

Proposed Readoption with Amendments at N.J.A.C. 6A:10, Educator Evaluations

The following is the accessible version of the proposed readoption with amendments at N.J.A.C. 6A:10. The second discussion level document includes three sections – [comments and responses](#), a [summary of the rulemaking](#) and the [text of the rules proposed for readoption and the proposed amendments](#).

**State Board of Education
Administrative Code
Comment/Response Form**

This comment and response form contains comments received since the September 9, 2026, meeting of the State Board of Education when the rulemaking was considered at First Discussion Level.

Topic:	Educator Evaluation	Meeting Date:	October 7, 2026
Code Citation:	N.J.A.C. 6A:10	Level:	Second Discussion
Division:	Academic Services	Completed by:	Office of Educator Effectiveness

Summary of Comments and Agency Responses:

The following is a summary of the comments received from members of the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

No comments have been received.



Second Discussion
October 7, 2026

State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

MIKIE SHERRILL
Governor

DR. LILY LAUX
Commissioner

To: Members, State Board of Education

From: Dr. Lily Laux, Commissioner

Subject: N.J.A.C. 6A:10, Educator Effectiveness

Reason For Action: Readoption with Amendments

Authority: N.J.S.A. 18A:4-15 and 18A:6-117 et seq.; P.L. 2012, c. 26; P.L. 2024, c. 14; and P.L. 2025, c. 79

Sunset Date: July 6, 2027

Summary

The Department of Education (Department) proposes to readopt with amendments N.J.A.C. 6A:10, Educator Effectiveness. The chapter, which establishes the system of evaluation for teachers, principals, assistant principals, vice principals, and other certificated staff, is scheduled to expire on July 6, 2027. The chapter provides the requirements for the evaluation of teaching staff members' effectiveness to further the development of a professional corps of State educators and to increase student achievement.

In schools, teachers and leaders have the greatest influence on student learning. For this reason, the Department remains committed to the goal of providing every New Jersey student with an effective teacher. While no one factor in isolation will ensure that this goal is met, effective evaluation systems and high-quality performance feedback enhance teacher and leader development and practice, which then helps to advance student achievement.

This chapter implements the requirements of the Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) Act (P.L. 2012, c. 26), which established a uniform system of educator evaluation rubrics designed to improve student achievement by increasing the effectiveness of the educator workforce. The primary purpose of the existing rules is to ensure that all teaching staff members receive regular, data-driven assessments of their professional practice, fostering a professional corps of educators.

The chapter was adopted as new rules in March 2013, and amended in October 2013, November 2014, and February 2017. The chapter was readopted with amendments, effective July 2020.

The proposed amendments that accompany this readoption of N.J.A.C. 6A:10 represent a strategic evolution of the Department’s educator evaluation framework. Grounded in the findings of the [2024 Governor’s Task Force on Educator Evaluation](#) and the subsequent [2025 Evaluation Working Group](#), the Department seeks to modernize the regulatory landscape for educator evaluations. The proposed amendments will shift the rules toward a performance-based system that prioritizes instructional feedback, professional growth, and a more direct connection between evaluation results and professional development planning, thereby leading to growth of the educator.

As part of this readoption, the Department proposes amendments to streamline and clarify rules, procedures, and operations, and align the chapter to provisions throughout Title 6A of the New Jersey Administrative Code and Title 18A of the New Jersey Statutes. The Department also proposes throughout the chapter to delete rules that were effective during a limited timeframe or reference defunct programs.

The following summarizes the chapter’s provisions and the proposed amendments, repeals, and new rules. Unless otherwise specified, the proposed amendments are to update terminology and remove gendered nouns and pronouns in this chapter, or are for style, clarity, or grammatical improvement.

Subchapter 1. General Provisions

N.J.A.C. 6A:10-1.1 Purpose and scope

This section establishes the chapter’s purpose, which provides the minimum requirements for rubrics for the evaluation of teaching staff members' effectiveness. The purpose of the rules is to support a system that facilitates, among other things, the continual improvement of instruction and the delivery of clear, timely, and useful feedback, including feedback that identifies areas for growth and guides professional development.

The Department proposes to amend N.J.A.C. 6A:10-1.1(a)5, which states that one purpose of the chapter is to support a system that facilitates “[d]elivery of clear, timely, and useful feedback, including feedback that identifies areas for growth and guides professional development.” The Department proposes to replace “Delivery of” with “Collaborative dialogue resulting in” to change the delivery of feedback so it increases the observed educators’ ownership of, and engagement in, their professional trajectory, as well as improves the practical application of the feedback provided.

The Department proposes to amend N.J.A.C. 6A:10-1.1(b), which states that the chapter applies to all public schools, except for charter schools because N.J.A.C. 6A:11, Charter Schools, contains the evaluation rules for charter schools. The rule also states that the evaluation system in charter schools is subject to the review and approval of the Office of Charter Schools. The Department proposes to add renaissance school projects since they follow the same evaluation process as charter schools, pursuant to N.J.S.A. 18A:36C-7.h, and to correct the name of the Office of Charter and Renaissance Schools.

N.J.A.C. 6A:10-1.2 Definitions

This section establishes definitions relevant to the chapter.

The Department proposes to amend the term “announced observation” and its definition to delete the references to “observation” to align with the terminology used throughout the chapter. The same amendments are proposed to “unannounced observation.”

The Department proposes to amend the second sentence of the definition of “annual summative evaluation rating” to change the reference to four summative “performance” categories to “rating” categories to align with the TEACHNJ Act.

The Department proposes adding a definition for a “comprehensive strategy session,” to mean “a targeted planning conference that is between a teaching staff member and the teaching staff member’s designated supervisor and that explicitly aligns the professional goals found in the individual professional development plan or corrective action plan with specific indicators of the educator practice instrument.” This definition introduces a specialized planning conference designed to provide targeted support and collaborative goal-setting for novice educators and for educators on a corrective action plan.

The Department also proposes to replace the existing definition for “evaluation” with “as that term as defined at N.J.S.A. 18A:6-119” to ensure alignment with the statutory definition.

The Department proposes to replace the term “student growth objective” (SGO) with “measures of student learning.” The Department also proposes the new definition as follows: “a metric of student achievement or growth derived directly from the district board of education-approved curriculum and aligned to the New Jersey Student Learning Standards for the grade level or course. In accordance with the definition of ‘multiple objective measures of student learning’ at N.J.S.A. 18A:6-119, such measures may include, but are not limited to, teacher-set goals for student learning; student performance assessments, including portfolio projects, problem-solving protocols, and internships; teacher-developed assessments; standardized assessments; and school district-established assessments.” This definition aligns with the TEACHNJ Act definition for “multiple objective measures of student learning.” The proposed term will serve as the requirement for all teachers in satisfying the student achievement requirement of the TEACHNJ Act and will replace “student growth objective” (SGO) throughout the chapter. The proposed change will shift the focus from achievement measures based on predictive models to measures that are more authentically integrated into curriculum and essential New Jersey Student Learning Standards (NJSLS), thereby providing a more flexible and instructionally relevant assessment of student growth.

The Department proposes to amend the definition of “observation” to replace “as defined in N.J.A.C. 6A:9-2.1” with “set forth at N.J.A.C. 6A:9B-12” because the school administrator, principal, and supervisor endorsements are not defined at N.J.A.C. 6A:9-2.1.

The Department proposes to amend the definition of “supervisor,” which means, in part, an appropriately certified teaching staff member, as defined in N.J.S.A. 18A:1-1, to delete the statutory reference because “teaching staff member” is defined in the section.

The Department proposes to amend the definition of “teacher,” which means, in part, a teaching staff member who holds the appropriate standard, provisional, or emergency instructional certificate, to delete “emergency” because emergency certificates for teaching positions no longer are issued.

N.J.A.C. 6A:10-1.3 Applicability of rules on collective bargaining agreements

This section establishes that the chapter’s requirements do 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. The section also prohibits collective bargaining agreements entered into after July 1, 2013, from conflicting with the educator evaluation system established

pursuant to the chapter or any other specific statute or regulation. The prohibition also applies to topics subject to bargaining involve matters of educational policy or managerial prerogatives.

The Department proposes to delete the first sentence and “entered into after July 1, 2013” in the second sentence because collective bargaining agreements and employment contracts entered into before that date have expired.

N.J.A.C. 6A:10-1.4 Educator evaluation data, information, and annual performance reports

This section establishes that all information contained in annual performance reports and all information collected, compiled, and/or maintained by district board of education employees for the purpose of evaluation are confidential and not subject to public inspection pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. The section also states that nothing in the section shall be construed as prohibiting the Department or a school district from collecting evaluation data or distributing aggregate statistics regarding evaluation data.

Subchapter 2. Evaluation of Teaching Staff Members

N.J.A.C. 6A:10-2.1 Evaluation of teaching staff members

This section identifies the requirements for the annual adoption of evaluation instruments.

The Department proposes to amend N.J.A.C. 6A:10-2.1(c), which requires evaluation rubrics to be submitted to the Commissioner by August 1 for approval by August 15 of each year, to clarify that the chief school administrator is responsible for annually submitting the rubrics.

N.J.A.C. 6A:10-2.2 Duties of district boards of education

This section identifies the requirements for each district board of education for the annual evaluation of teaching staff members.

The Department proposes to amend the N.J.A.C. 6A:10-2.2(a)5 to delete the requirement for the School Improvement Panel to be “established annually by August 31 and to carry out the duties and functions described in N.J.A.C. 6A:10-3.2” because N.J.A.C. 6A:10-2.2 concerns district board of education duties, and the panel’s duties are distinct from those of the district board of education.

The Department proposes to amend the second sentence at N.J.A.C. 6A:10-2.2(b)1, which requires detailed descriptions for training, to add “for new teaching staff” after “[t]raining” to distinguish the training requirements for new teaching staff versus training requirements for all teaching staff referenced in the first sentence.

The Department proposes to amend the first sentence at N.J.A.C. 6A:10-2.2(b)2 to require the more thorough training for supervisors conducting evaluations of teaching staff members for the first time to include “ensuring calibration” to establish consistency, fairness, and reliability across all teacher evaluations by ensuring that different supervisors apply the same standards and rubrics in the same way, regardless of the evaluator. The Department also proposes to add that the requirement is for supervisors who will conduct evaluations in the school district for the first time to clarify that the requirement is not only for supervisors who will be evaluating for the first time in their careers. The Department further proposes to add “for

supervisors who will evaluate teaching staff members in the school district for the first time” in the second sentence to clarify the training requirements does not apply to all supervisors.

In addition, the Department proposes to amend N.J.A.C. 6A:10-2.2(b)3i, which requires co-observers to use the co-observation to promote accuracy and consistency in scoring, to add “perform the calibration” as a necessary step of the co-observation process. The proposed amendment will establish consistency, fairness, and reliability across all teacher evaluations, ensuring that different supervisors apply the same standards and rubrics in the same way, regardless of the evaluator.

The Department proposes to amend N.J.A.C. 6A:10-2.2(b)3ii to delete the cross-reference to N.J.A.C. 6A:10-4.3 because the section addresses the teacher practice component of the evaluation but does not apply to observers.

The Department proposes to amend N.J.A.C. 6A:10-2.2(b)4, which requires the annual certification that supervisors conducting observations of teaching staff members have completed rubric training and demonstrated competency in applying the rubrics, to require the supervisors to have “participated in calibration sessions” to demonstrate competency. The proposed amendment will establish consistency, fairness, and reliability across all teacher evaluations, ensuring that different supervisors apply the same standards and rubrics in the same way, regardless of the evaluator.

N.J.A.C. 6A:10-2.3 District Evaluation Advisory Committee

This section establishes the composition of the District Evaluation Advisory Committee (DEAC). The DEAC’s purpose is to oversee and guide the planning and implementation of the district board of education’s evaluation policies and procedures. DEACs became optional beginning in 2018-2019.

The Department proposes new N.J.A.C. 6A:10-2.3(a) to require district boards of education to reestablish DEACs for two school years to ensure the successful local implementation of the proposed amendments, upon adoption. After the two school years, the DEAC will once again be an optional committee. The proposed subsection also will require DEACs utilized after the required two school years to operate in accordance with the section.

The Department proposes to recodify existing N.J.A.C. 6A:10-2.3(a) as new N.J.A.C. 6A:10-2.3(b). The Department also proposes to amend the subsection to list the required membership at new N.J.A.C. 6A:10-2.3(b)1 through 5. The Department also proposes to no longer require DEAC membership to include a special education administrator, a parent, and a member of the district board of education. The removal of the parent and district board of education member will enhance the practitioner focus of the committee, which will be comprised of the individuals who use the system every day — namely teachers and school leaders, thereby making the committee more efficient as conversations will stay focused on practical classroom improvements rather than administrative or non-instructional concerns. Removing the specific requirement for a special education administrator will reduce overlap because supervisors and administrators are required members.

The Department proposes to delete existing N.J.A.C. 6A:10-2.3(c), which states that the DEAC is not required beginning in 2018-2019. Proposed new N.J.A.C. 6A:10-2.3(a) will require district boards of education to reestablish DEACs for two school years to ensure the successful local implementation of the proposed amendments, upon adoption. After the two school years, the DEAC will once again be an optional committee.

N.J.A.C. 6A:10-2.4 Evaluation procedures for all teaching staff

This section establishes the minimum requirements for teaching staff member evaluations. The section also requires an annual summary conference between designated supervisors and teaching staff members and establishes the required elements of a teaching staff member's annual performance report.

The Department proposes to amend the second sentence at N.J.A.C. 6A:10-2.4(c), which requires the annual summary conference to occur on or before June 30 of each school year and establishes other requirements, to require the conference to "be a collaborative discussion." The proposed amendment is intended to clarify that the conference is intended to be a meaningful dialogue that increases the teaching staff members' ownership of their professional trajectory rather than a one-way delivery mechanism.

The Department proposes new N.J.A.C. 6A:10-2.4(c)3 to require the annual summary conference to include "[t]he identification of preliminary professional development goals for the subsequent school year." The proposed paragraph will align with the requirement at N.J.A.C. 6A:9C-4.4(d)1 for an individual's professional development plan (PDP) to include one area for development of professional practice that is derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation.

The Department proposes new N.J.A.C. 6A:10-2.4(e)4 to require the annual performance report prepared by the designated supervisor to record, for the next school year, at least one preliminary professional development goal that is derived from the results of the current annual performance report. The proposed paragraph also will align with the requirement at N.J.A.C. 6A:9C-4.4(d)1.

N.J.A.C. 6A:10-2.5 Corrective action plans for all teaching staff

This section establishes the requirements for developing, implementing, and placing a teaching staff member on a corrective action plan. The section requires a corrective action plan to be developed for each teaching staff member rated ineffective or partially effective on the annual summative evaluation. The section also sets the parameters for documenting a teaching staff member's progress toward the goals outlined in the corrective action plan.

The Department proposes to amend N.J.A.C. 6A:10-2.5(d) to require the teaching staff member's designated supervisor and the teaching staff member to "meet for a comprehensive strategy session as part of the required pre-conference, which shall occur prior to the first observation." The comprehensive strategy session is a specialized planning conference designed to provide targeted support and collaborative goal-setting for novice educators and educators on a corrective action plan.

Subchapter 3. School Improvement Panel

N.J.A.C. 6A:10-3.1 School Improvement Panel membership

This section establishes the composition of the School Improvement Panel and requires all panel members to be chosen by August 31 annually.

The Department proposes to amend N.J.A.C. 6A:10-3.1(b)1, which requires the teacher who is a member of the School Improvement Panel to have a demonstrated record of success in the classroom and, beginning in school year 2015-2016, for that to mean the teacher has been

rated effective or highly effective in the most recent available annual summative rating. The Department proposes to delete the reference to the 2015-2016 school year because it has passed.

N.J.A.C. 6A:10-3.2 School Improvement Panel responsibilities

This section establishes the School Improvement Panel's responsibilities, which include overseeing the mentoring of teachers, supporting the implementation of the school district mentoring plan, conducting teacher evaluations, ensuring corrective action plans are created in accordance with the chapter's provisions, and requiring mid-year evaluations to be completed.

The Department proposes to amend N.J.A.C. 6A:10-3.2(a)1, which requires the School Improvement Panel, in part, to oversee the mentoring of teachers in accordance with N.J.A.C. 6A:9C-5.3, District mentoring plan, to correct the cross-reference to the appropriate rule at N.J.A.C. 6A:9C-5.3(d)2.

Subchapter 4. Components of Teacher Evaluation

N.J.A.C. 6A:10-4.1 Components of teacher evaluation rubric

This section establishes the components of the teacher evaluation rubric and the weight attached to each component, relative to a teacher's summative evaluation. The section also states that standardized tests, used as a measure of student progress, shall not be the predominant factor in determining a teacher's annual summative rating.

The Department proposes to amend N.J.A.C. 6A:10-4.1(a), which requires the components of the teacher evaluation rubric to apply to teaching staff members holding the position of teacher and holding a valid and effective standard, provisional, or emergency instructional certificate. The Department proposes to delete "effective" because it is redundant and to delete "emergency" because emergency certificates for teaching positions are no longer issued. The same amendments are proposed at N.J.A.C. 6A:10-5.1(a).

N.J.A.C. 6A:10-4.2 Student achievement components

This section establishes the two components that can comprise the student achievement component of a teacher's evaluation rubric.

The Department proposes to recodify N.J.A.C. 6A:10-4.2(c), which requires the Department to periodically collect data for all teachers, as new N.J.A.C. 6A:10-4.2(a). The Department also proposes to recodify N.J.A.C. 6A:10-4.2(d), which requires the Department to calculate the median student growth percentile for teachers using students assigned to them and establishes the reporting process, as new N.J.A.C. 6A:10-4.2(b). The proposed recodifications will separate the reporting requirements for evaluation rating component data from the requirements related to the student achievement components of the evaluation process.

The Department proposes to amend recodified N.J.A.C. 6A:10-4.2(c)2, which currently requires student growth objective(s) to be specific and measurable, based on available student learning data, aligned to the NJSLs, and based on growth and/or achievement. The Department proposes to define the parameters for a measure(s) of student learning to be "informed by individual, team, school, or district goal(s)" and to specify that alignment is to the NJSLs "of the grade level and/or course." The proposed amendments will shift the focus away from isolated, predictive models toward a framework that is authentically integrated with individual,

team, school and/or district goals, which will ensure that educator evaluations are informed by identified areas of professional growth.

The Department proposes to amend the last sentence at recodified N.J.A.C. 6A:10-4.2(d)3, which states that only student growth percentile scores from school year 2013-2014 or any school year after shall be used to determine median student growth percentiles. The Department proposes to delete “from school year 2013-2014 or any school year after” because the school year has passed and the requirement remains in effect.

The Department proposes new N.J.A.C. 6A:10-4.2(e)1 to require measures of student learning to be informed by the professional development goals established in the teacher's individual professional development plan, and/or the team, school, or district goals to ensure coherence between professional growth and student achievement. The proposed paragraph will align a teacher's professional growth with student growth measures.

The Department proposes new N.J.A.C. 6A:10-4.2(e)2 to require a teacher without a student growth percentile to have two measures of student learning. The proposed new rule will replace the requirement at existing N.J.A.C. 6A:10-4.2(e)1 for teachers without a student growth percentile to have at least two, but no more than four, measures of student learning as determined by the chief school administrator. The use of two measures has been standard practice in nearly all school districts across the State since the inception of N.J.A.C. 6A:10 in 2013. Limiting all teachers without a student growth percentile to two measures of student learning will better align measures of student learning with personal, team, school and/or school district goals to ensure that educator evaluations are informed by identified areas of professional growth.

The Department also proposes to recodify N.J.A.C. 6A:10-4.2(e)1, which requires the chief school administrator to determine the number of required student growth objectives for teachers with a student growth percentile as long as the teacher has at least one and not more than four, as new N.J.A.C. 6A:10-4.2(e)3. The Department also proposes to amend recodified N.J.A.C. 6A:10-4.2(e)3 so a teacher with a student growth percentile will be required to have at least one but not more than two measures of student learning. As previously stated, the use of two measures of student learning has been standard practice in nearly all school districts across the State since the inception of N.J.A.C. 6A:10. The Department further proposes to delete the sentence related to the required student growth objectives for a teacher without a student growth percentile because the requirement, with amendments, will be located at new N.J.A.C. 6A:10-4.2(e)2. The Department also proposes to delete the sentence requiring the Department to provide, on its website by August 31 annually, the minimum and maximum number of required student growth objectives because the number of measures of student learning will be fixed at a maximum of two for all teachers and, therefore, the Department will not need to post the requirement annually.

The Department proposes to recodify existing N.J.A.C. 6A:10-4.2(e)2, which prohibits a teacher with a student growth percentile from using the standardized assessment used in determining the student growth percentile to measure progress toward a student learning measure, as new N.J.A.C. 6A:10-4.2(e)3i. The proposed recodification will consolidate all provisions applicable to teachers with a student growth percentile, thereby improving clarity and organization.

The Department proposes to amend recodified N.J.A.C. 6A:10-4.2(e)4, which, in part, requires each teacher to develop, in consultation with the teacher's supervisor or a principal's designee, each student growth objective. The Department proposes to replace “in consultation” with “collaboratively” to ensure that the required measures of student learning are developed through a partnership between teachers and their supervisors and based on classroom needs. The Department also proposes to add

“principal” to the reference to the teacher’s supervisor or principal’s designee because principals are administrators who are part of the development process and they are not always the teacher’s supervisor.

The Department proposes new N.J.A.C. 6A:10-4.2(e)5 to allow schoolwide measures to be established for one or both of the required measures of student learning for all applicable teaching staff members. The proposed paragraph also will require the school improvement panel to develop the identification and scope of a shared measure with approval by the chief school administrator to ensure broad agreement. The proposed paragraph will ensure that teachers and administration are collaborating on schoolwide goals that are tied to a teacher’s evaluation.

The Department proposes new N.J.A.C. 6A:10-4.2(e)6i to allow the finalization of specific performance targets, scoring criteria, or other data sources connected to the approved measures of student learning to occur after October 31, upon approval of the teacher’s supervisor, to ensure the measures of student learning are warranted by authentic data. The proposed paragraph will ensure that measures of student learning are aligned to the most relevant data, which may not be attained until after the October 31 deadline.

The Department proposes to amend recodified N.J.A.C. 6A:10-4.2(e)7, which allows adjustments to the student growth objectives to be made by the teacher, in consultation with the teacher’s supervisor, on or before February 15 with approval of the chief school administrator or their designee. The Department proposes to add “as warranted by data or significant changes in student population or instruction” and to delete “on or before February 15” in the second sentence. Replacing the February 15 deadline with a flexible timeline will permit updates to a teacher’s required measures of student learning only when warranted by data or by significant changes in student population or instruction, rather than tying revisions to a fixed date that may not reflect evolving classroom conditions or student needs.

The Department proposes to delete existing N.J.A.C. 6A:10-4.2(e)5i, which requires adjustments to be recorded before the mid-point of the second semester if the SGO covers only the second semester of the school year, or if a teacher begins work after October 1. The subparagraph, which addresses teachers not on a typical timeline who needed more time than allowed by the February 15 deadline, will no longer be necessary because recodified N.J.A.C. 6A:10-4.2(e)7, as proposed for amendment, will not include a specific date relevant to updates of measures of student learning.

The Department proposes new N.J.A.C. 6A:10-4.2(e)8 to allow the scoring plan for the measures of student learning to be determined by a rubric, criterion-referenced standard, or aggregate student performance. The proposed paragraph will enable more authentic measures of student learning to be developed by allowing teachers to assess student growth in ways that go beyond test scores, such as evaluating a student’s portfolio or project, and, therefore, will provide a complete picture of what students have learned in a specific course.

N.J.A.C. 6A:10-4.3 Teacher practice components

This section requires the teaching practice component rating to be based on a Commissioner-approved teacher practice instrument. The section also requires observations pursuant to N.J.A.C. 6A:10-4.4 to be used as one form of evidence for the measurement.

N.J.A.C. 6A:10-4.4 Teacher observations

This section establishes requirements for observing tenured and nontenured teachers and for conducting pre- and post-observation conferences. The section requires tenured teachers to

have two observations with post-observation conferences and one face-to-face pre-observation conference, while non-tenured teachers must have three observations with post observation conferences and one face-to-face pre-observation conference.

The Department proposes to amend N.J.A.C. 6A:10-4.4(b)2, which sets forth the following as the purpose of the post-observation conference: reviewing observation data, connecting the data to the teacher practice instrument and professional development plan, collecting additional information, and providing feedback for improvement. The paragraph also requires that the post-evaluation conference takes place within the same school year and before any further evaluative observations. The Department proposes to add that the post-observation conference is required to be “a collaborative discussion” so participants can focus on identifying clear steps for a teacher’s improvement rather than only reviewing performance.

The Department also proposes to add the following as required purposes: reviewing evidence indicating the application of the educator’s professional development goals and identifying specific strategies for continued growth. The Department further proposes to add “evidence demonstrating the application of professional development and growth” as an example of the additional information needed for a teacher’s evaluation. The proposed amendments will enable both teachers and supervisors to examine concrete evidence such as student work and instructional planning to document progress more effectively. The collaborative identification of strategies also will elevate the evaluation process to a structured coaching dialogue and will establish a clear, evidence-based pathway for ongoing professional growth and instructional improvement by identifying specific strategies to support continued progress.

The Department proposes to amend N.J.A.C. 6A:10-4.4(b)5, which stipulates that a pre-conference, if required, must occur at least one, but no more than seven teaching staff member working days before the observation. The Department proposes to also require that the pre-conference include a collaborative discussion of the educator’s individual professional development plan goals and their application to the upcoming lesson and/or incorporated into future planning. The proposed amendment will ensure the goals of the required professional development plan are discussed during pre-observation conference and actively connected to instructional practice. The proposed amendment also reinforces that the pre-observation conference is as a collaborative partnership and focuses on how long-term professional goals will be intentionally implemented within the upcoming lesson and/or incorporation into future lesson planning. As a result, observations will be more clearly aligned to identified areas for growth, thereby increasing observations’ overall relevance and effectiveness.

The Department proposes new N.J.A.C. 6A:10-4.4(b)5i to require pre-conferences for teaching staff members in their first year in the school district or on a corrective action plan to include a comprehensive strategy session that must occur prior to the first observation. The proposed subparagraph will focus the pre-conference discussion on the goals identified in the corrective action plan or individual professional development plan that are aligned with the specific performance indicators to be observed. This will ensure that new teachers and teachers on a corrective action plan receive direct support in the areas identified as needing the greatest assistance.

The Department proposes to amend N.J.A.C. 6A:10-4.4(c)3i, which, in part, allows tenured teachers who were rated highly effective on their most recent summative evaluation to substitute one of the two required observations for a Commissioner-approved activity other than a classroom lesson. The Department proposes to also allow a Commissioner-approved activity that includes a measure of student growth to serve as the data source for satisfying one of the

required measures of student learning if mutually agreed upon by the teacher and the teacher's designated supervisor. The proposed amendment will ensure that a highly effective educator can use, as part of the evaluation, a Commissioner-approved activity that demonstrates improved student learning, thereby eliminating the need for the educator to complete additional, duplicative paperwork to show the same growth.

The Department proposes to amend N.J.A.C. 6A:10-4.4(c)7, which requires, in part, a teacher to submit a written objection(s) to the evaluation within 10 working days after the conference. The Department proposes to add "If the teacher objects to the evaluation" at the beginning to clarify that the requirement is for teachers who object to their evaluation score. The same amendment is proposed at N.J.A.C. 6A:10-5.4(d)6, which relates to the objection process for principals, assistant principals, and vice principals.

The Department proposes new N.J.A.C. 6A:10-4.4(e) to require scoring of individual observations to be at the discretion of the chief school administrator, provided that the annual summative evaluation rating is based on a complete evaluation of the teaching practice instrument. The proposed subsection will provide the chief school administrator discretion in determining whether individual observations must be scored or a more comprehensive review approach may be applied. Administrators may rely on individual observation scores, conduct a holistic review of the full body of evidence, or employ a combination both approaches to ensure an accurate and comprehensive representation of a teacher's professional progress throughout the year.

Subchapter 5. Components of Principal Evaluation

N.J.A.C. 6A:10-5.1 Components of principal evaluation rubrics

This section sets forth the components of the principal evaluation rubric, which apply to teaching staff members who hold the position of principal, vice principal, or assistant principal and have a valid standard or provisional administrative certificate. The section also establishes the weight attached to each component relative to a principal's summative evaluation. The section prohibits standardized tests used as a measure of student progress from being the predominant factor in determining a principal's annual summative rating.

N.J.A.C. 6A:10-5.2 Student achievement components of principal evaluation rubrics

This section sets forth the required elements of the student achievement component of a principal's evaluation rubric. The required elements include the schoolwide student growth percentile of all students assigned to the principal, average measures of student growth scores of each teacher assigned to the principal, and the specific and measurable administrator goals that are based on student growth and/or achievement data.

N.J.A.C. 6A:10-5.3 Principal practice component of evaluation rubric

This section establishes the required elements of the principal practice component of the principal evaluation rubric.

N.J.A.C. 6A:10-5.4 Principal, assistant principal, and vice principal observations

This section sets forth the requirements for observing principals, assistant principals, and vice principals and for conducting post-observation conferences. The section also requires each tenured

principal, assistant principal, and vice principal to be observed at least twice each school year and requires three observations annually for each nontenured principal, assistant principal, and vice principal.

Subchapter 6. Evaluation of Teaching Staff Members Other Than Teachers, Principals, Vice Principals, and Assistant Principals

N.J.A.C. 6A:10-6.1 Components of evaluation rubrics

This section establishes the teaching staff members to whom the section's requirements apply, specifically teaching staff members other than teachers, principals, vice principals, and assistant principals. The section also requires school districts to establish the components of the evaluation rubric for other teaching staff members and to follow the evaluation procedures as set forth at N.J.A.C. 6A:10-2.

The Department proposes to delete the codification of the two subsections and to amend the regulations to state the following: "For teaching staff members other than a teacher, principal, vice principal, or assistant principal, each school district shall determine the components of the evaluation rubric and shall follow the evaluation procedures as set forth at N.J.A.C. 6A:10-2." The proposed amendments will simplify the section's requirements.

N.J.A.C. 6A:10-6.2 Required observations for teaching staff members

This section sets forth the requirements for observing teaching staff members other than teachers, principals, vice principals and assistant principals. The section requires observations of teaching staff members other than teachers, principals, vice principals and assistant principals to be at least 20 minutes in length, followed by a conference. The section also requires all tenured teaching staff members other than teachers, principals, vice principals and assistant principals to receive at least one observation per school year, while nontenured teaching staff members other than teachers, principals, vice principals and assistant principals must receive at least three observations.

The Department proposes to amend N.J.A.C. 6A:10-6.2(a)4, which requires an observation, in part, to allow a nontenured teaching staff member other than a teacher, principal, vice principal and assistant principal to submit the written objection(s) of the evaluation within 10 working days after the conference. The Department proposes to add "who objects to an evaluation" after "nontenured teaching staff member" to clarify that the requirement applies only when teaching staff members other than teachers, principals, vice principals, and assistant principals object to an evaluation.

Subchapter 7. Commissioner Approval of Educator Practice Instruments

N.J.A.C. 6A:10-7.1 Educator practice instrument

This section establishes the requirements for Commissioner approval of educator practice instruments. The section also requires the Department to maintain, on its website, a list of Commissioner-approved educator practice instruments.

N.J.A.C. 6A:10-7.2 Teacher practice instrument

This section sets forth the criteria for Commissioner-approved teacher practice instruments.

N.J.A.C. 6A:10-7.3 Principal practice instrument

This section establishes the criteria for Commissioner-approved principal practice instruments.

The Department proposes to amend N.J.A.C. 6A:10-7.3(a)3i, which requires the multiple sources of evidence collected throughout the school year to include, but not be limited to, the evaluation of a principal's leadership related to high-quality and standards-aligned curricula, assessments, and instruction. The Department proposes to replace "standards-aligned" with "New Jersey Student Learning Standards-aligned" to clarify which standards are referenced. The Department also proposes to add "instructional materials" to ensure that a principal's leadership is being evaluated, in part, by the instructional materials being used by the teachers whom the principal supervises.

Subchapter 8. Evaluation of Chief School Administrators

N.J.A.C. 6A:10-8.1 Evaluation of chief school administrators

This section requires each district board of education to adopt a policy and implement procedures requiring the annual evaluation of the chief school administrator by the district board of education. The section also establishes the minimum requirements for the annual evaluation.

Subchapter 9. Procedure for Nontenured Notice of Non-Reemployment

N.J.A.C. 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

This section establishes the process by which a nontenured teacher who receives a written statement of reasons for non-reemployment, pursuant to N.J.S.A. 18A:27-3.2, can request, in writing, an informal appearance before the district board of education. The section also sets forth the requirements related to an informal appearance.

Social Impact

Through the existing evaluation system established pursuant to this chapter, school leaders evaluate teaching staff members using multiple measures of practice and student achievement. The existing system differentiates effectiveness of teaching staff members across four domains, which enables school leaders to recognize excellent teaching staff member performance and to identify teaching staff members in need of additional support. The existing system also has enabled the Department to provide school districts with more resources to support new and effective teaching staff members, as well as teaching staff members on a corrective action plan. This process has fostered more frequent professional conversations among teaching staff members, as well as between teaching staff members and their supervisors, which has enhanced the quality of teaching in New Jersey's classrooms. The proposed amendments will have no social impact as they are designed to streamline the existing processes.

Economic Impact

The initial implementation of the educator evaluation system in 2013 required school districts to incur one-time costs to acquire evaluation instruments, including associated platforms and related training. The rules proposed for readoption will require school districts to continue to incur reoccurring, although typically reduced, costs for platform access and maintenance, such as usage fees for system access, cloud storage, and technical support. The Department does not anticipate that the rules proposed for readoption will present new or additional costs to school districts.

In addition, the Department does not anticipate that the proposed amendments will create additional costs for school districts, school leaders, or individual educators. The proposed amendments

do not change the responsibilities of district boards of education and school leaders in ensuring each educator receives a robust evaluation using multiple measures. Rather, the proposed amendments will align evaluation requirements to the most currently recognized standards of practice.

School districts may continue to use Federal Title II-A funds to support local teacher evaluation systems, but only if specific conditions related to improving educator effectiveness exist. Pursuant to the Every Student Succeeds Act (ESSA), the Federal funds can support the development, implementation, or improvement of evaluation and support systems for teachers and school leaders, provided the systems incorporate multiple measures, offer timely and actionable feedback, and are directly connected to professional growth and instructional improvement. Title II funds cannot be used for evaluation systems that are standalone compliance or administrative efforts; instead, they must function as part of a broader strategy to strengthen teaching quality, such as informing professional development, guiding coaching and mentoring, or supporting retention and advancement decisions. N.J.A.C. 6A:10, as proposed for readoption with amendments, is designed to lead to an educator evaluation framework that functions as a coherent component of a broader, systemic strategy to enhance teacher quality.

Federal Standards Statement

The rules proposed for readoption with amendments are in compliance with Federal requirements under the Every Student Succeeds Act (PL 114-95) and will continue to advance the Department's mission to ensure the State's educator evaluation system is focused on the development of both struggling and effective teachers to enhance the education of every student in New Jersey's public school system. There are no other Federal requirements that impact the rules proposed for readoption with amendments.

Jobs Impact

The Department does not anticipate that rules proposed for readoption with amendments will result in the generation or loss of jobs.

Agriculture Industry Impact

The rules proposed for readoption with amendments will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the rules proposed for readoption with amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption with amendments solely impact educators and school districts.

Housing Affordability Impact Analysis

There is an extreme unlikelihood that the rules proposed for readoption with amendments will have any impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the rules proposed for readoption with amendments would evoke a change in the average costs associated with housing because the rules proposed for readoption with amendments solely impact school districts and the evaluation and professional development of educators.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments will have an insignificant impact on smart growth. There is an extreme unlikelihood the rules proposed for readoption with amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the rules proposed for readoption with amendments concern school districts and the evaluation and professional development of educators.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

There is an extreme unlikelihood that the rules proposed for readoption with amendments would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the rules proposed for readoption with amendments concern school districts and the evaluation and professional development of individual educators.

Full text of the rules proposed for readoption and the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus])

N.J.A.C. 6A:10, Educator Effectiveness

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Chapter 10. Educator Effectiveness

Subchapter 1. General Provisions

6A:10-1.1 Purpose and scope

- (a) The rules in this chapter are intended to provide minimum requirements for [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] **Collaborative dialogue resulting in** 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] **set forth at N.J.A.C. 6A:11, Charter Schools, for charter schools and for renaissance school projects, pursuant to N.J.S.A. 18A:36C-7.h.** The evaluation system in charter schools **and renaissance school projects** is subject to the review and approval of the Office of Charter **and Renaissance** Schools.
- (c) District boards of education shall ensure evaluations of all teaching staff members and chief school administrators are conducted in accordance with this chapter.

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 observation 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] **the teaching staff member’s** 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] **rating** categories are highly effective, effective, partially effective, and ineffective.

“Calibration” **means**, 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.

“Comprehensive strategy session” means a **targeted planning conference that is between a teaching staff member and the teaching staff member’s designated supervisor and that explicitly aligns the professional goals found in the individual professional development**

plan or corrective action plan with specific indicators of the educator practice instrument.

“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] **the chief school administrator’s** 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] **at 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 and professional standards and based on, when applicable, the individual’s evaluation rubric] **as that term is defined at N.J.S.A. 18A:6-119.**

“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] **set forth at N.J.A.C. 6A:8, Standards and Assessment.**

“Individual professional development plan” means as defined [in] **at 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.

“Measures of student learning” means a metric of student achievement or growth derived directly from the district board of education-approved curriculum and aligned to the New Jersey Student Learning Standards of the grade level or course. In accordance with the definition of “multiple objective measures of student learning” at N.J.S.A. 18A:6-119, such measures may include, but are not limited to, teacher-set goals for student learning; student performance assessments, including portfolio projects, problem-solving protocols, and internships; teacher-developed assessments; standardized assessments; and school district-established assessments.

“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] **set forth at N.J.A.C. [6A:9-2.1] 6A:9B-12.**

“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] **the evaluator’s** assessments and ratings of professional practice.

“Semester” means half of the school year.

“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 designated supervisors 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]

pursuant to N.J.A.C. 6A:9B-12.

“Teacher” means a teaching staff member who holds the appropriate standard[, **or** 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] **the staff member** 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 **a teaching staff [members work under] member can hold:**

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.

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] **this chapter** or any other

specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

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

All information contained in annual performance reports and all information collected, compiled, and/or maintained by **district board of education** employees [of a district board of education] for the purposes of conducting the educator evaluation process pursuant to this chapter, including, but not limited to, digital records, 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.

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] **at** N.J.S.A. 18A:6-123 [(P.L. 2012, c. 26, § 17c)].
- (c) [Evaluation rubrics] **The chief school administrator** shall [be submitted] **annually submit evaluation rubrics** to the Commissioner by August 1 for approval by August 15 of each year.

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);
 - i. The chief school administrator shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to teaching staff members who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to teaching staff members who are, or will be, primarily responsible for instructing the applicable students in the subsequent school year.
 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] **the teaching staff member's** 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] **set forth** 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 **from measures of student learning**; and
 7. Ensure that [each] **the** chief school administrator, or [his or her] **the chief school administrator's** 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] **set forth at** N.J.A.C. 6A:10-4.4, 5.4, and 6.2, shall meet the [statutory] observation requirements [of] **at** 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] **at** 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 **for new**

- teaching staff** 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. Annually provide updates and refresher training for supervisors who are conducting evaluations in the school district and **provide** more thorough training, **including ensuring calibration**, for any supervisor who will evaluate teaching staff members **in the school district** for the first time. Training **for supervisors who will evaluate teaching staff members in the school district for the first time** shall be provided on each component of the evaluated teaching staff member's evaluation rubric before the evaluation of a teaching staff member;
 3. Annually require each supervisor who will conduct observations for the purpose of evaluation of a teacher to complete at least two co-observations during the school year.
 - i. Co-observers shall use the co-observation to **perform the calibration and** promote accuracy and consistency in scoring.
 - ii. A co-observation may 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] **at N.J.A.C. [6A:10-4.3 and 4.4] 6A:10-4.4**, but the co-observation shall not count as two or more required observations. If a co-observation counts as one required observation, the score shall be determined by the teacher's designated supervisor; and
 4. Chief school administrators shall annually certify, to the Department, that all supervisors of teaching staff members in the school district who are utilizing evaluation rubrics have completed training on **the rubric** and [demonstrated] **participated in calibration sessions to demonstrate** competency in applying the evaluation rubrics.

6A:10-2.3 District Evaluation Advisory Committee

(a) **For the first two school years after (the effective date of this rulemaking), district boards of education shall establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the school district's evaluation policies and procedures. Thereafter, district boards of education may continue to utilize a District Evaluation Advisory Committee, and, if utilized, the committee shall operate in accordance with this section.**

[(a)] (b) Members of the District Evaluation Advisory Committee shall include representation from the following groups **and individuals**: [teachers]

1. **Teachers** from each school level represented in the school district; [central]
2. **Central** office administrators overseeing the teacher evaluation process; [supervisors]
3. **Supervisors** involved in teacher evaluation, when available or appropriate; [and administrators]
4. **Administrators** conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel[. Members also shall include the]; **and**
5. **The** chief school administrator[, a special education administrator, a parent, and a member of the district board of education].

[(b)] (c) The chief school administrator may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.

[(c)] Beginning in 2018-2019, the District Evaluation Advisory Committees shall no longer be required and district boards of education shall have the discretion to continue the District Evaluation Advisory Committee.]

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]. **The evaluation policies and procedures** shall include, but not be limited to, [a description of] **the following**:
 - 1. Roles and responsibilities for implementation of evaluation policies and procedures;
 - 2. Job descriptions, evaluation rubrics for all teaching staff members, **and** the process for calculating the summative ratings and each component, [and the evaluation regulations set forth in] **pursuant to** 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. [Process] **The process** for developing and scoring **measures of** student [growth objectives] **learning**;
 - 6. The process for preparation of individual professional development plans; and
 - 7. The process for preparation of an annual performance report by the teaching staff member's designated supervisor and an annual summary conference between the teaching staff member and [his or her] **the teaching staff member's** designated supervisor.

- (c) The annual summary conference between designated supervisors and teaching staff members shall be held before the annual performance report is filed. The conference shall **be a collaborative discussion that** occurs on or before June 30 of each school 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:
 - i. The educator's practice instrument; and
 - ii. Available indicators or student achievement measures such as **measures of** student [growth objective] **learning** scores and student growth percentile scores;
 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; [and]
 3. **The identification of preliminary professional development goals for the subsequent school year, pursuant to N.J.A.C. 6A:9C; and**
 - [3.] 4. The preliminary annual 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 **designated supervisor shall prepare the** annual performance report, [shall be prepared by the designated supervisor. The annual performance report] **which** 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] **set forth at** N.J.A.C. 6A:10-4 and 5;
 2. [Performance] **The performance** area(s) of strength and area(s) needing improvement based upon the job description and components of the teaching staff

member's evaluation rubric; [and]

3. The teaching staff member's individual professional development plan or corrective action plan from the evaluation year being reviewed in the report[.]; **and**
 4. **The recording, for the next school year, of at least one preliminary professional development goal that is derived from the results of the current annual performance 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 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] **the teaching staff member's** personnel file, or in an alternative, confidential location. If reports and data are stored in an alternative location, the **teaching staff member's** 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.

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 teaching staff member's designated supervisor. If the teaching staff member does not agree with the corrective action plan's content, the designated supervisor shall make the final determination.
- (b) The corrective action plan shall be developed and the teaching staff member and [his or her] **the teaching staff member's** designated supervisor shall meet to discuss the corrective

action plan by October 31 of the school year following the year of evaluation, except:

1. If the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the teaching staff member and [his or her] **the teaching staff member's** designated supervisor shall meet to discuss the corrective action plan within 25 teaching staff member working days following the school district's receipt of the teaching staff member's summative rating.
- (c) The content of the corrective action plan shall replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and 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).
- (d) The teaching staff member's designated supervisor and the teaching staff member on a corrective action plan shall **meet for a comprehensive strategy session as part of the required pre-conference, which shall occur prior to the first observation. The teaching staff member's designated supervisor and the teaching staff member on a corrective action plan shall also** 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. The teaching staff member and [his or her] **the teaching staff member's** designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teaching staff member's progress, position, or role.
- (e) Progress toward the teaching staff member's goals outlined in the corrective action plan:

1. Shall be documented in the teaching staff member's personnel file and reviewed at the annual summary conference and the mid-year evaluation. Both the teaching staff member on a corrective action plan and [his or her] **the teaching staff member's** designated supervisor may collect data and evidence to demonstrate the teaching staff member's progress toward [his or her] **the** corrective action plan goals; and
 2. 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.
- (f) 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.
- (g) The School Improvement Panel shall ensure teachers with a corrective action plan receive a mid-year evaluation [as required by] **pursuant to** N.J.S.A. 18A:6-120.c. The mid-year evaluation shall occur approximately midway between the development of the corrective action plan and the expected receipt of the next annual summative rating. 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.
- (h) The School Improvement Panel shall ensure teachers with a corrective action plan receive one observation, including a post-observation conference, in addition to the observations required [in] **at** N.J.A.C. 6A:10-4.4 for the purpose of evaluation [as described in] **pursuant to** N.J.A.C. 6A:10-1.2 and 4.4(a).
- (i) Except where a school district employs only one administrator whose position requires a supervisor, principal, or school administrator endorsement, tenured teachers with a corrective action plan shall be observed by multiple observers for the purpose of

evaluation [as described in] **pursuant to** N.J.A.C. 6A:10-4.4(c)4.

- (j) A chief school administrator, or [his or her] **the chief school administrator's** 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. The mid-year evaluation shall occur approximately midway between the development of the corrective action plan and the expected receipt of the next annual summative rating. 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.
- (k) The chief school administrator shall ensure principals, vice principals, and assistant principals with a corrective action plan receive one observation and a post-observation conference, in addition to the observations required [in] **at** N.J.A.C. 6A:10-5.4 for the purpose of evaluation, [as described in] **pursuant to** N.J.A.C. [6A:10-1.2 and 5.4] **6A:10-5.4**.
- (l) The corrective action plan shall remain in effect until the teaching staff member receives [his or her] **the** next summative evaluation rating.
- (m) There shall be no minimum number of teaching staff member working days that a teaching staff member's corrective action plan can be in place.

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. If an assistant principal or vice principal is not available to serve on the panel, the principal shall appoint an additional member who is employed in the

school district in a supervisory role and capacity, in accordance with N.J.S.A. 18A:6-

120.a. The principal may appoint additional members to the School Improvement Panel as long as all members meet the criteria [outlined] in this section and **at** 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 school year 2015-2016, a demonstrated record of success in the classroom means the teacher member shall have] **by having** 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 school year, except in case of illness or authorized leave, but may not be appointed more than three consecutive school 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] **in accordance with** N.J.A.C. 6A:9C-5.3[(a)2](d)2 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] **with**

N.J.A.C. 6A:10-2.5; and ensure mid-year evaluations are conducted 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] **pursuant to** N.J.A.C. 6A:9C-4.2.
- (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] **pursuant to** N.J.A.C. 6A: 9C-5.2(a)3.

Subchapter 4. Components of Teacher Evaluation

6A:10-4.1 Components of teacher evaluation rubric

- (a) The components of the teacher evaluation rubric [described] **set forth** in this section shall apply to teaching staff members holding the position of teacher and holding a valid [and effective] standard[, or provisional[, or emergency] instructional certificate.
- (b) Evaluation rubrics for all teachers shall include the requirements [described in] **set forth at** 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 **measure(s) of student [growth objective(s)] learning** 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 school 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, **pursuant to N.J.A.C. 6A:10-4.2(b)**, 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, **pursuant to N.J.A.C. 6A:10-4.2(b)**, 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] **set forth at 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.
- (e) 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) **The Department shall periodically collect data for all teachers that include, but are not limited to, student achievement and teacher practice scores.**

(b) 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 pursuant to (d) below:

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.

[(a)] (c) 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] at (b) below, the median student growth percentile of all students assigned to a teacher, which shall be calculated as set forth [in] at (d) below; and
2. [Student growth objective(s)] **Measure(s) of student learning**, which shall be [specific and measurable, based on available student learning data,] **informed by individual, team, school, or district goal(s)**, aligned to the New Jersey Student Learning Standards **of the grade level and/or course**, and based on growth and/or achievement.
 - i. For teachers who teach subjects or grades not covered by the New Jersey Student Learning Standards, **measures of student [growth objectives] learning** shall align to standards adopted or endorsed, as applicable, by the State Board.

[(b)] (d) 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] **the teacher's** name during the school year of the evaluation. If a teacher does not have at least 20 individual student growth percentile scores in a given school year, the student growth percentile scores attributed to a teacher during the two school years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the school year of the evaluation. Only student growth percentile scores [from school year 2013-2014 or any school 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] **Measures of student learning** for teachers shall be developed and measured according to the following procedures:

1. **To ensure coherence between professional growth and student achievement, the measures of student learning shall be informed by the professional development goals established in the teacher's individual professional development plan, and/or the team, school, or school district goals.**
2. **A teacher without a student growth percentile shall have two measures of student learning.**

[1.] 3. The chief school administrator shall determine, the number of required **measures of student [growth objectives] learning** for teachers[, including teachers] with a student growth percentile. A teacher with a student growth percentile shall have at least one, [and] **but** not more than [four] **two, measures of student [growth objectives] learning**. [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 school 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.] i. 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.] 4. Each teacher shall develop, [in consultation] **collaboratively** with [his or her] **the teacher's supervisor, principal** or a principal's designee, each **measures of student [growth objective] learning**. If the teacher does not agree with the **measures of student [growth objectives] learning**, the principal shall make the final determination.

5. **Schoolwide measures may be established for one or both of the required measures of student learning for all applicable teaching staff members. To ensure broad agreement, the school improvement panel shall develop the identification and scope of a shared measure with approval by the chief school administrator.**

[4.] 6. [Student growth objectives and the] **The criteria for assessing teacher performance based on the [objectives] required measures of student learning shall be determined, recorded, and retained by the teacher and [his or her] the teacher's supervisor by October 31 of each school year, or within 25 working days of the teacher's start date if the teacher begins work after October 1.**

- i. **The finalization of specific performance targets, scoring criteria, or other data sources connected to the approved measures of student learning may occur on or after October 31, upon approval of the teacher's supervisor, to ensure that measures of student learning are warranted by authentic student data.**

[5.] 7. Adjustments to **measures of student [growth objectives] learning** may be made by the teacher in consultation with [his or her] **the teacher's supervisor as warranted by data or significant changes in student population or instruction** only when approved by the chief school administrator or **the chief school administrator's** 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.]

8. The scoring plan for the measures of student learning may be determined by a rubric, criterion-referenced standard, or aggregate student performance.

[6.] 9. The teacher's designated supervisor shall approve each teacher's measures of student [growth objective] learning score. The teacher's measures of student [growth objective] learning score, if available, shall be discussed at the teacher's annual summary conference and recorded in the teacher's personnel file.

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 the 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 a **collaborative discussion** 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[,]; **reviewing evidence indicating the application of the educator's professional development goals**; collecting additional information needed for the

evaluation of the teacher, [and] **which may include evidence demonstrating the application of professional development and growth; offering areas to improve effectiveness; and identifying specific strategies to support continued progress.**

Within a school year, the post-observation conference shall be held prior to the occurrence of further observations for the purpose of evaluation.

3. If agreed to by the teacher, one required post-observation conference and any pre-observation conference(s) for observations of tenured teachers who are not on a corrective action plan may be conducted by written communication, including electronic.
 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 pre-conference, when required, shall occur at least one but not more than seven teaching staff member working days prior to the observation. **A pre-conference shall also include a collaborative discussion of the educator's individual professional development plan goals and their application to the upcoming lesson and/or incorporation into future lesson planning.**
 - i. **The required pre-conference for teaching staff members in their first year of employment in the school district or on a corrective action plan shall include a comprehensive strategy session, which shall occur prior to the first observation. The comprehensive strategy session shall include the supervisor and teaching staff member explicitly aligning the goals identified in the corrective action plan or individual professional development plan with the specific performance indicators to be observed.**
- (c) Each teacher shall be observed as [described] **set forth** in this section. For all teachers, at least one of the required observations shall be announced and preceded by a pre-

observation conference(s), and at least one of the required observations shall be unannounced. The chief school administrator shall decide whether additional required observations are announced or unannounced, if applicable. The following additional requirements shall apply:

1. Each observation required for the purpose of evaluation shall be conducted for at least 20 minutes.
2. Nontenured teachers shall be observed at least three times each school year but not less than once each semester. The observations shall be conducted in accordance with the timeframe [set forth in] at N.J.S.A. 18A:27-3.1.
 - i. Except where a school district employs only one administrator whose position requires a supervisor, principal, or school administrator endorsement, nontenured teachers shall be observed during the course of the year by more than one appropriately certified supervisor.
3. Tenured teachers shall be observed at least two times during each school year. Observations for all tenured teachers shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year.
 - i. If a tenured teacher was rated highly effective on [his or her] **the teacher's** most recent summative evaluation and if both the teacher and the teacher's designated supervisor agree to use this option, one of the two required observations may be an observation of a Commissioner-approved activity other than a classroom lesson. The Department shall post annually to its website a list of Commissioner-approved activities that may be observed in accordance with this section. **A Commissioner-approved activity that includes a measure of student growth may serve as the data source for satisfying one of the required measures of student**

learning if mutually agreed upon by the teacher and the teacher's designated supervisor.

4. Teachers on a corrective action plan shall receive, in accordance with N.J.A.C. 6A:10-2.5(h), one additional observation, including a post-observation conference.
 5. Upon receiving a final summative evaluation that necessitates a corrective action plan, in accordance with N.J.A.C. 6A:10-2.5(a), any remaining required observation(s) shall not be conducted until the corrective action plan has been finalized.
 6. A written or electronic observation report shall be signed by the supervisor who conducted the observation and post-observation and the teacher who was observed.
 7. [The] **If the teacher objects to the evaluation, the** teacher shall submit [his or her] **the** 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 performance report.
- (d) To earn a teacher practice score, a nontenured teacher shall receive at least three observations.
1. If a nontenured teacher is present for less than 40 percent of the total student school days in a school year, [he or she] **the teacher** shall receive at least two observations to earn a teacher practice score.
- (e) **Scoring of individual observations shall be at the discretion of the chief school administrator, provided that the annual summative evaluation rating is based on a complete evaluation of the teaching practice instrument.**

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[, or provisional[, or emergency] administrative certificate.

- (b) The principal evaluation rubric shall meet the standards [provided in] **set forth at** 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 school 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, **pursuant to N.J.A.C. 6A:10-5.2(b)**, a schoolwide student growth percentile score as [described in] **set forth at** 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 **measures of student [growth objective] learning** for all teachers, as [described in] **set forth at** 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 goals, as [described in] **set forth at** 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] **set forth at** N.J.A.C. 6A:10-5.3(b), shall be no less than 50 percent of evaluation rubric rating.
- (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.

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 **measures of** student [growth objective] **learning** scores of every teacher, as [described in] **set forth at** N.J.A.C. 6A:10-4.2(e), assigned to the principal; and
 3. Administrator goals **that are** set by principals, vice principals, and assistant principals in consultation with their supervisor pursuant to (e) below, [which shall be] specific and measurable, **and** 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 **measures of** student [growth objective] **learning** scores of all teachers, as [described in] **set forth at** N.J.A.C. 6A:10-4.2(e), shall be a component of the principal's annual summative rating. The average **measures of** student [growth objective] **learning** 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 school year, which teachers, if not all teachers in the school, shall be linked to the assistant principal's and vice principal's average **measures of** student [growth objective] **learning** score.
 - 2. If the assistant principal or vice principal does not agree with the list of teachers linked to [his or her] **the assistant principal's or vice principal's** 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 designated supervisor 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 school 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 designated supervisor, each administrator goal. Each vice principal and assistant principal shall set goals specific to [his or her] **the vice principal's or assistant principal's** job description or adopt the same goals as [his or her] **the principal**. If the

principal, assistant principal, or vice principal and [his or her] **the** designated supervisor do not agree upon the administrator goal, the principal's, assistant principal's, or vice principal's designated supervisor shall make the final determination.

3. Administrator goals, and the criteria for assessing performance based on [those objectives] **the goals**, shall be determined, recorded, and retained by the principal, vice principal, or assistant principal and [his or her] **the** designated supervisor by October 31 of each school year, or within 25 working days of the principal's, vice principal's, or assistant principal's start date if he or she begins work after October 1.
4. The administrator goal score shall be approved by the designated supervisor of the principal, vice principal, or assistant principal. The principal's, vice principal's, or assistant principal's administrator goal score, if available, shall be discussed at [his or her] **the** annual summary conference and recorded in [his or her] **the principal's, vice principal's, or assistant principal's** personnel file.

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

- (a) Measures of principal practice shall include a measure determined through a Commissioner-approved principal practice instrument and may include a leadership measure determined through the Department-created leadership rubric.
- (b) Principal practice component rating shall be based on the measurement of the principal's, assistant principal's, 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's, vice principal's, 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] **the chief school administrator's** 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] **the chief school administrator's** 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] **set forth at** 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's, assistant principal's, 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's, assistant principal's, 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 observation 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] **If the principal, assistant principal, or vice principal objects to the evaluation,** the principal, assistant principal, or vice principal shall submit [his or her] **the** 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 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] **pursuant to** N.J.S.A. 18A:27-3.1. An additional observation shall be conducted pursuant to N.J.A.C. 6A:10-2.5(h) for principals, assistant principals, and vice principals who are on a corrective action plan.

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 evaluation rubric described in this section shall apply to] **For** 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] **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] **at** N.J.A.C. 6A:10-2.

6A:10-6.2 Required observations for teaching staff members other than teachers, principals, vice principals, and assistant principals

- (a) 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 at least 20 minutes in length;
 - 2. Be followed within 15 teaching staff member working days by a conference between the supervisor who made the observation and the nontenured teaching staff member;
 - 3. Be followed by both parties to such a conference signing the written or electronic observation report and each retaining a copy for [his or her] **their** records; and
 - 4. [Allow the] **Be followed by a period of 10 teaching staff member working days following the conference to allow a nontenured teaching staff member who objects to an evaluation** 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 performance report.
- (b) All tenured teaching staff members as described in this section shall receive at least one observation per school year.
- (c) All nontenured teaching staff members [as described in N.J.A.C. 6A:10-6.1(a)] shall receive at least three observations, [as required] pursuant to N.J.S.A. 18A:27-3.1.

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] at 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] at 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.

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 four rating categories;
 - 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 on, to the extent possible, 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.

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 [2015 Professional Standards for Educational Leaders](#) developed by the National Policy Board for Educational Administration (NPBEA), incorporated herein by reference, available at http://npbea.org/wp-content/uploads/2017/06/Professional-Standards-for-Educational-Leaders_2015.pdf;
 2. Include scoring guides for assessing principal 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 to four rating categories;
3. Rely on, to the extent possible, multiple sources of evidence collected throughout the school year, including, but not limited to, evaluation of a principal's leadership related to:
 - i. Implementing high-quality and [standards] **New Jersey Student Learning Standards**-aligned, curricula, **instructional materials**, assessments, and instruction; and
 - ii. Evaluating the effectiveness of teaching staff members and supporting their professional growth; and
 4. Include descriptions of specific training and implementation details required for the instrument to be effective.

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 implement 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 **district board of education shall develop the policy and procedures** [shall be

developed by the district board of education] after consultation with the chief school administrator. [and] **The policy and procedures** 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 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 annual 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 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] at (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] **the member's** 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 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.

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] **the nontenured teaching staff member** 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 **the** 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 adversarial proceeding. The purpose of the appearance shall be to provide the staff member the opportunity to convince **district** 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] **the staff member's** choosing.
- (g) The staff member may present [on his or her behalf] witnesses who do not need to present testimony under oath and **who** 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 **district board of education** 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] **pursuant to** this section, may be conducted pursuant to N.J.S.A. 10:4-12.b(8).
- (i) Within three working days following the informal appearance, the district board of education shall notify, **in writing**, 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 **district board of education** secretary.