Programs and Services in Abbott School Districts, was adopted as new rules by R.2007 d.89, effective March 19, 2007. See: 38 N.J.R. 5199(a), 39 N.J.R. 868(a). Chapter 10, Financing Foundational and Demonstrably Needed Programs and Services in Abbott School Districts, expired on March 19, 2009.

Chapter 10, Educator Effectiveness, was adopted as new rules by R.2013 d.046, effective March 4, 2013. See: Source and Effective Date.

Subchapter 2, Supervision of Teaching Staff Members, was renamed Evaluation of Teaching Staff Members; and Subchapter 3, School Improvement Panel, Subchapter 4, Components of Teacher Evaluation, Subchapter 5, Components of Principal Evaluation, Subchapter 6, Commissioner Approval of Educator Practice Instruments, Subchapter 7, Evaluation of Chief School Administrators, and Subchapter 8, Procedure for Nontenured Notice of Non-Reemployment, were adopted as new rules by R.2013 d.120, effective October 7, 2013. See: 45 N.J.R. 1292(a), 45 N.J.R. 2211(a).

Subchapter 6, Evaluation of Teaching Staff Members Other than Teachers, Principals, Vice Principals, and Assistant Principals, was adopted as new rules; former Subchapter 6, Commissioner Approval of Educator Practice Instruments, was recodified as Subchapter 7; former Subchapter 7, Evaluation of Chief School Administrators, was recodified as Subchapter 8; and former Subchapter 8, Procedure for Nontenured Notice of Non-Reemployment, was recodified as Subchapter 9 by R.2014 d.169, effective November 3, 2014. See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 6A:10-1.1 Purpose and scope
- 6A:10-1.2 Definitions
- 6A:10-1.3 Applicability of rules on collective bargaining agreements
- 6A:10-1.4 Educator evaluation data, information, and written reports

SUBCHAPTER 2. EVALUATION OF TEACHING STAFF MEMBERS

- 6A:10-2.1 Evaluation of teaching staff members
- 6A:10-2.2 Duties of district boards of education
- 6A:10-2.3 District Evaluation Advisory Committee
- 6A:10-2.4 Evaluation procedures for all teaching staff
- 6A:10-2.5 Corrective action plans for all teaching staff

SUBCHAPTER 3. SCHOOL IMPROVEMENT PANEL

- 6A:10-3.1 School Improvement Panel membership
- 6A:10-3.2 School Improvement Panel responsibilities

SUBCHAPTER 4. COMPONENTS OF TEACHER EVALUATION

- 6A:10-4.1 Components of teacher evaluation rubric
- 6A:10-4.2 Student achievement components
- 6A:10-4.3 Teacher practice components
- 6A:10-4.4 Teacher observations

SUBCHAPTER 5. COMPONENTS OF PRINCIPAL EVALUATION

- 6A:10-5.1 Components of principal evaluation rubrics
- 6A:10-5.2 Student achievement components of principal evaluation rubrics
- 6A:10-5.3 Principal practice component of evaluation rubric
- 6A:10-5.4 Principal, assistant principal, and vice principal observations

SUBCHAPTER 6. EVALUATION OF TEACHING STAFF MEMBERS OTHER THAN TEACHERS, PRINCIPALS, VICE PRINCIPALS, AND ASSISTANT PRINCIPALS

- 6A:10-6.1 Components of evaluation rubrics
- 6A:10-6.2 Required observations for teaching staff members

SUBCHAPTER 7. COMMISSIONER APPROVAL OF EDUCATOR PRACTICE INSTRUMENTS

- 6A:10-7.1 Educator practice instrument
- 6A:10-7.2 Teacher practice instrument
- 6A:10-7.3 Principal practice instrument

SUBCHAPTER 8. EVALUATION OF CHIEF SCHOOL ADMINISTRATORS

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

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

SUBCHAPTER 1. GENERAL PROVISIONS

6A:10-1.1 Purpose and scope

(a) The rules in this chapter are intended to guide district boards of education in establishing 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 implement evaluation rubrics as defined in N.J.A.C. 6A:10-2.2(a)2, 3, and 4, including measures of professional practice and desired outcomes for the purpose of evaluating teaching staff members.

Amended by R.2013 d.120, effective October 7, 2013.
See: 45 N.J.R. 1292(a), 45 N.J.R. 2211(a).

Section was "Scope and purpose". In the introductory paragraph of (a), deleted "district educator" following "establishing", and inserted "and to increase student achievement"; in (a)1, substituted "Continual" for "The continual"; in (a)3, substituted "Use" for "The use", and deleted "multiple" preceding "objective measures" and "measures of professional practice"; in (a)4, substituted "Evaluation" for "The evaluation"; in (a)5, substituted "Delivery" for "The delivery" and "areas for growth" for "needs"; in (b), inserted "shall"; and in (c), deleted "district educator" following "implement".

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 evaluation 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, professional standards, and Statewide evaluation criteria that incorporates analysis of multiple measures of student achievement or growth and multiple data sources.

"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.

"Long observation" means an observation for the purpose of evaluation that is conducted for a minimum duration of 40 minutes or one class period, whichever is shorter.

“Model evaluation rubric” means district educator evaluation rubrics that have been reviewed and accepted by the Commissioner. A model teaching or principal evaluation rubric includes a teacher or principal practice instrument that appears on the Department’s list of approved educator practice instruments.

“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:9-1.1.

“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.

“Short observation” means an observation for the purpose of evaluation that is conducted for at least 20 minutes.

“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 evaluators 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-11.

“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.

Amended by R.2013 d.120, effective October 7, 2013.

See: 45 N.J.R. 1292(a), 45 N.J.R. 2211(a).

Deleted definitions “Accuracy”, “Appropriately certified personnel”, “District educator evaluation rubrics”, “Expert judgment”, “Master coder”, “Objective”, “Proof of mastery”, “Regularly certified, inexperienced first-year principal”, “School Improvement Panel”, “Skills assessment”, and “Teaching practice evaluation instrument”; added definitions “Announced observation”, “Co-observation”, “Evaluation rubrics”, “Long observation”, “Short observation”, “Signed”, “Student growth objective”, and “Unannounced observation”; and rewrote definitions “Annual performance report”, “Annual summative evaluation rating”, “Calibration”, “District Evaluation Advisory Committee”, “Evaluation”, “Indicators of student progress and growth”, “Individual professional development plan”, “Model evaluation rubric”, “Observation”, “Scoring guide”, “Supervisor”, “Teaching staff member”, and “Validity”; substituted definition “Educator practice instrument” for “Educator practice evaluation instrument” and definition “Post-observation conference” for “Observation conference”; and rewrote definitions “Educator practice instrument” for “Post-observation conference”.

Amended by R.2014 d.169, effective November 3, 2014.

See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

In definitions “Announced observation” and “Unannounced observation”, inserted “an observation in which”; in definition “Annual performance report”, substituted “the teaching staff member’s designated” for the second occurrence of “a”; added definitions “Designated supervisor”, “Semester”, and “Teacher”; rewrote definition “Educator practice instrument”; substituted definition “Evaluation rubric” for definition “Evaluation rubrics”; in definition “Evaluation rubric”, substituted “means” for “mean”; in definition “Individual professional development plan”, substituted “N.J.S.A. 18A:6-119” for “N.J.A.C. 6A:9-2.1”; in definition “Post-observation conference”, substituted “the supervisor who conducted the observation” for “a supervisor”; in definition “Student growth objective”, substituted “means” for “is”; in definition “Supervisor” inserted “, or superintendent”, substituted “described” for “defined”, and updated the N.J.A.C. reference; in paragraph 1 of definition “Teaching staff member”, deleted “(holders of this certificate are referred to in this chapter as ‘teachers’)” following “certificate”; and deleted definition “Validity”.

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.

Amended by R.2013 d.120, effective October 7, 2013.
See: 45 N.J.R. 1292(a), 45 N.J.R. 2211(a).
Rewrote the section.

6A:10-1.4 Educator evaluation data, information, and written reports

All information contained in written 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 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.

Amended by R.2013 d.120, effective October 7, 2013.
See: 45 N.J.R. 1292(a), 45 N.J.R. 2211(a).
Inserted “, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or”, and deleted “at its discretion” following “distributing”.
Amended by R.2014 d.169, effective November 3, 2014.
See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).
Inserted “or a school district”.

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 1 for approval by August 1 of each year.

New Rule, R.2013 d.120, effective October 7, 2013.
See: 45 N.J.R. 1292(a), 45 N.J.R. 2211(a).
Former N.J.A.C. 6A:10-2.1, Evaluation of chief school administrators, recodified to N.J.A.C. 6A:10-7.1.

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);

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. Provide training on the educator practice instruments for any supervisor who will conduct observations for the purpose of evaluation of teaching staff members. Training shall be provided before the observer conducts his or her first observation for the purpose of evaluation;

3. Annually provide updates and refresher training on the educator practice instruments for any supervisor who will observe educator practice for the purpose of increasing accuracy and consistency among observers;

4. Annually require each supervisor who will conduct observations for the purpose of evaluation of a teacher to complete two co-observations during the academic year.

i. Co-observers shall use the co-observation to promote accuracy in scoring, and to continually train themselves on the instrument.

ii. A co-observation shall 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; and

5. Chief school administrators shall annually certify to the Department that all supervisors of teaching staff members in the school district who are utilizing educator practice instruments have completed training on the instrument and its application and have demonstrated competency in applying the educator practice instruments.

Amended by R.2013 d.120, effective October 7, 2013.

See: 45 N.J.R. 1292(a), 45 N.J.R. 2211(a).

Section was "Evaluation of teaching staff members". In the introductory paragraph of (a), inserted "annual", and deleted "upon March 4, 2013" following "members"; in the introductory paragraph of (a)1, substituted a semicolon for a period at the end; rewrote (a)1; deleted former (a)2 through (a)8; added new (a)2 through (a)7; and added (b).

Amended by R.2014 d.169, effective November 3, 2014.

See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

Rewrote the section.

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 2017-2018, the District Evaluation Advisory Committees shall no longer be required and district boards of education shall have the discretion to continue the Districts Evaluation Advisory Committee.

Repeal and New Rule, R.2013 d.120, effective October 7, 2013.

See: 45 N.J.R. 1292(a), 45 N.J.R. 2211(a).

Section was "Evaluation of tenured teaching staff members".

Amended by R.2014 d.169, effective November 3, 2014.

See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

In (b), inserted "and to individuals".

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. The process for preparation of individual professional development plans; and

6. The process for preparation of an annual written 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 written performance report is filed. The conference shall occur on or before June 30 of each 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, the educator's practice instrument;

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;

3. Available indicators or scores of student achievement or growth, when applicable, such as student growth objective scores and student growth percentile scores; and

4. The preliminary annual written 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 written performance report shall be prepared by the designated supervisor. The annual written 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, observations for the purpose of evaluation and, when applicable, the educator practice instrument; and

3. An individual professional development plan developed by the supervisor and the teaching staff member or, when applicable, a 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 written 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.

Repeal and New Rule, R.2013 d.120, effective October 7, 2013.
See: 45 N.J.R. 1292(a), 45 N.J.R. 2211(a).

Section was "Evaluation of nontenured teaching staff members".
Amended by R.2014 d.169, effective November 3, 2014.
See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

Rewrote the section.

Case Notes

City Association of Supervisors and Administrators (CASA), on behalf of three non-tenured members, correctly asserted that the school district failed to comply with the legal requirements of N.J.S.A. 18A:27-3.1 and former N.J.A.C. 6A:32-4.5 (now N.J.A.C. 6A:10-2.4(d)(2)) relative to staff member evaluations. However, the petition was dismissed because the relief sought by CASA was simply unavailable under the law. The statutory and regulatory scheme for teacher evaluation included no penalty for failure to strictly comply with its requirements. *City Ass'n of Supervisors and Adm'rs v. the State-Operated School Dist. of the City of Newark, Essex Cnty.*, OAL Dkt. No. EDU 13813-12, 2013 N.J. AGEN LEXIS 359, Initial Decision (June 25, 2013).

Initial Decision (2008 N.J. AGEN LEXIS 171) adopted, which rejected petitioner's contention that a board of education is limited in the number and timing of the evaluations that may be conducted of an alternate route teacher for purposes of evaluating whether to renew the teacher's employment; the regulations do not purport to limit a board of education's right and duty to conduct evaluations of its non-tenured teaching staff members (decided under former N.J.A.C. 6A:32-4.5). *El-Hewie v. Bd. of Educ. of Bergen County Vocational School Dist.*, OAL Dkt. No. EDU 7673-06, Commissioner's Decision (April 10, 2008).

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 chief school administrator or the teaching staff member's designated supervisor.

(b) If the summative evaluation rating is calculated before the end of the school year, then 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 prior to September 15 of the following school year. The conference to develop and discuss the corrective action plan may be combined with the teaching staff member's annual summary conference that occurs at the end of the year of evaluation.

(c) If the ineffective or partially effective summative evaluation rating is received after the start of the school year following the year of evaluation, then a corrective action plan must be developed, and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan within 15 teaching staff member working days following the school district's receipt of the teaching staff member's summative rating.

(d) The content of the corrective action plan shall replace the content of the individual professional development plan required in N.J.A.C. 6A:9C-3.4(c) and 3.7(c) until the next annual summary conference.

(e) The content of the corrective action plan 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).

(f) 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.

(g) Progress toward the teaching staff member's goals outlined in the corrective action plan shall be documented in the teaching staff member's personnel file and reviewed at the annual summary conference or the mid-year evaluation, when applicable. 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.

(h) Progress toward the teaching staff member's goals outlined in the corrective action plan 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.

(i) 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.

(j) 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. If the corrective action plan was created on or prior to September 15 of the academic year, the mid-year evaluation shall occur before February 15; if the corrective action plan was created after September 15, the mid-year evaluation shall occur midway between the development of the corrective action plan and the annual summary conference. 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.

(k) The School Improvement Panel shall ensure teachers with a corrective action plan receive one observation, including a post-observation, 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). The chief school administrator or principal shall determine the length of the additional observation.

(l) 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)2.

(m) 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. If the corrective action plan was created before the start of the year, the mid-year evaluation shall occur before February 15; if the corrective action plan was created after the start of the academic year, the mid-year evaluation shall occur midway between the development of the corrective action plan and the annual summary conference. 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.

(n) The chief school administrator shall ensure principals, vice principals, and assistant principals with a corrective action plan receive one observation and a post-observation 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. The chief school administrator or principal shall determine the length of the observation.

(o) The corrective action plan shall remain in effect until the teaching staff member receives his or her next summative evaluation rating.

New Rule, R.2013 d.120, effective October 7, 2013.

See: 45 N.J.R. 1292(a), 45 N.J.R. 2211(a).

Administrative change.

See: 46 N.J.R. 1743(a).

Amended by R.2014 d.169, effective November 3, 2014.

See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

Rewrote the section.

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. 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 academic 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 academic year, except in case of illness or authorized leave, but may not be appointed more than three consecutive years.

(d) All members of the School Improvement Panel shall be chosen by August 31 of each year.

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:9B-8 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(j); and conduct mid-year evaluations 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-3.5.

(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:9B-8.4.

Administrative change.
See: 46 N.J.R. 1743(a).

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 academic 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 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.

4. Notwithstanding the provisions of (d)1 through 3 above, if a teacher's appeal of his or her student growth objective is approved, according to N.J.A.C. 6A:10-4.2(f), the student growth objective score weight within the student achievement component and the teacher practice weight shall be adjusted by the chief school administrator or the Commissioner, as applicable according to N.J.A.C. 6A:10-4.2(f).

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

Amended by R.2014 d.169, effective November 3, 2014.
See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

In (b)2, substituted "pursuant to" for "determined through a teacher practice instrument and other measures described in"; added new (c); recodified former (c) and (d) as (d) and (e); and rewrote (d).

Amended by R.2015 d.013, effective January 5, 2015.
See: 46 N.J.R. 1921(a), 47 N.J.R. 104(a).

In the introductory paragraph of (d), substituted "August 31" for "April 15" and "academic year in which" for "school year"; in (d)1, substituted "30" for "40"; and added (d)4.

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 academic year of the evaluation. If a teacher does not have at least 20 individual student growth percentile scores in a given academic year, the student growth percentile scores attributed to a teacher during the two academic years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the academic year of the evaluation. Only student growth percentile scores from academic year 2013-2014 or any 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 academic 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 academic year, or within 20 work 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 calculate 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.

(f) If a teacher's student growth objective score was the sole cause for an ineffective or partially effective summative rating for the 2013-2014 academic year, the teacher may appeal the summative rating by February 1, 2015, or within

15 school days of receiving the summative rating, whichever is later, to the chief school administrator or designee. Within 15 school days of receiving the appeal, the chief school administrator or designee shall notify the teacher of the decision. If the chief school administrator or designee agrees the student growth objective score was the sole cause for an ineffective or partially effective summative rating, the teacher's student growth objective score weight shall be adjusted from 15 percent to one percent and the teacher practice score weight shall be increased accordingly. Any decision of the chief school administrator with regard to recalculating a teacher's percentage weight and annual summative rating in accordance with this provision may be appealed directly to the Commissioner no later than 15 school days following the chief school administrator's or designee's decision notification to the teacher. The Commissioner shall review whether the annual summative rating was directly and numerically caused by the student growth objective score and may decide the matter on a summary basis.

Amended by R.2014 d.169, effective November 3, 2014.
See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

Rewrote the section.

Amended by R.2015 d.013, effective January 5, 2015.
See: 46 N.J.R. 1921(a), 47 N.J.R. 104(a).

In (e)1, substituted "August 31" for "April 15" and "academic year in which" for "school year"; in (e)4, substituted "academic" for "school"; and added (f).

Administrative change.

See: 48 N.J.R. 1802(a).

Case Notes

A teacher's petition challenging certain action taken by school administrators relative to the teacher's evaluations was filed timely under governing rules because even if the proof of service was not provided within the same period, the teacher in fact provided proof of service within the deadline set by the Department of Education, Bureau of Controversies and Disputes. That being so, dismissal of the petition as untimely would be inappropriate, particularly in light of the fact that the Commissioner of Education had discretion to relax the so-called "90 day" rule where, as here, strict adherence thereto may be deemed inappropriate. That said, because the teacher did not allege that her "student-growth-objective" score was the sole cause for an ineffective or partially effective summative rating for the relevant academic year, the teacher had not asserted a cause of action arising under the 2012 Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) Act, N.J.S.A. 18A:6-117 et seq., her petition was not cognizable by the Commissioner. And even if the claim was reasonably construed to have been raised under the TEACHNJ Act, the teacher did not comply with the appeal process procedure specified therein. Because the Commissioner lacked jurisdiction over the petition, it was properly dismissed. *Goode v. Miles et al*, OAL DKT. NO. EDU 852-15, 2015 N.J. AGEN LEXIS 163, Initial Decision (March 26, 2015).

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 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 purpose 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.

3. If agreed to by the teacher, post-observation conferences and pre-conferences for short observations of tenured teachers who are not on a corrective action plan may be conducted via written communication, including electronic.

4. 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, at least three times during each school year but not less than once during each semester. For all teachers, at least one of the required observations shall be announced and preceded by a pre-conference, and at least one of the required observations shall be unannounced. The chief school administrator shall decide whether the third required observation is announced or unannounced. The following additional requirements shall apply:

1. Nontenured teachers shall receive a minimum of three observations within the timeframe set forth in N.J.S.A. 18A:27-3.1, and observations for all other teachers shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year.

2. Teachers on a corrective action plan shall receive observations within the timeline set forth in N.J.A.C. 6A:10-2.5.

3. Nontenured teachers shall be observed during the course of the year by more than one appropriately certified supervisor, either simultaneously or separately, by multiple observers, with the following provisions:

- i. A co-observation shall fulfill the requirement in this subsection for multiple observers.

ii. One co-observation shall count as one observation required in (d) below.

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 written or electronic evaluation report shall be signed by the supervisor who conducted the observation and post-observation and the teacher who was observed.

6. 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 written performance report.

(d) Each observation required for the purpose of evaluations shall be conducted for the minimum duration based on the following groups:

1. A nontenured teacher who is in his or her first or second year of teaching in the school district shall receive at least two long observations and one short observation.

2. A nontenured teacher who is in his or her third or fourth year of teaching in the school district shall receive at least one long observation and two short observations.

3. A tenured teacher shall receive at least three short observations.

(e) To earn a teacher practice score, a teacher shall receive at least three observations.

1. If a teacher is present for less than 40 percent of the total student school days in an academic year, he or she



shall receive at least two observations to earn a teacher practice score.

Amended by R.2014 d.169, effective November 3, 2014.

See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

In (b)1, deleted the last sentence; in (b)3, inserted "and pre-conferences"; rewrote (b)4; in (c)5, inserted "or electronic"; and added (e).

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 academic 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 30 percent of evaluation rubric rating.

5. Measure of leadership practice, as described in N.J.A.C. 6A:10-5.3(c), shall be 20 percent of evaluation rubric rating.

6. Notwithstanding the provisions of (d)1 through 5 above, if an appeal of the administrator goal is approved, according to N.J.A.C. 6A:10-5.2(e)5, the administrator goal weight and the principal practice weight shall be adjusted by the chief school administrator or the Commissioner, as applicable according to N.J.A.C. 6A:10-5.2(e)5.

(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.

Amended by R.2014 d.169, effective November 3, 2014.

See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

In (b)2, inserted "and 5.4"; added new (c); recodified former (c) through (e) as (d) through (f); in the introductory paragraph of (d), substituted "score" for the first occurrence of "measure," "components" for "measures" and "component and the required summative rating scale" for the second occurrence of "measure"; and in (d)1, substituted "schoolwide" for "median", and substituted "score" for "measure" twice. Amended by R.2015 d.013, effective January 5, 2015.

See: 46 N.J.R. 1921(a), 47 N.J.R. 104(a).

In the introductory paragraph of (d), substituted "August 31" for "April 15" and "the academic year in which" for "each school year"; in (d)1, substituted "10" for "20"; in (d)3, updated the N.J.A.C. reference; and added (d)6.

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 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 superintendent 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 academic 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 supervisor, each administrator goal. Vice principals and assistant principals 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 supervisor do not agree upon the administrator goal score, the principal, assistant principal, or vice principal's 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 academic year, or within 20 work days

of the principal, vice principal, or assistant principal's start date if he or she begins work after October 1.

4. The administrator goal score shall be calculated by the designated supervisor of the principal, vice principal, or assistant principal. The principal, vice principal, 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.

5. If an administrator goal score was the sole cause for an ineffective or partially effective summative rating for the 2013-2014 academic year, the principal, vice principal, or assistant principal may appeal by February 1, 2015, or within 15 school days of receiving the summative rating, whichever is later, to his or her chief school administrator or designee. Within 15 school days of receiving the appeal, the chief school administrator or designee shall notify the principal, vice principal, or assistant principal of the decision. If the chief school administrator or designee agrees the administrator goal score was the sole cause for an ineffective or partially effective summative rating, the administrator goal score weight shall be adjusted to equal one percent and the practice instrument score weight shall be increased accordingly. Any decision of the chief school administrator with regard to reconsidering the annual summative rating in accordance with this provision may be appealed directly to the Commissioner no later than 15 school days following the chief school administrator's or designee's decision notification to the principal, vice principal, or assistant principal. The Commissioner shall review whether the annual summative rating was directly and numerically caused by the administrator goal score and may decide the matter on a summary basis.

(f) The chief school administrator shall remove a teacher's student growth objective score from the principal's, vice principal's, or assistant principal's final average student growth objective score for the 2013-2014 academic year and adjust the annual summative rating accordingly if:

1. A principal's, vice principal's, or assistant principal's average student growth objective for the 2013-2014 academic year included a teacher's student growth objective that was successfully appealed according to N.J.A.C. 6A:10-4.2(f); and

2. Failure to remove the score would cause the principal's, vice principal's, or assistant principal's annual summative rating to be ineffective or partially effective.

Amended by R.2014 d.169, effective November 3, 2014.

See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

Rewrote the section.

Amended by R.2015 d.013, effective January 5, 2015.

See: 46 N.J.R. 1921(a), 47 N.J.R. 104(a).

In (e)1, substituted "August 31" for "April 15" and "academic year in which" for "school year"; in (e)2, substituted "administrator goal score" for "student growth objectives"; in (e)3, substituted "academic" for "school"; and added (e)5 and (f).

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

(a) Measures of principal practice shall include the following components:

1. A measure determined through a Commissioner-approved principal practice instrument; and
2. 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 purpose 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 evaluation 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 written 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(I) for principals, assistant principals, and vice principals who are on a corrective action plan.

Amended by R.2014 d.169, effective November 3, 2014.

See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

In (a), substituted "administrator" for "administrators"; and in (d)5, inserted "or electronic".

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 teacher 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.

New Rule, R.2014 d.169, effective November 3, 2014.
See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

Former N.J.A.C. 6A:10-6.1, Educator practice instrument, recodified to N.J.A.C. 6A:10-7.1.

6A:10-6.2 Required observations for teaching staff members

(a) The chief school administrator shall determine the duration of the three observations required pursuant to N.J.S.A. 18A:27-3.1 for nontenured teaching staff members, except teachers, principals, vice principals, and assistant principals. 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 followed within 15 working days by a conference between the administrative or supervisory staff member who made the observation and written or electronic evaluation, and the nontenured teaching staff member;
2. Be followed by both parties to such a conference signing the written or electronic evaluation report and each retaining a copy for his or her records; and
3. 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 written performance report.

(b) All tenured teaching staff members as described in this section shall receive at least one observation per school year. The chief school administrator or his or her designee may determine the length and structure of the observation.

New Rule, R.2014 d.169, effective November 3, 2014.
See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

Former N.J.A.C. 6A:10-6.2, Teacher practice instrument, recodified to N.J.A.C. 6A:10-7.2.

6A:10-6.3 (Reserved)

Recodified to N.J.A.C. 6A:10-7.3 by R.2014 d.169, effective November 3, 2014.

See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).
Section was "Principal practice instrument".

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.

Recodified from N.J.A.C. 6A:10-6.1 and amended by R.2014 d.169, effective November 3, 2014.

See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

In the introductory paragraph of (c) and in (c)1, updated the N.J.A.C. references throughout. Former N.J.A.C. 6A:10-7.1, Evaluation of chief school administrators, recodified to N.J.A.C. 6A:10-8.1.

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 the four rating categories: highly effective, effective, partially effective, and ineffective;
- 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, to the extent possible, on 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.

(b) For Commissioner-approval of a teacher practice instrument in 2015 or any year thereafter, the instrument shall include a process to assess competency on the evaluation instrument which the school district may choose to use as a measure of competency.

Recodified from N.J.A.C. 6A:10-6.2 by R.2014 d.169, effective November 3, 2014.
See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

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 Leaders developed by the Interstate School Leadership Licensure Consortium incorporated herein by reference, available at http://www.ccsso.org/documents/2008/educational_leadership_policy_standards_2008.pdf;

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 clearly define the expectations for each category and provide a conversion for the four categories: highly effective, effective, partially effective, and ineffective;

3. Be based on multiple sources of evidence collected throughout the year;

4. Incorporate an assessment of the principal's leadership for implementing a rigorous curriculum and assessments aligned to the New Jersey Student Learning Standards;

5. Incorporate an assessment of the principal's leadership for high-quality instruction;

6. Include an assessment of the principal's performance in evaluating teachers; and

7. Include an assessment of the principal's support for teachers' professional growth.

(b) For Commissioner-approval of a principal practice instrument in 2015 or any year thereafter, the instrument shall include a process to assess competency on the evaluation instrument which the school district may choose to use as a measure of competency.

Recodified from N.J.A.C. 6A:10-6.3 by R.2014 d.169, effective November 3, 2014.
See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).
Administrative change.
See: 48 N.J.R. 1802(a).

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 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 written 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 written 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 written 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 written 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.

Recodified from N.J.A.C. 6A:10-2.1 and amended by R.2013 d.120, effective October 7, 2013.

See: 45 N.J.R. 1292(a), 45 N.J.R. 2211(a).

In the introductory paragraph of (c), substituted "The" for "Such" and the second occurrence of "the" for "each"; in (c)1, substituted "Determination" for "A determination"; in (c)4, substituted "need(s)" for "needs"; in (d), substituted "shall be" for "is"; in (e), inserted "teaching staff member"; in (f), substituted "its" for "the", and deleted "of the board" following "membership" and "present," following the first occurrence of "administrator"; rewrote (g); in (i), substituted "July 1" for "April 30"; and in (k), substituted "The" for "Such."

Recodified from N.J.A.C. 6A:10-7.1 by R.2014 d.169, effective November 3, 2014.

See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).

Former N.J.A.C. 6A:10-8.1, Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of a notice of non-reemployment, recodified to N.J.A.C. 6A:10-9.1.

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 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 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.

Recodified from N.J.A.C. 6A:10-8.1 by R.2014 d.169, effective November 3, 2014.
See: 46 N.J.R. 1377(a), 46 N.J.R. 2140(a).