

AN ACT concerning school employees, revising various parts of the statutory law, and supplementing chapters 6 and 28 of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. (New section) This act shall be known and may be cited as the “Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) Act.”

2. (New section) The Legislature finds and declares:

a. The goal of this legislation 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.

b. The New Jersey Supreme Court has found that a multitude of factors play a vital role in the quality of a child’s education, including effectiveness in teaching methods and evaluations. Changing the current evaluation system to focus on improved student outcomes, including objective measures of student growth, is critical to improving teacher effectiveness, raising student achievement, and meeting the objectives of the federal “No Child Left Behind Act of 2001.”

c. Existing resources from federal, State, and local sources should be used in ways consistent with this law.

3. N.J.S.18A:6-11 is amended to read as follows:

18A:6-11. Any charge made against any employee of a board of education under tenure during good behavior and efficiency shall be filed with the secretary of the board in writing, and a written statement of evidence under oath to support such charge shall be presented to the board. The board of education shall forthwith provide such employee with a copy of the charge, a copy of the statement of the evidence and an opportunity to submit a written statement of position and a written statement of evidence under oath with respect thereto. After consideration of the charge, statement of position and statements of evidence presented to it, the board shall determine by majority vote of its full membership whether there is probable cause to credit the evidence in support of the charge and whether such charge, if credited, is sufficient to warrant a dismissal or reduction of salary. The board of education shall forthwith notify the employee against whom the charge has been made of its determination, personally or by certified mail directed to his last known address. In the event the board finds that such probable cause exists and that the charge, if credited, is sufficient to warrant a dismissal or reduction of salary, then it shall forward such written

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

charge to the commissioner for a hearing pursuant to N.J.S. 18A:6-16, together with a certificate of such determination. [Provided, however, that if the charge is inefficiency, prior to making its determination as to certification, the board shall provide the employee with written notice of the alleged inefficiency, specifying the nature thereto, and allow at least 90 days in which to correct and overcome the inefficiency.] The consideration and actions of the board as to any charge shall not take place at a public meeting.
(cf: P.L.1975, c. 304, s. 1)

4. N.J.S.18A:6-13 is amended to read as follows:

18A:6-13. If the board does not make such a determination within 45 days after receipt of the written charge [, or within 45 days after the expiration of the time for correction of the inefficiency, if the charge is of inefficiency], the charge shall be deemed to be dismissed and no further proceeding or action shall be taken thereon.
(cf: N.J.S.18A:6-13)

5. N.J.S.18A:6-16 is amended to read as follows:

18A:6-16. Upon receipt of such a charge and certification, or of a charge lawfully made to the commissioner, the commissioner or the person appointed to act in the commissioner's behalf in the proceedings shall examine the charges and certification. The individual against whom the charges are certified shall have 15 days to submit a written response to the charges to the commissioner. Upon a showing of good cause, the commissioner may grant an extension of time. The commissioner shall render a determination on the sufficiency of charges and shall refer the case to the Office of Administrative Law, if appropriate, as set forth below within [15] 10 days immediately following the period provided for a written response to the charges.

If, following receipt of the written response to the charges, the commissioner is of the opinion that they are not sufficient to warrant dismissal or reduction in salary of the person charged, he shall dismiss the same and notify said person accordingly. If, however, he shall determine that such charge is sufficient to warrant dismissal or reduction in salary of the person charged, he shall [within 10 days of making that determination] refer the case to the Office of Administrative Law for further proceedings, except that when a motion for summary decision has been made prior to that time, the commissioner may retain the matter for purposes of deciding the motion.
(cf: P.L.1998, c.42, s.2)

6. N.J.S.18A:28-5 is amended to read as follows:

(GRANDFATHERED)

18A:28-5. a. The services of all teaching staff members employed prior to the effective date of P.L. , c. (C.) (pending

before the Legislature as this bill) in the positions of teacher, principal, other than administrative principal, assistant principal, vice-principal, assistant superintendent, and 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 such other employees as are in positions which require them to hold appropriate certificates issued by the board of examiners, serving in any school district or under any board of education, excepting those who are not the holders of proper certificates in full force and effect and school business administrators shared by two or more school districts, shall be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by subarticle B of article 2 of chapter 6 of this Title, after employment in such district or by such board for:

[(a)] (1) Three consecutive calendar years, or any shorter period which may be fixed by the employing board for such purpose; or

[(b)] (2) Three consecutive academic years, together with employment at the beginning of the next succeeding academic year; or

[(c)] (3) The equivalent of more than three academic years within a period of any four consecutive academic years.

PROSPECTIVE:

b. The services of all teaching staff members employed on or after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) in the position of assistant superintendent, school nurse, 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 such other employees as are in positions which require them to hold appropriate certificates issued by the board of examiners, serving in any school district or under any board of education, excepting employees in the position of teacher, principal, assistant principal, and vice-principal, those who are not the holders of proper certificates in full force and effect, and school business administrators shared by two or more school districts, shall be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by subarticle B of article 2 of chapter 6 of this Title, after employment in such district or by such board for:

(1) Three consecutive calendar years, or any shorter period which may be fixed by the employing board for such purpose; or

(2) Three consecutive academic years, together with employment at the beginning of the next succeeding academic year;
or

(3) The equivalent of more than three academic years within a period of any four consecutive academic years.

c. The services of all teaching staff members employed on or after the effective date of P.L. , c. (C.)(pending before the Legislature as this bill) by a district or a board in the position of teacher, principal, other than administrative principal, assistant principal, and vice-principal shall be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by subarticle B of article 2 of chapter 6 of this Title, after the employee receives a rating of effective or highly effective in each of three consecutive annual summative evaluations with the first effective rating being received on or after the completion of the second year of employment.

In order to achieve tenure pursuant to this subsection, a teacher shall also complete a district mentorship program during the initial year of employment.

For purposes of this subsection, “effective” or “highly effective” means the employee has received an annual summative evaluation rating of “effective” or “highly effective” based on the performance standards for his position established through the evaluation rubric adopted by the board of education and approved by the commissioner.

d. For purposes of this chapter, tenure in any of the administrative or supervisory positions enumerated herein shall accrue only by employment in that administrative or supervisory position. Tenure so accrued shall not extend to any other administrative or supervisory position and nothing herein shall limit or restrict tenure rights which were or may be acquired pursuant to N.J.S.18A:28-6 in a position in which the individual actually served.

(cf: P.L.1999, c.87, s.3)

7. N.J.S.18A:28-6 is amended to read as follows:

18A:28-6. Any such teaching staff member under tenure or eligible to obtain tenure under this chapter, who is transferred or promoted with his consent to another position covered by this chapter on or after July 1, 1962, shall not obtain tenure in the new position until after:

(a) the expiration of a period of employment of two consecutive calendar years in the new position unless a shorter period is fixed by the employing board for such purpose; or BOARD FLEXIBILITY HERE

(b) **employment for two academic years in the new position together with employment in the new position at the beginning of the next succeeding academic year**; or

(c) employment in the new position within a period of any three consecutive academic years, for the equivalent of more than two academic years;

provided that the period of employment in such new position shall be included in determining the tenure and seniority rights in the former position held by such teaching staff member, and in the event the employment in such new position is terminated before tenure is obtained therein, if he then has tenure in the district or under said board of education, such teaching staff member shall be returned to his former position at the salary which he would have received had the transfer or promotion not occurred together with any increase to which he would have been entitled during the period of such transfer or promotion.

In order to receive tenure pursuant to this section, a teacher, principal, assistant principal, or vice-principal shall be evaluated as effective or highly effective in three consecutive annual summative evaluations.

For purposes of this subsection, “effective” or “highly effective” means the employee has received an annual summative evaluation rating of “effective” or “highly effective” based on the performance standards for his position established through the evaluation rubric adopted by the board of education and approved by the commissioner.

(cf: N.J.S.18A:28-6)

8. N.J.S.18A:28-10 is amended to read as follows:

18A:28-10. [Dismissals] Except as otherwise provided in section 23 of P.L. , c. (C.) (pending before the Legislature as this bill), dismissals resulting from any such reduction shall not be made by reason of residence, age, sex, marriage, race, religion or political affiliation but shall be made on the basis of seniority according to standards to be established by the commissioner with the approval of the state board.

(cf: N.J.S.18A:28-10)

9. N.J.S. 18A:28-12 is amended to read as follows:

18A:28-12. [If] Except as otherwise provided in section 23 of P.L. , c. (C.) (pending before the Legislature as this bill), if any teaching staff member shall be dismissed as a result of such reduction, such person shall be and remain upon a preferred eligible list in the order of seniority for reemployment whenever a vacancy occurs in a position for which such person shall be qualified and he shall be reemployed by the body causing dismissal, if and when such vacancy occurs and in determining seniority, and in computing length of service for reemployment, full recognition shall be given to previous years of service, and the time of service by any such

person in or with the military or naval forces of the United States or of this State, subsequent to September 1, 1940, and the time of service of any member of the American Merchant Marine during World War II who is declared by the United States Department of Defense to be eligible for federal veterans' benefits, shall be credited to him as though he had been regularly employed in such a position within the district during the time of such military or naval service, except that the period of that service shall not be credited toward more than four years of employment or seniority credit.

(cf: P.L.1991, c.389, s.3)

10. (New section) A teacher, principal, assistant principal, or vice-principal under tenure pursuant to State law who accepts employment in the same position in an underperforming school district shall be under tenure in that position in the new district during good behavior and efficiency and shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by subarticle B of article 2 of chapter 6 of this Title, after the employee receives a rating of effective or highly effective in each of two consecutive annual summative evaluations.

For purposes of this subsection, “effective” or “highly effective” means the employee has received an annual summative evaluation rating of “effective” or “highly effective” based on the performance standards for his position established through the evaluation rubric adopted by the board of education and approved by the commissioner.

11. (New section) Notwithstanding N.J.S.18A:6-17 or any other section of law to the contrary, any tenure charge transmitted to the Office of Administrative Law pursuant to N.J.S.18A:6-16 shall be adjudicated in an expeditious and timely manner as follows:

a. The initial hearing on the charge shall commence within 30 days of its transmittal to the Office of Administrative Law.

b. Upon transmittal of the charge, the employing board of education shall provide all evidence to the employee or the employee’s representative. At least 10 days prior to the hearing, the employee shall provide all evidence upon which he will rely to the employing board of education or its representative. Both parties shall be precluded from presenting any additional evidence at the hearing except for purposes of impeachment of witnesses.

c. Notwithstanding the provisions of N.J.S.18A:6-25 or any other section of law to the contrary, the final determination on the controversy or dispute shall be rendered within 30 days of the start of the hearing by the administrative law judge.

12. (New section) a. If the decision of the administrative law judge is in support of the tenure charges, the Commissioner of

Education shall notify the State Board of Examiners, in writing, of the decision.

b. The State Board of Examiners shall only review a tenure charge case referred to an administrative law judge pursuant to N.J.S.18A:6-16 if it has received notification pursuant to subsection a. of this section.

13. (New section) For the purposes of sections 14 through 18 of P.L. , c. (C.) (pending before the Legislature as this bill), “ineffective” or “partially effective” means the employee receives an annual summative evaluation rating of “ineffective” or “partially effective” based on the performance standards for his position established through the evaluation rubric adopted by the board of education and approved by the commissioner.

14. (New section) a. In order to ensure the effectiveness of its teachers, each school shall convene a school improvement panel. A panel shall include the principal, an assistant or vice-principal, and a teacher from the district who shall not be employed at the school at which the panel is convened. The teacher shall be a person with a demonstrated record of success in the classroom. An individual teacher shall not serve more than three consecutive years on any one school improvement panel. In the event that an assistant or vice-principal is not available to serve on the panel, the principal shall appoint an additional member to the panel.

b. The panel shall oversee the mentoring of teachers and conduct evaluations of teachers, including an annual summative evaluation. The panel shall also identify professional development opportunities for all instructional staff members that are tailored to meet the unique needs of the students and staff of the school.

c. The panel shall conduct a mid-year evaluation of any employee in the position of teacher who is evaluated as ineffective or partially ineffective in his most recent annual summative evaluation.

d. Information related to the evaluation of a particular employee shall be maintained by the school district, shall be confidential, and shall not be accessible to the public pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented.

15. (New section) a. In order to ensure the effectiveness of the schools in the district, the superintendent of schools or his designee shall conduct evaluations of each principal employed by the school district, including an annual summative evaluation.

b. The principal, in conjunction with the superintendent or his designee, shall conduct evaluations of each assistant principal and vice-principal employed in his school, including an annual summative evaluation.

c. The superintendent or his designee and the principal, as appropriate, shall conduct a mid-year evaluation of any principal,

assistant principal, or vice-principal who is evaluated as ineffective or partially effective in his most recent annual summative evaluation.

d. Information related to the evaluation of a particular employee shall be maintained by the school district, shall be confidential, and shall not be accessible to the public pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented.

16. (New section) a. The superintendent shall identify the pool of qualified candidates from which the principal shall select teachers, assistant principals, and vice-principals for his school.

Notwithstanding the provisions of section 1 of P.L.1995, c.125 (C.18A:27-4.1) to the contrary, a superintendent of schools may not recommend a candidate for employment as a teacher, assistant principal, or vice-principal to the board of education for appointment as a new employee of the district without the consent of the principal of the school at which the employee will be assigned upon employment.

b. Except as otherwise provided pursuant to N.J.S.18A:28-10, an employee in the position of teacher, assistant principal, or vice-principal may be assigned to another school in the district only with the mutual consent of the principal and the employee. The school improvement panel may make recommendations to the principal on the assignment of an employee, but it shall be the responsibility of the principal to make a formal determination on the assignment.

In the event that no principal in the district consents to the assignment of a teacher, assistant principal or vice-principal, and the person in the prior school year was rated effective or highly effective, the person shall be placed in the priority hiring pool in accordance with the provisions of section 23 of P.L. ,c. (C.) (pending before the Legislature as this act).

c. Notwithstanding any provision of law to the contrary, the principal shall revoke the tenure granted to an employee in the position of teacher, assistant principal, or vice-principal, regardless of when the employee acquired tenure, if the employee is evaluated as ineffective or partially effective in one year's annual summative evaluation and in the next year's annual summative evaluation the employee does not show improvement by being evaluated in a higher rating category. The only evaluations which may be used by the principal for tenure revocation are those evaluations conducted in the 2013-2014 school year and thereafter which use the rubric adopted by the board and approved by the commissioner. The school improvement panel may make recommendations to the principal on a teacher's tenure revocation.

d. The revocation of the tenure status of a teacher, assistant principal, or vice-principal shall not be subject to grievance or appeal except where the ground for the grievance or appeal is that the principal failed to adhere substantially to the evaluation process. Any such appeal initiated by an employee shall be directed to an

administrative law judge within 30 days of the revocation of the employee's tenure status. The appeal shall be reviewed by an administrative law judge within 30 days of the receipt of the appeal.

e. Information related to the revocation of an individual employee's tenure status shall be maintained by the school district, shall be confidential, and shall not be accessible to the public pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented.

g. Notwithstanding any provision of law to the contrary, in the case of all nontenured teachers, assistant principals or vice-principals, including those whose tenure is revoked pursuant to this section, the principal shall have the sole authority to determine to terminate the employment of that person or not renew the employment contract. The principal shall inform the superintendent of his determination and that determination by the principal may not be overruled by the superintendent or the board of education.

17. (New section) a. Notwithstanding any provision of law to the contrary, the superintendent, or a designee with expertise in school district personnel, shall revoke the tenure granted to a principal, regardless of when the principal acquired tenure, if the principal is evaluated as ineffective or partially effective in one year's annual summative evaluation and in the next year's annual summative evaluation the principal does not show improvement by being evaluated in a higher rating category. **The only evaluations which may be used by the superintendent or a designee for tenure revocation are those evaluations conducted in the 2013-2014 school year and thereafter which use the rubric adopted by the board and approved by the commissioner.**

b. Except as otherwise provided pursuant to N.J.S.18A:28-10, a principal may be assigned to another school in the district only with the mutual consent of the principal and the superintendent.

c. Notwithstanding the provisions of section 1 of P.L.1995, c.125 (C.18A:27-4.1) to the contrary, **a superintendent of schools may not recommend a candidate for employment as a principal to the board of education for appointment as a new employee of the district without the consent of the candidate to a particular school assignment upon employment.**

d. **The revocation of the tenure status of a principal shall not be subject to grievance or appeal except where the ground for the grievance or appeal is that the superintendent or designee failed to adhere substantially to the evaluation process.** Any such appeal initiated by a principal shall be made to an administrative law judge within 30 days of the revocation of the principal's tenure status. The appeal shall be reviewed by an administrative law judge within 30 days of the receipt of the appeal.

e. Information related to the revocation of an individual principal's tenure status shall be maintained by the school district, shall be confidential, and shall not be accessible to the public

pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented.

18. (New section) A teacher, principal, assistant principal, or vice-principal whose tenure is revoked pursuant to the provisions of section 16 or 17 of P.L. , c. (C.) (pending before the Legislature as this bill) **shall reacquire** tenure in that position, in the event that a determination has been made to continue his employment in the district, during good behavior and efficiency and shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by subarticle B of article 2 of chapter 6 of this Title, **after the employee receives a rating of effective or highly effective in each of two consecutive annual summative evaluations.**

19. (New section) a. A board of education shall implement a researched-based mentoring program that pairs effective, experienced teachers with first-year teachers to provide observation and feedback, opportunities for modeling, and confidential support and guidance in accordance with the Professional Standards for Teachers and the evaluation rubric.

b. The mentoring program shall: enhance teacher knowledge of, and strategies related to, the core curriculum content standards in order 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 the performance of their duties and adjustment to the challenges of teaching. To the greatest extent feasible, mentoring activities shall be developed in consultation with the school improvement panels established pursuant to section 14 of P.L. , c. (C.) (pending before the Legislature as this bill) in order to be responsive to the unique needs of different teachers in different instructional settings.

20. (New section) a. A board of education shall provide its teaching staff members with ongoing professional development that supports student achievement. To the greatest extent feasible, professional development opportunities shall be developed in consultation with the school improvement panels established pursuant to section 14 of P.L. , c. (C.) (pending before the Legislature as this bill) in order to be responsive to the unique needs of different instructional staff members in different instructional settings.

b. A board of education shall provide additional professional development for any teaching staff member who fails or is struggling to meet the performance standards established by the board, as documented in the teaching staff member's annual summative evaluation. The additional professional development

shall be designed to correct the needs identified in the annual summative evaluation.

c. All funds budgeted by a school district for professional development shall be used primarily to provide the professional development required pursuant to the provisions of P.L. , c. (C.) (pending before the Legislature as this bill).

EVALUATIONS, RUBRICS, MEASUREMENTS:

21. (New section) a. A school district shall annually submit to the Commissioner of Education, for review and approval, the evaluation rubrics that the district will use to assess the effectiveness of its teachers, principals, assistant principals, and vice-principals. The board shall ensure that an approved rubric meets the minimum standards established by the State Board of Education.

b. Notwithstanding the provisions of subsection a. of this section, a school district may choose to use the model evaluation rubric established by the commissioner pursuant to subsection f. of section 22 of P.L. , c. (C.) (pending before the Legislature as this bill) to assess the effectiveness of its teachers, principals, assistant principals, and vice-principals. In the case in which the district fails to submit a rubric for review and approval, the model rubric shall be used by the district to assess the effectiveness of its teachers, principals, assistant principals, and vice-principals.

22. (New section) a. The Commissioner of Education shall review and approve evaluation rubrics submitted by school districts pursuant to section 21 of P.L. , c. (C.) (pending before the Legislature as this bill). **EVALUATION RUBRICS**

b. The State Board of Education shall promulgate regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to set standards for the approval of evaluation rubrics for teachers, principals, assistant principals, and vice-principals. The standards at a minimum shall include:

(1) four defined annual rating categories for teachers, principals, assistant principals, and vice-principals: ineffective, partially effective, effective, and highly effective;

(2) a provision requiring that the rubric be partially based on multiple objective measures of student learning that use student growth from one year’s quantifiable measure to the next year’s quantifiable measure;

(3) a provision that allows the district, in grades in which a standardized test is not required, to determine the method for measuring student growth;

(4) a provision that multiple measures of practice and student learning be used in rating effectiveness with specific measures and implementation processes;

(5) a provision that the rubric be based on the professional standards for that employee;

(6) a provision ensuring that all performance measures used in the rubric are linked to student achievement;

(7) a requirement that the employee receive multiple observations during the school year which shall be used in evaluating the employee, at least one annual summative evaluation for the school year, and a conference with his superior or superiors following this evaluation;

(8) a provision that requires that at each observation of a teacher, either the principal, the vice-principal, or the assistant principal shall be present;

(9) an opportunity for the employee to improve his effectiveness from routine evaluation feedback;

(10) guidelines for school districts regarding training on the evaluation system to support its implementation;

(11) a process for ongoing monitoring and calibration of the observations to ensure that the observation protocols are being implemented correctly and consistently;

(12) a performance framework, associated evaluation tools, and observation protocols, including training and observer calibration resources; and

(13) a process for a school district to obtain the approval of the commissioner to utilize other evaluation tools.

SOME FLEXIBILITY (above)

TIMELINES –SOON PILOT BY JAN 31 2013 c. A board of education shall adopt a rubric approved by the commissioner by December 31, 2012.

d. *Beginning no later than January 31, 2013, a board of education shall implement a pilot program to test and refine the evaluation rubric.*

e. **Beginning with the 2013-2014 school year, a board of education shall ensure implementation** of the approved, adopted evaluation rubric for all educators in all elementary, middle, and high schools in the district. Results of evaluations shall be used to identify and provide professional development to teaching staff members. Results of evaluations shall be provided to the commissioner, as requested, on a regular basis.

f. The commissioner shall establish a model evaluation rubric that may be utilized by a school district to assess the effectiveness of its teachers, principals, assistant principals, and vice-principals.

23. (New section) a. **Beginning with the 2014-2015 school year, in the event of a reduction in force, tenured and nontenured teachers, principals, assistant principals and vice-principals, other than those who acquired tenure prior to the effective date of P.L. ,**

c. (C.) (pending before the Legislature as this bill) and *continuously maintain their tenure, shall be dismissed based on*

district and school needs in each certification area, and then in the following order; **CRITERIA ORDER: WHEN CUTTING BACK ON STAFF**

(1) *rating of ineffective on the annual summative evaluation from the previous school year, and then on the basis of seniority;*

(2) *rating of partially effective on the annual summative evaluation from the previous school year, and then on the basis of seniority;*

(3) *rating of effective on the annual summative evaluation from the previous school year, and then on the basis of seniority;*

(4) *rating of highly effective on the annual summative evaluation from the previous school year, and then on the basis of seniority.*

b. Beginning in the 2014-2015 school year, in the event of a reduction in force for a teacher, principal, assistant principal or vice-principal or the inability of a principal and teacher, assistant principal or vice-principal to reach mutual consent on the assignment of the employee to a school pursuant to subsection a. of section 16 of P.L. ,c. (C.) (pending before the Legislature as this bill), a teacher, principal, assistant principal or vice principal who has acquired tenure on or after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) whose position is eliminated due to a reduction in force or who is unable to be assigned to a school due to the inability of the principal and the employee to reach mutual consent, shall be designated by the school district as a member of a priority hiring pool. **A member of a priority hiring pool shall be provided an opportunity to interview for vacant in-district teaching positions for which he is qualified before a principal may consider outside applicants.** In order to **qualify** as a member of the priority hiring pool, the employee shall have received an **effective or highly effective rating on the prior school year's annual summative evaluation.**

b. **A member of the priority hiring pool shall continue to receive his salary and benefits in the 12 months following designation as a member of the pool or until such time as he secures another position** within the district or submits his resignation.

c. Notwithstanding any provision of law to the contrary, in the event that the **teacher has not secured an in-district teaching position within 12 months** following designation as a member of the pool, the district shall place the teacher on an **unpaid leave of absence.** **The teacher shall remain a member of the priority hiring pool until such time as he secures employment in the district.**

d. *In the event that a member of a priority hiring pool secures employment in the district in a position that is comparable to the position that he previously held, the district shall compensate the member at the same level that was received during his employment in the position that he previously held.* (*WHAT ABOUT NEW CONTRACTS THAT MAY BE LOWER PAID IN SAME POSITION? SOUNDS LIKE LIFETIME GUARANTEE OF NEVER BEING PAID LOWER*)

24. (New section) Any tenure charge transmitted to the Office of Administrative Law pursuant to N.J.S.18A:6-16 prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) shall be determined in accordance with the provisions of subarticle B of Article 2 of chapter 6 of Title 18A of the New Jersey Statutes, N.J.S.18A:6-10 et seq., as the same read prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill).

25. (New section) The provisions of N.J.S.18A:28-5, N.J.S. 18A:28-6, and section 10 and sections 13 through 22 of the “Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) Act,” P.L. , c. (C.) (pending before the Legislature as this bill) shall apply to a charter school that is established pursuant to P.L.1995, c.426 (C.18A:36A-1 et seq.).

26. (New section) A school district’s evaluation rubric approved by the commissioner pursuant to section 21 of P.L. , c. (C.) (pending before the Legislature as this bill) shall not be subject to collective negotiations.

27. (New section) The Department of Education shall provide the funds necessary to effectuate the provisions of this act.

COULD BE HUGE

28. (New section) No collective bargaining agreement or other contract entered into by a school district after July 1, 2013 shall conflict with the educator evaluation system established pursuant to P.L. , c. (C.) (pending before the Legislature as this bill). A district with an existing collective bargaining agreement on July 1 2013 which conflicts in whole or in part with the educator evaluation system established pursuant to that act, shall implement in accordance with that act those provisions not in conflict with the collective bargaining agreement.

29. The following section is repealed:
Section 1 of P.L.1998, c. 42 (C.52:14B-10.1).

30. This act shall take effect in the 2013-2014 school year, except that section 22 of this act shall take effect immediately. The Department of Education shall take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

STATEMENT

This bill requires each school district to annually submit to the Commissioner of Education the evaluation rubric that the district will use to assess the effectiveness of its teachers, principals, assistant principals, and vice-principals. The district may use the model rubric which the commissioner is required to establish or it may use one that meets the minimum standards provided in the bill.

Under current law, teachers, principals, and other teaching staff members whose positions require that they hold a certificate issued by the State Board of Examiners receive tenure after completing three years of employment in a school district. This bill provides that a person who is employed as a teacher, principal, assistant principal, or vice-principal on or after the bill's effective date will receive tenure after the employee receives a rating of effective or highly effective in each of three consecutive annual summative evaluations, with the first effective rating being received on or after the completion of the second year of employment. This means that, under the bill, a newly hired employee in one of these positions could qualify for tenure after 4 or more years of employment in the district, depending on his evaluations. Also, in the case of a teacher, he must complete a mentorship program in the first year of employment. All other school district employees currently eligible for tenure will be able to obtain tenure after a three-year period of employment, as established by existing law.

The bill provides that a teacher, principal, assistant principal, or vice-principal who is transferred or promoted to another position in the same district must be evaluated as effective or highly effective in three consecutive annual summative evaluations in order to qualify for tenure in the new position. In the case of any teacher, principal, assistant principal, or vice-principal under tenure who accepts employment in the same position in an underperforming school district, that person will be eligible for tenure after being evaluated as effective or highly effective in two consecutive annual summative evaluations.

The bill provides for mutual consent by the principal and a teacher, assistant principal and vice-principal for assignment to another school in the district. If no principal consents to an employee's placement, and that employee was rated effective or highly effective in the prior year, then the employee would be placed in a priority hiring pool, in accordance with the provisions of the bill. The superintendent will identify a pool of qualified candidates from which the principal will select teachers, assistant principals, and vice-principals for his school. In the case of a candidate for employment for teacher, assistant or vice-principal in a district, the bill provides that the superintendent may not recommend that person to the board of education for appointment in the district without the consent of the principal of the school at which the person will be assigned upon appointment. In the case of a principal, both the principal and the superintendent must consent to the assignment of the principal to a particular school. In

addition, when a person is a candidate for employment as a principal in the district, the superintendent may not recommend the person to the board of education for appointment without the consent of the candidate to a particular school assignment upon employment.

In order to ensure the effectiveness of its teachers, the bill directs each school to convene a school improvement panel. The panel will include the principal, an assistant or vice-principal, and a teacher who will not be employed at the school at which the panel is convened. The panel will: oversee the mentoring of teachers; conduct evaluations of teachers; and identify professional development opportunities for all instructional staff members.

Under the bill the principal must revoke the tenure granted to an employee in the position of teacher, assistant principal, or vice-principal, regardless of when the employee acquired tenure, if the employee is evaluated as ineffective or partially effective in one year's annual summative evaluation and in the next year's annual summative evaluation the employee does not show improvement. Similarly, the bill provides that the superintendent, or his designee, must revoke a principal's tenure, regardless of when the principal acquired tenure, if the principal is evaluated as ineffective or partially effective in one year's annual summative evaluation and in the next year's annual summative evaluation the principal does not show improvement. Under the bill, the revocation of the tenure status of a teacher, principal, assistant principal, or vice-principal will not be subject to grievance or appeal except where the ground for the grievance or appeal is that the principal, superintendent or the superintendent's designee failed to adhere substantially to the evaluation process.

The bill provides that, beginning in the 2014-2015 school year, in the event of a reduction in force or the inability of a teacher, assistant principal or vice-principal to reach mutual consent on the assignment of the employee, the employee who acquires tenure on or after the effective date of the bill and whose position was eliminated due to a reduction in force or who is unable to be assigned to a school due to the inability of the principal and employee to reach mutual consent, must be designated by the school district as a member of a priority hiring pool. A member of a priority hiring pool must be provided an opportunity to interview for vacant in-district teaching positions for which he is qualified before a principal may consider outside applicants. A member will continue to receive his salary and benefits in the 12 months following placement in the pool, or until such time as he secures another position within the district or submits his resignation. In the event that the teacher has not secured an in-district teaching position within 12 months of being placed in the pool, the district will place the teacher on an unpaid leave of absence but will keep him in the priority hiring pool until such time as he secures employment in the district.

Under the bill, each board of education must:

- implement a mentoring program in which effective experienced teachers are paired with first-year teachers to provide confidential support and guidance;
- provide its teaching staff members with ongoing professional development and provide additional professional development for any teaching staff member who fails or is struggling to meet the performance standards established by the board for his job.

This bill streamlines the process under the current tenure hearing laws by establishing timelines designed to expedite the process. The bill shortens the timeframe under which the Commissioner of Education must render a determination on the sufficiency of a tenure charge and refer the case to the Office of Administrative Law from a 25-day period to a 10-day period. The bill provides that the hearing on a tenure charge before an administrative law judge will be held within 30 days of the transmittal of the charge to the Office of Administrative Law. The bill further provides that the final determination on the charge will be made by an administrative law judge rather than the Commissioner of Education and such determination must be made within 30 days of the start of the hearing. Under current law, a determination of any controversy or dispute must be made within 60 days after the close of the hearing. The bill also provides that the State Board of Examiners may only review those tenure cases in which the administrative law judge's findings were in support of the charges.

The bill repeals section 1 of P.L.1998, c.42 (C.52:14B-10.1), which outlines the procedure tenure cases currently follow when referred to the Office of Administrative Law.

The provisions of this bill will take effect in the 2013-2014 school year, except that the provision of the bill that sets forth the requirements of the new evaluation rubric will take effect immediately.

“Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) Act.”