

## R 3221 EVALUATION OF NONTENURED TEACHING STAFF MEMBERS (M)

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

The following words and terms shall have the following meanings when used in Policy and Regulation 3221 unless the context clearly indicates otherwise:

“Announced observation” means **an observation in which** the person conducting an evaluation for the purpose of evaluation will notify the teacher of the date and the class period the observation will be conducted.

“Annual performance report” means a written appraisal of the teacher’s performance prepared by the **teacher’s designated supervisor** **Principal or designee** based on the evaluation rubric for his or her position.

“Annual summative evaluation rating” means an annual evaluation rating that is based on appraisals of educator practice and student performance, and includes all measures captured in a teacher’s evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

“Calibration” in the context of educator evaluation means a process to monitor the competency of a trained evaluator to ensure the evaluator continues to apply an educator practice instrument accurately and consistently according to the standards and definitions of the specific instrument.

“Chief School Administrator” means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

“Commissioner” means Commissioner of the New Jersey Department of Education.

“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.



“Corrective Action Plan” means a written plan developed by a teaching staff member serving in a supervisory capacity in collaboration with the teacher to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual teacher and the school district for implementing the plan, and specific support that the district shall provide.

“Department” means the New Jersey Department of Education.

**“Designated supervisor” means the supervisor designated by the Superintendent of Schools or designee as the teacher’s supervisor.**

“District Evaluation Advisory Committee” means a group created to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

“Educator practice instrument” means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. ~~The scores from the teacher practice instrument are components of the teacher’s evaluation rubrics and the scores are included in the summative evaluation rating for the individual.~~

“Evaluation” means an appraisal of an individual’s professional performance in relation to his or her job description, professional standards, and Statewide evaluation criteria that incorporates analysis of multiple measures of student achievement or growth and multiple data sources.

“Evaluation rubrics” means a set of criteria, measures, and processes used to evaluate all teachers 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 Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of teaching staff members.



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

“Individual professional development plan” **is** ~~means a written statement of goals developed by a teaching staff member serving in a supervisory capacity in collaboration with a teaching staff member that aligns with professional standards for teachers set forth in N.J.A.C. 6A:9 3.3 and the New Jersey Professional Development Standards; derives from the annual evaluation process; identifies professional goals that address specific individual, district or school needs, or both; and grounds professional development activities in objectives related to improving teaching, learning, and student achievement. The individual professional development plan shall include timelines for implementation, responsibilities of the employee and the school district for implementing the plan, and specific support and periodic feedback that the district shall provide as defined in N.J.S.A. 18A:6-119.~~

“Job description” means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

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

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

“Observation” means a method of collecting data on the performance of a teacher's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-1.1.



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“Post-observation conference” means a meeting, either in-person or remotely, between **the** ~~is~~ supervisor who conducted the observation and the teacher 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. **Teacher** ~~Educator~~ practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

**“Semester” means half of the school year.**

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

“Signed” means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

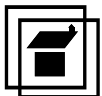
“Student growth objective” **means** ~~is~~ an academic goal that teachers and evaluators set for groups of students.

“Student growth percentile” means a specific metric for measuring individual student progress on Statewide assessments by tracking how much a student’s test scores have changed relative to other students Statewide with similar scores in previous years.

“Superintendent” means Superintendent of Schools or Chief School Administrator.

“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 defined in N.J.A.C. **6A:9B-11** ~~6A:9-1.1~~.

“Teacher” means a teaching staff member **who holds** ~~holding~~ the **appropriate** ~~position of teacher and holding a valid and effective~~ standard, provisional, or emergency instructional certificate **issued by the**



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**Board of Examiners and is assigned a class roster of students for at least one particular course.**

**“Teacher 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 are components of the teacher’s evaluation rubrics and the scores are included in the summative evaluation rating for the individual.**

~~“Teaching staff member” means a member of the professional staff of any district or regional Board of Education, or any county vocational school district Board of Education, holding office, position, or employment of such character that the qualifications for such office, position, or employment require him or her to hold a valid, effective, and appropriate standard, provisional, or emergency certificate issued by the State Board of Examiners. Teaching staff members include the positions of school nurse and school athletic trainer. There are three different types of certificates that teaching staff members work under:~~

- ~~1. An instructional certificate (holders of this certificate are referred to in N.J.A.C. 6A:10-1.1 et seq. as “teachers”);~~
- ~~2. Administrative certificate; and~~
- ~~3. Educational services certificate.~~

“Unannounced observation” means **an observation in which** the person conducting an observation for the purpose of evaluation will not notify the teacher of the date or time the observation will be conducted.

~~“Validity” means the extent to which evidence and theory support an interpretation of scores from a measurement instrument for a particular use of the instrument. In the context of evaluating educator practice, this means the evidence gathered using the instrument supports correct and useful inferences and decisions about the effectiveness of the practice observed.~~



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B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3

The rules in N.J.A.C. 6A:10-1.1 et seq. 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 N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and Written Reports – N.J.A.C. 6A:10-1.4

All information contained in written performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq. 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 N.J.A.C. 6A:10-1.1 et seq. 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.

D. Evaluation of Teachers – N.J.A.C. 6A:10-2.1

1. The Board of Education annually shall adopt evaluation rubrics for teachers. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.
2. The evaluation rubrics for teachers shall include all other relevant minimum standards set forth in N.J.S.A. 18A:6-123-~~b~~. (P.L. 2012, c. 26, § 17c).
3. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.



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#### E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2

1. The Board of Education shall meet the following requirements for the annual evaluation of teachers, unless otherwise specified:
  - a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-1.1 et seq.;
  - b. Annually adopt policies and procedures developed by the Superintendent 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).;
  - c. Ensure the Superintendent annually notifies all teachers of the adopted evaluation policies and procedures no later than October 1. If a teacher is hired after October 1, the Board/Superintendent shall notify the teacher of the policies and procedures at the beginning of his or her employment. All teachers shall be notified of amendments to the policy and procedures within ten teacher working days of adoption.;
  - d. Annually adopt by June 1, any Commissioner-approved ~~educator~~ **teacher** practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics.;
  - e. 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.;
  - f. Ensure data elements are collected ~~from the implementation of the teaching practice instrument~~ and stored ~~the data~~ in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation **and student growth objective data.;** and







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

~~(1) At least one co-observation shall be completed by December 1;~~

~~(1)(2)~~ Co-observers shall use the **co-observation** ~~double observation~~ to ~~calibrate teacher practice instruments~~, promote accuracy in scoring, and to continually train themselves on the instrument; ~~and.~~

~~(2)(3)~~ A co-observation ~~may~~ **shall** count as **one** a required observation for the purpose of evaluation pursuant to N.J.A.C. 6A:10-4.4, as long as the observer meets the requirements set forth in N.J.A.C. 6A:10-4.3 and 4.4. ~~A co-observation shall count as one required observation under N.J.A.C. 6A:10-4.4.~~

- e. The Superintendent shall annually certify to the Department that all supervisors of teachers in the school district who are utilizing **teacher** ~~educator~~ practice instruments have completed training on the instrument and its application and have demonstrated competency in applying the **teacher** ~~educator~~ practice instruments.

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

1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.



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2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups **and to individuals.**
  3. Beginning in 2017-2018, the District Evaluation Advisory Committees shall no longer be required and the Board of Education shall have the discretion to continue the District's Evaluation Advisory Committee.
- G. Evaluation Procedures for Teachers – N.J.A.C. 6A:10-2.4
1. The provisions outlined in Policy and Regulation 3221 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation **of procedures for** teachers.
  2. Evaluation policies and procedures requiring the annual evaluation of all teachers shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:
    - a. ~~Evaluation rubrics for all teachers;~~
    - ab.** Roles and responsibilities for implementation of evaluation policies and procedures;
    - b.** Job descriptions, **evaluation rubrics for teachers, the process for calculating the summative ratings and each component,** and ~~evaluation criteria based upon school district goals, student achievement, instructional priorities, and~~ the evaluation regulations set forth in ~~this~~ N.J.A.C. 6A:10 et seq.;
    - cd.** Methods of data collection and reporting appropriate to each job description, including, but not limited to, the processes for **student attrition to teachers, Principals, Assistant Principals, and Vice Principals for calculating the median and school-wide student growth percentile observations for the purpose of evaluation and post-observation conference(s) by the teacher's supervisor, or his or her designee;**



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- d. **Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;**
  - e. The process for preparation of individual professional development plans; and
  - f. The process for preparation of an annual written performance report by the teacher's **designated** supervisor ~~or designee~~, and an annual summary conference between the teacher and his or her **designated** supervisor ~~or the supervisor's designee~~.
3. The annual summary conference between ~~the~~ **designated** supervisors and ~~the~~ teachers shall be held before the written performance report is filed. The conference shall **occur on or before June 30 of each year and shall** include, but not be limited to, a review of the following:
- a. The performance of the teacher based upon the job description and the scores or evidence compiled using the teacher's evaluation rubric, including, **when applicable**, the teacher's practice instrument;
  - b. The progress of the teacher toward meeting the **goals objectives** of the individual professional development plan or, ~~whenever~~ **when** applicable, the corrective action plan;
  - c. Available indicators or scores of student achievement or growth, **when applicable**, such as student growth objective scores and student growth percentile scores, ~~as applicable~~; and
  - d. The preliminary annual written performance report.
4. If any scores for the teacher'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.



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5. The annual written performance report shall be prepared by the teacher's **designated supervisor** ~~Principal or designee,~~ and shall include, but not be limited to:
  - a. A summative rating based on the evaluation rubric, including, **when applicable,** a total score for each component as described in N.J.A.C. 6A:10-4;
  - b. Performance area(s) of strength and area(s) needing improvement based upon the job description, observations for the purpose of evaluation and, **when applicable,** the teacher practice instrument; **and**
  - c. An individual professional development plan developed by the **designated** supervisor and the teacher or, when applicable, a corrective action plan from the evaluation year being reviewed in the report. ~~and~~
  - ~~d. A summary of student achievement scores or growth indicators.~~
6. The teacher and the **designated supervisor** ~~preparer of the annual written performance report~~ shall sign the report within five teacher working days of the review.
- ~~7. The annual summary conference and annual written performance report shall be completed prior to June 30.~~
- 78.** The Board of Education shall **include** ~~add~~ all written performance reports and supporting data, including, but not limited to, **written observation reports and additional components of the summative evaluation rating** ~~indicators of student progress and growth for a teacher~~ as part of **the teacher's** ~~his or her~~ personnel file, **or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed.** The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.



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### H. Corrective Action Plans for Teachers – N.J.A.C. 6A:10-2.5

1. For each teacher rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teacher and the Superintendent or the teacher's **designated** supervisor.
2. If the summative evaluation rating is calculated before the end of the school year, then the corrective action plan shall be developed and the teacher and his or her **designated** supervisor shall meet to discuss the corrective action plan prior to September 15 of the following school year. The conference to develop and discuss the corrective action plan may be combined with the teacher's annual summary conference that occurs at the end of the year of evaluation.
3. If the ineffective or partially effective summative evaluation rating is received after the start of the school year following the year of evaluation, then a corrective action plan must be developed, and the teacher and his or her **designated** supervisor shall meet to discuss the corrective action plan within fifteen teacher working days following the school district's receipt of the teacher's summative rating.
4. The content of the corrective action plan shall replace the content of the individual professional development plan required in N.J.A.C. ~~6A:9-15.4(e) and 15.7(e)~~ **6A:9C-3.4(c) and 3.7(c)** until the next annual summary conference.
5. The content of the corrective action plan shall:
  - a. Address areas in need of improvement identified in the teacher evaluation rubric;
  - b. Include specific, demonstrable goals for improvement;
  - c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
  - d. Include timelines for meeting the goal(s).



6. The teacher's **designated** supervisor, ~~or his or her designee,~~ and the teacher on a corrective action plan shall discuss the teacher's progress toward the goals outlined in the corrective action plan during each post-observation conference, when required by N.J.S.A. 18A:27-3.1 or N.J.A.C. 6A:10-4.4.
7. Progress toward the teacher's goals outlined in the corrective action plan, ~~and data and evidence collected by the supervisor and/or the teacher to determine progress between the time the corrective action plan began and the next annual summary conference,~~ shall be documented in the teacher's personnel file and reviewed at the annual summary conference or the mid-year evaluation, **when applicable. Both the teacher on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the teacher's progress toward his or her corrective action plan goals.**
8. Progress toward the teacher's goals outlined in the corrective action plan may be used as evidence in the teacher's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.
9. Responsibilities of the evaluated teacher on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teacher's **designated** supervisor.
10. The School Improvement Panel shall ensure teachers with a corrective action plan receive a mid-year evaluation as required by N.J.S.A. 18A:6-120.c. If the corrective action plan was created on or prior to September 15 of the academic year, the mid-year evaluation shall occur before February 15; if the corrective action plan was created after September 15, the mid-year evaluation shall occur **midway between the development of the corrective action plan and** ~~before~~ the annual summary conference. The mid-year evaluation shall include, at a minimum, **a conference to discuss progress toward the teacher's goals outlined in the corrective action plan.** ~~■~~ **The mid-year evaluation conference may be combined with a post-observation conference.**



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- a. ~~One observation in addition to the observations required in N.J.A.C. 6A:10-4.4 for the purpose of evaluation as defined in N.J.A.C. 6A:10-1.2 and described in N.J.A.C. 6A:10-4.4(a), the length of which shall be determined by the Superintendent or the Principal and shall be the same length for all teachers with a corrective action plan; and~~
- b. ~~One post observation conference in addition to the observations required in N.J.A.C. 6A:10-4.4, as defined in N.J.A.C. 6A:10-1.2 and described in N.J.A.C. 6A:10-4.4(b), during which progress toward the teacher's goals outlined in the corrective action plan shall be reviewed.~~

**11. The School Improvement Panel shall ensure teachers with a corrective action plan receive one observation, including a post-observation, in addition to the observations required in N.J.A.C. 6A:10-4.4 for the purpose of evaluation as described in N.J.A.C. 6A:10-1.2 and 4.4(a). The Superintendent or Principal shall determine the length of the additional observation.**

**1211.** Tenured teachers with a corrective action plan shall be observed by multiple observers for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4(c)2.

**13. The corrective action plan shall remain in effect until the teacher receives his or her next summative evaluation rating.**

I. School Improvement Panel – N.J.A.C. 6A:10-3 et seq.

1. School Improvement Panel Membership – N.J.A.C. 6A:10-3.1

- a. The School Improvement Panel shall include the Principal, a Vice Principal, and a teacher who is chosen in accordance with b. below by the Principal in consultation with the majority representative. The Principal may appoint additional members to the School Improvement Panel as long as all members meet the criteria outlined in this



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section and N.J.S.A. 18A:6-120.a and the teacher(s) on the panel represents at least one-third of its total membership.

- b. The Principal annually shall choose the teacher(s) on the School Improvement Panel through the following process:
    - (1) The teacher member shall be a person with a demonstrated record of success in the classroom. ~~Beginning in academic year 2015-2016, a~~ **A** demonstrated record of success in the classroom means the teacher member shall have been rated effective or highly effective in the most recent available annual summative rating.
    - (2) The majority representative, in accordance with a. above, may submit to the Principal, teacher member nominees for consideration.
    - (3) The Principal shall have final decision-making authority and is not bound by the majority representative's list of nominees.
  - c. The teacher member shall serve a full academic year, except in case of illness or authorized leave, but may not be appointed more than three consecutive years.
  - d. All members of the School Improvement Panel shall be chosen by August 31 of each year.
2. School Improvement Panel Responsibilities – N.J.A.C. 6A:10-3.2
- a. The School Improvement Panel shall:
    - (1) Oversee the mentoring of teachers according to N.J.A.C. 6A:9**B**-8 and support the implementation of the school district mentoring plan;
    - (2) Conduct evaluations of teachers pursuant to N.J.A.C. 6A:10-2.4 and 4.4;







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- b. Measures of teacher practice **pursuant to** ~~determined through a teacher practice instrument and other measures described in~~ N.J.A.C. 6A:10-4.3 and 4.4.

**3. To earn a summative rating, a teacher shall have a student achievement score, including median student growth percentile and/or student growth objectives(s) scores, and a teacher practice score pursuant to N.J.A.C. 6A:10-4.4.**

**43.** Each ~~measure~~ **score** shall be converted to a percentage weight so all **components** ~~measures~~ make up 100 percent of the evaluation rubric. By ~~April 15~~ **August 31** prior to the **academic school** year **in which** the evaluation rubric applies, the Department shall provide on its website the required percentage weight of each ~~measure~~ **component and the required summative rating scale.** All components shall be worth the following percentage weights or fall within the following ranges:

- a. If, according to N.J.A.C. 6A:10-4.2(b), a teacher receives a median student growth percentile, the student achievement component shall be at least ~~forty~~ **thirty** percent and no more than fifty percent of a teacher's evaluation rubric rating as determined by the Department.
- b. If, according to N.J.A.C. 6A:10-4.2(b), a teacher does not receive a median student growth percentile, the student achievement component shall be at least fifteen percent and no more than fifty percent of a teacher's evaluation rubric rating as determined by the Department.
- c. Measures of teacher practice described in N.J.A.C. 6A:10-4.3 and 4.4 shall be at least fifty percent and no more than eighty-five percent of a teacher's evaluation rubric rating as determined by the Department.
- d. Notwithstanding the provisions of a, b, and c above, if a teacher's appeal of his or her student growth objective is approved, according to N.J.A.C. 6A:10-4.2(f), the student growth objective score weight within the student achievement component and the teacher practice weight shall be adjusted by the Superintendent**



**or the Commissioner, as applicable according to N.J.A.C. 6A:10-4.2(f).**

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

K. Student Achievement Components – N.J.A.C. 6A:10-4.2

1. Measures of student achievement shall be used to determine impact on student learning. The **student achievement** measures shall include the following components ~~pursuant to 2. below and, when required by the Department, as described in N.J.A.C. 6A:10-4.1(c):~~

**a. If the teacher meets the requirements of 2. below, the median student growth percentile of all students assigned to a teacher, which shall be calculated as set forth in 4. below; and**

~~a. The median student growth percentile of all students assigned to a teacher, which shall be calculated as set forth in 3. below; and~~

b. Student growth objective(s), which shall be specific and measurable, based on available student learning data, aligned to the Core Curriculum Content Standards, and based on growth and/or achievement.

- (1) For teachers who teach subjects or grades not covered by the Core Curriculum Content Standards, student growth objective(s) shall align to standards adopted or endorsed, as applicable, by the State Board.

2. The median student growth percentile shall be included in the annual summative rating of a teacher who:

a. 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



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student growth percentile can be calculated pursuant to 4. below;

- b. Teaches the course or group within the course for at least sixty percent of the time from the beginning of the course to the day of the standardized assessment; and
  - c. Has at least twenty individual student growth percentile scores attributed to his or her name during the academic year of the evaluation. If a teacher does not have at least twenty individual student growth percentile scores in a given academic year, **the student growth percentile scores attributed to a teacher during the two academic years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the academic year of the evaluation. Only student growth percentile scores from academic year 2013-2014 or any year after shall be used to determine median student growth percentiles** ~~a maximum of three years of student growth percentiles may be used, including the academic year of the latest summative evaluation rating.~~
3. The Department shall **periodically collect data for all teachers that include, but are not limited to, student achievement and teacher practice scores** ~~calculate the median student growth percentile for teachers using students assigned to the teacher by the school district.~~
  4. The Department shall **calculate the median student growth percentile for teachers using students assigned to the teacher by the school district** ~~periodically collect data that include, but are not limited to, component level scores.~~ For teachers who have a student growth percentile score:
    - a. The Board of Education shall submit to the Department final ratings for all components, other than the student growth percentile, for the annual summative rating; and
    - b. The Department **then** shall **then** report to the employing district Board of Education the annual summative rating,



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including the median student growth percentile for each teacher who receives a median student growth percentile.

5. Student growth objectives for teachers shall be developed and measured according to the following procedures:
  - a. The Superintendent shall determine the number of required student growth objectives for teachers, including teachers with a student growth percentile. A teacher with a student growth percentile shall have at least one and not more than four student growth objectives. A teacher without a student growth percentile shall have at least two and a maximum of four student growth objectives. By ~~April 15~~ **August 31** prior to the **academic** ~~school~~ year the evaluation rubric applies, the Department shall provide on its website the minimum and maximum number of required student growth objectives within this range.
  - b. 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.
  - c. **Each** ~~All~~ teachers shall develop, in consultation with **his or her supervisor or a Principal's designee** ~~their Principal or a teaching staff member appointed by the Principal~~, each student growth objective. If the teacher does not agree with the student growth objectives, the Principal shall make the final determination.
  - d. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, **recorded, and retained by the teacher and his or her supervisor by October 31 of each academic year, or within twenty work days of the teacher's start date if the teacher begins work after October 1** ~~and recorded in the teacher's personnel file by November 15, 2013, and by October 15 of subsequent school years.~~



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- e. Adjustments to student growth objectives may be made by the teacher **in consultation with** ~~or~~ his or her supervisor only when approved by the Superintendent or designee. **Adjustments** ~~and~~ shall be recorded in the teacher's personnel file on or before February 15.

**(1) If the Student Growth Objective (SGO) covers only the second semester of the school year, or if the teacher begins work after October 1, adjustments shall be recorded before the mid-point of the second semester.**

- f. The teacher's **designated** supervisor ~~and/or a member of the School Improvement Panel~~ shall calculate each teacher's student growth objective score. The teacher's student growth objective score, if available, shall be discussed at the teacher's annual summary conference **and recorded in the teacher's personnel file.**

### L. Teacher Practice Components – N.J.A.C. 6A:10-4.3

1. 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.

### M. Teacher Observations – N.J.A.C. 6A:10-4.4

1. 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).
2. Observation conferences shall include the following procedures:
- a. 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 fifteen **teacher** ~~teaching staff member~~ working days following each observation. ~~A pre-conference shall be required pursuant to 3. below.~~



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- b. The post-observation conference shall be for the purpose of reviewing the data collected at the observation, connecting the data to the teacher practice instrument and the teacher's individual professional development plan, collecting additional information needed for the evaluation of the teacher, and offering areas to improve effectiveness.
    - c. If agreed to by the teacher, post-observation conferences for short observations of tenured teachers who are not on a corrective action plan may be conducted via written communication, including electronic communications.
    - d. A pre-conference, when required, shall occur **at least one but not more than** ~~within~~ seven **teacher** ~~teaching staff member~~ working days prior to the observation, ~~not including the day of the observation.~~
  3. Each teacher shall be observed as described in N.J.A.C. 6A:10-4.4, at least three times during each school year, but not less than once during each semester. For all teachers, at least one of the required observations shall be announced and preceded by a pre-conference, and at least one of the required observations shall be unannounced. The Superintendent shall decide whether the third required observation is announced or unannounced. The following additional requirements shall apply:
    - a. Nontenured teachers shall receive a minimum of three observations within the timeframe set forth in N.J.S.A. 18A:27-3.1, and observations for all other teachers shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year.
    - b. Teachers on a corrective action plan shall receive observations within the timeline set forth in N.J.A.C. 6A:10-2.5.
    - c. Nontenured teachers shall be observed during the course of the year by more than one appropriately certified supervisor, either simultaneously or separately, by multiple observers, with the following provisions:



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- (1) A co-observation shall fulfill the requirement in this section for multiple observers.
  - (2) One co-observation shall count as one observation required in 4. below.
- d. One post-observation conference may be combined with a teacher's annual summary conference as long as it occurs within the required fifteen **teacher** ~~teaching staff member~~ working days following the observation for the purpose of evaluation.
  - e. A written **or electronic** evaluation report shall be signed by the supervisor who conducted the observation and post-observation and the teacher who was observed.
  - f. The teacher shall submit his or her written objection(s) of the evaluation within ten teacher working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report.
4. Each observation required for the purpose of evaluations shall be conducted for the minimum duration based on the following groups:
- a. A nontenured teacher who is in his or her first or second year of teaching in the school district shall receive at least two long observations and one short observation.
  - b. A nontenured teacher who is in his or her third or fourth year of teaching in the school district shall receive at least one long observation and two short observations.
  - b. A tenured teacher shall receive at least three short observations.





**5. To earn a teacher practice score, a teacher shall receive at least three observations.**

**a. If a teacher is present for less than forty percent of the total student school days in an academic year, he or she shall receive at least two observations to earn a teacher practice score.**

N. Teacher Practice Instrument – N.J.A.C. 6A:10-6.2

1. The teacher practice instrument approved by the Department shall meet the following criteria:

a. Include domains of professional practice that align to the New Jersey Professional Standards for Teachers pursuant to N.J.A.C. 6A:9-3;

b. 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:

(1) Clearly define the expectations for each rating category;

(2) Provide a conversion to the four rating categories: ineffective, partially effective, effective, and highly effective;

(3) Be applicable to all grades and subjects; or to specific grades and/or subjects if designed explicitly for the grades and/or subjects; and

(4) Use clear and precise language that facilitates common understanding among teachers and administrators.

c. Rely, to the extent possible, on specific, discrete, observable, and/or measurable behaviors of students and



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teachers in the classroom with direct evidence of student engagement and learning; and

- d. Include descriptions of specific training and implementation details required for the instrument to be effective.
2. For Commissioner-approval of a teacher practice instrument in 2015 or any year thereafter, the instrument shall include a process to assess competency on the evaluation instrument which the school district may choose to use as a measure of competency.

Adopted: 9 April 2009

Revised: 5 December 2013

1<sup>st</sup> Reading: 19 Reading 2015

