

co-observation shall count as one required observation under N.J.A.C. 6A:10-4.4; 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).

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.

(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".

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. Evaluation rubrics for all teaching staff members;
2. Roles and responsibilities for implementation of evaluation policies and procedures;

3. Job descriptions and evaluation criteria based upon school district goals, student achievement, instructional priorities, and the evaluation regulations set forth in this chapter;

4. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the processes for observations for the purpose of evaluation and post-observation conference(s) by the teaching staff member's supervisor, or his or her designee;

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 supervisor, or his or her designee, and an annual summary conference between the teaching staff member and his or her supervisor, or the supervisor's designee.

(c) The annual summary conference between supervisors and teaching staff members shall be held before the written performance report is filed. The conference 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, when applicable, the scores or evidence compiled using the teaching staff member's evaluation rubric, including the educator's practice instrument;

2. The progress of the teaching staff member toward meeting the objectives 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 teaching staff members who participated in the evaluation of the teaching staff member. In the case of a teacher, the annual written performance report shall be prepared by the teacher's principal, or his or her designee, and 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;

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; and

4. A summary of student achievement or growth indicators, when applicable.

(f) The teaching staff member and the preparer of the annual written performance report shall sign the report within five working days of the review.

(g) Each district board of education shall add all written performance reports and supporting data, including, but not limited to, indicators of student progress and growth for a teaching staff member as part of his or her personnel file. 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.

(h) The chief school administrator shall determine the duration of the 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 has made the observation and written evaluation, and the nontenured teaching staff member;

2. Be followed by both parties to such a conference signing the written 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.

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".

Case Notes

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 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 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 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:9-15.4(c) and 15.7(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 supervisor, or his or her designee, 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 post-observation conference, when required by 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, and data and evidence collected by the supervisor and/or the teaching staff member to determine progress between the time the corrective action plan began and the next annual summary conference, 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.

(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 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 before the annual summary conference. The mid-year evaluation shall include, at a minimum:

1. One observation in addition to the observations required in N.J.A.C. 6A:10-4.4 for the purpose of evaluation as defined in N.J.A.C. 6A:10-1.2 and described in N.J.A.C. 6A:10-4.4(a), the length of which shall be determined by the chief school administrator or the principal; and

2. One post-observation conference in addition to the observations required in N.J.A.C. 6A:10-4.4, as defined in N.J.A.C. 6A:10-1.2 and described in N.J.A.C. 6A:10-4.4(b), during which progress toward the teacher's goals outlined in the corrective action plan shall be reviewed.

(k) 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.

(l) 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 before the annual summary conference. The mid-year evaluation shall include, at a minimum:

1. One observation in addition to the observations required in N.J.A.C. 6A:10-5.4 for the purpose of evaluation as defined in N.J.A.C. 6A:10-1.2 and described in N.J.A.C. 6A:10-5.4; and

2. One post-observation conference in addition to the observations required in N.J.A.C. 6A:10-4.4 as defined in N.J.A.C. 6A:10-1.2, during which progress toward the principal, assistant principal, or vice principal's goals outlined in the corrective action plan shall be reviewed.

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

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:9-8 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:9-15.5.

(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:9-8.4.

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 determined through a teacher practice instrument and other measures described in N.J.A.C. 6A:10-4.3 and 4.4.

(c) Each measure shall be converted to a percentage weight so all measures make up 100 percent of the evaluation rubric. By April 15 prior to the school year the evaluation rubric applies, the Department shall provide on its website the required percentage weight of each measure. 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 40 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.

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

6A:10-4.2 Student achievement components

(a) Measures of student achievement shall be used to determine impact on student learning. The measures shall include the following components pursuant to (b) below and, when required by the Department, as described at N.J.A.C. 6A:10-4.1(c):

1. The median student growth percentile of all students assigned to a teacher, which shall be calculated as set forth in (c) below; and
 2. Student growth objective(s), which shall be specific and measurable, based on available student learning data, aligned to Core Curriculum Content Standards, and based on growth and/or achievement.
 - i. For teachers who teach subjects or grades not covered by the Core Curriculum Content 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, a maximum of three years of student growth percentiles may be used, including the academic year of the latest summative evaluation rating.
- (c) The Department shall calculate the median student growth percentile for teachers using students assigned to the teacher by the school district.
- (d) The Department shall periodically collect data that include, but are not limited to, component-level scores. 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