

# New Jersey

Law Analyzed	TEACHNJ Act
Date Passed	2012
Overall Rating	5.25




In June 2012, the New Jersey Senate and Assembly unanimously passed the TEACHNJ Act (S 1455), which requires local boards of education in New Jersey to adopt an approved evaluation rubric for the evaluation of all educators in the district no later than the 2013-14 school year. Evaluations must incorporate observations and analysis of multiple measures of student progress, and the State Board of Education must promulgate regulations for such evaluations. The TEACHNJ Act also makes significant reforms to teacher tenure and dismissal processes, requiring teachers to receive a rating of “effective” or “highly effective” in two consecutive annual evaluations prior to earning tenure, and establishing a new process and standards for dismissal of teachers who receive two consecutive “ineffective” or “partially effective” ratings.

TEACHNJ makes significant reforms to teacher evaluation and tenure in New Jersey, but it does not require transparent public reporting on educator effectiveness, hold teacher preparation programs accountable for the performance of their graduates, end “last-in, first-out” teacher layoffs, eliminate forced teacher placements, protect students from being consecutively taught by ineffective teachers, or reward more effective teachers with increased compensation. These are all areas for potential improvement in future legislation or regulations.




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Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes. Teachers must receive an annual summative evaluation. Teachers rated “ineffective” or “partially effective” must also receive a mid-year evaluation.	●
Are principals, as well as teachers, evaluated?	Yes. The law requires the superintendent or their designee to annually conduct evaluations of each principal in the district.	●
Is evidence of student learning a factor in teacher evaluations?	Yes. Evaluations must incorporate “analysis of multiple measures of student progress and multiple data sources.” The law does not specify the percentage of a teacher’s evaluation that is based on student growth and learning, but it does state that “standardized tests shall be used as a measure of student progress but shall not be the predominant factor in the overall evaluation of a teacher.”	◐
Do evaluations differentiate between multiple levels of teacher performance?	Yes. Legislation requires the State Board of Education to promulgate regulations for the approval of evaluation rubrics that include four defined annual rating categories for teachers, principals, and vice-principals: highly-effective, effective, partially-effective, and ineffective.	●
Are parents and the public provided clear information about teacher effectiveness?	Teacher evaluations are considered confidential personnel data in New Jersey. The law does not require aggregated public reporting on teacher effectiveness.	○
Are educator preparation programs accountable for graduates’ effectiveness?	The law does not address.	○

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Is tenure linked to effectiveness?	Yes. The law requires teachers to teach for at least four years and earn two consecutive “effective” or “highly-effective” annual evaluation ratings in order to earn tenure. Teachers who voluntarily transfer to a new position must also earn two consecutive “effective” or “highly-effective” annual evaluation ratings in order to earn tenure in that position (although if the position is eliminated before they earn tenure in it, they may return to their previous position without loss of tenure). Law does not provide for revocation of tenure once earned.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Yes. The law states that a superintendent shall promptly file a charge of inefficiency whenever an employee is rated ineffective or partially-effective in an annual summative evaluation and the following year is rated ineffective in the annual summative evaluation. If a teacher is rated ineffective in an annual evaluation and the following year is rated partially-effective, the superintendent may decide whether to file charges or wait an additional year. When a charge of inefficiency is filed against a teacher for dismissal, the board of education forwards the charge to the Commissioner, who appoints an arbitrator to hear the case and render a decision within no more than 90 days. The arbitrator may only consider: whether the employee’s evaluation failed to adhere to the evaluation process; if there is a mistake of fact in the evaluation if 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; or if the district’s actions were arbitrary and capricious. If these conditions are met but did not materially affect the outcome of the evaluation, the arbitrator shall render a decision in favor of the board. The evaluator’s determination as to the quality of the employee’s classroom performance shall not be subject to an arbitrator’s review. The arbitrator’s judgment is final and binding and may not be appealed to the Commissioner or the State Board, but is subject to judicial review subject to New Jersey Code. All teachers rated ineffective or partially-effective shall receive a corrective action plan.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Under New Jersey law, reductions in force must be based on seniority.	

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In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law does not address.	
Do principals have authority to decide who teaches in their schools?	The law does not address.	
Does the law protect students from being consecutively assigned to ineffective teachers?	The law does not address.	
Are effective teachers rewarded with increased compensation?	The law does not address but also does not prohibit performance-based compensation.	