



## Purpose

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The New Jersey Department of Education (“the Department”) has created this document to serve as a general guide to the "Teacher Effectiveness and Accountability for the Children of New Jersey" Act ([TEACHNJ Act](#)) and to address frequently asked questions. The information included below does not cover every element of the law, which can be accessed in its entirety at <http://www.njleg.state.nj.us/2012/Bills/PL12/26.PDF>.

Please note that the Department has provided detailed rules for AchieveNJ, the educator evaluation and system mandated by the TEACHNJ Act. Please visit <http://www.nj.gov/education/AchieveNJ/> for more information about evaluation.

## Overview

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The TEACHNJ Act (“TEACHNJ”) is the bipartisan tenure reform approved unanimously by the legislature and signed into law by Governor Christie on August 6, 2012. The goal of the law is to “raise student achievement by improving instruction through the adoption of evaluations that provide specific feedback to educators, inform the provision of aligned professional development, and inform personnel decisions.” At its core, TEACHNJ reforms the processes of earning and maintaining tenure by improving evaluations and opportunities for professional growth. Specifically:

- Tenure decisions are now based on multiple measures of student achievement and teacher practice as measured by new evaluation procedures.
- Lengthy and costly tenure hearings are shorter, focused on process only, and less expensive.
- Educator feedback and development is more individualized and focused on students.

## Who is Impacted?

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The TEACHNJ legislation applies to “teaching staff” who currently work in New Jersey public schools with the exception of charter schools, which are not addressed in the law.<sup>1</sup> Teaching staff, as defined by the law, includes individuals in the positions of:

- Teacher,
- Principal (other than administrative principal),
- Assistant principal (AP)/vice-principal (VP),
- Assistant superintendent,
- All school nurses including school nurse supervisors, head school nurses, chief school nurses, school nurse coordinators, and any other nurse performing school nursing services,
- School athletic trainer, and
- Other employees required to hold appropriate certificates issued by the board of examiners.

TEACHNJ defines requirements for educator evaluation systems, other professional growth and development systems, and tenure decisions. These requirements do not apply to every teaching staff member in the same manner. The chart on the following page depicts how the primary requirements of the law apply to each type of teaching staff member.

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<sup>1</sup> While TEACHNJ does not apply to charter school staff members, separate rules will establish the streamlined arbitration process for charter school staff, links between evaluation and tenure, etc.



## Guide to the TEACHNJ Act

### How TEACHNJ Applies to Various Positions

|                    |                              | Components of TEACHNJ  |  |                                    |                                 |                              |                                       |  |  |                                 |
|--------------------|------------------------------|--|--|------------------------------------|---------------------------------|------------------------------|---------------------------------------|--|--|---------------------------------|
|                    |                              | EVALUATION SYSTEMS   |  | OTHER GROWTH & DEVELOPMENT SYSTEMS |                                 |                              | TENURE DECISIONS                      |  |  |                                 |
|                    |                              | More Robust Eval. Including Rubric w/ 4 Rating Categories**          | ScIP Conducts Evals. & Supports Growth | Mentoring Program Req. by Law      | Ongoing PD / Individual PD Plan | Corrective Action Plan (CAP) | 4-yr Timeline for Tenure Acquisition* | Tenure Acquisition Linked to Eval. Rating* | Tenure Revocation Triggered by Eval. Rating*** | Streamlined Arbitration Process |
| Types of Positions | "All Teaching Staff Members" | Teacher (holding and working under instructional certificate)        | ✓                                      | ✓                                  | ✓                               | ✓                            | ✓                                     | ✓  | ✓  | ✓                               |
|                    |                              | Principal, VP/AP (holding position & has administrative certificate) | ✓                                      |                                    |                                 | ✓                            | ✓                                     | ✓  | ✓  | ✓                               |
|                    |                              | Supervisor   | ✓                                      |                                    |                                 | ✓                            | ✓                                     | ✓  |  | ✓                               |
|                    |                              | School Nurse, Athletic Trainer                                       | ✓                                      |                                    |                                 | ✓                            | ✓                                     | ✓  |  | ✓                               |
|                    |                              | Counselors, Therapists   | ✓                                      |                                    |                                 | ✓                            | ✓                                     | ✓  |  | ✓                               |
|                    | Other Staff                  | Secretarial & Custodial Staff  |  |                                    |                                 |                              |                                       |  |  | ✓                               |
|                    |                              | Teacher at State Institution/ Katzenbach                             |  |                                    |                                 |                              |                                       |  |  | ✓                               |

\*If board-approved after 8/6/12

\*\* Highly Effective, Effective, Partially Effective, Ineffective

\*\*\* As an example, earning 2 Ineffective ratings on the annual summative evaluation triggers tenure revocation charges



## Evaluation Systems

*The law mandates statewide implementation of stronger, more rigorous evaluation systems starting in the 2013-2014 school year.*

### Changes to Evaluation Rubrics

For all teaching staff members, evaluation rubrics must include four annual rating categories: Highly Effective, Effective, Partially Effective, and Ineffective. These rubrics must be annually submitted to the Commissioner of Education for review and approval, and are not subject to collective negotiations.

The law provides even more specific requirements regarding teacher, principal, AP, and VP evaluation rubrics. The table below represents these changes.

### Teacher & Principal/AP/VP Evaluation Rubrics

| What it was before...  |  | What it is now...  |
|--|--|--|
| <ul style="list-style-type: none"> <li>• <b>Binary measurement</b> with limited ability to differentiate levels of effectiveness and inform growth</li> <li>• <b>Based on single measure</b> of educator practice</li> <li>• <b>Multiple observations (3)</b> required for <b><u>non-tenured</u> teaching staff members</b></li> </ul> |  | <ul style="list-style-type: none"> <li>• <b>4 tiered measurement</b> with greater ability to differentiate levels of effectiveness and inform growth</li> <li>• <b>Based on multiple measures</b> of student achievement* and educator practice</li> <li>• <b>Multiple observations</b> required for <b><u>all</u> teaching staff members</b></li> <li>• <b>Improved training</b> on the evaluation system and <b>ongoing calibration and monitoring</b> of observations to ensure correct implementation</li> </ul> |

\*Standardized assessments shall be used as a measure of student progress but shall not be the predominant factor in the overall evaluation of a teacher; Student achievement measures will be based on student growth over time rather than a snapshot of proficiency

### Confidentiality of Evaluation Information

Personally identifiable evaluation information is strictly confidential and will not be made available to the public.

### School Improvement Panel (SciP)

The School Improvement Panel (SciP) oversees evaluation structures and helps link them to other systems of growth and development.<sup>2</sup> The SciP is charged with ensuring the effectiveness of the school's teachers by overseeing mentoring activities, conducting evaluations, identifying professional development opportunities, and conducting a mid-year evaluation of any teacher rated Ineffective or Partially Effective in the most recent annual summative evaluation.

<sup>2</sup> The SciP must include at least the school principal or designee, an assistant/vice principal, and a teacher. The principal has final responsibility for SciP membership, but must consult with the majority representative in determining a suitable teacher to participate. This teacher must not participate in evaluation activities except with approval of the majority representative.



## Other Growth and Development Systems

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*The law increases additional support and development provided to all teaching staff members.*

### **Mentoring**

During their first year of teaching, all novice teachers are paired with an experienced teacher to serve as a mentor. Mentors are expected to observe the novice teacher and share feedback, model strong practice, and provide confidential support and guidance. During this first year of mentoring, novice teachers receive an evaluation, but evaluation results are not linked to tenure decisions. To the greatest extent possible, mentoring activities should be developed in consultation with the School Improvement Panel. Such activities should be responsive to the unique needs of different teachers in different instructional settings as identified by evaluation structures.

### **Ongoing Professional Development (PD) / Individual PD Plans**

Above and beyond the targeted feedback received through the new evaluation system, all teaching staff members receive ongoing professional development (PD) and an individual PD plan to support student achievement. Like mentoring, PD activities should, where possible, be developed in consultation with the SCIP to ensure that the results of evaluation inform instructional development.

### **Corrective Action Plan (CAP)**

Any teaching staff member who is rated Ineffective or Partially Effective on their evaluation receive additional support through a Corrective Action Plan (CAP).<sup>3</sup> The teaching staff member works with their supervisor to create a plan of professional development that is designed to correct the needs identified in their evaluation. The CAP includes timelines for corrective action, and clearly delineates responsibilities of the teaching staff member versus the district in implementing the plan.

## Tenure Decisions

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*Prior to the TEACHNJ Act, New Jersey had the oldest tenure law in the country, dating back to 1909. The law reforms the prior tenure law by linking teacher, principal, AP and VP tenure decisions to effectiveness, and streamlining the tenure arbitration process for all staff members.*

### **Tenure Acquisition**

Any teaching staff member hired (board-approved) after the August 6, 2012 signing of TEACHNJ is eligible to earn tenure after four years.<sup>4</sup> There is no longer board discretion for earlier tenure. Teaching staff members hired prior to August 6, 2012 are grandfathered into the previous three-year tenure eligibility process.

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<sup>3</sup> Struggling staff members receive a CAP in lieu of a Professional Development Plan.

<sup>4</sup> This can include:

- Four consecutive academic years, together with employment at the beginning of the next succeeding academic year (e.g. staff member starts the first day of the 2012-2013 school year and continues employment through to the first day of the 2016-2017 school year);
- Four consecutive calendar years (e.g. staff member starts mid-year on October 1, 2012 and continues employment through October 1, 2016); or
- The equivalent of more than four academic years within a period of any five consecutive academic years (e.g. staff member starts the first day of the 2012-2013 school year, takes 2 months of leave, and works more than 2 months into the 2016-2017 school year).



For teachers, principals, APs, and VPs, TEACHNJ links the earning and keeping of tenure to the results of the employee's annual summative evaluation. The charts below depict the new four-year timelines.

**Teacher Tenure Acquisition Timeline**

| Year 1   | Year 2   | Year 3 | Year 4         |
|--|--|--------|----------------|
| <ul style="list-style-type: none"> <li>Participate in district mentoring program</li> <li>Receive evaluation, but summative rating does <u>not</u> count towards tenure acquisition</li> </ul> | <ul style="list-style-type: none"> <li>To earn tenure, a teacher must receive an Effective or Highly Effective rating on the annual summative evaluation in at least two of these three years</li> <li>The teacher must also be employed in the district for four years<sup>4</sup></li> </ul> |        | Tenure Granted |

**Principal/AP/VP Tenure Acquisition Timeline**

| Year 1  | Year 2   | Year 3 | Year 4  |
|---|--|--------|---|
| <ul style="list-style-type: none"> <li>Receive evaluation, but summative rating does <u>not</u> count towards tenure acquisition</li> </ul> | <ul style="list-style-type: none"> <li>To earn tenure, a Principal, AP or VP must receive an Effective or Highly Effective rating on the annual summative evaluation in both of these two years</li> </ul> |        | <ul style="list-style-type: none"> <li>The Principal, AP or VP must also be employed in the district for four years<sup>4</sup></li> </ul> Tenure Granted |

**Tenure Revocation**

The process for removing tenure for inefficiency has also been revamped under the law. For teachers, principals, APs, and VPs, inefficiency-related tenure revocation decisions are now based upon the outcome of evaluations, specifically triggered by multiple years of Ineffective and/or Partially Effective summative ratings. As depicted in the chart below, the TEACHNJ law outlines the consecutive summative rating combinations that result in a superintendent’s discretion or directive to file a charge of inefficiency against an employee:

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

**Tenure Hearings and Arbitration**

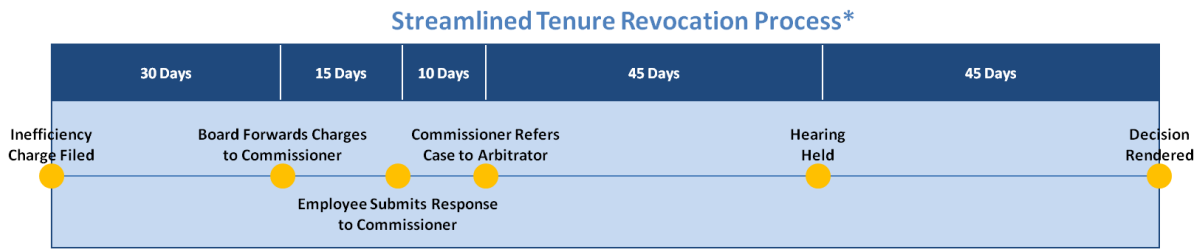
Prior to enactment of TEACHNJ, teachers were rarely charged with inefficiency, and the cumbersome tenure revocation process could take years to complete (including the 90-day period granted to teachers to rectify any behavior deemed inefficient).

The streamlined process is as follows:

- If any tenured teaching staff member is rated Ineffective or Partially Effective in two consecutive summative annual evaluations (see chart above), he or she will be charged with inefficiency.
- Within 30 days of the filing, the board of education shall forward the written charges to the Commissioner, unless the board determines that the evaluation process has not been followed.



- The employee has 15 days to submit to the Commissioner a written response to the charges and then the Commissioner has up to 10 days to refer the case to an arbitrator to determine potential loss of tenure.
- For all charges, the hearing shall be held within 45 days of the assignment to the arbitrator. The written decision shall be held within 45 days from the start of the hearing.
- The costs of the arbitrator will be borne by the State of New Jersey.



\*The above timeline specifies the maximum amount of time that can be spent on each step; The maximum duration of the entire process is under five months

Of equal significance, TEACHNJ clearly defines the criteria that arbitrators may consider in rendering their decisions. Specifically, the arbitrator may only consider the following four aspects:

- Whether the evaluation **failed to adhere to the evaluation process**.
- There is a **mistake of fact** in the evaluation.
- The charges would not have been brought but for considerations of **political affiliation, nepotism, union activity, discrimination, or other conduct prohibited by State or federal law**.
- The district's **actions were arbitrary and capricious**.

## Additional Information

For more information about this law and implications for evaluation, please:

- Refer to the full law at [http://www.njleg.state.nj.us/2012/Bills/PL12/26\\_.PDF](http://www.njleg.state.nj.us/2012/Bills/PL12/26_.PDF);
- View the AchieveNJ website at <http://www.nj.gov/education/AchieveNJ/>.
- View FAQ at [http://www.nj.gov/education/genfo/faq/faq\\_eval.shtml#tenure](http://www.nj.gov/education/genfo/faq/faq_eval.shtml#tenure),
- Send an email to [educatorevaluation@doe.state.nj.us](mailto:educatorevaluation@doe.state.nj.us), or
- Call the Evaluation Help Line at 609-777-3788.