

**STATE BOARD OF EDUCATION
ADMINISTRATIVE CODE
COMMENT/RESPONSE FORM**

This comment and response form contains comments from the June 1, 2016, meeting of the State Board of Education when the draft regulations were considered at Second Discussion Level, and from the public comment period.

Topic: Professional Development and
Educator Evaluation

Meeting Date: July 13, 2016

Code Citation: N.J.A.C. 6A:9C and 6A:10

Level: Proposal

Division: Division of Talent
and Performance

Completed by: Office of Evaluation

Summary of Comments and Agency Responses:

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

- A. Edithe Fulton, Member
State Board of Education

- 1. Marilyn Ryan, Teacher

- 2. Edward Kemp, Superintendent
Mansfield Township School District

- 3. Francine Pfeffer, Associate Director of Government Relations
New Jersey Education Association

- 4. Jennifer Keyes-Maloney, Assistant Director of Government Relations
New Jersey Principals and Supervisors Association

- 5. Rebecca Seery, Supervisor of Instruction
Manalapan-Englishtown Regional School District

- 6. Sheri Cagnina, Teacher
East Brunswick School District

- 7. Virginia Grossman, Superintendent
Westampton Township Public Schools

- 8. Evelyn Rial-Pan, Teacher
East Brunswick School District

- 9. Jill Dobrowansky, Director of Curriculum and Instruction
Wall Township Public Schools

- 10. Joanne Monroe, Assistant Superintendent

Manalapan-Englishtown Regional School District

11. Nicole Tibbetts, Director of Staff Development, Evaluation and Support
East Brunswick Public Schools
12. Scott Feder, Superintendent
Millstone Township Schools

1. **COMMENT:** The commenter asked if new teachers still pay for the mentor assigned to them. (A)

RESPONSE: Yes, candidates required to complete a provisional period of teaching to obtain standard certification are responsible for payment of mentoring fees during the first provisional year. However, the employing school district may pay the mentoring fees for the candidate.

2. **COMMENT:** The commenter said preparing to become a teacher is expensive and time consuming and the changes in requirements to become a teacher are likely to discourage individuals from entering the profession. (A)

RESPONSE: The Department has worked with preparation providers and test vendors to identify ways to reduce costs for candidates such as providing fee waivers for candidates completing licensure assessments who demonstrate financial hardship. Fee waivers are available for current licensure assessments and will be available for candidates completing the new performance assessment once the assessment becomes required for certification. The Department will continue to work with providers and vendors to identify additional ways to reduce economic burden for candidates seeking certification as a teacher.

3. **COMMENT:** The commenters expressed support for the proposed changes to the evaluation system that will provide highly effective teachers flexibility in meeting the evaluation requirements for observations. (2, 4, 5, 6, 7, 8, 9, 10, 11, 12)

RESPONSE: The Department thanks the commenters for their support.

4. **COMMENT:** The commenters stated reducing the minimum observation requirements will allow school districts to devote more time to observing teachers who need extra support and to provide more innovative growth opportunities for others teachers. (2, 5)

RESPONSE: The Department has proposed amendments and new rules N.J.A.C. 6A:10-4.4(c)1 through 4 specifically for the purpose stated by the commenters and thanks the commenters for the support.

5. **COMMENT:** The commenter commended the Department for working collaboratively and listening to school districts throughout the State during the past three years. (2)

RESPONSE: The Department thanks the commenter for the support.

6. **COMMENT:** The commenter expressed disappointment the New Jersey Education Association's concerns previously stated were not already addressed by changes to the proposed amendments. (3)

RESPONSE: Since first discussion, the Department has been gathering feedback from stakeholder groups, school districts, and educators around the State to determine whether additional amendments to the proposed rulemaking are warranted. The Department had not completed this process prior to June 1 and, therefore, was not in a position to make additional amendments to the rulemaking during previous discussion levels.

7. **COMMENT:** The commenter stated the proposed N.J.A.C. 6A:9C-4.4(c), which will require each teacher’s individual professional development plan (PDP) to be developed by October 31, would preclude the use of evaluation data in developing a meaningful PDP and would be too late to allow teachers to choose professional development opportunities for the summer. (3)

RESPONSE: A teacher’s PDP is a living document and, as stated in recodified N.J.A.C. 6A:9C-4.4(d), is modified during the year as needed to account for new information and the teacher’s particular development needs. While PDP development can begin during discussion of the teacher’s summative evaluation, the intent of the proposed PDP requirement will be more effectively fulfilled if teachers are given time to reflect, and provided with information about their students at the beginning of the following school year before finalizing their professional goals for the year. Recodified N.J.A.C. 6A:9C-4.4(d)1 requires a PDP to specify at least “one area for development of professional practice derived from the results of observations and evidence accumulated through the teacher’s annual performance evaluation.” The regulation clearly states the intent of the PDP is to connect professional learning goals to evidence presented in the summative evaluation. Recodified N.J.A.C. 6A:9C-4.4(d)2, which requires a PDP to specify at least “one area for development of professional practice derived from individual, collaborative team, school or school district improvement goals,” is likely to be more effectively accomplished once schools, school districts, and collaborative teams have data, and have had time to collect and analyze the data related to these improvement goals.

However, the Department proposes an additional amendment at proposed N.J.A.C. 6A:9C-4.4(c), which currently would require each teacher’s individual PDP to be developed by October 31, to replace “developed” with “updated annually and not later than.” The proposed amendment will clarify PDPs can be updated at any point during the year but must be updated at least once annually and no later than October 31. The Department also proposes to amend recodified N.J.A.C. 6A:9C-4.4(d), which requires an individual PDP to be effective for one year, updated annually, and modified during the year, as necessary, by deleting “effective for one year, updated annually, and.” The proposed amendment will clarify the PDP is a living document and does not have a start and stop time and reflect the above-stated amendment to proposed N.J.A.C. 6A:9C-4.4(c).

- (c) Each teacher’s individual PDP shall be ~~[[developed by]]~~ **updated annually no later than** October 31 except:
1. **If the teacher is hired after October 1, the PDP shall be developed within 25 working days of his or her hire.**

[(c)] (d) The individual PDP shall be [[effective for one year, updated annually, and]] modified during the year, as necessary, and shall specify at least:

1. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation; and
2. One area for development of professional practice derived from individual, collaborative team, school, or school district improvement goals.

8. **COMMENT:** The commenter thanked the Department for clarifying via proposed N.J.A.C. 6A:10-2.2(a)2i that district boards of education must ensure Statewide assessment data is shared with teachers in a timely fashion. (3)

RESPONSE: The Department thanks the commenter for the support.

9. **COMMENT:** The commenter stated the Department has not adequately addressed in the proposed regulations the issue of requiring school districts to ensure inter-rater reliability. (3)

RESPONSE: Recodified N.J.A.C. 6A:10-2.2(b)2 requires annual training on evaluation instruments and recodified N.J.A.C. 6A:10-2.2(b)3 requires at least two co-observations for the purpose of developing rater accuracy and reliability. Through numerous and frequent interactions with school districts and through surveys, the Department has learned many school districts are providing substantially more training than the minimum requirements through video calibration exercises, instructional rounds, and other evaluation team activities. The Department has been collecting information on inter-rater reliability processes over the past year and will be publishing guidance and providing training in the next several months to assist school districts in their efforts to improve inter-rater reliability.

10. **COMMENT:** The commenter suggested the proposed language at recodified N.J.A.C. 6A:10-2.2(b)3ii should read, "A co-observation shall 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 N.J.A.C. 6A:10-4.3 and 4.4, **but the co-observation shall not count as two or more required observations,**" to clarify the co-observation should be used to generate one actual observation score only, not two. (3)

RESPONSE: The Department thanks the commenter for the suggested change. However, the proposed amendment is intended not only to ensure the co-observation is not used for two observations but also to clarify the co-observation's purpose is primarily for the training of evaluators and improving the accuracy and reliability of the observation process. The proposed amendment will allow an observer to use discretion in determining whether the co-observation is to be used for evaluative purposes. However, based on prior feedback regarding the process of co-observation, as described in recodified N.J.A.C. 6A:10-2.2(b)3ii, the Department will add language to clarify the

teacher's designated supervisor will make the final determination of the observation score if a co-observation is used for evaluation purposes.

[4.] **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 [academic] **school** year.

- i. Co-observers shall use the co-observation to promote accuracy **and consistency** in scoring[, and to continually train themselves on the instrument].
- ii. A co-observation [shall] **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 N.J.A.C. 6A:10-4.3 and 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

11. COMMENT: The commenter requested an amendment at N.J.A.C. 6A:10-2.3(c) to require local District Evaluation Advisory Committees (DEACs) to be in place for perpetuity. **(3)**

RESPONSE: The Department maintains it is premature to make DEACs a requirement in perpetuity. However, the Department proposes to extend by one year -- from 2017-2018 to 2018-2019 as described in proposed N.J.A.C. 6A:10-2.3(c) -- the date by which a DEAC is no longer required. This extension will allow the Department to gather further information from school districts on the operation and value of DEACs.

(c) Beginning in [[2017-2018]] **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[s] Evaluation Advisory Committee.

12. COMMENT: The commenter stated the proposed amendment at N.J.A.C. 6A:10-2.5(b) to alter the deadline for a corrective action plan from September 15 to October 31 and the proposed new rule at N.J.A.C. 6A:10-2.5(m), which establishes there is no minimum time that a teacher may be on a CAP, would mean, in some circumstances, a teacher would not be on a CAP long enough to receive adequate support. **(3)**

RESPONSE: October 31 is a deadline only and school districts can set CAPs prior to the date. However, the Department maintains it is critical that educators who need support

are provided with thoughtful and useful action plans to help them improve their performance. An extended period at the beginning of the year prior to establishing a CAP will provide teachers and administrators more time to appropriately determine the teacher's current assignment and how to best set goals based on the teacher's needs within this current context. The Department's commitment to ensuring the CAP best meets the needs of the teacher is further reflected in the proposed amendment at recodified N.J.A.C. 6A:10-2.5(d), which would allow CAP goals to be updated during any post-observation conference to reflect any change(s) in progress, position, or role. Proposed N.J.A.C. 6A:10-2.5(m), which states there is no minimum time associated with a CAP, is intended to clarify N.J.A.C. 6A:10-2.5(l), which requires a CAP to be in place until the next summative rating is available.

- 13. COMMENT:** The commenter stated the proposed amendments at N.J.A.C. 6A:10-4.4(c)1 through 3 to the minimum observation requirements for non-tenured and tenured teachers do not provide teachers adequate time to show growth and change. The commenter further proposed that all classroom observations be a class period in duration. **(3)**

RESPONSE: Research¹ shows observation scores indicate no change after the first 15 minutes of an observation. The Department is committed to supporting school districts in developing ownership of evaluation systems that are customized to their local contexts. Under the proposed amendments at N.J.A.C. 6A:10-4.4(c)1 through 3, school districts will have more flexibility to determine the appropriate number and length of observations for their staff.

- 14. COMMENT:** The commenters expressed support for the proposed amendments at N.J.A.C. 6A:10-4.4(c)1 through 3 to streamline and provide flexibility in teacher observations, at N.J.A.C. 6A:10-5.3(a) to allow flexibility in principal evaluation, at N.J.A.C. 6A:9C-4.4(c) and N.J.A.C. 6A:10-2.5(b) to consolidate deadlines for CAPs and PDPs, at N.J.A.C. 6A:10-2.2(b)2 to improve training, and at N.J.A.C. 6A:10-4.4(c)2i to recognize school district factors in evaluation requirements. **(2, 4)**

RESPONSE: The Department thanks the commenters for the support.

- 15. COMMENT:** The commenter urged the Department to continue to permit school districts to use the equivalency and waiver process at N.J.A.C. 6A:5 for additional system reflection and improvement. **(4)**

RESPONSE: The Department maintains the equivalency and waiver process is an important avenue to help school districts continue to improve their evaluation and support systems.

- 16. COMMENT:** The commenter stated the evaluation system is designed to take into account only things that can be measured. **(1)**

RESPONSE: The Department has designed a system that complies with the TEACHNJ Act, which specifies a four-point rating scale and inputs based on attributes of practice and student growth that can be quantified. While no evaluation system can fully capture a complete picture of any individual's work, the Department maintains its system of

¹ http://k12education.gatesfoundation.org/wp-content/uploads/2015/12/MET_Reliability-of-Classroom-Observations_Research-Paper.pdf

multiple measures of practice and student growth is an appropriate method to measure the effectiveness of teachers.

17. **COMMENT:** The commenter stated the evaluation system produces artificially low scores. (1)

RESPONSE: The Department has provided school districts great flexibility in how they implement AchieveNJ and evaluation scores vary around the State. However, data from the 2013-2014 school year, which was the first year of AchieveNJ, indicates approximately 97 percent of teachers were rated effective or better and the average teacher practice score was 3.28².

18. **COMMENT:** The commenter stated SGOs are arbitrary and focus solely on test scores. (1)

RESPONSE: The Department maintains SGOs are an important component of the evaluation system that allows teachers to be recognized for growth they foster in their students. SGOs are long-term academic goals set for groups of students that must measure growth in learning but do not need to be based solely by pen and paper tests. The Department had provided significant resources and training to help teachers develop meaningful and high-quality SGOs. The guidance encourages teachers to take into account students' aptitudes and abilities when developing SGOs and to develop high-quality assessment protocols that fully account for their students' learning and development. The guidance can be found on the Department's website at <http://www.state.nj.us/education/AchieveNJ/teacher/objectives.shtml>.

Summary of Agency-initiated Changes

1. The Department proposes an amendment at N.J.A.C. 6A:10-1.4, which requires confidentiality of evaluation information. The Department proposes to add “, including, but not limited to, digital records” in the first sentence to clarify evaluation information is subject to the stated confidentiality rules regardless of the format in which it is collected, compiled, and/or maintained.

All information contained in [written] **annual** performance reports and all information collected, compiled, and/or maintained by employees of a district board of education for the purposes of conducting the educator evaluation process pursuant to this chapter, **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

² 2013-14 Final Educator Evaluation Implementation Report
<http://www.state.nj.us/education/AchieveNJ/resources/201314AchieveNJImplementationReport.pdf>

data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

2. The Department proposes an amendment at N.J.A.C. 6A:10-4.4(b)2, which requires the post-observation conference to 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 PDP, collecting additional information needed for the teacher's evaluation, and offering areas to improve effectiveness, to require an observation cycle, including the post-observation conference, to be completed prior to the next observation. The Department maintains the cycle of observation and feedback is critical to improving teaching and that teachers will benefit the most from this observation cycle when they have an opportunity to reflect on one round of feedback prior to the beginning of the next round.

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

3. The Department proposes an amendment at recodified N.J.A.C. 6A:10-4.4(c)2i, which requires nontenured teachers to be observed during the course of the year by more than one appropriate certified supervisor, either simultaneously or separately, by multiple observers, to delete "either simultaneously or separately, by multiple observers, with the following provisions." The Department also proposes to delete current N.J.C. 6A:10-4.4(c)i and ii (previously proposed for recodification as N.J.A.C. 6A:10-4.4(c)2i(1) and (2)), which require a co-observation to fulfill the requirement for multiple observers and for one co-observation to count as one required observation. The proposed amendments will clarify the multiple observer requirement for teacher evaluation is for the purpose of increasing the accuracy of the evaluation score assigned to the teacher through the observation process, which is different from the role of the co-observation process as described in proposed N.J.A.C. 6A:10-2.2(b)3i and ii, which is a training tool for evaluators to increase the accuracy and consistency of observation scoring across several administrators in the school and school district.

- [3.] i. [Nontenured] **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. [[, either simultaneously or separately, by multiple observers, with the following provisions:

[i.] [[(1)]] A co-observation shall fulfill the requirement in this subsection for multiple observers.

[ii.] [[(2)]] One co-observation shall count as one observation required in [(d) below] [[(c)2 above]].]

4. The Department proposes an amendment at proposed N.J.A.C. 6A:10-4.4(c)3i, which will allow one of the two required observations of a tenured teacher rated highly effective on his or her most recent summative evaluation to be an observation of a Commissioner-approved activity other than a classroom lesson, to add “and if both the teacher and the teacher’s designated supervisor agree to using this option” after “summative evaluation.” The proposed amendment will clarify the proposed optional evaluation structure for teachers rated highly effective can be used by a school district only if there is mutual agreement between the teacher and the teacher’s designated supervisor.

3. Tenured teachers shall be observed at least two times during each school

year. Observations for all [other] **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 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 rule.**

5. The Department proposes N.J.A.C. 6A:10-4.4(c)5 to prevent a school district from conducting an evaluative observation of a teacher on a CAP between when the summative rating that necessitated the CAP was provided to the teacher and the CAP’s implementation. The proposed rule will ensure evaluative observations are conducted within the support structure outlined in the CAP and will provide the teacher appropriate opportunity to demonstrate improvement through the observation and feedback process during the CAP timeframe.

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.



Proposal
July 13, 2016

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

DAVID C. HESPE
Commissioner

TO: Members, State Board of Education

FROM: David C. Hespe, Commissioner

SUBJECT: N.J.A.C. 6A:9C, Professional Development and
N.J.A.C. 6A:10, Educator Effectiveness

REASON FOR ACTION: Amendments and new rules

AUTHORITY: N.J.S.A. 18A:1-1, 18A:4-15, 18A:6-34 and 38, 18A:26-2.7 and 10,
and P.L. 2012, c. 11

SUNSET DATE: N.J.A.C. 6A:9C - November 12, 2022
N.J.A.C. 6A:10 - March 4, 2020

Summary

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

Since 2010, the Department has been working closely with educators to develop, adjust, and improve evaluation systems across New Jersey. The Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) Act, P.L. 2012, c. 26, was signed into law on August 6, 2012. The corresponding rules for the initial implementation of evaluation systems were adopted on February 6, 2013, by the State Board of Education. The Department is committed to continually reviewing and improving the policies and practices established more than three years ago by clarifying areas of confusion, simplifying overly burdensome or complicated requirements, and aligning all aspects of New Jersey educator policies (i.e. rules and guidance for preparation, certification, professional development, and evaluation).

The amendments and new rules proposed herein are intended to support the Department's comprehensive vision of preparing all students for success through the particular lens of educator effectiveness – specifically, professional development and evaluation. The proposed amendments and new rules, which are based on advice and input from teachers, support staff, and school and school district leaders, are intended to better align educators' individual professional development plans (PDPs), required pursuant to N.J.A.C. 6A:9C, to the various

evaluation procedures set forth in N.J.A.C. 6A:10. Additionally, the proposed amendments and new rules will ensure the rules focus on evaluation procedures that help to increase the rigor and quality of professional feedback and professional growth, while eliminating procedures that are burdensome to administrators without directly improving practice.

Unless specified in this Summary, all other amendments are proposed for grammar, clarity, or to update Administrative Code cross-references affected by proposed recodifications and other recent rulemakings.

CHAPTER 9C. PROFESSIONAL DEVELOPMENT

Subchapter 4. District-level, School-level, and Individual Professional Development Requirements

This subchapter sets forth requirements for school districts and schools to develop and implement plans for professional development. The subchapter also steers the development and implementation of individual PDPs, which guide the professional learning of teachers and school leaders. Finally, the subchapter establishes a State Professional Learning Committee (SPLC), which the Commissioner consults regarding policies and practices around professional learning and development.

N.J.A.C. 6A:9C-4.3 Requirements for and implementation of school leaders' individual professional development plans

This section requires school leaders to annually develop individual PDPs and describes each supervisor's responsibilities in overseeing school leaders' individual PDPs.

The Department proposes new N.J.A.C. 6A:9C-4.3(b) to require each school leader's individual PDP to be developed by October 31. The Department proposes new N.J.A.C. 6A:9C-4.3(b)1 to exempt a school leader who is hired after October 1 from the October 31 PDP requirement and instead require him or her to develop an individual PDP within 25 working days of his or her hire. The proposed deadline for PDP development and the alternative timeline for PDP development for individuals hired after October 1 align with the timeline for developing a corrective action plan (CAP) pursuant to N.J.A.C. 6A:10-2.5. The CAP supplants the PDP for teaching staff members who received a partially effective or ineffective summative rating in the previous year. As the CAP and PDP both are plans for professional learning, aligning the timelines regarding the plans' development will simplify the requirements and reinforce the relationship between the two plans.

The Department proposes an amendment at recodified N.J.A.C. 6A:9C-4.3(d), which requires leaders whose positions require a principal or supervisor endorsement or whose positions require a chief school administrator endorsement but who do not serve as a chief school administrator of a school district to develop a PDP in collaboration with the chief school administrator or designee and to provide evidence of progress toward fulfillment of his or her plans, to replace "chief school administrator or designee" with "his or her designated supervisor" as "designated supervisor" is the correct term to describe a teaching staff member's supervisor. The Department also proposes to add "to his or her designated supervisor" after "evidence" to clarify to whom the teaching staff member must provide evidence of progress toward fulfilling his or her PDP.

N.J.A.C. 6A:9C-4.4 Requirements for and implementation of teachers' individual professional development plans

This section requires teachers to annually develop individual PDPs and describes each supervisor’s responsibilities in overseeing teachers’ individual PDPs.

The Department proposes new N.J.A.C. 6A:9C-4.4(c) to require each teacher’s individual PDP to be updated annually no later than October 31. The Department proposes new N.J.A.C. 6A:9C-4.4(c)1 to require a teacher who is hired after October 1 to have an individual PDP developed within 25 working days of his or her hire. The proposed deadline for PDP development and the alternative timeline for PDP development for individuals hired after October 1 align with the deadline and timeline for CAP development. The CAP supplants the PDP for teaching staff members who received a partially effective or ineffective summative rating in the previous year. As both the CAP and PDP are plans for professional learning, aligning the timelines regarding the plans’ development will simplify the rules and reinforce the relationship between the two plans.

The Department proposes to recodify N.J.A.C. 6A:9C-4.4(c) through (e) as N.J.A.C. 6A:9C-4.4(d) through (f), respectively.

The Department proposes an amendment at recodified N.J.A.C. 6A:9C-4.4(d), which requires the individual PDP to be effective for one year, updated annually, and modified during the year, as necessary, to delete “effective for one year.” The proposed amendment will clarify a teacher’s PDP is a living document that has no start and stop date once it is initially written by a new teacher. The Department also proposes to delete “updated annually, and” as an annual update has been added to proposed N.J.A.C. 6A:9C-4.4(c).

The Department proposes at recodified N.J.A.C. 6A:9C-4.4(f), which allows evidence of progress toward meeting the requirements of a teacher’s individual PDP to be provided by the teacher and/or his or her supervisor, to add “designated” before “supervisor” because “designated supervisor” is the correct term to describe a teaching staff member’s supervisor.

The Department proposes to delete existing N.J.A.C. 6A:9C-4.4(f), which requires all teachers governed by the professional development requirements to have an individual PDP within 30 instructional days of beginning his or her respective teaching assignment, because it is no longer necessary; proposed N.J.A.C. 6A:9C-4.4(c) and (c)1 will establish the deadlines for PDP development.

The Department proposes an amendment at N.J.A.C. 6A:9C-4.4(j), which requires the previously employing school district of a teacher who is hired by another school district to share a teacher’s PDP and supporting documentation with the new employing school district and requires the new school district to ensure a revised individual PDP is created by the employee’s new supervisor in collaboration with the new teacher within 30 days of the teacher’s hire if his or her former individual PDP is unsuitable to the new assignment. The Department proposes to replace “within 30 days of hire by the employee’s new supervisor in collaboration with the new teacher” with “in accordance with this chapter” to align the required PDP development timeline for previously employed teachers to the required PDP timeline for all teachers as previously described. For such alignment to occur, the Department proposes to require the PDP to be developed before October 31 or within 25 working days if the teacher is hired after October 1. The 25-working-day limit is fairer for teachers, as the 30-day limit does not account for weekends, holidays, or illnesses, which could severely limit the number of work days a new teacher and his or her supervisor have to develop the PDP.

This subchapter includes the requirements for the mandatory district mentoring program. The district mentoring plan outlines logistics for the district mentoring program's implementation of new teacher support and the school district's responsibilities in implementing its plan.

N.J.A.C. 6A:9C-5.1 Requirements for the district mentoring program

This section outlines the requirements for the district mentoring program, which include providing support to provisional and nontenured teachers based on individual needs and a comprehensive induction to school district policies and procedures for all nontenured teachers.

The Department proposes an amendment at N.J.A.C. 6A:9C-5.1(c), which requires all district boards of education that employ nontenured teachers to determine how each nontenured teacher in his or her first year of employment will be provided with mentoring and supports, to add “, which shall be equal to at least 30 weeks,” after “first year of employment.” School district representatives asked for clarification regarding what constitutes the “first year of employment,” especially for part-time teachers and mid-year hires. The proposed amendment will clarify the minimum amount of time a first year teacher must receive one-to-one mentoring and the supports listed in N.J.A.C. 6A:9C-5.1(c)1 through 3.

The Department proposes an amendment at N.J.A.C. 6A:9C-5.1(c)2ii, which requires the individualized supports provided by district boards of education to nontenured teachers in the first year of the teacher's employment be guided by the teacher's individual PDP developed within the 30 instructional days of the beginning of the teaching assignment, to delete “within 30 instructional days of the beginning of the teaching assignment” because it is repetitive. N.J.A.C. 6A:9C-5.1(c)2ii cites the required timeline for PDP development. The Department also proposes to update the citation from N.J.A.C. 6A:9C-4.4(f) to delete subsection (f) from the cross-reference, as N.J.A.C. 6A:9C-4.4(f) is proposed for deletion and N.J.A.C. 6A:9C-4.4 is a more appropriate citation.

CHAPTER 10. EDUCATOR EFFECTIVENESS

The Department proposes throughout the chapter to replace “written performance report” and “annual written performance report” with “annual performance report.” “Annual performance report” is the correct, defined term to describe a teaching staff member's performance report. The proposed amendment does not alter policy or practice regarding the development and storage of annual performance reports.

The Department proposes throughout the chapter to replace “year(s)” and “academic year(s)” with “school year(s),” unless the term is otherwise qualified by a date or descriptor. The proposed amendment does not alter the substance of any rule; it is proposed for consistency.

Subchapter 1. General Provisions

This subchapter establishes the chapter's purpose and scope, as well as the definitions of terms used therein. The subchapter also establishes the composition of the District Evaluation Advisory Committee and the effects of the chapter on collective bargaining provisions.

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

This section establishes the chapter's purpose and scope.

The Department proposes at N.J.A.C. 6A:10-1.1(a), which states, in part, the chapter is intended to guide district boards of education in establishing 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, to replace "guide district boards of education in establishing" with "provide minimum requirements for." The proposed amendment will clarify the chapter's purpose and will not change the role or responsibility of a district board of education in ensuring the school district complies with the rules for evaluating teaching staff members, which appear in N.J.A.C. 6A:10-2.2.

The Department proposes to amend N.J.A.C. 6A:10-1.1(c), which requires district boards of education to implement evaluation rubrics as defined in N.J.A.C. 6A:10-2.2(a)2, 3, and 4, including measures of professional practice and desired outcomes for the purpose of evaluating teaching staff members. The Department proposes to replace "shall implement evaluation rubrics as defined in N.J.A.C. 6A:10-2.2(a)2, 3, and 4, including measures of professional practice and desired outcomes for the purpose of evaluating teaching staff members" with "ensure evaluations of all teaching staff members and chief school administrators are conducted in accordance with the chapter." The proposed amendments will simplify the rule and clarify the district boards of education's role in ensuring teaching staff members are properly evaluated.

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

This section establishes definitions for terms used in the chapter.

The Department proposes an amendment to the definition of "announced observation," which means an observation in which the person conducting an evaluation for the purpose of evaluation will notify the teaching staff member of the date and the class period that the observation will be conducted, to replace "evaluation" with "observation." "Observation" is the appropriate term and will ensure consistency within the definition and alignment with the definition of "unannounced observation."

The Department proposes an amendment to the definition of "evaluation," which 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. The Department proposes to replace "Statewide evaluation criteria that incorporates analysis of multiple measures of student achievement or growth and multiple data sources" with "based on, when applicable, the individual's evaluation rubric" to clarify an evaluation is an appraisal of professional performance in relation to a job description and professional standards and to clarify the evaluation must be based on the applicable components of an individual's evaluation rubric.

The Department proposes to delete the definition of "long observation," which means an observation for the purposes of evaluation that is conducted for a minimum duration of at least 40 minutes or one class period, as the term no longer will be used in the chapter as proposed for amendment. To simplify the observation rules and provide greater flexibility to administrators, the Department will require at N.J.A.C. 6A:10-4.4(c)1 that any teacher observation for the purpose of evaluation to be at least 20 minutes long.

The Department proposes to delete the definition of "model evaluation rubric," which means Commissioner-reviewed and -accepted district educator evaluation rubrics that include a teacher or principal practice instrument that appears on the Department's list of approved educator practice instruments, because the term is not used in the chapter.

The Department proposes to delete the definition of “short observation,” which means an observation for the purpose of evaluation that is conducted for at least 20 minutes, as it no longer will be used in this chapter as proposed for amendment. As discussed above, the Department will establish at N.J.A.C. 6A:10-4.4(c)1 that any teacher observation for the purpose of evaluation must be at least 20 minutes long.

The Department proposes in the definition of “student growth objective,” which means an academic goal that teachers and evaluators set for groups of students, to replace “evaluators” with “designated supervisors” for consistency. The Department uses designated supervisor, and not evaluator, throughout the chapter to refer to the supervisor designated by the chief school administrator or his or her designee as the teaching staff member’s supervisor.

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

This section establishes all information contained in written performance reports and all information collected, compiled, and/or maintained by school district employees for the purpose of evaluation are confidential and not subject to public inspection under the Open Public Records Act (N.J.S.A. 47:1A-1 et. seq.).

The Department proposes an amendment at N.J.A.C. 6A:10-1.4 to add “, including, but not limited to, digital records” in the first sentence to clarify evaluation information is subject to the stated confidentiality rules regardless of the format in which it is collected, compiled, and/or maintained.

Subchapter 2. Evaluation of Teaching Staff Members

This subchapter establishes the rules for evaluating teaching staff members and for district board of education responsibility in ensuring all teaching staff members are properly evaluated. The subchapter also establishes the composition of the District Evaluation Advisory Committee and the rules for developing, implementing, and placing a teaching staff member on a CAP.

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

This section establishes the duties of district boards of education in ensuring teaching staff members are properly evaluated each year.

The Department proposes N.J.A.C. 6A:10-2.2(a)2i to require each chief school administrator to develop policies and procedures that ensure, at a minimum, 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. The proposed rule will ensure Statewide assessment data is promptly shared with teachers, so it can be effectively utilized as one of many measures to inform instructional practice and improve student learning.

The Department proposes to delete N.J.A.C. 6A:10-2.2(b)2, which requires each district board of education to ensure training on the educator practice instruments is provided to any supervisor who will conduct observations for the purpose of evaluation of teaching staff members and to ensure the training is provided before the observer conducts his or her first

observation for the purpose of evaluation, because the Department proposes at N.J.A.C. 6A:10-2.2(b)3 to combine the training rules for supervisors who will conduct observations.

The Department proposes amendments at recodified N.J.A.C. 6A:10-2.2(b)2, which requires each district board of education to ensure any supervisor who will observe educator practice is provided annual updates and refresher training on the educator practice instruments for the purpose of increasing accuracy and consistency among observers. The Department proposes instead to require each district board of education to ensure supervisors who are conducting evaluations in the school district receive annual updates and refresher training and to ensure any supervisor who will evaluate teaching staff members for the first time receives more thorough training. The Department also proposes to require the training provided to supervisors to include each component of the evaluated teaching staff member's evaluating rubric and for the training to occur prior to the supervisor conducting the evaluation. The proposed amendments at recodified N.J.A.C. 6A:10-2.2(b)2 will ensure supervisors are trained prior to conducting evaluations and on all components of a teaching staff member's evaluation rubric, including student growth objectives (SGOs), and not just the practice instrument,.

The Department proposes amendments at recodified N.J.A.C. 6A:10-2.2(b)3, which requires each district board of education to ensure each supervisor who will conduct observations for the purpose of evaluation of a teacher annually completes two co-observations during the academic year, to add "at least" before "co-observations" to clarify two co-observations is a minimum requirement.

The Department proposes amendments at recodified N.J.A.C. 6A:10-2.2(b)3i, which requires co-observers to use the co-observation to promote accuracy in scoring and to continually train themselves on the instrument, to add "and consistency" after "accuracy" and to delete ", and to continually train themselves on the instrument." The proposed amendments will simplify the rule. It is unnecessary to state the co-observation is for the purpose of continually training oneself on the practice instrument because it is implied by the training requirement to conduct two co-observations for the purpose of improving accuracy and consistency.

The Department proposes amendments at recodified N.J.A.C. 6A:10-2.2(b)3ii, which requires a co-observation to count as one required observation for the purposes of evaluation as long as the observer meets cited requirements, to replace "shall" with "may" and to add ", but the co-observation shall not count as two or more required observations" at the end of the regulation. The Department has received feedback from school and school district representatives that the requirement is confusing. The purpose of a co-observation is for training on the practice instrument; therefore, the school district can determine whether it is utilized for one observation for the purpose of evaluation. School districts have completed the co-observation requirement in a variety of ways, such as co-observing videotaped lessons from a practice instrument provider or conducting a co-observation of a teaching staff member that was not for the purpose of evaluation. To clarify the rule, the Department proposes to permit a co-observation to count as an official observation for the purpose of evaluation, instead of requiring it, as long as the co-observation counts as only one of the required observations of a teaching staff member. The Department further proposes at recodified N.J.A.C. 6A:10-2.2(b)3ii to require the teacher's designated supervisor to determine the appropriate score for a co-observation that counts as one required observation. The proposed amendment will ensure there will be a single decision maker in the case of a disagreement between co-observers regarding a teacher's score.

The Department proposes amendments at recodified N.J.A.C. 6A:10-2.2(b)4, which requires chief school administrators to annually certify to the Department that all supervisors of teaching staff members who are utilizing educator practice instruments have completed training

on the instrument and its application and have demonstrated competency in applying the educator practice instruments, to replace “educator practice instruments” in both instances with “evaluation rubrics” and to delete “the instrument and its application” after “training on.” The proposed amendments reflect the amendments proposed at N.J.A.C. 6A:10-2.2(b)2 and 3, which will require supervisors to receive training on all components of teaching staff members’ evaluation rubrics and not only on educator practice instruments.

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

This section establishes the composition of the District Evaluation Advisory Committee (DEACs).

The Department proposes an amendment at N.J.A.C. 6A:10-2.3(c), which states the DEACs will no longer be required beginning in 2017-2018 and provides district boards of education with discretion to continue DEACs beginning in the same school year, by replacing “2017-2018” with “2018-2019” to extend by one year the sunset of the requirement for district boards of education to maintain DEACs. Another year will allow for additional research to be conducted on the efficacy and value of DEACs prior to making a final decision regarding whether to permanently require school districts to convene the committees.

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

This section establishes the procedures for teaching staff member evaluations.

The Department proposes new N.J.A.C. 6A:10-2.4(b)5 to require evaluation policies and procedures requiring the annual evaluation of all teaching staff members to be developed under the direction of the chief school administrator to include a process for developing and scoring SGOs. The proposed regulation will ensure processes for developing and scoring SGOs are consistent within a school district.

The Department proposes to sub-codify N.J.A.C. 6A:10-2.4(c)1, which requires an annual summary conference to include a review of a teaching staff member’s performance based on the job description and the scores or evidence compiled using the teaching staff member’s evaluation rubric, as N.J.A.C. 6A:10-2.4(c)1 and ©1i for organizational clarity. The Department proposes to recodify N.J.A.C. 6A:10-2.4(c)3, which requires an annual summary conference to include a review of available indicators or scores of student achievement or growth, when applicable, such as SGO scores and student growth percentile scores, as N.J.A.C. 6A:10-2.4(c)1ii for organizational clarity.

The Department proposes an amendment at N.J.A.C. 6A:10-2.4(e)2, which requires the annual performance report to include performance area(s) of strength and area(s) needing improvement based upon the job description, observations for the purpose of evaluation and, when applicable, the educator practice instrument, to replace “, observations for the purpose of evaluation and, when applicable, the educator practice instrument,” with “and components of the teaching staff member's evaluation rubric.” The proposed amendment will clarify the designated supervisor may identify area(s) of strength and area(s) needing improvement based on all components of a teaching staff member’s evaluation rubric, not just the observation.

The Department proposes an amendment at N.J.A.C. 6A:10-2.4(e)3, which requires the annual performance report to include an individual professional development plan developed by the supervisor and the teaching staff member or, when applicable, a corrective action plan from the evaluation year being reviewed in the report, to replace “[a]n individual professional

development plan developed by the supervisor and the teaching staff member or, when applicable, a” with “[t]he teaching staff member’s individual professional development plan or.” The proposed amendments clarify the annual performance report must include the individual teaching staff member’s PDP or CAP from the year being reviewed. The following school year’s PDP or CAP must be discussed at the annual summary conference but need not be included in the annual performance report.

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

This section establishes the rules for developing, implementing, and placing a teaching staff member on a CAP.

The Department proposes an amendment at N.J.A.C. 6A:10-2.5(a), which requires a CAP to be developed for each teaching staff member rated ineffective or partially effective on the annual summative evaluation and requires the CAP to be developed by the teaching staff member and the chief school administrator or the teaching staff member’s designated supervisor, to delete “the chief school administrator or.” The proposed amendment will simplify the rule and reduce redundancy as a teaching staff member’s designated supervisor may be the chief school administrator. The Department also proposes to add as the second sentence, “[i]f the teaching staff member does not agree with the corrective action plan’s content, the designated supervisor shall make the final determination” to clarify the designated supervisor must make the final determination if there is a disagreement regarding CAP development.

The Department proposes amendments to N.J.A.C. 6A:10-2.5(b), which requires a CAP to be developed for teaching staff members whose summative evaluation rating is calculated before the end of the school year and requires the teaching staff member and his or her designated supervisor to meet to discuss the CAP prior to September 15 of the following school year. The rule also allows the CAP conference to be combined with the teaching staff member’s annual summary conference that occurs at the end of the evaluation year. The Department proposes to delete “[i]f the summative evaluation rating is calculated before the end of the school year, then” and to replace “prior to September 15 of the following school year” with “by October 31 of the school year following the year of evaluation except..” The Department further proposes to delete the last sentence allowing the CAP and summary conferences to be combined. The later deadline for CAP development will provide the designated supervisor and teaching staff member more time to create a meaningful and actionable CAP, which may take into consideration the current school year conditions.

The Department proposes to recodify N.J.A.C. 6A:10-2.5(c), which requires a CAP to be developed for teaching staff members whose ineffective or partially effective summative rating is received after the start of the school year following the year of evaluation and requires the teaching staff member and his or her designated supervisor to meet to discuss the CAP within 15 teaching staff member working days following the school district’s receipt of the teaching staff member’s summative rating, as N.J.A.C. 6A:10-2.5(b)1 as an exception to the October 31 deadline to develop a CAP. The Department proposes an amendment at recodified N.J.A.C. 6A:10-2.5(b)1 to replace “after the start of the school year” with “after October 1 of the school year.” The Department also proposes an amendment to change the 15 teaching staff member working days to 25 teaching staff member working days. The proposed amendments align with the same proposed deadlines for PDP development and will simplify and clarify for administrators the process of developing PDPs and CAPs for teaching staff members.

The proposed amendments at N.J.A.C. 6A:10-2.5(b) and recodified N.J.A.C. 6A:10-2.5(b)1 will also better align deadlines and timelines for development of PDPs and CAPs

because they both are guides for individual professional learning. A CAP must supplant a PDP as the document that guides a teaching staff member's professional development if he or she was rated ineffective or partially effective based on his or her most recent annual summative rating.

The Department proposes to recodify N.J.A.C. 6A:10-2.5(e), which establishes what must be addressed or included in a CAP, as N.J.A.C. 6A:10-2.5(c). The Department also proposes to include in the recodified rule the provisions of existing N.J.A.C. 6A:10-2.5(d), which requires the CAP's contents to replace the content of the individual PDP until the next annual summary conference.

The Department proposes to recodify N.J.A.C. 6A:10-2.5(f), which requires a teaching staff member on a CAP and his or her designated supervisor to discuss the teaching staff member's progress toward the goals outlined in the CAP during each required post-observation conference, as N.J.A.C. 6A:10-2.5(d). The Department also proposes to add a second sentence to the rule to allow the teaching staff member and his or her designated supervisor to update the goals outlined in the CAP to reflect any change(s) in the teaching staff member's progress, position, or role. Whether CAP goals can be adjusted has been a point of confusion for school leaders. The proposed new language will clarify that CAP goals may be adjusted if deemed appropriate by the teaching staff member's designated supervisor.

The Department proposes to recodify N.J.A.C. 6A:10-2.5(g), which requires progress toward the teaching staff member's CAP goals to be documented in the teaching staff member's personnel file and reviewed at the annual summary conference or the mid-year evaluation and allows both the teaching staff member on a CAP and his or her designated supervisor to collect data and evidence to demonstrate progress toward CAP goals, as N.J.A.C. 6A:10-2.5(e) and (e)1. The Department proposes at recodified N.J.A.C. 6A:10-2.5(e)1 to replace "or" after "annual summary conference" with "and" and to delete ", when applicable" after "mid-year evaluation" to ensure progress toward CAP goals is discussed at both the annual summary conference and the mid-year evaluation.

The Department proposes to recodify N.J.A.C. 6A:10-2.5(h), which allows progress toward CAP goals outlined to be used as evidence in a teaching staff member's next annual summative evaluation without guaranteeing an effective rating on the next summative evaluation, as N.J.A.C. 6A:10-2.5(e)2 for organizational clarity. The Department also proposes to delete "[p]rogress toward the teaching staff member's goals outlined in the corrective action plan" because it is repetitive based on the reorganization of the recodified subsection.

The Department proposes to recodify N.J.A.C. 6A:10-2.5(j), which requires the School Improvement Panel (ScIP) to ensure teachers with a CAP receive a mid-year evaluation and establishes deadlines and timelines for when the mid-year evaluation must occur, as N.J.A.C. 6A:10-2.5(g). The current rule requires the mid-year evaluation to occur as follows:

- If the CAP was created on or prior to September 15, the mid-year evaluation must occur before February 15;
- If the CAP was created after September 15, the mid-year evaluation must occur midway between the development of the CAP and the annual summary conference.

The Department proposes to simplify recodified N.J.A.C. 6A:10-2.5(g) by deleting the February 15 evaluation deadline for teachers with CAPs created prior to September 15 and by adding "approximately" before "midway." The Department also proposes to replace "annual summary conference" with "expected receipt of the next annual summative rating." The Department understands it may be impossible, due to scheduling realities, to conduct the mid-

year evaluation precisely midway between the CAP development and the expected receipt of the next annual summative rating.

The Department proposes to recodify N.J.A.C. 6A:10-2.5(k), which requires the ScIP to ensure teachers with a CAP receive one observation, including a post-observation, in addition to the observations required for the purpose of evaluation, as N.J.A.C. 6A:10-2.5(h). The Department also proposes to add “conference” after “post-observation” for clarity. The same amendment is proposed at recodified N.J.A.C. 6A:10-2.5(j). The Department also proposes to delete the final sentence of recodified N.J.A.C. 6A:10-2.5(h), which requires the chief school administrator or principal to determine the length of the additional observation a teacher with a CAP must receive, because it is unnecessary. As described above regarding the deletion of the term “long observation,” the Department is proposing to simplify teacher observation requirements by requiring all observations of teachers be at least 20 minutes in length.

The Department proposes to recodify N.J.A.C. 6A:10-2.5(l), which requires tenured teachers with a CAP to be observed by multiple observers for the purpose of evaluation, as N.J.A.C. 6A:10-2.5(i). The Department proposes to add “[e]xcept where a school district employs only one administrator whose position requires a supervisor, principal, or school administrator endorsement,” before “[t]enured teachers.” The Department has received several waiver applications from small school districts seeking exemptions from the multiple-observer requirement due to the logistical challenge of finding a second administrator to conduct an observation. The proposed amendment will relieve an undue burden on school districts that employ only one administrator, while maintaining the multiple-observer requirement for the majority of school districts.

The Department proposes to recodify N.J.A.C. 6A:10-2.5(m), which requires the chief school administrator, or his or her designee, and the principal, as appropriate, to conduct a mid-year evaluation of any principal, assistant principal, or vice principal with a CAP and establishes deadlines and timelines for when the mid-year evaluation must occur, as N.J.A.C. 6A:10-2.5(j). The current rule requires the mid-year evaluation to occur accordingly:

- If the CAP was created prior to the start of the academic year, the mid-year evaluation must occur before February 15; and
- If the CAP was created after the start of the academic year, the mid-year evaluation must occur midway between the development of the CAP and the annual summary conference.

The Department proposes to simplify recodified N.J.A.C. 6A:10-2.5(j) by deleting the February 15 evaluation deadline for teachers with CAPs created before the start of the school year and by adding “approximately” before “midway.” The Department also proposes to replace “annual summary conference” with “expected receipt of the next annual summative rating.” The Department understands it may be impossible, due to scheduling realities, to conduct the mid-year evaluation precisely midway between the CAP development and the expected receipt of the next annual summative rating.

The Department proposes to recodify N.J.A.C. 6A:10-2.5(n), which requires the chief school administrator to ensure principals, vice principals, and assistant principals with a CAP receive one observation and post-observation in addition to the observations required for the purpose of evaluation, as N.J.A.C. 6A:10-2.5(k). The Department also proposes to delete the final sentence of recodified N.J.A.C. 6A:10-2.5(k), which requires the chief school administrator or principal to determine the length of the additional observation because it is unnecessary; there are no minimum time requirements for observations of principals, vice principals, or assistant principals.

The Department proposes new N.J.A.C. 6A:10-2.5(m) to establish there is no minimum number of teaching staff member working days a teaching staff member's CAP can be in place. When a teaching staff member must be placed on and taken off a CAP has been a point of confusion for teachers and school leaders. A teaching staff member must be placed on and taken off a CAP based on receipt of the annual summative rating, regardless of how many days the teaching staff member has been on a CAP. The proposed rule will clarify there is no minimum number of days a teaching staff member needs to be on a CAP.

Subchapter 3. School Improvement Panel

This subchapter establishes the composition and responsibilities of the ScIP.

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

This section establishes the ScIP's compositions.

The Department proposes an amendment at N.J.A.C. 6A:10-3.1(a), which requires the ScIP include the principal, a vice principal, a teacher chosen by the principal in consultation with the majority representative, and additional members appointed by the principal as long as they meet certain criteria, to add as the second sentence of the rule "[i]f an assistant 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" to more accurately align with the statute authorizing a ScIP.

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

This section establishes the ScIP's responsibilities.

The Department proposes an amendment at N.J.A.C. 6A:10-3.2(a)1, which describes the responsibility of the ScIP to oversee mentoring of teachers, to replace "N.J.A.C. 6A:9B-8" with "N.J.A.C. 6A:9C-5.3(a)2." The proposed amendment will correct the provided citation.

The Department proposes an amendment at N.J.A.C. 6A:10-3.2(a)3, which requires the ScIP to ensure CAPs for teachers are created in accordance with N.J.A.C. 6A:10-2.5(j) and to conduct mid-year evaluations for teachers with a CAP, to correct a citation. Currently, the rule references N.J.A.C. 6A:10-2.5(j), which requires the ScIP to ensure teachers with a CAP receive a mid-year evaluation. However, the scope of N.J.A.C. 6A:10-3.2(a)3 is broader than the requirement at existing N.J.A.C. 6A:10-2.5(j) for the ScIP to ensure teachers on a CAP receive a mid-year evaluation according to specific timelines, as it also requires the ScIP to ensure a CAP is created for eligible teachers. Therefore, N.J.A.C. 6A:10-3.2(a)3 must reference the CAP section at N.J.A.C. 6A:10-2.5 in its entirety. The Department also proposes to replace "conduct mid-year evaluations" with "ensure mid-year evaluations are conducted" to align with the same requirement at recodified N.J.A.C. 6A:10-2.5(g); the ScIP is responsible for ensuring mid-year evaluations of teachers on a CAP occur, not for conducting the mid-year evaluations.

The Department proposes an amendment at N.J.A.C. 6A:10-3.2(c), which prohibits a ScIP member from concurrently serving as a mentor and participating in the evaluation process, to replace "N.J.A.C. 6A:9B-8.4" with "N.J.A.C. 6A:9C-5.2(a)3." The proposed amendment will correct the provided citation.

Subchapter 4. Components of Teacher Evaluation

To implement evaluations that provide specific feedback to educators and promote student achievement, TEACHNJ requires multiple measures of practice and student learning to be used within teacher evaluations. This subchapter describes the various measurements.

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

This section describes the components that comprise the teacher evaluation rubric and the weight attached to each component relative to a teacher's summative evaluation.

The Department proposes to delete N.J.A.C. 6A:10-4.1(d)4, which requires the SGO score weight within the student achievement component and the teacher practice weight in a teacher's annual summative evaluation be adjusted by the chief school administrator or the Commissioner if a teacher successfully appeals his or her SGO score in accordance with N.J.A.C. 6A:10-4.2(f), which sets forth a process for a teacher to appeal his or her 2013-2014 SGO score. The rule is no longer effective since the deadlines for appealing a 2013-2014 SGO score have passed.

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

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

The Department proposes an amendment at N.J.A.C. 6A:10-4.2(e)4, which requires SGOs and criteria for assessing teacher performance based on the objectives to be determined, recorded, and retained by the teacher and his or her supervisor by October 31 or within 20 work days of the teacher's start date if the teacher begins work after October 1, to replace "20 work days" with "25 working days." The proposed amendment aligns with the same deadlines proposed at new N.J.A.C. 6A:9C-4.4(c)1 and recodified N.J.A.C. 6A:10-2.5(b)1 for PDP and CAP development for teachers hired after October 1. Aligning deadlines for PDP, CAP and SGO development will simplify the meeting of deadlines for administrators.

The Department proposes an amendment at N.J.A.C. 6A:10-4.2(e)6, which requires a teacher's designated supervisor to calculate each teacher's SGO score and for the score, if available, to be discussed at the teacher's annual summary conference and recorded in the teacher's personnel file, to replace "calculate" with "approve." The Department has been asked by school and school district representatives to clarify the SGO setting and scoring process is intended to give teachers the opportunity, in consultation with their supervisors, to set ambitious but achievable goals for students, measure whether students met the goals, and eventually reflect on and improve practice based on the process. Requiring the administrator to calculate the SGO score deducts from the value of this process and creates an unnecessary administrative burden.

The Department proposes to delete N.J.A.C. 6A:10-4.2(f), which establishes the process by which a teacher could appeal his or her 2013-2014 SGO score if his or her SGO was the sole cause for an ineffective or partially effective summative rating, because the rule is no longer effective.

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

This section establishes rules for observing tenured and nontenured teachers and for conducting pre- and post-observation conferences.

The Department proposes an amendment at N.J.A.C. 6A:10-4.4(b)2, which requires the post-observation conference to 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 PDP, collecting additional information needed for the evaluation of the teacher, and offering areas to improve effectiveness. The Department also proposes to require the post-observation conference to be held, within a school year, prior to the occurrence of further observations for the purpose of evaluation. The proposed amendment will clarify an observation cycle, including the post-observation conference, must be completed prior to the next observation taking place. The cycle of observation and feedback is critical to improving teaching and teachers will benefit the most when they have an opportunity to reflect on one round of feedback prior to the beginning of the next round.

The Department proposes amendments at N.J.A.C. 6A:10-4.4(b)3, which allows post- and pre-observation conferences for short observations of tenured teachers who do not have a CAP to be conducted via written communication, including electronic, if agreed to by the teacher, to replace “post-observation conferences and pre-conference for short observations” with “one required post-observation conference and any pre-conference(s) for observations.” The proposed amendments align with proposed new N.J.A.C. 6A:10-4.4(c)1 to require each observation of teachers for the purpose of evaluation to be at least 20 minutes, and proposed new N.J.A.C. 6A:10-4.4(c)3 to require tenured teachers to be observed at least two times during each school year and prior to the annual summary conference. The proposed amendments at N.J.A.C. 6A:10-4.4(b)3 will ensure at least one post-observation is conducted in person – even if a tenured teacher receives only two observations – thus promoting professional dialogue between teachers and designated supervisors.

The Department proposes to recodify N.J.A.C. 6A:10-4.4(c)4, which allows one post-observation conference to 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, as new N.J.A.C. 6A:10-4.4(b)4 for organizational clarity since N.J.A.C. 6A:10-4.4(b) establishes rules regarding pre- and post-conferences.

The Department proposes to recodify N.J.A.C. 6A:10-4.4(b)4 as N.J.A.C. 6A:10-4.4(b)5.

The Department proposes amendments at N.J.A.C. 6A:10-4.4(c), which currently requires:

- Each teacher be observed in accordance with the section;
- Each teacher be observed at least three times during each school year but not less than once during each semester;
- Each teacher receive at least one announced observation, preceded by a pre-conference;
- Each teacher receive at least one unannounced observation; and
- The chief school administrator to decide whether the third observation is announced or unannounced.

The Department proposes to delete the requirement that each teacher be observed at least three times during each school year but not less than once during each semester and to replace “the third required observation is” with “additional required observations are” and to add “, if applicable” after “announced or unannounced” to account for proposed amendments to observation rules in N.J.A.C. 6A:10-4.4(c)1 through 4.

To better clarify, align, and simplify policies regarding teacher observation, the following proposed amendments at N.J.A.C. 6A:10-4.4(c)1 through 4, as proposed, will establish the following teacher observation requirements:

- All observations of teachers must be at least 20 minutes (there will be no distinction in regulations between “long” and “short” observations);
- Only nontenured teachers must receive at least three observations, including at least one observation in each semester;
- Tenured teachers must receive at least two observations per school year;
- Nontenured teachers still must be observed by multiple observers; and
- Teachers on a CAP will continue to receive one additional observation and post-conference.

The Department proposes new N.J.A.C. 6A:10-4.4(c)1 to require each observation required for the purpose of evaluation to be conducted for at least 20 minutes. The proposed rule will simplify the observation rules, which currently require different combinations of long (at least 40 minutes) and short (at least 20 minutes) observations depending on a teacher’s tenure status, number of years teaching, and summative evaluation rating from the previous year.

The Department proposes to recodify existing N.J.A.C. 6A:10-4.4(c)1, which requires nontenured teachers to receive at least three observations within the timeframe set forth in N.J.S.A. 18A:27-3.1 and requires observations for all other teachers to occur prior to the annual summary conference that must take place before the end of the academic year, as new N.J.A.C. 6A:10-4.4(c)2. The Department proposes amendments at recodified N.J.A.C. 6A:10-4.4(c)2 to replace “shall receive a minimum of three observations within the timeframe” with “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.” The proposed amendments will provide clarification by separating the rules for observing nontenured teachers from the rules for observing tenured teachers, which will appear at proposed N.J.A.C. 6A:10-4.4(c)3. The Department also proposes to relocate “, 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” as part of new N.J.A.C. 6A:10-4.4(c)3 as explained below.

The Department proposes to recodify N.J.A.C. 6A:10-4.4(c)3, which requires each nontenured teacher to be observed during the course of the year by more than one appropriately certified observer, either simultaneously or separately, by multiple observers, as N.J.A.C. 6A:10-4.4(c)2i. The Department proposes an amendment to add “[e]xcept where a school district employs only one administrator whose position requires a supervisor, principal, or school administrator endorsement,” before “[n]ontenured teachers.” The Department has received several waiver applications from small school districts seeking exemptions from the multiple-observer requirement due to the logistical challenge of finding a second administrator to conduct an observation. The proposed amendment will relieve an undue burden on school districts that employ only one administrator, while maintaining the multiple-observer requirement for a majority of school districts. The Department further proposes to an amendment at recodified N.J.A.C. 6A:10-4.4(c)2i to delete “, either simultaneously or separately, by multiple observers, with the following provisions:.” The Department also proposes to delete current N.J.A.C. 6A:10-4.4(c)3i and ii, which require a co-observation to fulfill the subsection’s requirement for multiple observers and for one co-observation to count as one required observation, to clarify the multiple observation requirement for teacher evaluation is meant to increase the accuracy of the evaluation score assigned to the teacher through the observation process. Therefore, observations by multiple observers must occur in separate lessons cannot occur simultaneously, and a co-observation can count as only one observation of the teacher. The proposed amendment

to recodified N.J.A.C. 6A:10-4.4(c)2i and deletion of existing N.J.A.C. 6A:10-4.4(c)3i and also further distinguishes the role of the co-observation process from that of the multiple observer requirement since co-observations, as described in proposed N.J.A.C. 6A:10-2.2(b)3i and ii, are a tool for evaluators to increase the accuracy and consistency of observation scoring by several administrators across a school and school district and an observation score generated during this process is not required to be used for evaluation of a teacher.

The Department proposes new N.J.A.C. 6A:10-4.4(c)3 to require tenured teachers to be observed at least two times during each school year. During the last three years, the Department has granted equivalencies or waivers for many school districts that found three observations for effective and highly effective tenured teachers to be overly prescriptive. After analyzing the applications for equivalencies or waivers, and reviewing feedback on the topic from teachers, principals, and other school leaders, the Department proposes to reduce the minimum number of required observations for effective and highly effective tenured teachers so administrators can spend more time supporting novice and struggling teachers, providing coaching, encouraging professional collaboration to improve teaching and learning, and improving the quality of the SGO setting and scoring process. The proposed reduction from three to two observations for effective and highly effective tenured teachers will allow principals to employ greater professional discretion regarding where and how they allocate observation time, while still ensuring all teachers are evaluated using multiple measures.

The Department also proposes to relocate the second part of N.J.A.C. 6A:10-4.4(c)1, which requires observations for all other teachers to occur prior to the end of the academic year, as the second sentence of new N.J.A.C. 6A:10-4.4(c)3. The Department proposes an amendment to replace “all other teachers” with “all tenured teachers.” The proposed amendment will clarify to whom the rule applies.

The Department proposes new N.J.A.C. 6A:10-4.4(c)3i to allow one of the two required observations for tenured teachers to be an observation of a Commissioner-approved activity other than a classroom lesson if the tenured teacher was rated highly effective on his or her most recent summative evaluation and if both the teacher and the teacher’s designated supervisor agree to use this option. Teachers and school leaders have requested opportunities to differentiate evaluations for highly effective tenured teachers to allow educators operating at the highest level of practice to engage in evaluation activities that promote professional growth and provide increased autonomy regarding how the educators demonstrate efficacy in the classroom. The proposed rule will provide flexibility and encourage innovation regarding the observations of highly effective tenured teachers while still ensuring the teachers are evaluated on multiple measures of practice and student achievement. The Department also proposes to require the Department to post annually on its website a list of Commissioner-approved activities that can be observed in accordance with the proposed rule to clarify the meaning of “Commissioner-approved activity.”

The Department proposes to recodify N.J.A.C. 6A:10-4.4(c)2, which requires teachers on a CAP to receive observations within the timeline set forth in N.J.A.C. 6A:10-2.5, as N.J.A.C. 6A:10-4.4(c)4. The Department proposes amendments at recodified N.J.A.C. 6A:10-4.4(c)4 to replace “observations within the timeline set forth in N.J.A.C. 6A:10-2.5” with “in accordance with N.J.A.C. 6A:10-2.5(h), one additional observation, including a post-observation conference.” The proposed amendments will accurately reference the rule requiring one additional observation and post-observation conference for a teacher with a CAP and will eliminate the reference to a “timeline set forth,” as N.J.A.C. 6A:10-2.5 does not contain a timeline regarding the observations of teachers with a CAP.

The Department proposes new N.J.A.C. 6A:10-4.4(c)5 to prohibit evaluative observations from being conducted between the time of a teacher's receipt of a final summative evaluation that necessitates a CAP and the finalization of his or her CAP. The proposed rule will ensure evaluative observations are conducted within the support structure outlined by the CAP and will provide the teacher ample opportunity to demonstrate improvement during the CAP through the observation and feedback process.

The Department proposes an amendment at recodified N.J.A.C. 6A:10-4.4(c)6, which requires a written or electronic evaluation report to be signed by the supervisor who conducted the observation and post-observation and by the teacher who was observed, to replace "evaluation report" with "observation report." "Evaluation report" sometimes is used colloquially by teachers and school leaders in reference to the "annual performance report." The proposed amendment will clarify the rule references the observation report and not the annual performance report.

The Department proposes to delete N.J.A.C. 6A:10-4.4(d), which establishes the number of short and long observations a teacher must receive depending on his or her tenure status and number of years teaching, because it no longer will be necessary. As explained above regarding N.J.A.C. 6A:10-4.4(c)1 through 4, the Department is proposing to simplify the observation structure by requiring all observations be conducted for at least 20 minutes, requiring nontenured teachers to receive at least three observations and at least one in each semester, and requiring tenured teachers to receive at least two observations per school year.

The Department proposes amendments at N.J.A.C. 6A:10-4.4(e) and (e)1, which require a teacher to receive at least three observations to earn a teacher practice score unless he or she is present for less than 40 percent of the total student school days in an academic year, in which case he or she must receive at least two observations to earn a teacher practice score. The Department proposes to add "nontenured" before "teacher" in both instances. As stated above regarding N.J.A.C. 6A:10-4.4(c)3, the Department will require tenured teachers to receive only two observations to be eligible for an annual summative rating, so N.J.A.C. 6A:10-4.4(e) and (e)1 no longer will apply to tenured teachers. However, N.J.A.C. 6A:10-4.4(e) and (e)1 will still impact a school district's ability to issue a teacher practice score to a nontenured teacher.

Subchapter 5. Components of Principal Evaluation

To implement evaluations that provide specific feedback to educators and promote student achievement, TEACHNJ requires multiple measures of practice and student learning to be used within principal, vice principal, and assistant principal evaluations. This subchapter describes the various measurements.

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

This section describes the components that comprise the principal evaluation rubric and the weight attached to each component relative to a principal's summative evaluation.

The Department proposes an amendment at N.J.A.C. 6A:10-5.1(d)4, which requires the measure of principal practice to be 30 percent of a principal's, vice principal's, or assistant principal's evaluation rubric rating, to replace "30 percent" with "no less than 50 percent" to account for the removal of the leadership practice component from the principal's evaluation rubric (see the Summary of N.J.A.C. 6A:10-5.1(d)5). Principal practice still can include a measure of leadership (see the Summary of N.J.A.C. 6A:10-5.3(a)) but a formal measure of leadership no longer will be required.

The Department proposes to delete N.J.A.C. 6A:10-5.1(d)5, which requires a measure of leadership practice to be 20 percent of a principal's, vice principal's, or assistant principal's evaluation rubric rating. The leadership practice measurement, in practice, has overlapped greatly with measures of principal practice and administrator goal setting. Therefore, the Department proposes to make the leadership practice measurement an optional aspect of the principal practice measure, rather than a required component. The proposed deletion is also in response to feedback from school and school district representatives who saw low utility in the leadership practice measurement and asked the Department to simplify the principal evaluation rubric.

The Department proposes to delete N.J.A.C. 6A:10-5.1(d)6, which requires the administrator goal weight and the principal practice weight in a principal's evaluation rubric to be adjusted by the chief school administrator or the Commissioner if a principal successfully appeals his or her administrator goal score in accordance with N.J.A.C. 6A:10-5.2(e)5, which sets forth a process for a principal, vice principal, or assistant principal to appeal his or her 2013-2014 administrator goal score. The rule is no longer effective as the deadlines for appealing a 2013-2014 administrator goal score have passed.

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

This section describes the elements that comprise the student achievement component of a principal's evaluation rubric.

The Department proposes an amendment at N.J.A.C. 6A:10-5.2(e)1, which requires the superintendent to determine for all principals, vice principals, or assistant principals the number of required administrator goals reflecting the achievement of a significant number of students within the school and requires the Department to provide on its website the minimum and maximum number of required goals between one and four goals, to replace "superintendent" with "designated supervisor." The proposed amendment will clarify a principal, if he or she is the designated supervisor of the vice principal or assistant principal, can determine the required number of administrator goals for the vice principal or assistant principal.

The Department proposes amendments at N.J.A.C. 6A:10-5.2(e)2, which requires principals, assistant principals, or vice principals to develop each administrator goal in consultation with their supervisor, requires vice principals and assistant principals to set goals specific to their job descriptions or to adopt the same goals as the principal, and requires the supervisor to make the final determination if a principal, assistant principal, or vice principal disagrees with his or her administrator goal score. The Department proposes to add "designated" before "supervisor" each time it appears because it is the correct, defined term for a principal's, vice principal's, or assistant principal's supervisor. The Department also proposes to delete "score" after "administrator goal" because the rule pertains to the setting of administrator goals and not to their scoring.

The Department proposes an amendment at N.J.A.C. 6A:10-5.2(e)3, which requires administrator goals and the criteria for assessing performance based on the objectives to be determined, recorded, and retained by the principal, vice principal, or assistant principal and his or her designated supervisor by October 31 or within 20 work days of the principal's, vice principal's, or assistant principal's start date if he or she begins work after October 1, to replace "20 work days" with "25 working days." The proposed amendment aligns with the same deadlines proposed at new N.J.A.C. 6A:9C-4.3(b)1 and recodified N.J.A.C. 6A:10-2.5(b)1 for PDP and CAP development for principals, vice principals, and assistant principals hired after

October 1. Aligning deadlines for PDP, CAP, and administrator goal development will simplify the meeting of deadlines for administrators.

The Department proposes an amendment at N.J.A.C. 6A:10-5.2(e)4, which requires a principal's, vice principal's, or assistant principal's designated supervisor to calculate the administrator score and requires the administrator goal score, if available, to be discussed at the principal's, vice principal's, or assistant supervisor's annual summary conference and recorded in his or her personnel file, to replace "calculate" with "approved." The proposed amendment will give principals, vice principals, and assistant principals the opportunity to set ambitious but achievable goals, measure whether they have met the goals, and eventually reflect on the process. The proposed amendment also will align the goal setting and scoring processes for teacher SGOs and administrator goals.

The Department proposes to delete N.J.A.C. 6A:10-5.2(e)5, which establishes the process by which a principal may appeal his or her 2013-2014 administrator goal score if the score was the sole cause for an ineffective or partially effective summative rating, because the rule is no longer effective.

The Department proposes to delete N.J.A.C. 6A:10-5.2(f), which sets forth the conditions under which a chief school administrator would be required to remove a teacher's SGO score from a principal's, vice principal's, or assistant principal's final average SGO score for 2013-2014 and adjust the annual summative rating, because the rule no longer is effective.

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

This section establishes what elements must comprise the principal practice component of the principal evaluation rubric.

The Department proposes to combine N.J.A.C. 6A:10-5.3(a) and (a)1 and 2, which require the measure of principal practice in the principal's evaluation rubric to include a measure determined through a Commissioner-approved principal practice instrument and a leadership measure determined through the Department-created leadership rubric, as N.J.A.C. 6A:10-5.3(a) for stylistic improvement. The Department also proposes to make optional inclusion of the leadership measure, as the Department also proposes to delete the leadership measure as a required component of the principal evaluation rubric (see the Summary of N.J.A.C. 6A:10-5.1(d)5).

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

This section establishes rules for observing principals, assistant principals, and vice principals and rules for conducting post-observation conferences.

The Department proposes an amendment at N.J.A.C. 6A:10-5.4(d)5, which requires that after each observation a written or electronic evaluation report to be signed by the supervisor who conducted the observation and post-observation and the principal, vice principal, or assistant principal who was observed, to replace "evaluation report" with "observation report." "Evaluation report" sometimes is used colloquially by teachers and school leaders in reference to the "annual performance report." The proposed amendment will clarify the rule references the observation report and not the annual performance report.

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

To implement evaluations that provide specific feedback to teaching staff members other than teachers, principals, vice principals, and assistant principals (hereinafter “other teaching staff members”) and promote student achievement, TEACHNJ requires multiple measures be used within teaching staff member evaluations. This subchapter describes the various measurements.

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

This section establishes the teaching staff members for whom the subchapter’s rules apply. The section also allows school districts to establish the components of the evaluation rubric for other teaching staff members.

The Department proposes an amendment at N.J.A.C. 6A:10-6.1(a), which requires the teacher evaluation rubric components described in this section to apply to teaching staff members other than a teacher, principal, vice principal, or assistant principal, to delete “teacher” before “evaluation rubric” to correct an inaccuracy. The “evaluation rubric” described in the section applies to other teaching staff members and not to teachers.

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

This section describes the rules for observing teaching staff members, which are defined at N.J.A.C. 6A:10-6.1(a) as teaching staff members other than a teacher, principal, vice principal, or assistant principal.

The Department proposes to amend the section heading to “Required observations for teaching staff members other than teachers, principals, vice principals, and assistant principals” to align with the subchapter heading and because the proposed heading more accurately reflects the section’s content.

The Department proposes to delete the first sentence of N.J.A.C. 6A:10-6.2(a), which requires the chief school administrator to determine the duration of the three required observations for nontenured other teaching staff members, because it will not be necessary under the rules as proposed for amendment. The Department proposes at new N.J.A.C. 6A:10-6.2(a)1 to require all observations of other teaching staff members to be at least 20 minutes in length.

The Department proposes new N.J.A.C. 6A:10-6.2(a)1 to require all observations be at least 20 minutes in length to align with the same requirement for teacher observations and to simplify overall observation requirements.

The Department proposes to recodify existing N.J.A.C. 6A:10-6.2(a)1, which requires observations to be followed within 15 working days by a conference between the administrative or supervisory staff member who made the observation and written or electronic evaluation, and the nontenured teaching staff member, as N.J.A.C. 6A:10-6.2(a)2. The Department proposes to add “teaching staff member” before “working days” for consistency and to replace “administrative or supervisory staff member” with “supervisor” for stylistic improvement. The Department also proposes to delete “and written or electronic evaluation” because it is unnecessary and could cause confusion. Recodified N.J.A.C. 6A:10-6.2(a)3 requires an observation report to be signed during a post-observation conference; therefore, the report does not need to be mentioned at recodified N.J.A.C. 6A:10-6.2(a)2.

The Department proposes to recodify existing N.J.A.C. 6A:10-6.2(a)2, which requires the observation to be followed by both parties who attended the post-observation conference signing the written or electronic evaluation report and to each party retaining a copy for his or her records, as N.J.A.C. 6A:10-6.2(a)3. The Department proposes an amendment at recodified N.J.A.C. 6A:10-6.2(a)3 to replace “evaluation report” with “observation report.” “Evaluation report” sometimes is used colloquially by teachers and school leaders in reference to the “annual performance report.” The proposed amendment will clarify the rule references the observation report and not the annual performance report.

The Department proposes to delete the second sentence of N.J.A.C. 6A:10-6.2(b), which allows the chief school administrator or his or her designee to determine the length and structure of the one required observation for tenured teaching staff members, because it no longer is necessary. All observations will be at least 20 minutes under the proposed rulemaking.

The Department proposes N.J.A.C. 6A:10-6.2(c) to require nontenured other teaching staff members to receive at least three observations required pursuant to N.J.S.A. 18A:27-3.1. The requirement currently appears in the first sentence of N.J.A.C. 6A:10-6.2(a), which is proposed for deletion.

Subchapter 7. Commissioner Approval of Educator Practice Instruments

This subchapter sets forth the rules regarding the approval of teacher and principal practice instruments.

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

This section establishes criteria for all teacher practice instruments.

The Department proposes amendments at N.J.A.C. 6A:10-7.2(a)2ii, which requires all scoring guides that accompany teacher practice instruments to include a conversion to the four rating categories of highly effective, effective, partially effective, and ineffective, to delete the four specific categories because they are unnecessary. A teacher’s practice score must be converted to one of four rating categories, but the categories need not be called highly effective, effective, partially effective, or ineffective. Only a teacher’s annual summative rating must be converted specifically to highly effective, effective, partially effective, or ineffective.

The Department proposes to delete N.J.A.C. 6A:10-7.2(b), which requires a teacher practice instrument to include a process to assess a teacher’s competency on the evaluation instrument, which the school district can use as a measure of competency, for the instrument to receive Commissioner approval in 2015 or any year thereafter. The Department has determined the requirement is an unnecessary burden on instrument providers, especially because the rule does not require the school district to use the measure to assess competency.

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

This section establishes criteria for all principal practice instruments.

The Department proposes amendments at N.J.A.C. 6A:10-7.3(a)2, which requires the Department-approved principal practice instrument to include scoring guides for assessing teacher practice that differentiate among a minimum of four levels of performance and for the differentiation to be shown in practice and/or research studies and requires each scoring guide to define each category’s expectations and provide a conversion for the four categories of highly

effective, effective, partially effective, and ineffective. The Department proposed to replace “teacher” with “principal” to correct an inaccuracy; this section details rules regarding principal, not teacher, practice instruments. The Department also proposes to delete “: highly effective, effective, partially effective, and ineffective” because they are unnecessary. A principal’s practice score must be converted to one of four rating categories, but the categories need not be called highly effective, effective, partially effective, or ineffective. Only a principal’s annual summative rating must be converted specifically to highly effective, effective, partially effective, or ineffective.

The Department proposes to combine and simplify N.J.A.C. 6A:10-7.3(a)3 through 7, which require a principal practice instrument to be based on multiple sources of evidence collected throughout the year and to include assessment of a principal’s leadership for implementing a rigorous curriculum and assessments aligned to the New Jersey Student Learning Standards and for high-quality instruction, performance in evaluating teachers, and support for teacher’s professional growth, as N.J.A.C. 6A:10-7.3(a)3 and (a)3i and ii. The Department proposes amendments to N.J.A.C. 6A:10-7.3(a)3 to replace “[b]e based on” with “[r]ely on, to the extent possible” and to add “, including, but not limited to, evaluation of a principal’s leadership related to:” to align with the same rule for teacher practice instruments.

The Department proposes new N.J.A.C. 6A:10-7.3(a)4 to require principal practice instruments to include descriptions of specific training and implementation details required for the instrument to be effective. The proposed rule will align with the same rule for teacher practice instruments and will ensure principals and their supervisors are appropriately trained on the practice instruments.

The Department proposes to delete N.J.A.C. 6A:10-7.3(b), which requires a principal practice instrument to include a process to assess a principal’s competency on the evaluation instrument, which the school district can use as a measure of competency, for the instrument to receive Commissioner approval in 2015 or any year thereafter. The Department has determined that such a requirement is an unnecessary burden on instrument providers, especially because the rule does not require the school district use the measure to assess competency

As the Department has provided a 60-day comment period in this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Department supports its comprehensive vision of preparing all students for success by continually receiving feedback from educators and accordingly reviewing and improving educator evaluation and professional development policies and practices. The proposed amendments and new rules will simplify the teacher observation requirements and provide greater flexibility to administrators regarding timing and duration of teacher observations. The proposed amendments and new rules will provide principals with greater professional discretion regarding the observation of teachers. Principals and other school leaders have indicated greater professional discretion will enable them to allocate more time to supporting novice and struggling teachers, providing coaching, encouraging professional collaboration to improve teaching and learning, and improving the quality of the SGO setting and scoring process.

Further, administrators and teachers will benefit because the proposed amendments and new rules clarify areas of confusion; simplify overly burdensome or complicated requirements; further align all aspects of New Jersey educator policies (that is, rules and guidance for

preparation, certification, professional development, and evaluation); and making the evaluation and professional development rules clearer and the evaluation system more efficient.

Aligning the deadlines for individual PDP and CAP development also will benefit administrators and educators because it simplifies the process of creating and overseeing individual development plans.

Economic Impact

The Department does not anticipate the proposed amendments and new rules will create additional costs for school districts, school leaders, or individual educators. The proposed amendments and new rules do not change the responsibilities of district boards of education and school leaders to ensure each educator receives a robust evaluation using multiple measures. Rather, the proposed amendments and new rules clarify, align, and adjust the evaluation requirements to allow for greater professional discretion and to promote increased professional dialogue among educators. The change proposed at N.J.A.C. 6A:9C-5.1(c) to clarify one year of mentoring for first-year teachers must equal at least 30 weeks will not create additional costs to school districts because they already are required to provide at least one year of mentoring for first-year teachers.

Jobs Impact

It is not anticipated that jobs will be either generated or lost as a result of the proposed amendments and new rules.

Agricultural Impact

The proposed amendments and new rules will have no impact on the agriculture industry.

Federal Standards Statement

The proposed amendments and new rules will further align New Jersey's rules with Federal requirements under the Every Student Succeeds Act (PL 114-95) and will advance the mission to ensure New Jersey's public school system prepares students for postsecondary education and the 21st century workplace. The proposed amendments and new rules are in compliance with both Federal regulations and State statutes.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments and new rules 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 proposed amendments and new rules solely impact individual educators and school districts in New Jersey.

Housing Affordability Impact Analysis

The proposed amendments and new rules will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood the proposed amendments and new rules would evoke a change in the average costs associated with housing because the proposed amendments and new rules solely impact the professional development of individual educators and school districts in New Jersey.

Smart Growth Development Impact Analysis

The proposed amendments and new rules will have an insignificant impact on smart growth and there is an extreme unlikelihood the proposed amendments and new rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments and new rules impact the professional development of individual educators and school districts in New Jersey.

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

N.J.A.C. 6A:9C, PROFESSIONAL DEVELOPMENT

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CHAPTER 9C. PROFESSIONAL DEVELOPMENT

SUBCHAPTER 4. DISTRICT-LEVEL, SCHOOL-LEVEL, AND INDIVIDUAL PROFESSIONAL DEVELOPMENT REQUIREMENTS

6A:9C-4.3 Requirements for and implementation of school leaders' individual professional development plans

- (a) Each school leader shall create, implement, and complete an individual professional development plan (PDP) that:
1. Aligns with the Professional Standards for School Leaders set forth in N.J.A.C. 6A:9-3.4 and the standards for professional learning in N.J.A.C. 6A:9C-3.3;
 2. Derives from the results of observations, evidence, and recommendations included in the annual performance evaluation of the school leader;
 3. Identifies professional learning goals that address specific individual, school, or school district goals;
 4. Grounds professional learning in objectives related to improving teaching, learning, and student achievement, and aligns to the school and/or school district plan for professional development; and
 5. Includes training on: school law, ethics, and governance pursuant to N.J.S.A. 18A:26-8.2; and other statutory requirements related to student safety, bullying and harassment, and well-being.
- (b) **Each school leader's individual PDP shall be developed by October 31 except:**
1. **If the school leader is hired after October 1, the PDP shall be developed within 25 working days of his or her hire.**

[(b)] (c) Each chief school administrator shall develop an individual PDP for review by his or her district board of education. In developing the individual PDP, the following process shall be followed:

1. Each district board of education shall review each chief school administrator's individual PDP, including the individual training needs pursuant to (a)5 above, and shall ensure the individual PDP aligns to school district goals and to the school district's plan for professional development.
2. The chief school administrator shall submit annually to the district board of education evidence of progress toward completion of the individual PDP. The chief school administrator also shall submit every three to five years, depending on the length of his or her contract with the district board of education, summative evidence of plan completion.
3. The chief school administrator may appeal to the executive county superintendent if he or she disagrees with the district board of education regarding PDP contents or progress toward completion. The executive county superintendent shall have final decision-making authority on all such matters.

[(c)] (d) [Leaders] **Each leader** whose position[s] requires a principal or supervisor endorsement, or whose position[s] requires a chief school administrator endorsement but who [do] **does** not serve as a chief school administrator of a school district, shall develop, in collaboration with [the chief school administrator or designee] **his or her designated supervisor**, an individual PDP and shall provide evidence **to his or her designated supervisor** of progress toward fulfillment of his or her plan. Each chief school administrator or designee shall:

1. Review each principal's, supervisor's, or other school leader's individual PDP, including the individual training needs pursuant to (a)5 above, and shall ensure it

aligns to school and school district goals and the school district's plan for professional development;

2. Meet with the principal, supervisor, or other school leader at mid-year to assess progress toward his or her PDP's completion or modification; and
3. Review the individual PDP's status as part of the principal's, supervisor's, or other school leader's annual performance evaluation.

[(d)] (e) The school leader's designated supervisor, or the district board of education in the case of the chief school administrator, shall:

1. Use the performance evaluation process and professional development planning process to monitor the school leader's progress in meeting the professional development requirements. If a school leader's progress is found to be inadequate, the school leader's designated supervisor or the district board of education shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and
2. Maintain accurate records of each school leader's progress in meeting the individual professional development requirements, pursuant to this subchapter. Such records shall include a copy of each school leader's current PDP and timeline, as well as any documentation and evidence showing the school leader's progress toward meeting the plan's requirements.

[(e)] (f) If a school leader leaves the employ of one New Jersey school district and is hired by another, the school leader's designated supervisor, or the district board of education in the case of the chief school administrator, shall ensure a revised individual PDP appropriate to the new assignment is developed in collaboration with the school leader.

6A:9C-4.4 Requirements for and implementation of teachers' individual professional development plans

- (a) Each teacher shall be guided by an individualized professional development plan (PDP), pursuant to N.J.S.A. 18A:6-128.a, which shall include at least 20 hours per year of qualifying experiences. The 20-hour annual requirement shall be based on the length of full-time employment and reduced by a pro rata share reflecting part-time employment, or an absence, including the use of family or medical leave.
- (b) The content of each individual PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3 and the standards for professional learning in N.J.A.C. 6A:9C-3.3.
- (c) **Each teacher's individual PDP shall be updated annually no later than October 31 except:**

- 1. If the teacher is hired after October 1, the PDP shall be developed within 25 working days of his or her hire.**

[(c)] (d) The individual PDP shall be [effective for one year, updated annually, and] modified during the year, as necessary, and shall specify at least:

- 1. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation; and
- 2. One area for development of professional practice derived from individual, collaborative team, school, or school district improvement goals.

[(d)] (e) Progress on the individual PDP shall be discussed at the annual summary conference, pursuant to N.J.A.C. 6A:10-2.4, but may occur more frequently throughout the year.

[(e)] (f) Evidence of progress toward meeting the requirements of the teacher's individual PDP may be provided by the teacher and/or his or her **designated** supervisor, and shall be reviewed as part of each annual summary conference.

- (f) All teachers governed by the professional development requirements shall have an individual PDP within 30 instructional days of the beginning of their respective teaching assignments.]
- (g) A teacher's individual PDP goals may necessitate more than the recommended minimum requirements outlined in this subchapter.
- (h) Additional hours of qualifying experiences may be required for teachers in low-performing schools, as determined by the Commissioner.
- (i) The teacher's designated supervisor shall:
 - 1. Use the teacher performance evaluation process and the professional development planning process to monitor each teacher's progress in meeting the professional development requirements and shall take appropriate steps to assure such progress. If a teacher's progress is found to be inadequate, the teacher's designated supervisor shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and
 - 2. Maintain accurate records of each teacher's progress in meeting the individual professional development requirements, pursuant to N.J.A.C. 6A:9C-4.3 and this section. Such records shall include a copy of each teacher's current PDP and timeline, as well as any documentation and evidence showing the teacher's progress toward meeting the plan's requirements.
- (j) If a teacher leaves the employ of one New Jersey school district and is hired by another, the previous employing school district shall share with the new employing school district the teacher's individual PDP and all supporting documentation. If the current individual PDP is found to be unsuitable to the teacher's new assignment, the new employing school district shall ensure a revised individual PDP and timeline is created [within 30 days of

hire by the employee's new supervisor in collaboration with the new teacher] **in accordance with this section.**

SUBCHAPTER 5. DISTRICT MENTORING PROGRAM

6A:9C-5.1 Requirements for district mentoring program

- (a) All school districts shall develop a district mentoring program to provide nontenured teachers, including novice provisional teachers who hold a CE or CEAS, with an induction to the teaching profession and to the school district community through differentiated supports based on the teachers' individual needs and to help them become effective professionals.
- (b) The goals of the district mentoring program shall be to enhance teacher knowledge of, and strategies related to, the NJSLS to facilitate student achievement and growth; identify exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching; and assist first-year teachers in performing their duties and adjusting to the challenges of teaching.
- (c) All district boards of education that employ nontenured teachers shall determine how each nontenured teacher in his or her first year of employment, **which shall be equal to at least 30 weeks**, shall be provided with the following supports:
 - 1. Comprehensive induction to school district policies and procedures, including, but not limited to, introduction to school district curricula, student assessment policies, and training on the school district's evaluation rubric, including setting and assessing student learning through student growth objectives;
 - 2. Individualized supports and activities, which shall be assigned at the school district's discretion and shall be aligned with the Professional Standards for

Teachers at N.J.A.C. 6A:9-3.3, the standards for professional learning at N.J.A.C. 6A:9C-3.3, and the school district's Commissioner-approved teaching practice instrument. The supports and activities shall be guided by:

- i. The nontenured teacher's degree of preparation and experience;
 - ii. The nontenured teacher's individual professional development plan (PDP) developed [within 30 instructional days of the beginning of the teaching assignment pursuant to] **in accordance with** N.J.A.C. 6A:9C-4.4[(f)];
 - iii. Areas of focus within the district mentoring plan; and
 - iv. Goals of the school and school district plans for professional development as described in N.J.A.C. 6A:9C-4.2; and
3. One-to-one mentoring, which is required for each novice provisional teacher as set forth in (d) below.
- (d) A district board of education shall provide an individual mentor to work one-to-one with a novice provisional teacher and ensure:
1. Each novice provisional teacher is assigned an individual mentor at the beginning of the contracted teaching assignment;
 2. The mentor teacher provides observation and feedback, opportunities for the novice teacher to observe effective practice, and confidential guidance and support in accordance with the Professional Standards for Teachers, and guides the teacher in a self-assessment on the school district's Commissioner-approved teaching practice instrument;
 3. The one-to-one mentoring includes planned, in-person contact time between the mentor teacher and the novice provisional teacher holding a CE or CEAS over the course of the academic year, or proportionally longer if the novice provisional teacher holds a part-time teaching assignment;

4. The mentor teacher and the novice provisional teacher holding a CEAS meet at least once per week for the first four weeks of the teaching assignment;
 5. The mentor teacher and the novice provisional teacher holding a CE meet at least once per week for the first eight weeks of the teaching assignment.
 - i. The one-to-one mentoring shall support the novice provisional teacher in achieving the curricular objectives of the formal instructional program in which the novice provisional teacher holding a CE is enrolled; and
 6. All contact time between the mentor teacher and the novice provisional teacher shall be recorded in a log, developed as part of the district mentoring plan, submitted to the chief school administrator or designee, and maintained within the school district.
- (e) All novice provisional teachers whose positions require possession of instructional certificates pursuant to N.J.S.A. 18A:26-2 and N.J.A.C. 6A:9B-5.1 shall comply with the district mentoring program requirements.
- (f) District boards of education shall budget State funds appropriated for the novice teacher mentoring program.
1. Subject to the availability of funds, the Department shall appropriate State funds based on the number of novice teachers employed each year by a district board of education.
 2. District boards of education shall ensure State funds appropriated for this program supplement, and not supplant, Federal, State, or local funds already devoted to planning and implementing a novice teacher mentor program.
 3. District boards of education shall ensure State funds are used for one or more of the following:
 - i. Stipends for mentor teachers;
 - ii. The costs associated with release time;

- iii. Substitutes for mentor and novice teachers; and
 - iv. Professional development and training activities related to the program.
4. If no State funds are available to pay the costs of mentoring fees, candidates who are required to complete a provisional period of teaching to obtain standard certification shall be responsible for payment of mentoring fees during the first provisional year. The employing school district may pay the cost of mentoring fees.
- (g) The school district's administrative office shall oversee the payment of mentors. Payment shall not be conferred directly from provisional novice teacher to mentor.

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 [guide district boards of education in establishing] **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 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 N.J.A.C. 6A:11, Charter Schools. The evaluation system in charter schools is subject to the review and approval of the Office of Charter Schools.
- (c) District boards of education shall [implement] **ensure** evaluations [rubrics as defined in N.J.A.C. 6A:10-2.2(a)2, 3, and 4, including measures of professional practice and desired

outcomes for the purpose of evaluating] **of all** teaching staff members **and chief school administrators are conducted in accordance with the 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 [evaluation] **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 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 categories are highly effective, effective, partially effective, and ineffective.

"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.

"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 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 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 [Statewide evaluation criteria that

incorporates analysis of multiple measures of student achievement or growth and multiple data sources] **based on, when applicable, the individual's evaluation rubric.**

"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 N.J.A.C. 6A:8, Standards and Assessment.

"Individual professional development plan" means 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 40 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 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 N.J.A.C. 6A:9-[1.1]2.1.

"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 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 20 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 an academic goal that teachers and [evaluators] **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 N.J.A.C. 6A:9B-[11]12.

"Teacher" means a teaching staff member who holds the appropriate standard, 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 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;
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:10-1.4 Educator evaluation data, information, and [written] annual performance reports

All information contained in [written] **annual** performance reports and all information collected, compiled, and/or maintained by employees of a district board of education for the purposes of conducting the educator evaluation process pursuant to this chapter, **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:10-2.2 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 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 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; and
 7. Ensure that each chief school administrator or his or her 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 N.J.A.C. 6A:10-4.4, 5.4, and 6.2, shall meet the statutory observation requirements of 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 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 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. Provide training on the educator practice instruments for any supervisor who will conduct observations for the purpose of evaluation of teaching staff members. Training shall be provided before the observer conducts his or her first observation for the purpose of evaluation;]
 - [3.] **2.** Annually provide updates and refresher training [on the educator practice instruments] for [any] supervisors who [will observe educator practice for the purpose of increasing accuracy and consistency among observers] **are**

conducting evaluations in the school district and more thorough training for any supervisor who will evaluate teaching staff members for the first time.

Training shall be provided on each component of the evaluated teaching staff member's evaluation rubric before the evaluation of a teaching staff member;

[4.] **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 [academic] **school** year.

i. Co-observers shall use the co-observation to promote accuracy **and consistency** in scoring[, and to continually train themselves on the instrument].

ii. A co-observation [shall] **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 N.J.A.C. 6A:10-4.3 and 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

[5.] **4.** Chief school administrators shall annually certify to the Department that all supervisors of teaching staff members in the school district who are utilizing [educator practice instruments] **evaluation rubrics** have completed training on [the instrument and its application] and [have] demonstrated competency in applying the [educator practice instruments] **evaluation rubrics.**

6A:10-2.3 District Evaluation Advisory Committee

- (a) Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the chief school administrator, a special education administrator, a parent, and a member of the district board of education.
- (b) The chief school administrator may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.
- (c) Beginning in [2017-2018] **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[s] 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 shall include, but not be limited to, a description of:
 - 1. Roles and responsibilities for implementation of evaluation policies and procedures;

2. Job descriptions, evaluation rubrics for all teaching staff members, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in this chapter;
 3. Methods of data collection and reporting appropriate to each job description, including, but not limited to, 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 for developing and scoring student growth objectives;**
 - [5.] 6. The process for preparation of individual professional development plans; and
 - [6.] 7. The process for preparation of an annual [written] performance report by the teaching staff member's designated supervisor and an annual summary conference between the teaching staff member and his or her designated supervisor.
- (c) The annual summary conference between designated supervisors and teaching staff members shall be held before the [written] **annual** performance report is filed. The conference shall occur 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[, the]:
 - i. **The educator's practice instrument; and**
 - ii. **Available indicators or student achievement measures such as student growth objective 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. Available indicators or scores of student achievement or growth, when applicable, such as student growth objective scores and student growth percentile scores; and]
 - [4.] **3.** The preliminary annual [written] performance report.
- (d) If any scores for the teaching staff member's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.
- (e) The annual [written] performance report shall be prepared by the designated supervisor. The annual [written] performance report shall include, but not be limited to:
1. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component as described in N.J.A.C. 6A:10-4 and 5;
 2. Performance area(s) of strength and area(s) needing improvement based upon the job description[, observations for the purpose of evaluation and, when applicable, the educator practice instrument] **and components of the teaching staff member's evaluation rubric;** and
 3. [An] **The teaching staff member's** individual professional development plan [developed by the supervisor and the teaching staff member] or[, when applicable, a] corrective action plan from the evaluation year being reviewed in the report.
- (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 [written] 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 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.

6A:10-2.5 Corrective action plans for all teaching staff

- (a) For each teaching staff member rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teaching staff member and [the chief school administrator or] the teaching staff member's 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) [If the summative evaluation rating is calculated before the end of the school year, then the] **The** corrective action plan shall be developed and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan [prior to September 15] **by October 31** of the [following] school year[. The conference to develop and discuss the corrective action plan may be combined with the teaching staff member's annual summary conference that occurs at the end of the year of evaluation.] **following the year of evaluation except:**
- [(c)] **1.** If the ineffective or partially effective summative evaluation rating is received after [the start] **October 1** of the school year following the year of evaluation, [then] a corrective action plan [must] **shall** be developed, and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan within [15] **25** teaching staff member working days following the school district's receipt of the teaching staff member's summative rating.

[(d)] The content of the corrective action plan shall replace the content of the individual professional development plan required in N.J.A.C. 6A:9C-3.4(c) and 3.7(c) until the next annual summary conference.]

[(e)] (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).

[(f)] (d) The teaching staff member's designated supervisor and the teaching staff member on a corrective action plan shall discuss the teaching staff member's progress toward the goals outlined in the corrective action plan during each 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 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.**

[(g)] (e) Progress toward the teaching staff member's goals outlined in the corrective action plan [shall]:

1. **Shall** be documented in the teaching staff member's personnel file and reviewed at the annual summary conference [or] **and** the mid-year evaluation[, when applicable]. Both the teaching staff member on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the

teaching staff member's progress toward his or her corrective action plan goals[.];

and

[(h)] **2.** [Progress toward the teaching staff member's goals outlined in the corrective action plan may] **May** be used as evidence in the teaching staff member's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.

[(i)] **(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.

[(j)] **(g)** 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] **The** mid-year evaluation shall occur **approximately** midway between the development of the corrective action plan and the **expected receipt of the next** annual [summary conference] **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.

[(k)] **(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 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 chief school administrator or principal shall determine the length of the additional observation.]

[(l)] **(i)** [Tenured] **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 N.J.A.C. 6A:10-4.4(c)[2]4.

[(m)] **(j)** A chief school administrator, or his or her designee, and the principal, as appropriate, shall conduct a mid-year evaluation of any principal, assistant principal, or vice principal pursuant to N.J.S.A. 18A:6-121.c. [If the corrective action plan was created before the start of the year, the mid-year evaluation shall occur before February 15; if the corrective action plan was created after the start of the academic year, the] **The** mid-year evaluation shall occur **approximately** midway between the development of the corrective action plan and the **expected receipt of the next** annual [summary conference] **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.

[(n)] **(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 N.J.A.C. 6A:10-5.4 for the purpose of evaluation, as described in N.J.A.C. 6A:10-1.2 and 5.4. [The chief school administrator or principal shall determine the length of the observation.]

[(o)] **(l)** The corrective action plan shall remain in effect until the teaching staff member receives his or her next summative evaluation rating.

(m) **There shall be no minimum number of teaching staff member working days 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 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] **school** year 2015-2016, a demonstrated record of success in the classroom means the teacher member shall have been rated effective or highly effective in the most recent available annual summative rating.
 2. The majority representative, in accordance with (a) above, may submit to the principal teacher member nominees for consideration.
 3. The principal shall have final decision-making authority and is not bound by the majority representative's list of nominees.
- (c) The teacher member shall serve a full [academic] **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 N.J.A.C. [6A:9B-8] **6A:9C-5.3(a)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 N.J.A.C. 6A:10-2.5[(j)]; and [conduct] **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 N.J.A.C. 6A:9C-[3.5]**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 N.J.A.C. [6A:9B-8.4] **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 in this section shall apply to teaching staff members holding the position of teacher and holding a valid and effective standard, provisional, or emergency instructional certificate.
- (b) Evaluation rubrics for all teachers shall include the requirements described in N.J.S.A. 18A:6-123, including, but not limited to:
 - 1. Measures of student achievement pursuant to N.J.A.C. 6A:10-4.2; and
 - 2. Measures of teacher practice 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 student growth objective(s) 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 [academic] **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, 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, the student achievement component shall be at least 15 percent and no more than 50 percent of a teacher's evaluation rubric rating as determined by the Department.

3. Measures of teacher practice described in N.J.A.C. 6A:10-4.3 and 4.4 shall be at least 50 percent and no more than 85 percent of a teacher's evaluation rubric rating as determined by the Department.
- [4. Notwithstanding the provisions of (d)1 through 3 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 chief school administrator or the Commissioner, as applicable according to N.J.A.C. 6A:10-4.2(f).]
- (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) 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 (b) below, the median student growth percentile of all students assigned to a teacher, which shall be calculated as set forth in (d) below; and
 2. Student growth objective(s), which shall be specific and measurable, based on available student learning data, aligned to New Jersey Student Learning Standards, and based on growth and/or achievement.
 - i. For teachers who teach subjects or grades not covered by the Core Curriculum Content Standards, student growth objectives shall align to standards adopted or endorsed, as applicable, by the State Board.

- (b) The median student growth percentile shall be included in the annual summative rating of a teacher who:
1. Teaches at least one course or group within a course that falls within a standardized-tested grade or subject. The Department shall maintain on its website a course listing of all standardized-tested grades and subjects for which student growth percentile can be calculated pursuant to (d) below;
 2. Teaches the course or group within the course for at least 60 percent of the time from the beginning of the course to the day of the standardized assessment; and
 3. Has at least 20 individual student growth percentile scores attributed to his or her name during the [academic] **school** year of the evaluation. If a teacher does not have at least 20 individual student growth percentile scores in a given [academic] **school** year, the student growth percentile scores attributed to a teacher during the two [academic] **school** years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the [academic] **school** year of the evaluation. Only student growth percentile scores from [academic] **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 for teachers shall be developed and measured according to the following procedures:
1. The chief school administrator 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 August 31, prior to the [academic] **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. 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. Each teacher shall develop, in consultation with his or her supervisor or a principal's designee, each student growth objective. If the teacher does not agree with the student growth objectives, the principal shall make the final determination.
 4. 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] **school** year, or within [20 work] **25 working** days of the teacher's start date if the teacher begins work after October 1.

5. Adjustments to student growth objectives may be made by the teacher in consultation with his or her supervisor only when approved by the chief school administrator or 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.

6. The teacher's designated supervisor shall [calculate] **approve** 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.

[(f) If a teacher's student growth objective score was the sole cause for an ineffective or partially effective summative rating for the 2013-2014 academic year, the teacher may appeal the summative rating by February 1, 2015, or within 15 school days of receiving the summative rating, whichever is later, to the chief school administrator or designee. Within 15 school days of receiving the appeal, the chief school administrator or designee shall notify the teacher of the decision. If the chief school administrator or designee agrees the student growth objective score was the sole cause for an ineffective or partially effective summative rating, the teacher's student growth objective score weight shall be adjusted from 15 percent to one percent and the teacher practice score weight shall be increased accordingly. Any decision of the chief school administrator with regard to recalculating a teacher's percentage weight and annual summative rating in accordance with this provision may be appealed directly to the Commissioner no later than 15 school days following the chief school administrator's or designee's decision notification to the teacher. The Commissioner shall review whether the annual summative rating was

directly and numerically caused by the student growth objective score and may decide the matter on a summary basis.]

6A:10-4.4 Teacher observations

- (a) For 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 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. **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[s] and **any** pre-conference(s) for [short] observations of tenured teachers who are not on a corrective action plan may be conducted via 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.

[4.] **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.

(c) Each teacher shall be observed as described in this section[, 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 chief school administrator shall decide whether [the third] **additional** required observations [is] **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.

[1.] **2.** Nontenured teachers shall [receive a minimum of] **be observed at least three** [observations within] **times each school year but not less than once each semester. The observations shall be conducted in accordance with** 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].

[2. Teachers on a corrective action plan shall receive observations within the timeline set forth in N.J.A.C. 6A:10-2.5.]

[3.] **i.** [Nontenured] **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. [, either simultaneously or separately, by multiple observers, with the following provisions:

- i. A co-observation shall fulfill the requirement in this subsection for multiple observers.
 - ii. One co-observation shall count as one observation required in (d) below.
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.]
- 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 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.**
- 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.

[5.] **6.** A written or electronic [evaluation] **observation** report shall be signed by the supervisor who conducted the observation and post-observation and the teacher who was observed.

[6.] **7.** The teacher shall submit his or her written objection(s) of the evaluation within 10 teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual [written] performance report.

[(d)] Each observation required for the purpose of evaluations shall be conducted for the minimum duration based on the following groups:

1. 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.
2. 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.
3. A tenured teacher shall receive at least three short observations.]

[(e)] **(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 [an academic] **a school** year, he or she shall receive at least two observations to earn a teacher practice score.

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, provisional, or emergency administrative certificate.
- (b) The principal evaluation rubric shall meet the standards provided in N.J.S.A. 18A:6-123, including, but not limited to:
1. Measures of student achievement pursuant to N.J.A.C. 6A:10-5.2; 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 [academic] **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 a schoolwide student growth percentile score as described in 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 student growth objective for all teachers, as described in 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 goal, as described in 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 N.J.A.C. 6A:10-5.3(b), shall be [30] **no less than 50** percent of evaluation rubric rating.
 - [5. Measure of leadership practice, as described in N.J.A.C. 6A:10-5.3(c), shall be 20 percent of evaluation rubric rating.
 6. Notwithstanding the provisions of (d)1 through 5 above, if an appeal of the administrator goal is approved, according to N.J.A.C. 6A:10-5.2(e)5, the administrator goal weight and the principal practice weight shall be adjusted by the chief school administrator or the Commissioner, as applicable according to N.J.A.C. 6A:10-5.2(e)5.]
- (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 student growth objective scores of every teacher, as described in N.J.A.C. 6A:10-4.2(e), assigned to the principal; and

3. Administrator goals set by principals, vice principals, and assistant principals in consultation with their supervisor pursuant to (e) below, which shall be specific and measurable, 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 student growth objective scores of all teachers, as described in N.J.A.C. 6A:10-4.2(e), shall be a component of the principal's annual summative rating. The average student growth objective 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 and vice principal's average student growth objective score.
 2. If the assistant principal or vice principal does not agree with the list of teachers linked to his or her 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 [superintendent] **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 [academic] **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. [Vice] **Each vice** principal[s] and assistant principal[s] shall set goals specific to his or her job description or adopt the same goals as his or her principal. If the principal, assistant principal, or vice principal and his or her **designated** supervisor do not agree upon the administrator goal [score], the principal, assistant principal, or vice principal's **designated** supervisor shall make the final determination.
3. Administrator goals and the criteria for assessing performance based on those objectives shall be determined, recorded, and retained by the principal, vice principal, or assistant principal and his or her designated supervisor by October 31 of each [academic] **school** year, or within [20 work] **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 [calculated] **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 annual summary conference and recorded in his or her personnel file.

[5. If an administrator goal score was the sole cause for an ineffective or partially effective summative rating for the 2013-2014 academic year, the principal, vice principal, or assistant principal may appeal by February 1, 2015, or within 15 school days of receiving the summative rating, whichever is later, to his or her chief school administrator or designee. Within 15 school days of receiving the appeal, the chief school administrator or designee shall notify the principal, vice principal, or assistant principal of the decision. If the chief school administrator or designee agrees the administrator goal score was the sole cause for an ineffective or partially effective summative rating, the administrator goal score weight shall be adjusted to equal one percent and the practice instrument score weight shall be increased accordingly. Any decision of the chief school administrator with regard to reconsidering the annual summative rating in accordance with this provision may be appealed directly to the Commissioner no later than 15 school days following the chief school administrator's or designee's decision notification to the principal, vice principal, or assistant principal. The Commissioner shall review whether the annual summative rating was directly and numerically caused by the administrator goal score and may decide the matter on a summary basis.

(f) The chief school administrator shall remove a teacher's student growth objective score from the principal's, vice principal's, or assistant principal's final average student growth objective score for the 2013-2014 academic year and adjust the annual summative rating accordingly if:

1. A principal's, vice principal's, or assistant principal's average student growth objective for the 2013-2014 academic year included a teacher's student growth objective that was successfully appealed according to N.J.A.C. 6A:10-4.2(f); and

2. Failure to remove the score would cause the principal's, vice principal's, or assistant principal's annual summative rating to be ineffective or partially effective.]

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

- (a) Measures of principal practice shall include [the following components:
 1. A] **a** measure determined through a Commissioner-approved principal practice instrument[;] and **may include**
 - [2. A] **a** leadership measure determined through the Department-created leadership rubric.
- (b) Principal practice component rating shall be based on the measurement of the principal, assistant principal, 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, vice principal, 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 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 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 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, assistant principal, 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, assistant principal, 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 [evaluation] **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 principal, assistant principal, or vice principal shall submit his or her 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 [written] 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 N.J.S.A. 18A:27-3.1. An additional observation shall be conducted pursuant to N.J.A.C. 6A:10-2.5[(l)](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 [teacher] evaluation rubric described in this section shall apply to 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 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 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) [The chief school administrator shall determine the duration of the three observations required pursuant to N.J.S.A. 18A:27-3.1 for nontenured teaching staff members, except teachers, principals, vice principals, and assistant principals.] For the purpose of this subsection, observations include, but are not limited to: observations of meetings, student instruction, parent conferences, and case-study analysis of a significant student issue. The observation shall:
- 1. Be at least 20 minutes in length;**
 - [1.] **2.** Be followed within 15 **teaching staff member** working days by a conference between the [administrative or supervisory staff member] **supervisor** who made the observation [and written or electronic evaluation,] and the nontenured teaching staff member;
 - [2.] **3.** Be followed by both parties to such a conference signing the written or electronic [evaluation] **observation** report and each retaining a copy for his or her records; and
 - [3.] **4.** Allow the nontenured teaching staff member to submit his or her written objection(s) of the evaluation within 10 teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual [written] performance report.
- (b) All tenured teaching staff members as described in this section shall receive at least one observation per school year. [The chief school administrator or his or her designee may determine the length and structure of the observation.]
- (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:10-7.2 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 [the] four rating categories[: highly effective, effective, partially effective, and ineffective];
 - 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, [on] 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.

- [(b) 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.]

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 2008 ISLLC Professional Standards for School Leaders developed by the Interstate School Leadership Licensure Consortium incorporated herein by reference, available at http://www.ccsso.org/documents/2008/educational_leadership_policy_standards_2008.pdf;
 2. Include scoring guides for assessing [teacher] **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 [for the] **to four rating** categories[: highly effective, effective, partially effective, and ineffective];
 3. [Be based] **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-aligned curriculum, assessments, and instruction; and**
 - ii. **Evaluating the effectiveness of teaching staff members and supporting their professional growth; and**

4. Incorporate an assessment of the principal's leadership for implementing a rigorous curriculum and assessments aligned to the Core Curriculum Content Standards;
5. Incorporate an assessment of the principal's leadership for high-quality instruction;
6. Include an assessment of the principal's performance in evaluating teachers; and
7. Include an assessment of the principal's support for teachers' professional growth.]
- 4. Include descriptions of specific training and implementation details required for the instrument to be effective.**

[(b) For Commissioner-approval of a principal 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.]

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 implementation procedures requiring the annual evaluation of the chief school administrator by the district board of education.
- (b) The purpose of the annual evaluation shall be to:
 1. Promote professional excellence and improve the skills of the chief school administrator;
 2. Improve the quality of the education received by the students served by the public schools; and
 3. Provide a basis for the review of the chief school administrator's performance.

- (c) The policy and procedures shall be developed by the district board of education after consultation with the chief school administrator and 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 [written] performance report by a majority of the full membership of the district board of education and an annual summary conference between a majority of the total membership of the district board of education and the chief school administrator.
- (d) The district board of education may hire a qualified consultant to assist or advise in the evaluation process; however, the evaluation itself 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 [written] **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 [written] 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 (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 term of office pursuant to N.J.S.A. 18A:17-20.3.b.

- (k) Each district board of education shall add to a chief school administrator's personnel file all [written] performance reports and supporting data, including, but not limited to, indicators of student progress and growth. 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.