



## Summary of Legal Requirements for Principal Evaluation and Tenure Cases

The [TEACHNJ Act](#) outlines a process for filing inefficiency charges for principals and assistant/vice principals (APs/VPs)<sup>1</sup> under the state evaluation system (AchieveNJ). This guide outlines the actions required in law before bringing an inefficiency tenure charge based on the new tenure revocation process, including the following elements:

- A. [Minimum Requirements to Ensure Compliance with Evaluation Procedures](#)**
  - I. [Principal Practice Requirements](#)
  - II. [Student Achievement Requirements](#)
  - III. [Summative Evaluation Requirements](#)
  - IV. [Corrective Action Plan \(CAP\) Requirements](#)
  - V. [Confidentiality of Evaluation Information](#)
- B. [Requirements for Filing an Inefficiency Tenure Charge](#)**
- C. [Streamlined Tenure Revocation Process](#)**

### A. Minimum Requirements to Ensure Compliance with Evaluation Procedures

Districts must ensure the following evaluation procedures are followed (at a minimum) prior to filing an inefficiency tenure charge. Failure to adhere to these requirements can result in the tenure charge being dismissed.

#### I. Principal Practice Requirements for Tenured Principals/APs/VPs (N.J.A.C. 6A:10-5.4)

- Observation Frequency:**
  - Two per year, may include (but not limited to)
    - building walk-through
    - staff meeting observation
    - parent conference observation, or
    - case study analysis of a significant student issue
  - District has discretion to decide if additional observations (beyond the two required) will occur
- Post-conference:**
  - Follows every observation within 15 work days
  - Principal and supervisor/observer discuss data and evidence collected from observation, as well as additional evidence brought to the conference related to the district’s principal practice instrument and the principal’s Professional Development Plan (PDP) or progress on a Corrective Action Plan (CAP), where applicable.
  - With consent of observed principal not on CAP, the Post-Conference may be conducted via written (including electronic) communication.
  - One of the required two may be combined with the principal’s annual summary conference, as long as it occurs within 15 working days following the observation.
- Observation Report:**
  - One report required per observation, signed (electronically or on paper) by the supervisor who conducted the observation/post-observation and the observed principal
  - The principal may attach a written objection within 10 work days
- Observers:**
  - Must be the chief school administrator or designee
  - Must possess an administrative certificate (principal endorsement if observing a vice or assistant principal or administrator endorsement, if observing a principal)
- Observations for Principals on a CAP:**
  - At least one extra observation/post-conference (N.J.A.C. 6A:10-5.4e)
- Optional Evaluation Leadership Requirements**

**DEPARTMENT RECOMMENDATION**  
Where districts have discretion, they notify all teaching staff members of observation policies and procedures and implement those policies and procedures as consistently as possible.

<sup>1</sup> The remainder of this document applies to principals, APs, and VPs alike but uses the term “principals” (rather than principals/APs/VPs) for brevity’s sake.

- If the Evaluation Leadership Rubric is in use, all principals must receive a 1.0-4.0 score capturing their success in meeting requirements outlined on state Evaluation Leadership Instruments posted and updated annually at <http://www.nj.gov/education/AchieveNJ/principal/>

## II. Student Achievement Requirements for Tenured Principals (N.J.A.C. 6A:10-5.2)

### Student Growth Percentiles (SGPs):

- Principals receiving a schoolwide median SGP (mSGP) score must be assigned to a school as of October 15 where SGPs are available for students in one or more grades. If employed in more than one school, the chief school administrator shall assign to the principal, as appropriate, the schoolwide mSGP from one school and notify the principal of such assignment at the beginning of the year.

#### NOTES ON SGP

- SGPs are available for 4th-8th-grade Language Arts Literacy (LAL) and/or 4th-7th-grade Mathematics (as of 2014-15, SGP will not be calculated for 8th-grade Math).
- The Department calculates schoolwide principal mSGPs using each school district's staff submission through NJ SMART
- More information is located at <http://www.nj.gov/education/AchieveNJ/teacher/percentile/principalmSGPuserguide.pdf>

### Administrator Goals:

- All principals set 1-4 Administrator Goals as determined by the superintendent to reflect the achievement of a significant number of students within the school.
- *Principals only* develop the goals and criteria for assessing performance in consultation with their supervisor by October 31 each year or within 20 work days of the start date (if after October 1).
- *APs and VPs* set goals specific to their job descriptions or adopt the same goals as their principals.
- The Administrator Goal score will be calculated and, if available, discussed at the annual summary conferences and recorded in the personnel file.
- If the principal and supervisor do not agree on the Administrator Goal score, the supervisor makes the final determination.

### Student Growth Objectives (SGOs):

- All principals receive the average of all assigned teachers' SGO scores as one evaluation measure.
- The principal must consult with the AP/VP prior to the school year start to determine which teachers (if not all) will be linked to that AP/VP's average SGO score.
- If the AP/VP does not agree with the list of teachers linked to the average SGO score, the principal makes the final determination.

## III. Summative Evaluation Process (N.J.A.C. 6A:10-2.4)

### Annual Summary Conference:

- Must occur on or before June 30 between the principal and supervisor/designee to review the following:
  - The principal's performance in relation to the district's principal job descriptions and evaluation rubric, which includes the evaluation of observations and practice based on the principal practice instrument, optional evaluation leadership rubric, administrator goals, SGOs, and mSGP, when applicable.
  - Progress toward meeting goals set in the principal's PDP or, when applicable, the CAP.
  - The principal's summative evaluation rating, if available.
  - The principal's preliminary annual written performance report.
  - Review of this year's PDP<sup>2</sup> and preparation for next year's plan. When applicable, begin developing CAP<sup>2</sup> for the following year.

### Annual Written Performance Report:

- Must be prepared by the principal's supervisor/designee and include summative rating or available data;
- Required by the end of the school year and must be updated with summative evaluation rating when available, if later than end of school year;
- Should include the principal's score on the principal practice instrument, optional evaluation leadership rubric, average SGOs, and administrator goal score, if available (even if the mSGP score is not yet available); and

<sup>2</sup> Aligned CAP, PDP and SGO deadline is October 31

- Must be signed by principal and supervisor/designee within five working days of review.
- **Summative Evaluation Rating:** A numerical score based on all measures of a principal’s evaluation rubric (principal practice, optional evaluation leadership, administrator goals, average SGO score, and mSGP, where applicable) that correlates with one of four ratings: ineffective, partially effective, effective, and highly effective.  
(Note: progress on PDP or CAP is not a component of the rating)
  - District calculates the rating for all non-SGP principals;
  - For SGP principals, the district must submit through NJ SMART the principal’s practice component scores. Using district-reported data, the Department will calculate the mSGP score and the summative rating (upon receiving this data from the Department, districts should update personnel files to reflect summative ratings).

#### IV. Corrective Action Plan (CAP) Requirements (N.J.A.C. 6A:10-2.5)

- **Development:**
  - Required for all staff members who are rated ineffective or partially effective on their last annual summative evaluation;
  - Replaces the principal’s PDP from the time of that annual summary conference to the next; and
  - Must be developed collaboratively by the principal and supervisor/designee.
- **Deadline for Development:**
  - If the summative evaluation rating is calculated before the end of the school year, the CAP must be developed before the following October 31 and may be developed at the time of the annual summary conference.
  - If an Ineffective or Partially Effective summative evaluation rating is received after the start of the following school year, the CAP must be developed within 15 working days of the district’s receipt of the rating<sup>3</sup>.
- **Observations:**
  - An additional observation with multiple observers is required when a principal is on a CAP
- **Mid-year evaluation**
  - May be combined with a post-observation conference.
  - If a CAP was created on or prior to September 15, the mid-year evaluation or extra observation must be completed by February 15.
  - If CAP was created after September 15, the mid-year evaluation or extra observation must occur midway between the development of the CAP and the next annual summary conference.
- **Content:**
  - Description of the principal’s deficiencies with specific, demonstrable goals for improvement;
  - Timelines for corrective action; and
  - Responsibilities of the individual teaching staff member and the district, including actions and professional learning activities to improve the staff member’s performance.

**DEPARTMENT GUIDANCE**  
 Additional guidance and templates for the CAP can be found at  
<http://www.nj.gov/education/profdev/ipdp/>

#### V. Confidentiality of Evaluation Information (N.J.S.A. 18A:6-120)

- **Protection of evaluation data**
  - Under the *TEACHNJ Act*, “information related to the evaluation of a particular employee shall be maintained by the school district, shall be confidential, and shall not be accessible to the public.”

#### B. Requirements for Filing an Inefficiency Tenure Charge

Requirements for a superintendent **to file** an inefficiency tenure charge with the district board of education\* are shown in the chart below:

<sup>3</sup>For principals receiving an mSGP score, the Department defines “district’s receipt of rating” as the date on which summative ratings were made available to districts, which as of 2016-17, will be through the Evaluation Score Certification Tool.

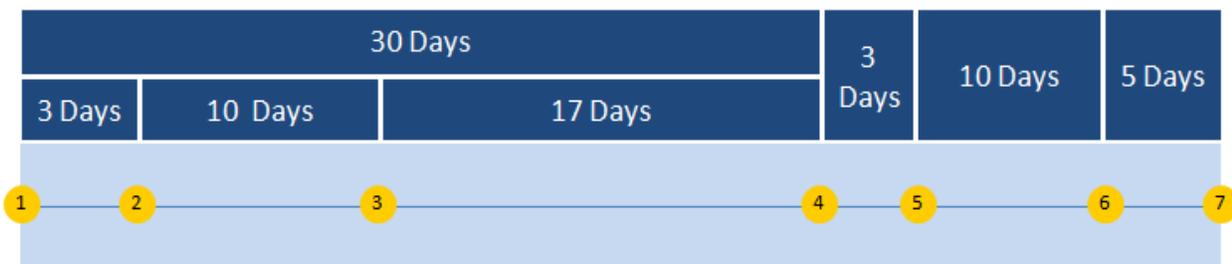
Year A Rating	Year B (Consecutive) Rating	Action
Ineffective	Ineffective	The superintendent <b>must</b> file a charge of inefficiency
Partially Effective	Ineffective	
Ineffective	Partially Effective	The superintendent <b>may file</b> a charge of inefficiency or <b>may defer</b> by filing written evidence of exceptional circumstances. After the following summative evaluation (i.e., the third consecutive), the superintendent <b>shall file</b> a charge of inefficiency if the rating is Ineffective or Partially Effective.
Partially Effective	Partially Effective	

*\*In certain districts run by the state, the entity could be the state district superintendent.*

### C. Tenure Revocation Process

Following two years of ratings that trigger a charge of inefficiency, the superintendent must file the charge with the district board of education.\* The charge will proceed in accordance with the procedures in the *TEACHNJ* Act and *N.J.A.C. 6A:3-5*, including the steps depicted and outlined below:

#### Tenure Revocation Process



- **Step 1:** The superintendent files the tenure charge with the secretary of the district board of education.\*
- **Step 2:** The tenured principal charged with inefficiency is notified **within 3 working days** of the date filed.
- **Step 3:** The tenured principal may refute the charge by submitting a written statement under oath demonstrating how the school district failed to comply with the evaluation procedures to the district board of education or state district superintendent within 10 calendar days of receipt of the tenure charges.
- **Step 4:** The district board of education\* forwards a written charge to the Commissioner within 30 calendar days of the filing, unless the district board of education or superintendent determines the evaluation process has not been followed. Such determination must be made by a majority vote of the district board of education’s full membership.\*
- **Step 5:** The Commissioner will examine the charge and at the same time the charge is forwarded to the Commissioner, the district board of education again must notify the tenured employee of the charge.
- **Step 6:** The tenured principal may file a response to the charge with the Commissioner within 10 calendar days.
- **Step 7:** The Commissioner will assign an arbitrator within five days of the employee’s deadline to submit a written response.

*\*In certain districts run by the state, the entity could be the state district superintendent*

Arbitrators may only consider the following circumstances in rendering a decision:

- Whether the evaluation **failed to adhere to the evaluation process including the Corrective Action Plan**;
- If there is a **mistake of fact** in the evaluation;
- If the charges **would not have** been brought but for considerations of **political affiliation, nepotism, union activity, discrimination, or other conduct**; or
- **Whether the charge is arbitrary or capricious.**

If the employee is able to demonstrate that any of the above circumstances occurred, the arbitrator will then determine if that fact materially affected the outcome of the evaluation. If the fact did not materially affect the outcome, the arbitrator will render a decision in favor of the board and the employee will be dismissed.

At all levels of review, the deciding entity must determine whether the district followed the proper procedural requirements as established by the district, the *TEACHNJ Act*, and subsequent regulations.

## For More Information

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- View the current regulations for educator evaluation at <http://www.state.nj.us/education/code/current/title6a/chap10.pdf>.
- View the *TEACHNJ Act* at <http://www.njleg.state.nj.us/2012/Bills/PL12/26 .PDF>.
- View the [Summary of Legal Requirements for Teacher Evaluation and Tenure Cases](#)
- Visit the AchieveNJ website at [www.nj.gov/education/AchieveNJ](http://www.nj.gov/education/AchieveNJ).
- Questions or feedback? E-mail [educatorevaluation@doe.state.nj.us](mailto:educatorevaluation@doe.state.nj.us), or call the AchieveNJ Help Line at 609-777-3788.