

# TEACHNJ ACT: ONE YEAR LATER

A JERSEYCAN ISSUE BRIEF



# TEACHNJ ACT: ONE YEAR LATER

THE STATUS OF ITS MISSION TO IMPROVE  
TEACHER TENURE AND EVALUATION

This report was published  
in August 2013 by JerseyCAN:  
The New Jersey Campaign for  
Achievement Now.

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# Introduction

This summer marks the one-year anniversary of New Jersey Democrats, Republicans, teachers unions and education advocates coming together to recognize the importance of great teachers. Under Democratic Senator Teresa Ruiz’s leadership, in June 2012 the state legislature unanimously passed the TEACHNJ Act, a bill that modernizes the way we evaluate and reward great teaching. Shortly thereafter, Republican Governor Chris Christie signed the legislation into law.

For the first time in our public schools’ history, teachers will earn—and keep—tenure based on how effective they are in the classroom. Unlike the former system, the new evaluations will factor in objective student achievement data as well as multiple classroom observations to distinguish between effective and ineffective teachers and give them useful feedback to help hone their craft.

Given the magnitude and importance of the TEACHNJ Act, this issue brief outlines the major changes in the law and provides an update on the progress of its implementation over the last year. We also look ahead to additional policies that will complement these reforms and ensure that all New Jersey students are learning from great teachers.

## Summary of the major changes in the TEACHNJ Act

### FORMER NJ LAW

### WHAT THE NEW LAW REQUIRES

### PROGRESS TO DATE

## Teacher tenure

- After three years, teachers automatically received tenure.<sup>1</sup>
- Teachers rarely lost tenure for not being effective in the classroom and receiving tenure often meant a job for life.
- Experienced teachers were assigned as mentors for first-year teachers, but were given insufficient resources or training to provide real support.<sup>2</sup> The mentorship program was inconsistently applied.<sup>3</sup>
- Four-year acquisition process.
- Raises the bar to achieve tenure: tenure is now connected to a set of multiple measures including student achievement. Teachers can lose tenure if they are not effective in the classroom.
- New teachers must complete their first year under the mentorship of an effective teacher. Over the next three years, they must receive at least two annual evaluations as effective or highly effective. Per below, evaluations are tied to evidence of student learning.
- School districts have begun to implement this provision. Teachers employed after August 6, 2012 must complete four years of employment to be eligible for tenure.<sup>4</sup>

## Changes in dismissal process

- Administrative law judges recommended decisions on tenure cases and the commissioner signed off on them.
- The process could take years and be as costly as \$100,000.<sup>5</sup>
- Experienced arbitrators make dismissal decisions.
- Key stakeholder groups including the NJ School Boards Association, Principals and Supervisors Association, and teachers' unions choose a diverse group of arbitrators. Selection by several groups is intended to create an unbiased group of arbitrators.
- The system is faster and more cost-efficient (the process is expedited; dismissal disputes must be resolved in 145 days and arbitrator fees are capped at \$7,500).
- Nearly 30 arbitration decisions have been reached since the law's passage.<sup>6</sup>

<sup>1</sup> "Title 18A," New Jersey Legislature, accessed July 26, 2013, <http://www.atlantic.edu/about/board/documents/GeneralPowersofboard.pdf>.

<sup>2</sup> John Mooney, "Lawmakers and Lobbyists alike Begin to Explore Tenure Strategies," December 17, 2010, accessed July 26, 2013, <http://www.njspotlight.com/stories/10/1217/0128/>.

<sup>3</sup> John Mooney, "Legislature gets a look at the Ruiz Tenure Bill - At Long Last," May 27, 2011, accessed July 26, 2013, <http://www.njspotlight.com/stories/11/0526/2301/>.

<sup>4</sup> "AchieveNJ Frequently Asked Questions," New Jersey Department of Education, accessed July 10, 2013, [http://www.state.nj.us/education/genfo/faq/faq\\_eval.shtml#\\_AchieveNJ\\_and\\_TEACHNJ](http://www.state.nj.us/education/genfo/faq/faq_eval.shtml#_AchieveNJ_and_TEACHNJ).

<sup>5</sup> "Governor Chris Christie Signs Revolutionary Bipartisan Tenure Reform Legislation Into Law," State of New Jersey Office of the Governor, August 6, 2012, accessed July 2, 2013, <http://www.state.nj.us/governor/news/news/552012/approved/20120806c.html>.

<sup>6</sup> John Mooney, "At First Anniversary, NJ's Teacher Tenure Law Faces Biggest Tests," August 9, 2013, accessed August 9, 2013, <http://www.njspotlight.com/stories/13/08/09/at-first-anniversary-nj-s-teacher-tenure-law-faces-biggest-tests/>.

## Summary of the major changes in the TEACHNJ Act

### FORMER NJ LAW

### WHAT THE NEW LAW REQUIRES

### PROGRESS TO DATE

## Educator evaluations:

- Teachers were rated as either satisfactory or unsatisfactory, although nearly all teachers received satisfactory ratings.<sup>7</sup>
- Non-tenured teachers were observed three times a year; tenured teachers were observed once a year.<sup>8</sup>
- Financial strains caused many districts to cut professional development.<sup>9</sup>
- Four-tiered scale ranging from highly effective to ineffective.
- Teachers are observed multiple times throughout year by different trained observers.
- Ratings are based on multiple factors including student growth from year to year.
- For teachers in fourth-eighth grade English Language Arts and Math, 30 percent of the evaluation will be based on year-over-year growth on NJ standardized tests. (The remainder is based on classroom observation and student growth objectives.)
- All teachers are provided with individualized professional development plans.
- A teacher evaluation pilot was completed in 10 districts across the state during the 2011-2012 school year and the following year a principal evaluation pilot was completed in 15 additional districts.<sup>10</sup>
- NJ Department of Education passed regulations providing guidelines for districts and recommended evaluation frameworks.
- School districts will begin implementing the evaluations in the 2013-2014 school year. By the end of the summer, school districts had to submit plans to NJDOE indicating which evaluation framework they will use (and earlier in the year preliminary plans had to be shared with NJDOE)<sup>11</sup>
- NJ Department of Education has developed the technological capability in their student-level database to track staff-level data (using unique staff member IDs) and the functionality to link teachers and their students together through a unique course identifier.<sup>12</sup> This step was critical to looking at student growth as one of a few key measures to assess teacher performance. Fortunately, the work at NJDOE was already underway to make these changes prior to the implementation of the TEACHNJ Act.

<sup>7</sup> Daniel Weisberg et al., "The Widget Effect: Our National Failure to Acknowledge and Act on Differences in Teacher Effectiveness," The New Teacher Project (2009), accessed June 5, 2013, <http://widgeteffect.org/downloads/TheWidgetEffect.pdf>.  
<sup>8</sup> J"Tenure Acquisition, Dismissal, Seniority and Tenure Rights," New Jersey School Boards Association,

October 25, 2006, accessed July 26, 2013, [http://www.njsba.org/legal\\_02/tenure-seniority-outline.pdf](http://www.njsba.org/legal_02/tenure-seniority-outline.pdf).

<sup>9</sup> John Mooney, "Forced Spending Cuts in D.C. Starting to be Felt by NJ Schools," June 4, 2013, accessed July 12, 2013, <http://www.njspotlight.com/stories/13/06/03/forced-spending-cuts-in-d-c-starting-to-be-felt-by-nj-schools/>.

<sup>10</sup> Strategies for Training on a Teacher Practice Evaluation Instrument: Advice from New Jersey's Teacher Evaluation Pilot Districts," Rutgers Graduate School of Education, accessed July 30, 2013, <http://www.state.nj.us/education/AchieveNJ/resources/RUGSEPIlotTrainingBrief.pdf>.

<sup>11</sup> Christopher Cerf, "N.J.A.C. 6A:3-5 and 6A:10," New Jersey Department of

Education, May 1, 2013, accessed July 12, 2013, <http://www.nj.gov/education/code/proposed/title6a/chap31032.pdf>.

<sup>12</sup> "NJ SMART Background," New Jersey Department of Education, accessed July 30, 2013, <http://www.state.nj.us/education/njsmart/background/>.

# Our Recommendations

# 1

- Stay the course and do not delay moving forward with these changes, despite calls by some legislators and stakeholders to delay the use of the new evaluation systems for teacher accountability purposes.<sup>13</sup> TEACHNJ represents a bold step forward for the state, and we can continue to learn from other states as we implement these reforms and make adjustments as needed over time.
- Consider improvements such as (1) reforms to teacher preparation programs and (2) making layoff decisions primarily based on classroom performance and student outcomes, instead of on seniority, as it is currently.
- Assess what additional resources teachers will need in order to address issues that arise in new teacher evaluations, including professional development, ongoing feedback and training. See below for more detail.

**13** John Mooney, "Legislature Takes Last Look at Education Bills Before Summer," NJ Spotlight, June 27, 2013, accessed July 1, 2013, <http://www.njspotlight.com/stories/13/06/26/legislature-takes-last-look-at-education-bills-before-summer/>.

## Background

# 2

The National Assessment of Educational Progress places New Jersey's public school system among the nation's top performers. In 2013, academic outcomes in New Jersey ranked second in the country. Rates of on-time graduation, preschool attendance and statewide test scores have all been on the rise since 2006.<sup>14</sup>

New Jersey's overall performance looks very strong nationally, but we have some of the worst achievement gaps in the country, despite spending more per-pupil than most states.<sup>15</sup> For example, our black, Latino and low-income eighth-graders are nearly three grade levels behind their white and more affluent peers in reading and math.<sup>16</sup>

Internationally, we're also lagging. Only Luxembourg spends more per student than the U.S., yet our fifth-graders rank 17th in reading. Worse, the socioeconomic achievement gaps here at home are far more pronounced than in most other developed countries.<sup>17</sup>

The TEACHNJ Act acknowledges what we know instinctively and what research confirms: a great teacher's impact on a student lasts a lifetime. Great teachers increase students' chances of graduating from high school, attending college and even saving for retirement.<sup>18</sup> In fact, studies show that teachers are the top in-school factor responsible for raising student achievement.<sup>19</sup>

**14** "KIDS COUNT Data Book," Advocates for Children of New Jersey (2013), accessed July 1, 2013, <http://www.acnj.org/main.asp?uri=1103&di=2531>.

**15** "Public Education Finances: 2010," United States Census Bureau (2012), accessed July 17, 2013, <http://www2.census.gov/govs/school/10f33pub.pdf>.

**16** "NAEP State Comparisons," National Center for Education Statistics, accessed May 28, 2013, <http://nces.ed.gov/nationsreportcard/statecomparisons/>.

**17** "PISA 2009 Results: Executive Summary," OECD (2010), accessed July 15, 2013, <http://www.oecd.org/pisa/pisaproducts/46619703.pdf>.

**18** Raj Chetty, John N. Friedman, and Jonah E. Rockoff, "The Long-Term Impacts of Teachers: Teacher Value-Added and Student Outcomes in Adulthood," National Bureau of Economic Research (2011), accessed January 14, 2013, [http://obs.rc.fas.harvard.edu/chetty/value\\_added.pdf](http://obs.rc.fas.harvard.edu/chetty/value_added.pdf).

While the TEACHNJ Act also applies to administrators and superintendents, we'll primarily focus on how it affects teachers in the pages that follow. There is a lot of change happening in New Jersey, and more to come. JerseyCAN aims to explain what some of those changes will look like so that parents, students, teachers and other New Jersey residents will know what to expect in the coming months and years. In addition to continuing to implement the reforms in the TEACHNJ Act, this issue brief also recommends next steps for teacher preparation and layoff policy.

While TEACHNJ represents substantial progress, we must keep pushing forward with additional reforms to create a school system in which great educators and the students they serve can thrive. We also must continue to monitor the implementation of TEACHNJ to ensure that the statute has its intended impact on teacher quality and student success.

## The evolution of tenure and dismissal rules

# 3

In 1909, New Jersey passed the country's first teacher tenure law. The original law intended to prevent teachers from becoming victims of discriminatory firings based on race, gender and politics.<sup>20</sup> The tenure law stated that teachers who completed three years of satisfactory service would receive considerable job security, mainly in the form of due process rights.

There's no question that teachers deserve freedom from workplace discrimination, but children also deserve an excellent education. New Jersey's original tenure law failed to strike that balance. Student learning—the true measure of great teaching—was left out of tenure decisions completely. And dismissing consistently ineffective teachers became a burdensome process that took years and cost hundreds of thousands of dollars. As a result, dismissals were rare prior to the TEACHNJ Act. Between 2001 and 2010, only 17 of the more than 100,000 teachers statewide<sup>21</sup> lost tenure after charges of “inefficiency” (which includes “ineffectiveness”) were filed.<sup>22</sup>

The TEACHNJ Act balances the rights of both students and teachers. It allows teachers to secure and retain tenure status while providing a

**19** Eric A. Hanushek, “Teacher Quality,” in *Teacher Quality*, ed. Lance T. Izumi and Williamson M. Evers (Stanford: Hoover Institution Press, 2002), 1-12, accessed May 28, 2013, <http://hanushek.stanford.edu/sites/default/files/publications/Hanushek%202002%20Teacher%20Quality.pdf>.

**20** Trip Gabriel, Sam Dillon, “G.O.P. Governors Take Aim at Teacher Tenure,” *The New York Times*, January 31, 2011, accessed July 1, 2013, <http://www.nytimes.com/2011/02/01/us/01tenure.html>.

**21** “Chris Christie claims only 17 of 150,000 tenured New Jersey teachers have been dismissed for incompetence in the past 10 years,” *Politifact*, April 29, 2011, accessed July 2, 2013, <http://www.politifact.com/new-jersey/statements/2011/jun/10/chris-christie/gov-chris-christie-claims-only-17-150000-tenured-nj/>.

**22** “Governor Chris Christie Signs Revolutionary Bipartisan Tenure Reform Legislation Into Law,” *State of New Jersey*, Governor Chris Christie, August 6, 2012, accessed July 10, 2013, <http://www.state.nj.us/governor/news/news/552012/approved/20120806c.html>

more efficient and less costly system for dismissing those who are ineffective. But more importantly, it ties tenure decisions to objective evidence of student learning. This policy will help to ensure that effective New Jersey teachers gain the recognition they deserve.

### ***Making tenure more meaningful***

New Jerseyans want the best teachers to be recognized. According to a recent JerseyCAN poll, nearly 75 percent of voters across our state believe teachers should be rewarded when their students reach high levels of success. And 71 percent of voters favor using student performance as a factor in employment decisions.

Recognizing professional accomplishment is a key strategy for retaining great teachers, and the TEACHNJ Act makes tenure a better measure of professional accomplishment. Here's how:

- *Earning tenure takes four years.* Under the old law, earning tenure took three years—not quite enough time for teachers to build a reliable record.<sup>23</sup> By collecting four years of data before awarding tenure, school districts are in a better position to assess a new teacher's track record since they have more data to predict their long-term potential.
- *Tenure is connected to student learning.* During new teachers' first four years, they must receive at least two annual evaluations as "effective" or "highly effective." These ratings tie teacher performance to evidence of student learning, the hallmark of great teaching.
- *Tenure isn't a lifetime guarantee.* Tenured teachers are expected to be effective throughout their careers. Superintendents are now *required* to file dismissal charges if a tenured teacher receives 1) two consecutive annual evaluations as *ineffective*, or 2) an annual rating as *partially effective* followed by an annual rating as *ineffective*. Likewise, superintendents may pursue dismissal charges against tenured teachers who receive either two consecutive annual evaluations as *partially effective* or an annual rating as *ineffective* followed by an annual rating as *partially effective*.
- *Mentoring is a critical component.* New teachers must complete their first year under the mentorship of an effective, experienced teacher. Mentors will observe new teachers, provide feedback and opportunities for modeling and give support and guidance. Evaluations received during the first year of teaching will not be linked to tenure decisions.<sup>24</sup>

<sup>23</sup> "2011 State Teacher Policy Yearbook," National Center on Teacher Quality (2011), accessed June 12, 2013, [http://www.nctq.org/dmsView/2011\\_State\\_Teacher\\_Policy\\_Yearbook\\_National\\_Summary\\_NCTQ\\_Report-tsv2013612102317](http://www.nctq.org/dmsView/2011_State_Teacher_Policy_Yearbook_National_Summary_NCTQ_Report-tsv2013612102317).

<sup>24</sup> "TEACHNJ Act." New Jersey State Legislature, August 6, 2012, accessed July 9, 2013, [http://www.njleg.state.nj.us/2012/Bills/PL12/26\\_.pdf](http://www.njleg.state.nj.us/2012/Bills/PL12/26_.pdf).

## ***Faster and less costly process for dismissal***

For years, our public schools hesitated to take action against tenured teachers who weren't making progress with students. In fact, data shows that out of more than 100,000 public school teachers in the state,<sup>25</sup> only 17 were dismissed for inefficiency from 2001 to 2010.<sup>26</sup> Yet national research shows that 43 percent of teachers believe at least one of their tenured colleagues should be dismissed for ineffectiveness.<sup>27</sup>

So why weren't more ineffective teachers removed from New Jersey classrooms? The truth is, long dismissal hearings and high costs often made school administrators hesitant to take action.<sup>28</sup>

The TEACHNJ Act remedies these issues. It establishes a fair, efficient and less expensive due process system by:

- ***Letting experienced arbitrators make dismissal decisions.*** Up until now, administrative judges reviewed dismissal decisions, even though they often lacked expertise in education. Thanks to the TEACHNJ Act, dismissal decisions are now in the hands of 25 arbitrators who have experience in school employment.<sup>29</sup> The education commissioner will randomly assign an arbitrator to each case.
- ***Trusting educators to designate arbitrators.*** Key stakeholders in New Jersey public schools will designate the 25 arbitrators: eight will be chosen by the New Jersey Educators Association; three will be chosen by the American Federation of Teachers; nine will be chosen by the New Jersey School Boards Association; and five will be chosen by the New Jersey Principals and Supervisors Association.
- ***Expediting the hearing process.*** Rather than taking years to resolve a dismissal dispute, the TEACHNJ Act institutes a timeline of 145 days. When a superintendent files a dismissal charge against a tenured teacher, the state education commissioner must be notified within 30 days. At that point, the teacher has 15 days to submit a written response disputing the charges. From there, the education commissioner has 10 days to assign an arbitrator to the case. The arbitrator is then obligated to hear the case within the next 45 days. Once the hearing begins, a decision must be made within 45 days.<sup>30</sup> The decision is final, binding and cannot be appealed.<sup>31</sup>
- ***Limiting arbitrators' fees.*** To save taxpayers' money, the new tenure law limits arbitrators' fees to \$1,250 per day and no more than \$7,500 per case. This limit will help put an end to exorbitant spending in

**25** "New Jersey Public Schools Fact Sheet," New Jersey Department of Education (2002), accessed July 17, 2013, [http://www.state.nj.us/education/news/2002/0903bts\\_a.htm](http://www.state.nj.us/education/news/2002/0903bts_a.htm).

**26** "Chris Christie claims only 17 of 150,000 tenured New Jersey teachers have been dismissed for incompetence in the past 10 years," Politifact, April 29, 2011, accessed July 2, 2013, <http://www.politifact.com/new-jersey/statements/2011/jun/10/chris-christie/gov-chris-christie-claims-only-17-150000-tenured-n/>.

**27** Daniel Weisberg et al., "The Widget Effect: Our National Failure to Acknowledge and Act on Differences in Teacher Effectiveness," The New Teacher Project (2009), accessed June 5, 2013, <http://widgeteffect.org/downloads/TheWidgetEffect.pdf>.

**28** "Governor Chris Christie Signs Revolutionary Bipartisan Tenure Reform Legislation Into Law," State of New Jersey Office of the Governor, August 6, 2012, accessed July 2, 2013, <http://www.state.nj.us/governor/news/news/552012/approved/20120806c.html>.

**29** "TEACHNJ Act," New Jersey Legislature, August 6, 2012, accessed June 5, 2013, [http://www.njleg.state.nj.us/2012/Bills/PL12/26\\_.pdf](http://www.njleg.state.nj.us/2012/Bills/PL12/26_.pdf).

**30** "A Guide to the TEACHNJ Act," State of New Jersey Department of Education (2012), accessed June 6, 2013, <http://www.state.nj.us/education/AchieveNJ/intro/TeachNJGuide.pdf>.

**31** "TEACHNJ Act," New Jersey Legislature, August 6, 2012, accessed June 5, 2013, [http://www.njleg.state.nj.us/2012/Bills/PL12/26\\_.pdf](http://www.njleg.state.nj.us/2012/Bills/PL12/26_.pdf).

pursuit of due process. In past years, the process to remove a teacher could cost in excess of \$100,000 and take several years.<sup>32</sup>

Recent evidence suggests that the new arbitration system is fair to school districts, teachers and students. Of the first 26 cases heard so far, three decisions fully reinstated a teacher. The remaining decisions resulted in 16 terminations and loss of tenure and six suspensions.<sup>33</sup>

## Better, more reliable teacher evaluations

# 4

The TEACHNJ Act also called for Education Commissioner Chris Cerf to develop an improved teacher evaluation system by the 2013–2014 school year. Fortunately, under his leadership, the state department of education had already piloted teacher evaluation systems in 10 school districts across New Jersey in 2011–2012.<sup>34</sup> The pilot continued in 2012–2013 with another 15 districts.<sup>35</sup>

It's worth noting that the first pilot program began well in advance of the passage of TEACHNJ and continued with a greater number of districts in 2012–2013. This order of events provided substantial time to review the implementation of the pilot, which provides lessons learned for the full implementation of the new teacher evaluation system this fall. In fact, Rutgers Graduate School of Education studied the pilot summarized lessons learned for broader implementation.<sup>36</sup>

Using lessons from the pilot program, the Commissioner drafted a proposal for new teacher evaluation regulations, which the state board of education approved in May 2013.<sup>37</sup> On August 2, it completed a 60-day public comment period and is up for adoption in September.<sup>38</sup>

The proposed regulations make teacher evaluations more meaningful by:

- *Moving to a multiple-tier rating system.* Under the prior system, New Jersey teachers received only one of two evaluation rankings: *satisfactory* or *unsatisfactory*.

<sup>32</sup> "Governor Chris Christie Signs Revolutionary Bipartisan Tenure Reform Legislation Into Law," State of New Jersey Office of the Governor, August 6, 2012, accessed July 2, 2013, <http://www.state.nj.us/governor/news/news/552012/approved/20120806c.html>.

<sup>33</sup> "Arbitrator TeachNJ Decisions," State of New Jersey Department of Education, accessed August 12, 2013, <http://www.state.nj.us/education/legal/teachnj/>.

<sup>34</sup> The program was piloted in Alexandria Township, Bergenfield, Elizabeth, Monroe Township, Ocean City, Pemberton, Red Bank, Secaucus, West Deptford Township, and Woodstown-Pilesgrove Regional.

<sup>35</sup> "Strategies for Training on a Teacher Practice Evaluation Instrument: Advice from New Jersey's Teacher Evaluation Pilot Districts," Rutgers Graduate School of Education, accessed July 30, 2013, <http://www.state.nj.us/education/AchieveNJ/resources/RUGSEPIlotTrainingBrief.pdf>.

<sup>36</sup> "Strategies for Training on a Teacher Practice Evaluation Instrument: Advice from New Jersey's Teacher Evaluation Pilot Districts," Rutgers Graduate School of Education, accessed July 30, 2013, <http://www.state.nj.us/education/AchieveNJ/resources/RUGSEPIlotTrainingBrief.pdf>.

<sup>37</sup> "Christie Administration Announces Positive Reporting of New Jersey's First Year Teacher Evaluation Pilot Program," State of New Jersey Department of Education, February 5, 2013, accessed June 6, 2013, <http://www.state.nj.us/education/news/2013/0205eval.htm>. See also: William A. Firestone et al., "New Jersey Teacher Evaluation, RU-GSE External Assessment, Year 1 Report," Rutgers University Graduate School of Education, accessed June 6, 2013, <http://www.state.nj.us/education/archive/EE4NJ/presources/RUGSE11-12.pdf>.

Research shows that under this “thumbs-up, thumbs-down” approach, nearly every teacher is deemed effective.<sup>39</sup> Yet New Jersey’s student performance data suggests otherwise: according to the Nation’s Report Card, more than half of our eighth-graders aren’t reading on grade level, and only 47 percent are proficient in math.<sup>40</sup>

The new evaluation system has four different rating categories: *highly effective*, *effective*, *partially effective* and *ineffective*. These categories better distinguish different levels of teacher performance and, paired with straightforward objectives, will give teachers a much clearer idea of where they stand.

- *Providing teachers with multiple classroom observations.* The proposed regulations require both tenured and non-tenured teachers to be observed three times annually. Non-tenured teachers will undergo two long observations (40 minutes) and one short observation (20 minutes) in their first and second years. Then, in their third and fourth years, non-tenured teachers will have one long observation and two short observations. Meanwhile, tenured teachers will have a minimum of three short observations each year. (After the first year, a teacher who receives an ineffective or partially effective rating with a Corrective Action plan will get a fourth observation and multiple observers are required.<sup>41</sup>) For both non-tenured and tenured teachers, these observations will inform a summative annual rating. This is a marked improvement from the old evaluation system, which required tenured teachers to be observed only once a year.
- *Making those observations objective.* To help ensure objectivity, multiple observers must evaluate non-tenured teachers. The state recommends (but doesn’t require) the same for tenured teachers. Each observer must be trained in using a school district’s evaluation rubric before performing his or her first evaluation. After their training, observers must also perform two co-observations in which they make sure their evaluations are calibrated. In addition, observers must also take an annual refresher course.
- *Making annual ratings dependent on multiple measures of performance.* For teachers in fourth through eighth-grade English-language arts and math classrooms, annual ratings will be determined through classroom observations (55 percent), student growth objectives<sup>42</sup> (15 percent) and year-to-year growth on New Jersey Assessment of Skills and Knowledge exams (30 percent). (The state originally proposed to base 35 percent of the annual rating on growth measures using the NJ

**38** John Mooney, “Student Test Scores to Carry Just a Little Bit Less Weight for Tenure Decisions,” NJ Spotlight, May 2, 2013, accessed May 9, 2013, <http://www.njspotlight.com/stories/13/05/02/student-test-scores-to-carry-just-a-little-bit-less-weight-for-tenure-decisions/>.

**39** Daniel Weisberg et al., “The Widget Effect: Our National Failure to Acknowledge and Act on Differences in Teacher Effectiveness,” The New Teacher Project (2009), accessed June 5, 2013, <http://widgeteffect.org/downloads/TheWidgetEffect.pdf>.

**40** “Reading 2011 State Snapshot Report: New Jersey Grade 8 Public Schools,” The Nation’s Report Card, accessed June 6, 2013, <http://nces.ed.gov/nationsreportcard/pdf/stt2011/2012454NJ8.pdf>. See also: “Mathematics 2011 State Snapshot Report: New Jersey Grade 8 Public Schools,” The Nation’s Report Card, accessed June 6, 2013, <http://nces.ed.gov/nationsreportcard/pdf/stt2011/2012451NJ8.pdf>.

**41** NJDOE, “AchieveNJ: Teacher Evaluation and Support in 2013-14,” NJDOE, May 7, 2013, accessed August 11, 2013, <http://www.state.nj.us/education/AchieveNJ/intro/1PagerTeachers.pdf>

**42** Student growth objectives (SGOs) serve to help determine whether children are making adequate yearly progress. Under the new law, SGOs are benchmarks set by teachers at the beginning of the year for their students’ growth throughout the school year. At the end of the year, they are assessed on whether those objectives are met.

ASK, but ultimately scaled back to 30 percent to address public concerns and feedback).<sup>43</sup> Other teachers will be evaluated with a slightly different approach. Their annual ratings will be determined through classroom observations (85 percent) and student growth objectives determined with the principal (15 percent).<sup>44</sup>

- *Personalizing professional development for all teachers.* In addition to the feedback teachers receive through their evaluations, they will also receive an individual professional development plan from school administrators and a School Improvement Panel. The plan will state goals for teaching, learning and student achievement. Teachers who receive an evaluation of partially effective or ineffective will be given extra support through a Corrective Action Plan. They will work with their supervisors to address issues surfaced in their evaluations, develop timelines for corrective action and define responsibilities for the plan's implementation.<sup>45</sup>

**43** John Mooney, "Student Test Scores to Carry Just a Little Bit Less Weight for Tenure Decisions," NJ Spotlight, May 2, 2013, accessed July 10, 2013, <http://www.njspotlight.com/stories/13/05/02/student-test-scores-to-carry-just-a-little-bit-less-weight-for-tenure-decisions/>. See also "Proposal Level Changes for TEACHNJ Regulations," State of New Jersey Department of Education, May 1, 2013, accessed July 10, 2013, <http://www.njspotlight.com/assets/13/05/01/2142>.

**44** "AchieveNJ: Educator Evaluation and Support." New Jersey State Department of Education, accessed June 6, 2013, <http://www.state.nj.us/education/AchieveNJ/intro/1PagerTeachers.pdf>.

**45** "TEACHNJ Act." New Jersey State Legislature, August 6, 2012, accessed July 9, 2013, [http://www.njleg.state.nj.us/2012/Bills/PL12/26\\_.pdf](http://www.njleg.state.nj.us/2012/Bills/PL12/26_.pdf).

## Looking Ahead

New Jerseyans should be proud of what the TEACHNJ Act has accomplished so far and what it's on track to accomplish in the future. The law has raised the standards and prestige of the teaching profession and will help ensure that our children have access to the best teachers. All of these changes represent a bold shift in how teachers are evaluated and rewarded for professional excellence.

But the TEACHNJ Act also sets forth a vision for what's possible when policymakers, educators and advocates put aside differences and make kids the top priority. It begs the question, "Why stop there?"

### ***Fully implement TEACHNJ***

First and foremost, state leaders should continue to move forward with full implementation of TEACHNJ, including the tenure, arbitration and teacher evaluation changes described above. Some are currently calling for the state to delay the full implementation of the new teacher evaluation system and wait one year before the results of the evaluations have consequences for teachers.<sup>46</sup> Delays are unnecessary, however, given the broad support TEACHNJ received in the legislature and the

**46** John Mooney, "Legislature Takes Last Look at Education Bills Before Summer," NJ Spotlight (2013), accessed July 1, 2013, <http://www.njspotlight.com/stories/13/06/26/legislature-takes-last-look-at-education-bills-before-summer/>

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groundwork that has been laid in recent years. Full implementation is crucial to the success of the law because its various components are interconnected so any delays would weaken the remaining pieces.

Furthermore, state leaders should continue to resist pressure to weaken the teacher evaluation performance measures. The Gates Foundation's Measures of Effective Teaching study found that basing between 33 and 50 percent of an evaluation on state assessments provides the most reliable and consistent results, and offers a better predictor of student learning in the future.<sup>47</sup> The student growth measure of teacher evaluations in New Jersey was scaled back this year so that it will count for 30 percent of the overall evaluation instead of 35 percent. While that step may have been necessary to keep implementation on track, we cannot afford to scale it back any further.

In addition to implementing the TEACHNJ Act, there is even more we can do to guarantee that every child in New Jersey has an excellent teacher. If we are going to hold teachers accountable, we must also give them the support that they need to be successful in the classroom. This support includes the following changes:

- *Improve teacher preparation programs:* Support for teachers begins with improving our state's teacher preparation programs, which received a C- from the National Council of Teacher Quality. New Jersey's teacher prep programs have low admission standards, don't train elementary school teachers for the rigors of teaching Common Core State Standards, provide inadequate clinical training and fail to hold themselves accountable for producing high-quality teachers.<sup>48</sup> These prep programs are the beginning of teachers' career paths, and policymakers should do everything they can to ensure that graduates are ready for the enormous responsibility that comes with educating children.

The New Jersey Department of Education's recent changes regarding teacher qualifications and preparation are critical steps in the right direction. These changes include increasing GPA requirements for teaching candidates up from a 2.75 to a 3.0, piloting new principal pipeline providers, developing supports for schools and districts to recruit high quality teachers and gathering internal data to create an Educator Preparation Provider Annual report. This annual report will include data linking pre-service and in-service candidates back to institutions and programs, and will include information on candidates' qualifications, scores on licensure exams, job placements and evidence of effectiveness.<sup>49</sup> This report will be a highly beneficial source of information to inform future policy decisions on teacher preparation.

<sup>47</sup> "Ensuring Fair and Reliable Measures of Effective Teaching," Bill & Melinda Gates Foundation (2013), accessed July 10, 2013, [http://metproject.org/downloads/MET\\_Ensuring\\_Fair\\_and\\_Reliable\\_Measures\\_Practitioner\\_Brief.pdf](http://metproject.org/downloads/MET_Ensuring_Fair_and_Reliable_Measures_Practitioner_Brief.pdf).

<sup>48</sup> "2012 State Teacher Policy Yearbook: Improving Teacher Preparation in New Jersey," National Council on Teacher Quality, accessed June 3, 2013, [http://www.nctq.org/dmsView/2012\\_State\\_Teacher\\_Policy\\_Yearbook\\_New\\_Jersey\\_NCTQ\\_Report](http://www.nctq.org/dmsView/2012_State_Teacher_Policy_Yearbook_New_Jersey_NCTQ_Report).

<sup>49</sup> J. Peter Simon, "Op Ed: Teacher Training is Crucial Component for Student Success," NJ Spotlight, July 25, 2013, accessed July 25, 2013, <http://www.njspotlight.com/stories/13/07/24/img-assets-13-0724-2234/>.

- *Prioritize professional development:* Teachers need meaningful professional development to help them develop their craft and respond to the feedback they receive in their evaluations. In light of tighter budgets, many school districts have cut professional development entirely.<sup>50</sup> Yet even in tough fiscal times, professional development should remain a priority—teachers need and deserve the resources to become the best educators possible.
- *Foster strong leadership:* Under TEACHNJ, principals are evaluated based on student growth measures as well as on building knowledge and collaboration among staff. Notably, 20 percent of a principal’s overall evaluation is based on a leadership rubric, which for 2013-14 includes measures of how well the principal implements the new teacher evaluation system in her or his school.<sup>51</sup> This balance prioritizes the principal’s role as an instructional leader who supports, observes and provides feedback to their teachers so continued improvements can be made. School leaders must be held responsible for creating an environment where teachers can be successful and linking the principal’s evaluation to his or her ability to evaluate their teachers helps to do so. We also must ensure that principals receive the professional development and training to become or improve their skills as the instructional leader of a school, which includes ensuring that they can prioritize observation and feedback for teachers over other responsibilities.
- *Recruit, recognize, and retain great teachers:* School administrators should be responsible not only for recruiting and developing great teachers, but also for holding onto them. The New Teacher Project has identified clear strategies for retaining top teachers, which include regularly providing critical feedback, publicly recognizing their accomplishments and telling them that they are high performers.<sup>52</sup>

<sup>50</sup> John Mooney, "Forced Spending Cuts in D.C. Starting to be Felt by NJ Schools," June 4, 2013, accessed July 12, 2013, <http://www.njspotlight.com/stories/13/06/03/forced-spending-cuts-in-d-c-starting-to-be-felt-by-nj-schools/>.

<sup>51</sup> AchieveNJ: Principal Evaluation and Support in 2013-14," New Jersey Department of Education, accessed July 17, 2013, <http://www.state.nj.us/education/AchieveNJ/intro/1PagerPrincipals.pdf>.

<sup>52</sup> "The Irreplaceables," The New Teacher Project (2012), accessed July 11, 2013, [http://tntp.org/assets/documents/TNTP\\_Irreplaceables\\_2012.pdf](http://tntp.org/assets/documents/TNTP_Irreplaceables_2012.pdf).

<sup>53</sup> Motoko Rich, "Given Money, Schools Waiting on Rehiring Teachers," New York Times, August 17, 2010, accessed June 12, 2013, [http://www.nytimes.com/2010/08/18/business/economy/18teachers.html?\\_r=2&ref=todayspaper&pagewanted=all](http://www.nytimes.com/2010/08/18/business/economy/18teachers.html?_r=2&ref=todayspaper&pagewanted=all).

<sup>54</sup> "Teacher layoffs: Did the sky fall or not?", National Council on Teacher Quality, accessed October 25, 2012, <http://www.nctq.org/p/tqb/viewStory.jsp?id=29028>.

<sup>55</sup> "Teacher Rules, Roles and Rights Database," National Council on Teacher Quality, accessed June 12, 2013, <http://www.nctq.org/customReport.do>.

### ***End seniority-based layoffs***

Lastly, in these tight fiscal times and with these shifting demographics, New Jersey’s school districts are often faced with the tough reality of having to cut back their teaching forces. In 2010, 3,000 teachers were laid off across the state.<sup>53</sup> In the 2010–2011 school year, Newark Public Schools District reduced its teaching force by 177 teachers.<sup>54</sup> Unfortunately, these layoff decisions were made with seniority as the top criterion, meaning the last teacher hired was the first out the door.<sup>55</sup> Students and teachers would be better served if New Jersey modeled

its layoff decisions on laws in Colorado, Florida and Indiana, where classroom performance and student outcomes are the most important factors.<sup>56</sup>

**56** "2011 State Teacher Policy Yearbook," National Center on Teacher Quality, accessed June 12, 2013, [http://www.nctq.org/dmsView/2011\\_State\\_Teacher\\_Policy\\_Yearbook\\_National\\_Summary\\_NCTQ\\_Report-tsv2013612102317](http://www.nctq.org/dmsView/2011_State_Teacher_Policy_Yearbook_National_Summary_NCTQ_Report-tsv2013612102317).

## Conclusion

Great teachers improve the likelihood that our children will go to college, earn higher incomes, lead productive lives, contribute to society and save for retirement.<sup>57</sup> TEACHNJ provides an excellent foundation for fostering student and teacher growth in our public schools, but we have a responsibility to keep working to close achievement gaps and make sure that every classroom has a great teacher.

**57** Raj Chetty, John N. Friedman, and Jonah E. Rockoff, "The Long-Term Impacts of Teachers: Teacher Value-Added and Student Outcomes in Adulthood," National Bureau of Economic Research (2011), accessed January 14, 2013, [http://obs.rc.fas.harvard.edu/chetty/value\\_added.pdf](http://obs.rc.fas.harvard.edu/chetty/value_added.pdf).

# About JerseyCAN

JerseyCAN: The New Jersey Campaign for Achievement launched in the spring of 2013 as an education research and policy organization that brings together education leaders from across the state and arms them with top-notch education research and policy analysis to enact smart education policy. We believe every New Jersey child should have access to a great public school, because great schools change everything. We are a branch of 50CAN: The 50-State Campaign for Achievement Now, a growing national network of state-based education reform advocacy groups with campaigns in Maryland, Minnesota, North Carolina, New York, Pennsylvania and Rhode Island based on the groundbreaking model developed by ConnCAN in Connecticut.

[www.jerseycan.org](http://www.jerseycan.org)