

**CHAPTER 10  
EDUCATOR EFFECTIVENESS**

**Authority**

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

**Source and Effective Date**

R.2013 d.046, effective March 4, 2013.  
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**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.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**6A:10-1.1 Scope and purpose**

(a) The rules in this chapter are intended to guide district boards of education in establishing district educator evaluation rubrics for the evaluation of teaching staff members' effectiveness to further the development of a professional corps of State educators. Thus, the purpose of the rules is to support a system that facilitates:

1. The continual improvement of instruction;

2. Meaningful differentiation of educator performance using four performance levels;

3. The use of multiple valid measures in determining educator performance levels, including multiple objective measures of student performance and multiple measures of professional practice;

4. The evaluation of educators on a regular basis;

5. The delivery of clear, timely, and useful feedback, including feedback that identifies needs and guides professional development; and

6. School district personnel decisions.

(b) The rules in this chapter 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 district educator 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.

**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:

“Accuracy” in scoring teacher observations means that evaluators’ scores are consistent with master coders and, therefore, evaluators assign the correct or accurate score to the teaching practices being observed. Correct scores must be obtained through a judgment process, most preferably with experts or master coders who complete a master-coding process and reach consensus on the final score, evidence, connection with the scoring guide and score level, and rationale.

“Annual performance report” means a written appraisal of the teaching staff member’s performance prepared by an appropriately certified supervisor that is used as part of the evaluation of the teaching staff member’s effectiveness.

“Annual summative evaluation rating” means an annual evaluation rating that is based on appraisals of educator practice and student performance, and that describes an educator’s performance in relation to a scale, scoring guide, or standard. The four summative performance categories — highly effective, effective, partially effective, and ineffective — differentiate performance from the most proficient to the least proficient, respectively.

“Appropriately certified personnel” means personnel qualified to perform duties of supervision, including, but not

limited to, the superintendent, assistant superintendent, principal, assistant principal, vice principal, and supervisor who hold the appropriate certificate and who are designated to serve in a supervisory role.

“Calibration” in the context of educator evaluation means a process to monitor the scoring of a trained evaluator to ensure the evaluator continues to apply an educator practice evaluation 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.

“District educator evaluation rubrics” mean a set of criteria, measures, and processes used to evaluate educators in a specific school district or local education agency. District educator evaluation rubrics consist of measures of professional practice and desired outcomes, together with criteria and processes for selection and development of the component measures and their implementation. Each district board of education will have an evaluation rubric specifically for teachers (called a district teaching evaluation rubric), another specifically for principals, assistant principals, and vice principals (called a district principal evaluation rubric), and evaluation rubrics for other categories of teaching staff members. District educator evaluation rubrics include educator practice evaluation instruments.

“District Evaluation Advisory Committee” means a committee whose purpose is to oversee and guide the planning and implementation of the district board of education’s evaluation policies and procedures as set forth in this subchapter.

“Educator practice evaluation instrument” means an assessment tool that provides: scales or dimensions that capture multiple and varied aspects of professional performance, which have been attested by knowledgeable practitioners or experts as useful and relevant in the content prior to use in assessing practice; differentiation of a range of professional performance as described by the score scales, which must be shown in practice and/or research studies; and objective validation on both concurrent and construct validity, meaning that there is explicit evidence that demonstrates a positive relationship between data from the instrument and desired results and outcomes as shown in practice or through a research process. Both the teaching practice evaluation instrument and the principal practice evaluation instrument are components of the district educator evaluation rubrics. An educator practice evaluation instrument must be either evidence-supported or research-based:

1. “Evidence-supported educator practice evaluation instrument” as it applies to the evaluation of teachers and principals means:

i. The instrument must have evidence of its functionality through the collection of data from practice; and

ii. The degree of evidence required is that of a positive relationship between data from the instrument and academic performance or learning outcomes.

2. “Research-based educator practice evaluation instrument” as it applies to the evaluation of teachers and principals means the instrument has been found to be valid for measuring the extent to which professional practice correlates with the desired outcomes through a research process whereby:

i. Studies have been completed using the current form of the instrument and have demonstrated the application of rigorous, systematic and objective procedures to obtain reliable and valid results; and

ii. The results have been published after professional peer review (and preferably blind review).

“Evaluation” means a process based on the individual’s job description, professional standards, and Statewide evaluation criteria that incorporates analysis of multiple measures of student progress and multiple data sources. Such evaluation shall include formal observations, as well as post conferences, conducted and prepared by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator certificate, principal certificate, or supervisor certificate.

“Expert judgment” means judgment based upon a specific set of criteria and/or expertise that has been acquired in a particular discipline or area of knowledge.

“Indicators of student progress and growth” means the results of formal and informal assessment of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

“Individual professional development plan” means a written statement of actions developed jointly by the teaching staff member and his or her supervisor to continue the teaching staff member’s professional growth and/or correct deficiencies. The individual professional development plan includes timelines for implementation and responsibilities of the individual teaching staff member and the district board of education for implementing the plan.

“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.

“Master coder” means an expert in evaluating all aspects of teaching practice as defined by a specific evaluation instrument whose scores, evidence, and rationales are treated as correct and form part of the operational definition of categories of practice on that instrument.

“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 teaching practice evaluation instrument or a principal practice evaluation instrument that appears on the Department’s list of Approved Educator Practice Evaluation Instruments.

“Objective” means a written statement of the intended outcome of a specific educational process.

“Observation” means an evaluation event for the purpose of formally collecting data on the performance of a teaching staff member’s assigned duties and responsibilities and that will be included in the determination of the annual summative evaluation rating. An observation is conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator certificate, principal certificate, or supervisor certificate.

“Observation conference” means a discussion between a supervisor and teaching staff member to review a written report of the performance data collected in a formal observation and their implications on the teaching staff member’s annual evaluation.

“Proof of mastery” in observing teaching practice means an evaluator has achieved a sufficient level of performance on an assessment of observation skills and scoring. The assessment to determine if an evaluator has achieved proof of mastery is typically given at the end of training on a teaching practice evaluation instrument, and verifies that an evaluator of teaching practice has learned to apply the teaching practice evaluation instrument to the requisite level of accuracy and consistency.

“Regularly certified, inexperienced first-year principal” means an individual who, prior to September 1, 1989, acquired a regular New Jersey school principal endorsement pursuant to N.J.A.C. 6A:9-12.5; has not previously held full-time employment as a principal, assistant principal, vice principal, or in another position for which the principal endorsement is required in New Jersey or elsewhere; and has been offered employment as principal, assistant principal, or vice principal in a New Jersey public school district.

“School Improvement Panel” means a school-level panel whose purpose is to ensure the effectiveness of its teachers by overseeing the mentoring of teachers, conducting evaluations of teachers, and identifying professional development opportunities for all instructional staff members. The panel includes the principal, or his or her designee, an assistant or vice-principal, and a teacher.

“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 evaluation instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

“Skills assessment” means a test designed to measure an individual’s proficiency at performing an activity.

“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 any appropriately certified individual assigned with the responsibility for the direction and guidance of the work of teaching staff members.

“Teaching practice evaluation instrument” means an instrument used to assess the competencies of teaching practice, as defined by New Jersey’s professional teaching standards pursuant to N.J.A.C. 6A:9. The components of an evaluation instrument include the scoring guide and accompanying definitions and/or descriptions of the scales and score levels used in assessing teaching practice. An evaluation instrument may also include more detailed representations of teaching practice such as indicators, attributes, or examples for each level.

“Teaching staff member” means a member of the professional staff of a 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 hold:

1. An instructional certificate (these teaching staff members are referred to as “teachers”);
2. An administrative certificate; and
3. An educational services certificate.

“Validity” means the extent to which evidence and theory support an interpretation of scores from a measurement instrument for a particular use of the instrument. In the context of evaluating educator practice, this means that the evidence gathered using the instrument supports correct and useful inferences and decisions about the effectiveness of the practice observed. The terms concurrent and construct validity capture more specific aspects of validity:

1. “Concurrent validity” means the degree to which one type of measure correlates well with another related measure that previously has been validated. When applied to a teaching practice evaluation instrument, concurrent validity means that higher instructional ratings as measured by the instrument are related to higher student learning achievement or gains as shown by collected data sets or research study results.

2. "Construct validity" means the degree to which an instrument measures what it is intended to measure. When applied to an educator practice evaluation instrument, construct validity means that the dimensions and categories described by the instrument are appropriate for measuring whether or not the practice is successful and that the dimensions are associated with each other in the ways anticipated and possibly related to other generally-accepted measures of professional effectiveness. In addition, the instrument shall sample from a sufficient range of professional actions to fully represent the set of desirable behaviors. The establishment of such claim must be attested by knowledgeable practitioners or experts in the content.

### 6A:10-1.3 Applicability of rules on collective bargaining agreements

The rules in this chapter shall not override any conflicting provisions of collective bargaining agreements in effect at the time of this chapter's enactment. The rules shall become operative only when such agreements expire.

### 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 from distributing at its discretion aggregate statistics regarding evaluation data.

## SUBCHAPTER 2. SUPERVISION OF TEACHING STAFF MEMBERS

### 6A:10-2.1 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) Such policy and procedures shall be developed by each district board of education after consultation with the chief school administrator and shall include, but not be limited to:

1. A 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 needs 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 is 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 working days after adoption.

(f) The annual summary conference between the district board of education, with a majority of the total membership of the board present, and the chief school administrator present, 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 April 30 by a majority of the total membership of

the district board of education and shall include, but not be limited to:

1. Performance areas of strength;
2. Performance areas 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 performance of the chief school administrator; and
5. Provision for performance data not included in the report to be entered into the record by the chief school administrator within 10 working days after the completion of the report.

(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 April 30 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. Such 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.

**6A:10-2.2 Evaluation of teaching staff members**

(a) Each district board of education shall meet the following requirements for the evaluation of teaching staff members upon March 4, 2013, 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.

- i. Members of the District Evaluation Advisory Committee must include representation from the following groups: teachers from each school level represented in the district; central office administrators overseeing the teacher evaluation process; supervisors, where available or appropriate, involved in teacher evaluation; and administrators conducting evaluations including a

minimum of one administrator conducting evaluations who participates on a School Improvement Panel, as defined in N.J.A.C. 6A:10-1.2. Members must also include the superintendent, a special education administrator, a parent, and a member of the district board of education.

- ii. The chief school administrator may extend membership on the District Evaluation Advisory Committee to representatives of other groups;

2. Adopt by December 31, 2012, as established by P.L. 2012, c. 26, § 17c, district educator evaluation rubrics that must include a district teaching practice evaluation rubric and a principal practice evaluation rubric. The teaching and principal practice evaluation rubrics must meet the following minimum standards:

- i. Four defined annual ratings: ineffective, partially effective, effective, and highly effective;

- ii. A provision requiring that the evaluation rubric be partially based on multiple objective measures of student learning that assess student growth over a period of time;

- iii. A provision that allows the district board of education, in grades in which a State test is not required, to determine the methods for measuring student growth;

- iv. A provision that multiple measures of practice and student learning be used in conjunction with professional standards of practice using a comprehensive evaluation process in rating effectiveness with specific measures and implementation processes;

- v. A provision that standardized assessments shall be used as a measure of student progress but shall not be the predominant factor in the overall evaluation of a teacher;

- vi. A provision that the rubric be based on the professional standards for that employee;

- vii. A provision ensuring that performance measures used in the rubric are linked to student achievement;

- viii. A requirement that the employee receive multiple observations during the school year, which shall be used in evaluating the employee;

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

- x. An opportunity for the employee to improve his or her effectiveness from evaluation feedback;

- xi. A process for training and demonstrating competence on using the educator practice evaluation instrument to support its implementation;
- xii. A process for ongoing monitoring and calibration of the evaluators to ensure that the observation protocols are being implemented correctly and consistently;
- xiii. A performance framework, associated evaluation tools, and observation protocols, including training and evaluator calibration resources; and
- xiv. A process for ensuring that the results of the evaluation help to inform instructional development;
3. Adopt, as part of the district educator evaluation rubrics, both teacher and principal practice evaluation instruments that are approved by the district board of education and that appear on an approved list provided by the Department.
- i. The teaching practice evaluation instrument that is approved by the Department shall meet the following criteria:
- (1) It is a research-based or evidence-supported teaching practice observation instrument as defined in N.J.A.C. 6A:10-1.2;
  - (2) It includes domains of professional practice that align to the New Jersey Professional Standards for Teachers pursuant to N.J.A.C. 6A:9-3;
  - (3) It includes scoring guides for assessing teaching 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 must:
    - (A) Clearly define the expectations for each rating category;
    - (B) Provide a conversion to the four rating categories established pursuant to N.J.A.C. 6A:10-1.2: highly effective, effective, partially effective, and ineffective;
    - (C) Be applicable to all grades and subjects; or to specific grades and/or subjects if designed explicitly for the grades and/or subjects; and
    - (D) Use clear and precise language that facilitates common understanding among teachers and administrators;
  - (4) The instrument shall 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
  - (5) The instrument must include descriptions of any specific training and implementation details required for the instrument to be effective.
- ii. The principal practice evaluation instrument that is approved by the Department shall meet the following criteria:
- (1) It is a research-based or evidence-supported principal practice observation instrument as defined in N.J.A.C. 6A:10-1.2;
  - (2) It incorporates 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](http://www.ccsso.org/documents/2008/educational_leadership_policy_standards_2008.pdf);
  - (3) It includes rubrics that distinguish among a minimum of four levels of performance;
  - (4) It is based on multiple sources of evidence collected throughout the year;
  - (5) It incorporates evidence from a minimum of two school site-based observations of principals' practice per year for tenured principals and a minimum of three per year for nontenured principals;
  - (6) It includes an assessment of progress from at least one individual, school, and/or district performance goal related to professional practice;
  - (7) It incorporates feedback from teachers and/or other stakeholder groups as deemed appropriate for individual, school, or district performance goals;
  - (8) It incorporates an assessment of the principal's leadership for implementing a rigorous curriculum and assessments aligned to the Core Curriculum Content Standards;
  - (9) It incorporates an assessment of the principal's leadership for high-quality instruction;
  - (10) It includes an assessment of the principal's performance in evaluating teachers; and
  - (11) It includes an assessment of the principal's support for teachers' professional growth;
4. Adopt procedures for applying the educator evaluation instruments.
- i. The procedures for applying the teaching practice evaluation instrument shall include the following:
- (1) Provision of training and resources that result in evaluators of teaching practice who are accurate and consistent in using the teaching practice evaluation instrument;
  - (2) Provision of at least one skills assessment, as defined in N.J.A.C. 6A:10-1.2, that allows an evaluator of teaching practice to demonstrate proof of mastery on the instrument;

(3) Calibration of evaluators of teaching practice at least once per year to ensure continued accuracy and consistency in ratings;

(4) Provision of on-going support and resources about the evaluation instrument for all teaching staff members serving in job titles that require an instructional certificate issued pursuant to N.J.A.C. 6A:9-8 or 6A:9-11, including professional learning opportunities on the instrument and its implementation;

(5) A component or process that provides opportunities for a teacher to reflect on his/her own practice;

(6) Opportunities to build capacity at the school district level for evaluators of teaching practice, such as the implementation of train-the-trainer modules, refresher courses for school district trainers and/or access to video banks of teaching practice exemplars; and

(7) The collection of data elements from the implementation of the teaching practice evaluation instrument and store such data in an accessible and usable format. Data elements shall include, but not be limited to, observation scores or evidence, proof of mastery and success in calibration.

ii. The procedures for applying the principal practice evaluation instrument shall include the following:

(1) Required training on the principal practice evaluation instrument for all district- and school-level administrators, including, but not limited to, superintendents, assistant superintendents, directors, mentors, and other administrative staff responsible for evaluating or supporting principals; and all principals, vice/assistant principals, and supervisors;

(2) Rigorous and comprehensive training on the principal practice evaluation instrument and its application must be provided prior to October 31, 2013;

(3) Administrators who will evaluate principals must earn certificates or statements of assurances that the evaluators have completed training on the instrument and its application and have demonstrated that they can apply the principal performance evaluation instrument accurately and consistently; and

(4) The collection of data elements from the implementation of the principal practice evaluation instrument and store such data in an accessible and usable format. Data elements shall include, but not be limited to, observation scores or evidence, proof of mastery, and success in calibration;

5. Establish by March 4, 2013, a School Improvement Panel that includes the principal, or his or her designee, an assistant or vice-principal, and a teacher. The panel should

be convened by October 1 of each subsequent year. The membership of the panel may change from year to year but shall include the roles noted above. The purpose of the panel is to ensure the effectiveness of its teachers. The panel shall:

i. Oversee the mentoring of teachers;

ii. Conduct evaluations of teachers, including an annual summative evaluation, provided that the teacher on the school improvement panel shall not be included in the evaluation process, except in those instances in which the majority representative has agreed to the contrary;

iii. Conduct a mid-year evaluation of any employee in the position of teacher who is evaluated as ineffective or partially effective in his or her most recent annual summative evaluation, provided that the teacher on the school improvement panel shall not be included in the mid-year evaluation process, except in those instances in which the majority representative has agreed to the contrary; and

iv. Identify professional development opportunities for all instructional staff members that are tailored to meet the unique needs of the students and staff of the school;

6. Complete training on the adopted teaching practice observation instrument by July 1, 2013 for teaching staff members serving in job titles that require an instructional certificate issued pursuant to N.J.A.C. 6A:9-8 or 6A:9-11. Teaching staff members hired after May 1, 2013 shall be trained prior to August 31, 2013. Training shall include detailed descriptions of all aspects of the teaching practice evaluation instrument, as well as detailed and concrete descriptions of applied instrument use. The chief school administrator may allow training for anyone considered a stakeholder by the chief school administrator or the district board of education;

7. Complete training by August 31, 2013 to all appropriately certified personnel pursuant to N.J.A.C. 6A:9 who will be observing teaching practice using the adopted teaching practice evaluation instrument. Evaluators hired after August 31, 2013 must complete training prior to observing teaching practice. A district board of education shall:

i. Provide training that is rigorous, comprehensive, and sufficient to result in evaluators of teaching practice who can demonstrate proof of mastery;

ii. Provide training to new employees who join the school after the beginning of the school year;

iii. Provide Department employees with access to evaluator training; and

iv. Create processes for both disqualification and subsequent opportunity for remediation for an evaluator

of teaching practice who does not meet the accuracy and consistency requirements at either the proof of mastery or calibration steps; and

8. Report to the Department by March 4, 2013 and August 31, 2013 on the progress of implementation of the requirements set forth in this section, on a Commissioner-prescribed form.

### **6A:10-2.3 Evaluation of tenured teaching staff members**

(a) Each district board of education shall adopt policies and procedures requiring the annual evaluation of all tenured teaching staff members by appropriately certified personnel (see N.J.A.C. 6A:9, Professional Licensure and Standards).

(b) The purpose of the annual evaluation shall be to:

1. Promote professional excellence and improve the skills of teaching staff members;
2. Improve student learning and growth; and
3. Provide a basis for the review of performance of tenured teaching staff members.

(c) Evaluation policies and procedures shall be developed under the direction of the school district board of education's chief school administrator in consultation with tenured teaching staff members and shall include, but not be limited to:

1. Roles and responsibilities for implementation of evaluation policies and procedures;
2. Development of job descriptions and evaluation criteria based upon school district goals, program objectives, instructional priorities, 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, observation of classroom instruction;
4. Observation conference(s) between the supervisor and the teaching staff member;
5. Provision for the use of additional appropriately certified personnel where it is deemed advisable;
6. Preparation of individual professional development plans; and
7. Preparation of an annual written performance report by the supervisor and an annual summary conference between the supervisor and the teaching staff member.

(d) The evaluation policies shall be distributed to each tenured teaching staff members no later than October 1 annually. Amendments to the policy shall be distributed within 10 working days after adoption.

(e) 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. Performance of the teaching staff member based upon the job description;
2. Progress of the teaching staff member toward the objectives of the individual professional development plan developed at the previous annual conference;
3. Available indicators of student progress and growth toward the program objectives; and
4. Annual written performance report and the signing of said report within five working days of the review.

(f) The annual written performance report shall be prepared by a certified supervisor who has participated in the evaluation of the teaching staff member and shall include, but not be limited to:

1. Performance areas of strength;
2. Performance areas needing improvement based upon the job description;
3. An individual professional development plan developed by the supervisor and the teaching staff member;
4. A summary of available indicators of student progress and growth, and a statement of how these indicators relate to the effectiveness of the overall program and the performance of the individual teaching staff member; and
5. Provisions for performance data not included in the report prepared by the supervisor to be entered into the record by the evaluatee within 10 working days after the supervisor's signing of the report.

(g) The provisions of this section are the minimum requirements for the evaluation of tenured teaching staff members.

(h) 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 tenured teaching staff member as part of his or her personnel file. Such 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.

### **6A:10-2.4 Evaluation of nontenured teaching staff members**

(a) Each district board of education shall adopt a policy for the supervision of instruction, setting forth procedures for the observation and evaluation of all nontenured teaching staff members. Such policy shall be distributed to each teaching staff member at the beginning of his or her employment.

(b) The purpose of this procedure for the observation and evaluation of nontenured teaching staff members shall be to improve professional competence, identify deficiencies, extend assistance for the correction of such deficiencies, provide a basis for recommendations regarding reemployment, and improve the quality of instruction received by the students served by the public schools.

(c) Each policy for the supervision of instruction shall include, in addition to those observations and evaluations described in this chapter, an annual written evaluation of the nontenured teaching staff member's total performance as an employee of the district board of education, including, but not limited to:

1. Performance areas of strength;
2. Performance areas needing improvement based upon the job description and the evaluation regulations set forth in this chapter;
3. An individual professional development plan developed by the supervisor and the teaching staff member; and
4. A summary of indicators of student progress and growth, and a statement of how the indicators relate to the overall program effectiveness and the performance of the individual teaching staff member.

(d) Each of the three observations required pursuant to N.J.S.A. 18A:27-3.1 shall:

1. Be conducted for a minimum duration of one class period in a secondary school, and for one complete subject lesson in an elementary school;

2. Be followed within 10 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;

3. Be followed by both parties to such a conference signing the annual written performance report and retaining a copy for his or her records; and

4. Allow the nontenured teaching staff member to submit his or her written disclaimer of such evaluation within 10 days following the conference and such disclaimer shall be attached to each party's copy of the annual written performance report.

(e) 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 nontenured teaching staff member as part of his or her personnel file. Such 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.

**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).