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Evaluation of Superintendent
May 17

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[See POLICY ALERT Nos. 96, 151, 175, 201, 207 and 212]

1240 EVALUATION OF SUPERINTENDENT

The purpose of the annual evaluation is to promote professional excellence and improve the skills of the Superintendent, improve the quality of the education received by the students in the schools, and provide a basis for the review of the Superintendent's performance.

This Policy and Regulation 1240 shall be developed by the Board of Education after consultation with the Superintendent and shall include, but not be limited to:

1. Determination of roles and responsibilities for the implementation of the annual evaluation policy and procedures;
2. Development of a job description and evaluation criteria based upon the Board of Education's local goals, program objectives, policies, instructional priorities, State goals, statutory requirements, and the functions, duties, and responsibilities of the Superintendent;
3. Specification of data collection and reporting methods appropriate to the job description;
4. Provisions for the preparation of an individual professional growth and development plan based in part upon any need(s) identified in the evaluation. The plan shall be mutually developed by the Board of Education and the Superintendent; and
5. Preparation of an annual ~~written~~ performance report by a majority of the full membership of the Board of Education and an annual summary conference between a majority of the total membership of the Board of Education and the Superintendent.

There shall be an annual summary conference between the Board of Education, with a majority of its total membership present, and the Superintendent which shall be held before **the annual** a ~~written~~ performance report is filed. The conference shall be held in executive session, unless the Superintendent requests that it be held in public. The conference shall include, but not be limited to, review of the following:



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1. Performance of the Superintendent based upon the Board approved job description;
2. Progress of the Superintendent in achieving and/or implementing the school district's goals, program objectives, policies, instructional priorities, State goals, and statutory requirements; and
3. Indicators of student progress and growth toward program objectives.

The annual ~~written~~ performance report shall be prepared by July 1 by a majority of the Board of Education's total membership and shall include, but not be limited to:

1. Performance area(s) of strength;
2. Performance area(s) needing improvement based upon the job description and evaluation criteria set forth in N.J.A.C. 6A:10-8.1(c)2;
3. Recommendations for professional growth and development;
4. A summary of indicators of student progress and growth, and a statement of how the indicators relate to the effectiveness of the overall program and the Superintendent's performance; and
5. Provision for performance data not included in the report to be entered into the record by the Superintendent within ten teaching staff member working days after the report's completion.

The evaluation procedure for a nontenured Superintendent shall be completed by July 1 each year.

Each newly appointed or elected Board of Education member shall complete a New Jersey School Boards Association training program on the evaluation of the Superintendent within six months of the commencement of his or her term of office pursuant to N.J.S.A. 18A:17-20.3.b.



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The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of a collective bargaining agreement or other employment contracts entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered into after July 1, 2013 shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to collective bargaining involve matters of educational policy or managerial prerogatives.

The Board of Education shall add to the Superintendent's personnel file all **annual written** performance reports and supporting data, including, but not limited to, indicators of student progress and growth. All information contained in **the annual written** performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq. shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the New Jersey Department of Education from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

The Board President, or the Board President's designee, shall oversee the annual evaluation of the Superintendent. The Board of Education may hire a qualified consultant to assist or advise in the evaluation process; however, the evaluation itself shall be the responsibility of the Board of Education.

Policy and Regulation 1240 shall be distributed to the Superintendent upon adoption by the Board. Amendments to this Policy and Regulation shall be distributed within ten working days after adoption.

The provisions of this Policy, Regulation, and N.J.A.C. 6A:10-8.1 et seq. are the minimum requirements for the evaluation of a Superintendent.

N.J.S.A. 18A:17-20.3; 18A:6-117 through 18A:6-129
N.J.A.C. 6A:10-1.1 et seq.; 6A:10-8.1 et seq.

Adopted: 12 July 2012
Revised: 12 May 2016; _____



[See POLICY ALERT Nos. 151, 201, 207 and 212]

R 1240 EVALUATION OF SUPERINTENDENT

- A. Roles and Responsibilities for the Implementation of the Annual Evaluation Policy and Procedures
1. The Board of Education and the Superintendent will develop and the Board will adopt a job description and evaluation criteria for the Superintendent's position based upon the Board's local goals, program objectives, policies, instructional priorities, State goals, statutory requirements, and the functions, duties, and responsibilities of the Superintendent.
 2. The Superintendent shall have primary responsibility for data collection and reporting methods appropriate to the job description.
 3. The Board President, or the Board President's designee, shall oversee the annual evaluation of the Superintendent.
 4. The Board President shall establish timelines for completion of the annual evaluation of the Superintendent.
- B. Annual Summary Conference
1. The Board of Education shall conduct an annual summary conference with the Superintendent to develop and prepare an ~~a~~Annual ~~Written~~ ~~p~~Performance ~~r~~Report.
 2. The annual summary conference between the Board of Education, with a majority of its total membership present, and the Superintendent shall be held before the ~~a~~Annual ~~Written~~ ~~p~~Performance ~~r~~Report is prepared and filed.
 3. The Superintendent shall submit to all Board members any information, documents, statistics, or any other data or information he/she would like for the Board members to consider at the annual summary conference.



4. The Board President, or the Board President's designee, shall preside over the Board's annual summary conference meeting.
5. The conference shall be held in executive session, unless the Superintendent requests it be held in public. The conference shall include, but not be limited to, review of the following:
 - a. Performance of the Superintendent based upon the Board approved job description;
 - b. Progress of the Superintendent in achieving and/or implementing the school district's goals, program objectives, policies, instructional priorities, State goals, and statutory requirements; and
 - c. Indicators of student progress and growth toward program objectives.

C. Annual ~~Written~~ Performance Report

1. The ~~a~~Annual ~~Written~~ ~~p~~Performance ~~r~~Report shall be prepared and approved by a majority of the Board of Education's total membership by July 1 and shall include, but not be limited to:
 - a. Performance area(s) of strength;
 - b. Performance area(s) needing improvement based upon the job description and evaluation criteria set forth in N.J.A.C. 6A:10-8.1(c)2;
 - c. Recommendations for professional growth and development;
 - d. Summary of indicators of student progress and growth, and a statement of how the indicators relate to the effectiveness of the overall program and the Superintendent's performance; and
 - e. Provision for performance data not included in the report to be entered into the record by the Superintendent within ten teaching staff member working days after the report's completion.



2. The Board President, or the Board President's designee, shall prepare a draft of the ~~aAnnual Written pPerformance rReport~~ after the annual summary conference.
3. The draft of the ~~aAnnual Written pPerformance rReport~~ shall be disseminated to all Board members for review and comment before presenting the draft report to the Superintendent.
 - a. In the event a Board member believes a provision(s) of the draft of the ~~aAnnual Written pPerformance rReport~~ is not in accord with the provisions agreed to by a majority of the Board during the annual summary conference, the Board member shall submit in writing their proposed revision(s) to the drafter of the ~~aAnnual Written pPerformance rReport~~. The draft of the ~~aAnnual Written pPerformance rReport~~ may be revised by the drafter of the report if the drafter agrees with the Board member's proposed revision. In the event the drafter does not agree with the proposed revision(s), the issue shall be presented to the full membership of the Board of Education in executive session to make a final determination.
4. The draft of the ~~aAnnual Written pPerformance rReport~~ shall be presented to the full membership of the Board of Education in executive session for discussion and approval after the draft report has been disseminated to all Board members for review. The Superintendent shall receive a copy of the draft of the ~~aAnnual Written pPerformance rReport~~ from the Board President, or Board President's designee, prior to the executive session where the Board is scheduled to discuss and approve.
5. In the event the Superintendent does not agree with a provision(s) in the draft of the ~~aAnnual Written pPerformance rReport~~, the Superintendent shall be provided an opportunity to discuss with the full membership of the Board reconsideration of the disputed provision(s).
6. A majority of the Board's full membership shall approve the draft of the ~~aAnnual Written pPerformance rReport~~ before presenting the final ~~aAnnual Written pPerformance rReport~~ to the Superintendent.
7. The Superintendent may submit a written response to the final ~~aAnnual Written pPerformance rReport~~, which shall be attached to the report.



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- D. Nontenured Superintendent of Schools
 - 1. The evaluation procedure for a nontenured Superintendent shall also be completed by July 1 each year.

Adopted: 15 January 2013
Revised: 12 May 2016; _____



[See POLICY ALERT Nos. 123, 125, 187, 209 and 212]

3126 DISTRICT MENTORING PROGRAM

The Board of Education shall develop a district mentoring program to provide nontenured teachers, including novice professional teachers who hold a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS) with an induction to the teaching profession and to the school community through differentiated supports based on the teachers' individual needs and to help them become effective professionals.

The goals of the district mentoring program shall be to enhance teacher knowledge of, and strategies related to, the **New Jersey Student Learning Core Curriculum Content Standards** to facilitate student achievement and growth; identify exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching; and assist first-year teachers in performing their duties and adjusting to the challenges of teaching. The Board of Education shall determine how each nontenured teacher in his or her first year of employment shall be provided with supports as outlined in N.J.A.C. 6A:9C-5.1(c). The Board shall provide an individual mentor to work one-on-one with a novice provisional teacher in accordance with N.J.A.C. 6A:9C-5.1(d). The Superintendent shall oversee the mentor selection process and ensure the individual mentor meets the minimum requirements required in N.J.A.C. 6A:9C-5.2(a).

In accordance with the provisions of N.J.A.C. 6A:9C-5.4, an approved agency and its designated staff shall be authorized to provide the services, evaluations, and recommendations specified within N.J.A.C. 6A:9B-8.6, 8.7, and 8.9 for provisional Teachers of Supplemental Instruction in Reading and Mathematics, Grades K-8 in their employ.

The district's local mentoring plan shall be in accordance with the requirements as outlined in N.J.A.C. 6A:9C-5.1 et seq.

The Superintendent of Schools or designee shall develop the district mentoring plan in accordance with the requirements outlined in N.J.A.C. 6A:9C-5.3 as part of the school district's professional development plan (PDP) pursuant to N.J.A.C. 6A:9C-4.4. The district mentoring plan shall include logistics for its implementation and describe the school district's responsibilities pursuant to N.J.A.C. 6A:9C-5.1 et seq.

The Board of Education shall budget State funds appropriated for the novice teacher mentoring program in accordance with the provisions of N.J.A.C. 6A:9C-5.1(f). The



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Board shall ensure that State funds appropriated for this program shall supplement, and not supplant, any Federal, State or local funds already devoted to planning and implementing a novice teacher mentor program. The Board of Education shall ensure that State funds shall be used for one or more of the following: stipends for mentor teachers; the costs associated with release time; substitutes for mentor teachers and novice teachers; and professional development and training activities related to the program.

Evaluations for a provisional teacher shall be completed in accordance with the requirements of N.J.A.C. 6A:9B-8.6.

N.J.S.A. 18A:26-2; 18A:26-2a

N.J.A.C. 6A:9B-8.4; 6A:9B-8.5; 6A:9B-8.6; 6A:9C-5.1

Adopted: 17 July 2012

Revised: 13 Sept 2016; _____



[See POLICY ALERT Nos. 134, 187, 209 and 212]

R 3126 DISTRICT MENTORING PROGRAM

The Board of Education is authorized to employ a holder of a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS) after its mentoring plan has been approved pursuant to N.J.A.C. 6A:9C-5.1.

A. Definitions (N.J.A.C. 6A:9-2.1)

1. “Certificate of Eligibility or CE” means a certificate with lifetime validity issued to persons who have completed degree, academic study, and applicable test requirements for certification. The CE permits the applicant to seek and accept employment in corresponding positions requiring certification.
2. “Certificate of Eligibility with Advanced Standing or CEAS” means a certificate with a lifetime validity issued to persons who have completed degree, academic study, applicable test requirements, and CEAS educator preparation programs for certification. The CEAS permits the applicant to seek and accept employment in positions requiring certification.
3. “District mentoring program” means a program of induction and support for non-tenured teachers, including novice provisional teachers and experienced teachers new to a school district, designed to develop them into effective professionals within the school district.
4. “Endorsement” means an authorization allowing a certificate holder to teach one or more specific subject area(s) or to serve in one or more specific teaching staff role(s).
5. “Mentor teacher” means an experienced, certified New Jersey teacher who is assigned to provide support and guidance to a novice teacher.
6. “Novice teacher” means any teacher serving full- or part-time under a provisional certificate who has not yet been issued a standard instructional certificate in any endorsement area.



7. “Professional Standards for Teachers” means the knowledge, skills, and dispositions that all teachers must acquire to practice as teachers in accordance with N.J.A.C. 6A:9-3.3.
 8. “Provisional teaching period” means a minimum of two years of full-time teaching under a provisional certificate required of all novice teachers before they are eligible to be recommended for a standard certificate.
- B. Requirements for District Mentoring Program
1. The district shall develop a mentoring program to provide non-tenured teachers, including novice provisional teachers who hold a CE or CEAS, with an induction to the teaching profession and to the school district community through differentiated supports based on the teachers’ individual needs and to help them become effective professionals.
 2. The goals of the district mentoring program shall be to enhance teacher knowledge of, and strategies related to, the **New Jersey Student Learning Core Curriculum Content Standards (NJSLC) (CCCS)** to facilitate student achievement and growth; identify exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching; and assist first-year teachers in performing their duties and adjusting to the challenges of teaching.
 3. The Board of Education shall determine how each non-tenured teacher in his or her first year of employment, **which shall be equal to at least thirty weeks**, shall be provided with the following supports:
 - a. Comprehensive induction to school district policies and procedures including, but not limited to, introduction to school district curricula, student assessment policies, and training on the school district’s evaluation rubric, including setting and assessing student learning through student growth objectives;
 - b. Individualized supports and activities, which shall be assigned at the school district’s discretion and shall be aligned with the Professional Standards for Teachers at N.J.A.C. 6A:9-3.3, the Standards for Professional Learning at N.J.A.C. 6A:9C-3.3, and the school district’s Commissioner-approved teaching practice instrument. The supports and activities shall be guided by:



- (1) The non-tenured teacher's degree of preparation and experience;
 - (2) The non-tenured teacher's individual professional development plan (PDP) developed ~~within thirty instructional days of the beginning of the teaching assignment pursuant to~~ **in accordance with** N.J.A.C. 6A:9C-4.4(f);
 - (3) Areas of focus within the district mentoring plan; and
 - (4) Goals of the school and school district plans for professional development as described in N.J.A.C. 6A:9C-4.2.
- c. One-to-one mentoring, which is required for each novice provisional teacher as set forth in 4. below.
4. The district shall provide an individual mentor to work one-to-one with a novice provisional teacher and ensure:
- a. Each novice provisional teacher is assigned an individual mentor at the beginning of the contracted teaching assignment;
 - b. The mentor teacher provides observation and feedback, opportunities for the novice teacher to observe effective practice, and confidential guidance and support in accordance with the Professional Standards for Teachers, and guides the teacher in a self-assessment on the school district's Commissioner-approved teaching practice instrument;
 - c. The one-to-one mentoring includes planned, in-person contact time between the mentor teacher and the novice provisional teacher holding a CE or CEAS over the course of the academic year, or proportionally longer if the novice provisional teacher holds a part-time teaching assignment;
 - d. The mentor teacher and the novice provisional teacher holding a CEAS meet at least once per week for the first four weeks of the teaching assignment;



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



- (4) Professional development and training activities related to the program.
 - d. If no State funds are available to pay the costs of mentoring fees, candidates who are required to complete a provisional period of teaching to obtain standard certification shall be responsible for payment of mentoring fees during the first provisional year. The Board may, at its discretion, pay all or part of the mentoring fees.
 7. The school district's administrative office shall oversee the payment of mentors. Payment shall not be conferred directly from provisional novice teacher to mentor.
- C. Mentor requirements
 1. The Superintendent shall oversee the mentor selection process and ensure the individual mentor of a novice provisional teacher meets the following minimum requirements:
 - a. Holds an instructional certificate and, when possible, is certified in the subject area in which the novice provisional teacher is working;
 - b. Has at least three years of experience and has taught full-time for at least two years within the last five years;
 - c. Does not serve as the mentee's direct supervisor nor conduct evaluations of teachers;
 - d. Demonstrates a record of success in the classroom:
 - (1) ~~Beginning academic year 2014-2015, A~~all mentor teacher applicants shall have received a summative rating of effective or highly effective on the most recent summative evaluation, pursuant to N.J.A.C. 6A:10.
 - (a) A mentor teacher applicant in a school or school district not required pursuant to N.J.A.C. 6A:10-1 to issue summative evaluations shall demonstrate at least one year of effective teaching on his or her most recent evaluation as determined by his or her supervisor.



- e. Understands the social and workplace norms of the school district and the community it serves;
- f. Understands the resources and opportunities available in the school district and is able to act as a referral source to the novice provisional teacher; and
- g. Completes a comprehensive mentor training program with a curriculum that includes, at a minimum, training on the school district's teaching evaluation rubric and practice instrument, Professional Standards for Teachers, **NJSLS ECES**, classroom observation skills, facilitating adult learning, and leading reflective conversations about teaching practice.

D. District Mentoring Plan

- 1. The Superintendent or designee shall develop a district mentoring plan as part of the school district's PDP pursuant to N.J.A.C. 6A:9C-4.4. The district mentoring plan shall include logistics for its implementation and describe the school district's responsibilities pursuant to N.J.A.C. 6A:9C-5.
 - a. The Superintendent shall submit the district mentoring plan to the Board of Education for review of its fiscal impact.
 - b. The Superintendent or designee shall share the district mentoring plan with each school improvement panel, which shall oversee the school-level implementation of the district mentoring plan and shall communicate the plan to all non-tenured teachers and their mentors.
 - c. The Superintendent or designee annually shall review the plan and revise it, as necessary, based on feedback from mentor logs, each school improvement panel, and data on teacher and student performance.

Adopted: 15 January 2013

Revised: 12 August 2016; _____



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Evaluation of Teachers

May 17

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[See POLICY ALERT Nos. 140, 172, 181, 201, 207 and 212]

3221 EVALUATION OF TEACHERS

The Board of Education recognizes the importance of teacher effectiveness to further the development of a professional corps of educators and to increase student achievement. The Board of Education adopts Policy and Regulation 3221 for the evaluation of teachers consistent with the Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACHNJ) and the AchieveNJ administrative codes. This Policy and Regulation provide the provisions and requirements for teacher evaluations consistent with TEACHNJ and AchieveNJ.

For the purposes of Policy and Regulation 3221, “teacher” means a teaching staff member who holds the appropriate standard, provisional, or emergency instructional certificate issued by the Board of Examiners and is assigned a class roster of students for at least one particular course.

The rules in N.J.A.C. 6A:10 – Educator Effectiveness shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts in effect on July 1, 2013 and no collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives. All information contained in **annual written** performance reports and all information collected, compiled, and/or maintained by employees for the evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq. shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

The Board shall annually adopt evaluation rubrics for teachers which shall be submitted to the Commissioner by June 1 for approval by August 1 of each year. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of teachers and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all teachers. A District Evaluation Advisory Committee shall be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.

The minimum requirements for the evaluation procedures for teachers as outlined in N.J.A.C. 6A:10-2.4 shall be followed. For each teacher rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed in accordance with the provisions of N.J.A.C. 6A:10-2.5. A School



Improvement Panel shall be established in accordance with N.J.A.C. 6A:10-3.1 and with the responsibilities outlined in N.J.A.C. 6A:10-3.2.

The components of the teacher evaluation rubrics as described in N.J.A.C. 6A:10-4.1 shall apply to teachers. Measures of student achievement, as outlined in N.J.A.C. 6A:10-4.2, shall be used to determine impact on student learning. Teacher observations shall be conducted in accordance with the provisions of N.J.A.C. 6A:10-4.4. Observers shall conduct the observations pursuant to N.J.S.A. 18A:6-123.b.(8) and N.J.A.C. 6A:10-2.5 and 3.2, and they shall be trained pursuant to N.J.A.C. 6A:10-2.2(b).

The teacher practice instrument approved by the Department of Education shall meet the criteria as outlined in N.J.A.C. 6A:10-7.2.

The Superintendent shall annually notify all teachers of the adopted evaluation policies and procedures/regulations no later than October 1. If a teacher is hired after October 1, the Superintendent shall notify the teacher of the policies and procedures/regulations at the beginning of his or her employment. All teachers shall be notified of amendments to the policy and procedures/regulations within ten teacher working days of adoption.

N.J.S.A. 18A:6-117 et seq.

N.J.A.C. 6A:10-1.1 through 1.4; 6A:10-2.1 through 2.5

N.J.A.C. 6A:10-3.1 and 3.2; N.J.A.C. 6A:10-4.1 through 4.4

N.J.A.C. 6A:10-7.1 and 7.2

Adopted: 17 July 2012

Revised: 12 May 2016; _____



[See POLICY ALERT Nos. 181, 201, 207 and 212]

R 3221 EVALUATION OF TEACHERS

A. Definitions – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3221 unless the context clearly indicates otherwise:

“Announced observation” means an observation in which the person conducting an **observation evaluation** for the purpose of evaluation will notify the teacher of the date and the class period the observation will be conducted.

“Annual performance report” means a written appraisal of the teacher’s performance prepared by the teacher’s designated administrator or supervisor based on the evaluation rubric for his or her position.

“Annual summative evaluation rating” means an annual evaluation rating that is based on appraisals of educator practice and student performance, and includes all measures captured in a teacher’s evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

“Calibration” in the context of educator evaluation means a process to monitor the competency of a trained evaluator to ensure the evaluator continues to apply an educator practice instrument accurately and consistently according to the standards and definitions of the specific instrument.

“Chief School Administrator” means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

“Commissioner” means Commissioner of the New Jersey Department of Education.

“Co-observation” means two or more administrators or supervisors who are trained on the practice instrument who observe simultaneously, or at alternate times, the same lesson or portion of a lesson for the purpose of training.



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“Corrective Action Plan” means a written plan developed by **the designated administrator or supervisor** ~~a teaching staff member serving in a supervisory capacity~~ in collaboration with the teacher to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual teacher and the school district for implementing the plan, and specific support that the district shall provide **as defined in N.J.S.A. 18A:6-119.**

“Department” means the New Jersey Department of Education.

“Designated administrator or supervisor” means the administrator or supervisor designated by the Superintendent of Schools or designee as the teacher’s administrator or supervisor.

“District Evaluation Advisory Committee” means a group created to oversee and guide the planning and implementation of the Board of Education’s evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

“Educator practice instrument” means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies.

“Evaluation” means an appraisal of an individual’s professional performance in relation to his or her job description, **and** professional standards, and **Statewide evaluation criteria that incorporates analysis of multiple measures of student achievement or growth and multiple data sources based on, when applicable, the individual’s evaluation rubric.**

“Evaluation rubric” means a set of criteria, measures, and processes used to evaluate all teachers in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments, and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of teaching staff members.

“Indicators of student progress and growth” means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.



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“Individual professional development plan” is as defined in N.J.S.A. 18A:6-119.

“Job description” means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

~~“Long observation” means an observation for the purpose of evaluation that is conducted for a minimum duration of forty minutes or one class period, whichever is shorter.~~

~~“Model evaluation rubric” means district educator evaluation rubrics that have been reviewed and accepted by the Commissioner. A model teaching or principal evaluation rubric includes a teacher or principal practice instrument that appears on the Department’s list of approved educator practice instruments.~~

“Observation” means a method of collecting data on the performance of a teacher’s assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-24.1.

“Post-observation conference” means a meeting, either in-person or remotely, between the administrator or supervisor who conducted the observation and the teacher for the purpose of evaluation to discuss the data collected in the observation.

“Scoring guide” means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Teacher practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

“Semester” means half of the school year.

~~“Short observation” means an observation for the purpose of evaluation that is conducted for at least twenty minutes.~~



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“Signed” means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

“Student growth objective” means an academic goal that teachers and ~~evaluators~~ **designated administrators or supervisors** set for groups of students.

“Student growth percentile” means a specific metric for measuring individual student progress on Statewide assessments by tracking how much a student’s test scores have changed relative to other students Statewide with similar scores in previous years.

“Superintendent” means Superintendent of Schools or Chief School Administrator.

“Supervisor” means an appropriately certified teaching staff member, as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9B-142.

“Teacher” means a teaching staff member who holds the appropriate standard, provisional, or emergency instructional certificate issued by the Board of Examiners and is assigned a class roster of students for at least one particular course.

“Teacher practice instrument” means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from the teacher practice instrument are components of the teacher’s evaluation rubrics and the scores are included in the summative evaluation rating for the individual.

“Unannounced observation” means an observation in which the person conducting an observation for the purpose of evaluation will not notify the teacher of the date or time the observation will be conducted.

B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C.6A:10-1.3

The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts



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entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and ~~Written~~ **Annual Performance Reports** – N.J.A.C. 6A:10-1.4

All information contained in ~~written~~ **annual** performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq., **including, but not limited to, digital records**, shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Teachers – N.J.A.C. 6A:10-2.1

1. The Board of Education annually shall adopt evaluation rubrics for teachers. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.
2. The evaluation rubrics for teachers shall include all other relevant minimum standards set forth in N.J.S.A. 18A:6-123 (P.L. 2012, c. 26, § 17c).
3. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2

1. The Board of Education shall meet the following requirements for the annual evaluation of teachers, unless otherwise specified:
 - a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-~~21.1~~ et seq.;



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- b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c);
 - (1) **The Superintendent shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to teaching staff members who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to teaching staff members who are or will be primarily responsible for instructing the applicable students in the subsequent school year.**
- c. Ensure the Superintendent annually notifies all teachers of the adopted evaluation policies and procedures no later than October 1. If a teacher is hired after October 1, the Board/Superintendent shall notify the teacher of the policies and procedures at the beginning of his or her employment. All teachers shall be notified of amendments to the policy and procedures within ten ~~teacher~~ working days of adoption;
- d. Annually adopt by June 1, any Commissioner-approved teacher practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;
- e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;
- f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and



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- g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of a teacher for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; N.J.A.C. 6A:10-5.4; and N.J.A.C. 6A:10-6.2, shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.
2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all teachers and, when applicable, applying the Commissioner-approved educator practice instruments:
 - a. Annually provide training on and descriptions of each component of the evaluation rubric for all teachers who are being evaluated in the school district and provide more thorough training for any teacher who is being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;
 - b. ~~Provide training on the teacher practice instruments for any supervisor who will conduct observations for the purpose of evaluation of teachers. Training shall be provided before the observer conducts his or her first observation for the purpose of evaluation;~~
 - be. Annually provide updates and refresher training ~~on the teacher practice instruments for any~~ administrators or supervisors who ~~will observe teacher practice for the purpose of increasing accuracy and consistency among observers~~ **are conducting evaluations in the school district and more thorough training for any administrator or supervisor who will evaluate teachers for the first time. Training shall be provided on each component of the evaluated teacher's evaluation rubric before the evaluation of a teacher;**
 - cd. Annually require each administrator or supervisor who will conduct observations for the purpose of evaluation of a teacher to



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complete **at least** two co-observations during the ~~academic~~ **school** year.

- (1) Co-observers shall use the co-observation to promote accuracy **and consistency** in scoring, ~~and to continually train themselves on the instrument.~~
- (2) A co-observation ~~shall~~ **may** count as one required observation for the purpose of evaluation pursuant to N.J.A.C. 6A:10-4.4, as long as the observer meets the requirements set forth in N.J.A.C. 6A:10-4.3 and 4.4, **but the co-observation shall not count as two or more required observations. If a co-observation counts as one required observation, the score shall be determined by the teacher's designated administrator or supervisor.**

de. The Superintendent shall annually certify to the Department that all administrators and supervisors of teachers in the school district who are utilizing ~~teacher practice instruments~~ **evaluation rubrics** have completed training on ~~the instrument and its application~~ and ~~have~~ demonstrated competency in applying the ~~teacher practice instruments~~ **evaluation rubrics**.

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

1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; administrators and supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.
2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.
3. Beginning in **2018-2019** ~~2017-2018~~, the District Evaluation Advisory Committees shall no longer be required and the Board of Education shall



have the discretion to continue the District's Evaluation Advisory Committee.

G. Evaluation Procedures for Teachers – N.J.A.C. 6A:10-2.4

1. The provisions outlined in Policy and Regulation 3221 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of teachers.
2. Evaluation policies and procedures requiring the annual evaluation of all teachers shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:
 - a. Roles and responsibilities for implementation of evaluation policies and procedures;
 - b. Job descriptions, evaluation rubrics for teachers, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10 et seq.;
 - c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, Principals, Assistant Principals, and Vice Principals for calculating the median and school-wide student growth percentile;
 - d. Processes for observations for the purpose of evaluation and post-observation conference(s) by a designated administrator or supervisor;
 - e. **Process for developing and scoring student growth objectives;**
 - fe. The process for preparation of individual professional development plans; and
 - gf. The process for preparation of an annual ~~written~~ performance report by the teacher's designated administrator or supervisor and an annual summary conference between the teacher and his or her designated administrator or supervisor.



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3. The annual summary conference between designated administrators or supervisors and teachers shall be held before the **annual written** performance report is filed. The conference shall occur on or before June 30 of each **school** year and shall include, but not be limited to, a review of the following:
 - a. The performance of the teacher based upon the job description and the scores or evidence compiled using the teacher's evaluation rubric, including, when applicable, ~~the teacher's practice instrument;~~
 - (1) **The teacher's practice instrument; and**
 - (2) **Available indicators or student achievement measures such as student growth objective scores and student growth percentile scores.**
 - b. The progress of the teacher toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan; **and**
 - c. ~~Available indicators or scores of student achievement or growth, when applicable, such as student growth objective scores and student growth percentile scores; and~~
 - d. The preliminary annual ~~written~~ performance report.
4. If any scores for the teacher's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.
5. The annual ~~written~~ performance report shall be prepared by the teacher's designated administrator or supervisor and shall include, but not be limited to:
 - a. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component as described in N.J.A.C. 6A:10-4;
 - b. Performance area(s) of strength and area(s) needing improvement based upon the job description, ~~observations for the purpose of~~



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~~evaluation and, when applicable, the teacher practice instrument;~~
and **components of the teacher's evaluation rubric; and**

c. ~~An~~ **The teacher's** individual professional development plan developed by the designated supervisor and the teacher or, when applicable, a corrective action plan from the evaluation year being reviewed in the report.

6. The teacher and the designated administrator or supervisor shall sign the report within five ~~teacher~~ working days of the review.

7. The Board of Education shall include all ~~written~~ performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the teacher's personnel file, or in an alternative, confidential location. ~~If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed.~~ The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

H. Corrective Action Plans for Teachers – N.J.A.C. 6A:10-2.5

1. For each teacher rated ineffective or partially effective on the annual summative evaluation ~~rating~~, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teacher and the ~~Superintendent or the teacher's~~ designated administrator or supervisor. **If the teacher does not agree with the corrective action plan's content, the designated administrator or supervisor shall make a final determination.**

2. ~~If the summative evaluation rating is calculated before the end of the school year, then~~ **The** corrective action plan shall be developed and the teacher and his or her designated administrator or supervisor shall meet to discuss the corrective action plan ~~prior to~~ **September 15 by October 31** of the following school year. ~~The conference to develop and discuss the corrective action plan may be combined with the teacher's annual summary conference that occurs at the end of the year of evaluation.~~ **following the year of evaluation except:**



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- a3. If the ineffective or partially effective summative evaluation rating is received after ~~the start~~ **October 1** of the school year following the year of evaluation, ~~then~~ a corrective action plan ~~shall~~ **must** be developed, and the teacher and his or her designated administrator or supervisor shall meet to discuss the corrective action plan within **twenty-five** ~~fifteen~~ teacher working days following the school district's receipt of the teacher's summative rating.
4. ~~The content of the corrective action plan shall replace the content of the individual professional development plan required in N.J.A.C. 6A:9C-3.4(e) and 3.7(e) until the next annual summary conference.~~
35. The content of the corrective action plan shall **replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:**
 - a. Address areas in need of improvement identified in the teacher evaluation rubric;
 - b. Include specific, demonstrable goals for improvement;
 - c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
 - d. Include timelines for meeting the goal(s).
46. The teacher's designated administrator or supervisor and the teacher on a corrective action plan shall discuss the teacher's progress toward the goals outlined in the corrective action plan during each **required** post-observation conference, ~~when required by~~ **pursuant to** N.J.S.A. 18A:27-3.1 or N.J.A.C. 6A:10-4.4. **The teacher and his or her designated administrator or supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teacher's progress, position, or role.**
57. Progress toward the teacher's goals outlined in the corrective action plan:
 - a. ~~Shall~~ be documented in the teacher's personnel file and reviewed at the annual summary conference **and** ~~or~~ the mid-year evaluation; ~~when applicable.~~ Both the teacher on a corrective action plan and his or her designated administrator or supervisor may collect data



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and evidence to demonstrate the teacher's progress toward his or her corrective action plan goals; **and**

- ~~b8.~~ ~~Progress toward the teacher's goals outlined in the corrective action plan M~~ may be used as evidence in the teacher's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.
- ~~69.~~ Responsibilities of the evaluated teacher on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teacher's designated administrator or supervisor.
- ~~710.~~ The School Improvement Panel shall ensure teachers with a corrective action plan receive a mid-year evaluation as required by N.J.S.A. 18A:6-120.c. ~~If the corrective action plan was created on or prior to September 15 of the academic year, the mid-year evaluation shall occur before February 15; if the corrective action plan was created after September 15,~~ **T**he mid-year evaluation shall occur **approximately** midway between the development of the corrective action plan and the **expected receipt of the next annual summative rating summary conference**. The mid-year evaluation shall include, at a minimum, a conference to discuss progress toward the teacher's goals outlined in the corrective action plan. The mid-year evaluation conference may be combined with a post-observation conference.
- ~~811.~~ The School Improvement Panel shall ensure teachers with a corrective action plan receive one observation, including a post-observation **conference**, in addition to the observations required in N.J.A.C. 6A:10-4.4 for the purpose of evaluation as described in N.J.A.C. 6A:10-1.2 and 4.4(a). ~~The Superintendent or Principal shall determine the length of the additional observation.~~
- ~~912.~~ Teachers with a corrective action plan shall be observed by multiple observers for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4(c)~~42~~.
- ~~1013.~~ The corrective action plan shall remain in effect until the teacher receives his or her next summative evaluation rating.
- 11. There shall be no minimum number of teacher working days a teacher's corrective action plan can be in place.**



- I. School Improvement Panel – N.J.A.C. 6A:10-3 et seq.
 1. School Improvement Panel Membership – N.J.A.C. 6A:10-3.1
 - a. The School Improvement Panel shall include the Principal, a Vice Principal, and a teacher who is chosen in accordance with b. below by the Principal in consultation with the majority representative. **If an Assistant Principal or Vice Principal is not available to serve on the panel, the Principal shall appoint an additional member who is employed in the district in a supervisory role and capacity, in accordance with N.J.S.A. 18A:6-120.a.** The Principal may appoint additional members to the School Improvement Panel as long as all members meet the criteria outlined in this section and N.J.S.A. 18A:6-120.a and the teacher(s) on the panel represents at least one-third of its total membership.
 - b. The Principal annually shall choose the teacher(s) on the School Improvement Panel through the following process:
 - (1) The teacher member shall be a person with a demonstrated record of success in the classroom. A demonstrated record of success in the classroom means the teacher member shall have been rated effective or highly effective in the most recent available annual summative rating.
 - (2) The majority representative, in accordance with a. above, may submit to the Principal, teacher member nominees for consideration.
 - (3) The Principal shall have final decision-making authority and is not bound by the majority representative's list of nominees.
 - c. The teacher member shall serve a full ~~academic~~ **school** year, except in case of illness or authorized leave, but may not be appointed more than three consecutive **school** years.
 - d. All members of the School Improvement Panel shall be chosen by August 31 of each year.



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2. School Improvement Panel Responsibilities – N.J.A.C. 6A:10-3.2
 - a. The School Improvement Panel shall:
 - (1) Oversee the mentoring of teachers according to N.J.A.C. ~~6A:9B-8~~ **6A:9C-5.3(a)2** and support the implementation of the school district mentoring plan;
 - (2) Conduct evaluations of teachers pursuant to N.J.A.C. 6A:10-2.4 and 4.4;
 - (3) Ensure corrective action plans for teachers are created in accordance to N.J.A.C. 6A:10-2.5(~~+~~); and **ensure conduct** mid-year evaluations **are conducted** for teachers who are on a corrective action plan; and
 - (4) Identify professional development opportunities for all teachers based on the review of aggregate school-level data, including, but not limited to, teacher evaluation and student performance data to support school-level professional development plans described in N.J.A.C. ~~6A:9C-3.54.2~~.

- J. Components of Teacher Evaluation Rubric – N.J.A.C. 6A:10-4.1
 1. The components of the teacher evaluation rubric described in N.J.A.C. 6A:10-4.1 et seq. shall apply to teachers holding the position of teacher and holding a valid and effective standard, provisional, or emergency instructional certificate.
 2. Evaluation rubrics for all teachers shall include the requirements described in N.J.S.A. 18A:6-123, including, but not limited to:
 - a. Measures of student achievement pursuant to N.J.A.C. 6A:10-4.2; and
 - b. Measures of teacher practice pursuant to N.J.A.C. 6A:10-4.3 and 4.4.
 3. To earn a summative rating, a teacher shall have a student achievement score, including median student growth percentile and/or student growth



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objectives(s) scores, and a teacher practice score pursuant to N.J.A.C. 6A:10-4.4.

4. Each score shall be converted to a percentage weight so all components make up 100 percent of the evaluation rubric. By August 31 prior to the ~~school~~ ~~academic~~ year in which the evaluation rubric applies, the Department shall provide on its website the required percentage weight of each component and the required summative rating scale. All components shall be worth the following percentage weights or fall within the following ranges:
 - a. If, according to N.J.A.C. 6A:10-4.2(b), a teacher receives a median student growth percentile, the student achievement component shall be at least thirty percent and no more than fifty percent of a teacher's evaluation rubric rating as determined by the Department.
 - b. If, according to N.J.A.C. 6A:10-4.2(b), a teacher does not receive a median student growth percentile, the student achievement component shall be at least fifteen percent and no more than fifty percent of a teacher's evaluation rubric rating as determined by the Department.
 - c. Measures of teacher practice described in N.J.A.C. 6A:10-4.3 and 4.4 shall be at least fifty percent and no more than eighty-five percent of a teacher's evaluation rubric rating as determined by the Department.
 - ~~d. Notwithstanding the provisions of a, b, and c above, if a teacher's appeal of his or her student growth objective is approved, according to N.J.A.C. 6A:10-4.2(f), the student growth objective score weight within the student achievement component and the teacher practice weight shall be adjusted by the Superintendent or the Commissioner, as applicable according to N.J.A.C. 6A:10-4.2(f).~~
5. Standardized tests, used as a measure of student progress, shall not be the predominant factor in determining a teacher's annual summative rating.

K. Student Achievement Components – N.J.A.C. 6A:10-4.2



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1. Measures of student achievement shall be used to determine impact on student learning. The student achievement measure shall include the following components:
 - a. If the teacher meets the requirements of 2. below, the median student growth percentile of all students assigned to a teacher, which shall be calculated as set forth in 4. below; and
 - b. Student growth objective(s), which shall be specific and measurable, based on available student learning data, aligned to the **New Jersey Student Learning Standards (NJSLS) Core Curriculum-Content Standards**, and based on growth and/or achievement.
 - (1) For teachers who teach subjects or grades not covered by the **NJSLS Core Curriculum-Content Standards**, student growth objective(s) shall align to standards adopted or endorsed, as applicable, by the State Board.
2. The median student growth percentile shall be included in the annual summative rating of a teacher who:
 - a. Teaches at least one course or group within a course that falls within a standardized-tested grade or subject. The Department shall maintain on its website a course listing of all standardized-tested grades and subjects for which student growth percentile can be calculated pursuant to 4. below;
 - b. Teaches the course or group within the course for at least sixty percent of the time from the beginning of the course to the day of the standardized assessment; and
 - c. Has at least twenty individual student growth percentile scores attributed to his or her name during the **school academic** year of the evaluation. If a teacher does not have at least twenty individual student growth percentile scores in a given **school academic** year, the student growth percentile scores attributed to a teacher during the two **school academic** years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the **school academic** year of the evaluation. Only student growth percentile scores from **school academic** year



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2013-2014 or any **school** year after shall be used to determine median student growth percentiles.

3. The Department shall periodically collect data for all teachers that include, but are not limited to, student achievement and teacher practice scores.
4. The Department shall calculate the median student growth percentile for teachers using students assigned to the teacher by the school district. For teachers who have a student growth percentile score:
 - a. The Board of Education shall submit to the Department final ratings for all components, other than the student growth percentile, for the annual summative rating; and
 - b. The Department then shall report to the employing district Board of Education the annual summative rating, including the median student growth percentile for each teacher who receives a median student growth percentile.
5. Student growth objectives for teachers shall be developed and measured according to the following procedures:
 - a. The Superintendent shall determine the number of required student growth objectives for teachers, including teachers with a student growth percentile. A teacher with a student growth percentile shall have at least one and not more than four student growth objectives. A teacher without a student growth percentile shall have at least two and a maximum of four student growth objectives. By August 31 prior to the **school academic** year the evaluation rubric applies, the Department shall provide on its website the minimum and maximum number of required student growth objectives within this range.
 - b. A teacher with a student growth percentile shall not use the standardized assessment used in determining the student growth percentile to measure progress toward a student growth objective.
 - c. Each teacher shall develop, in consultation with his or her administrator or supervisor each student growth objective. If the teacher does not agree with the student growth objectives, the Principal shall make the final determination.



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- d. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, recorded, and retained by the teacher and his or her administrator or supervisor by October 31 of each **school academic** year, or within twenty-**five working** days of the teacher's start date if the teacher begins work after October 1.
 - e. Adjustments to student growth objectives may be made by the teacher in consultation with his or her administrator or supervisor only when approved by the Superintendent or designee. Adjustments shall be recorded in the teacher's personnel file on or before February 15.
 - (1) If the Student Growth Objective (SGO) covers only the second semester of the school year, or if the teacher begins work after October 1, adjustments shall be recorded before the mid-point of the second semester.
 - f. The teacher's designated administrator or supervisor shall **approve** ~~calculate~~ each teacher's student growth objective score. The teacher's student growth objective score, if available, shall be discussed at the teacher's annual summary conference.
- L. Teacher Practice Components – N.J.A.C. 6A:10-4.3
- 1. The teacher practice component rating shall be based on the measurement of the teacher's performance according to the school district's Commissioner-approved teacher practice instrument. Observations pursuant to N.J.A.C. 6A:10-4.4 shall be used as one form of evidence for the measurement.
- M. Teacher Observations – N.J.A.C. 6A:10-4.4
- 1. For the purpose of teacher evaluation, observers shall conduct the observations pursuant to N.J.S.A. 18A:6-123.b-(8) and N.J.A.C. 6A:10-2.5 and 3.2, and they shall be trained pursuant to N.J.A.C. 6A:10-2.2(b).
 - 2. Observation conferences shall include the following procedures:



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- a. An administrator or supervisor who is present at the observation shall conduct a post-observation conference with the teacher being observed. A post-observation conference shall occur no more than fifteen teacher working days following each observation.
 - b. The post-observation conference shall be for the purpose of reviewing the data collected at the observation, connecting the data to the teacher practice instrument and the teacher's individual professional development plan, collecting additional information needed for the evaluation of the teacher, and offering areas to improve effectiveness. **Within a school year, the post observation conference shall be held prior to the occurrence of further observations for the purpose of evaluation.**
 - c. If agreed to by the teacher, **one required** post-observation conferences **and any pre-conference(s)** for ~~short~~ observations of tenured teachers who are not on a corrective action plan may be conducted via written communication, including electronic.
 - d. **One post-observation conference may be combined with a teacher's annual summary conference, as long as it occurs within the required fifteen teacher working days following the observation for the purpose of evaluation.**
 - ed. A pre-conference, when required, shall occur at least one but not more than seven teacher working days prior to the observation.
3. Each teacher shall be observed as described in N.J.A.C. 6A:10-4.4, ~~at least three times during each school year, but not less than once during each semester.~~ For all teachers, at least one of the required observations shall be announced and preceded by a pre-conference, and at least one of the required observations shall be unannounced. The Superintendent shall decide whether ~~the third~~ **additional** required observations **are** is announced or unannounced, **if applicable**. The following additional requirements shall apply:
- a. **Each observation required for the purpose of evaluation shall be conducted for at least twenty minutes.**
 - ba. Nontenured teachers shall ~~receive a minimum of~~ **be observed at least three observations within times each school year, but not**



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- ~~less than once each semester. The observations shall be conducted in accordance with the timeframe set forth in N.J.S.A. 18A:27-3.1, and observations for all other teachers shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year.~~
- ~~b. Teachers on a corrective action plan shall receive observations within the timeline set forth in N.J.A.C. 6A:10-2.5.~~
- ~~c. Nontenured teachers shall be observed during the course of the year by more than one appropriately certified supervisor, either simultaneously or separately, by multiple observers, with the following provisions:~~
- ~~(1) A co-observation shall fulfill the requirement in this section for multiple observers.~~
- ~~(2) One co-observation shall count as one observation required in 4. below.~~
- ~~d. One post-observation conference may be combined with a teacher's annual summary conference as long as it occurs within the required fifteen teacher working days following the observation for the purpose of evaluation.~~
- c. Tenured teachers shall be observed at least two times during each school year. Observations for all tenured teachers shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year.**
- (1) If a tenured teacher was rated highly effective on his or her most recent summative evaluation and if both the teacher and the teacher's designated administrator or supervisor agree to use this option, one of the two required observations may be an observation of a Commissioner-approved activity other than a classroom lesson. The Department of Education shall post annually to its website a list of Commissioner-approved activities that may be observed in accordance with N.J.A.C. 6A:10-4.4.**
- d. Teachers on a corrective action plan shall receive, in accordance with N.J.A.C. 6A:10-2.5(h), one additional observation, including a post-observation conference.**



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- e. Upon receiving a final summative evaluation that necessitates a corrective action plan, in accordance with N.J.A.C. 6A:10-2.5(a), any remaining required observation(s) shall not be conducted until the corrective action plan has been finalized.
 - fe. A written or electronic **observation evaluation** report shall be signed by the administrator or the administrator or supervisor who conducted the observation and post-observation and the teacher who was observed.
 - gf. The teacher shall submit his or her written objection(s) of the evaluation within ten teacher working days following the conference. The objection(s) shall be attached to each party's copy of the annual ~~written~~ performance report.
4. ~~Each observation required for the purpose of evaluations shall be conducted for the minimum duration based on the following groups:~~
- a. ~~A nontenured teacher who is in his or her first or second year of teaching in the school district shall receive at least two long observations and one short observation.~~
 - b. ~~A nontenured teacher who is in his or her third or fourth year of teaching in the school district shall receive at least one long observation and two short observations.~~
 - e. ~~A tenured teacher shall receive at least three short observations.~~
45. To earn a teacher practice score, a **nontenured** teacher shall receive at least three observations.
- a. If a **nontenured** teacher is present for less than forty percent of the total student school days in a **school** ~~an academic~~ year, he or she shall receive at least two observations to earn a teacher practice score.
- N. Teacher Practice Instrument – N.J.A.C. 6A:10-7.2
- 1. The teacher practice instrument approved by the Department shall meet the following criteria:



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- a. Include domains of professional practice that align to the New Jersey Professional Standards for Teachers pursuant to N.J.A.C. 6A:9-3;
 - b. Include scoring guides for assessing teacher practice that differentiate among a minimum of four levels of performance, and the differentiation has been shown in practice and/or research studies. Each scoring guide shall:
 - (1) Clearly define the expectations for each rating category;
 - (2) Provide a conversion to ~~the~~ four rating categories: ~~ineffective, partially effective, effective, and highly effective~~;
 - (3) Be applicable to all grades and subjects; or to specific grades and/or subjects if designed explicitly for the grades and/or subjects; and
 - (4) Use clear and precise language that facilitates common understanding among teachers and administrators.
 - c. Rely **on**, to the extent possible, ~~on~~ specific, discrete, observable, and/or measurable behaviors of students and teachers in the classroom with direct evidence of student engagement and learning; and
 - d. Include descriptions of specific training and implementation details required for the instrument to be effective.
- ~~2. For Commissioner approval of a teacher practice instrument in 2015 or any year thereafter, the instrument shall include a process to assess competency on the evaluation instrument which the school district may choose to use as a measure of competency.~~

Adopted: 15 January 2013

Revised: 12 May 2016; _____



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[See POLICY ALERT Nos. 175, 201, 207 and 212]

3222 EVALUATION OF TEACHING STAFF MEMBERS, EXCLUDING TEACHERS AND ADMINISTRATORS

The Board of Education recognizes the importance of teaching staff member effectiveness to further the development of a professional corps of educators and to increase student achievement. The Board of Education adopts Policy and Regulation 3222 for the evaluation of teaching staff members consistent with the Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACHNJ) and the AchieveNJ administrative codes. This Policy and Regulation provides the provisions and requirements for teaching staff member evaluations consistent with TEACHNJ and AchieveNJ.

For the purposes of Policy and Regulation 3222, “teaching staff member” includes, but is not limited to, educational services staff members, guidance counselors, school nurses, library/media specialists, occupational therapists, and other teaching staff members working under an educational services certificate. For the purposes of Policy and Regulation 3222, “teaching staff member” does not include teachers, Principals, Vice Principals, Assistant Principals, and administrators, including, but not limited to, directors and/or supervisors.

The rules in N.J.A.C. 6A:10 – Educator Effectiveness shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts in effect on July 1, 2013 and no collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives. All information contained in **annual written** performance reports and all information collected, compiled, and/or maintained by employees for the evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq. shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

The Board shall annually adopt evaluation rubrics for teaching staff members which shall be submitted to the Commissioner by June 1 for approval by August 1 of each year. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of teaching staff members and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all teaching staff members. A District Evaluation Advisory Committee shall be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.



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The minimum requirements for the evaluation procedures for teaching staff members as outlined in N.J.A.C. 6A:10-2.4 shall be followed. For each teaching staff member rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed in accordance with the provisions of N.J.A.C. 6A:10-2.5.

Observations and evaluations for nontenured teaching staff members shall be in accordance with the provisions of N.J.S.A. 18A:27-3.1. Evaluations for nontenured teaching staff members shall take place before April 30 each year prior to the May 15 notice requirement date for continued employment. Evaluations for tenured teaching staff members shall be completed prior to June 30.

The Superintendent shall annually notify all teaching staff members of the adopted evaluation policies and procedures/regulations no later than October 1. If a teaching staff member is hired after October 1, the Superintendent shall notify the teaching staff member of the policies and procedures/regulations at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy and procedures/regulations within ten teaching staff member working days of adoption.

N.J.S.A. 18A:6-117 et seq.; N.J.S.A. 18A:27-3.1

N.J.A.C. 6A:10-1.1 through 1.4; 6A:10-2.1 through 2.5; 6A:10-6.2

Adopted: 17 July 2012

Revised: 12 May 2016; _____



[See POLICY ALERT Nos. 181, 201, 207 and 212]

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A. Definitions – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3222 unless the context clearly indicates otherwise:

“Annual performance report” means a written appraisal of the teaching staff member's performance prepared by the teaching staff member's designated administrator or supervisor based on the evaluation rubric for his or her position.

“Annual summative evaluation rating” means an annual evaluation rating that is based on appraisals of educator practice and student performance, if applicable, and includes all measures captured in a teaching staff member's evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

“Chief School Administrator” means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

“Commissioner” means Commissioner of the New Jersey Department of Education.

“Corrective Action Plan” means a written plan developed by **the designated administrator or supervisor** ~~a teaching staff member serving in a supervisory capacity~~ in collaboration with the teaching staff member to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual teaching staff member and the school district for implementing the plan, and specific support that the district shall provide **as defined in N.J.S.A. 18A:6-119**.

“Department” means the New Jersey Department of Education.

“Designated administrator or supervisor” means the administrator or supervisor designated by the Superintendent of Schools or designee as the teaching staff member's administrator or supervisor.



“District Evaluation Advisory Committee” means a group created to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

“Educator practice instrument” means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from educator practice instruments for teaching staff members other than teachers, Principals, Vice Principals, and Assistant Principals may be applied to the teaching staff member's summative evaluation rating in a manner determined by the school district.

“Evaluation” means an appraisal of an individual's professional performance in relation to his or her job description, **and** professional standards, **and** ~~Statewide evaluation criteria that incorporates analysis of multiple measures of student achievement or growth, as applicable, and multiple data sources~~ **based on, when applicable, the individual's evaluation rubric.**

“Evaluation rubric” means a set of criteria, measures, and processes used to evaluate all teaching staff members in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of teaching staff members.

“Indicators of student progress and growth” means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

“Individual professional development plan” is as defined in N.J.S.A. 18A:6-119.

“Job description” means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

~~“Model evaluation rubric” means district educator evaluation rubrics that have been reviewed and accepted by the Commissioner. A model teaching or principal evaluation rubric includes a teacher or principal practice instrument that appears on the Department's list of approved educator practice instruments.~~



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“Observation” means a method of collecting data on the performance of a teaching staff member's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-24.1.

“Post-observation conference” means a meeting, either in-person or remotely, between the administrator or supervisor who conducted the observation and the teaching staff member for the purpose of evaluation to discuss the data collected in the observation.

“Scoring guide” means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Educator practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

“Semester” means half of the school year.

“Signed” means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

“Student growth objective” means an academic goal that teaching staff members and **designated administrators or supervisors** ~~evaluators~~ set for groups of students.

“Superintendent” means Superintendent of Schools or Chief School Administrator.

“Supervisor” means an appropriately certified teaching staff member, as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9B-142.

“Teaching staff member” for the purposes of Policy 3222 and this Regulation, includes, but is not limited to, educational services staff members, guidance counselors, school nurses, library/media specialists, occupational therapists, and



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other teaching staff members working under an educational services certificate and does not include teachers, Principals, Vice Principals, Assistant Principals, and administrators, including, but not limited to, Directors and/or Supervisors.

B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3

The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and ~~Written~~ **Annual Performance Reports** – N.J.A.C. 6A:10-1.4

All information contained in ~~written~~ **annual** performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq., **including, but not limited to, digital records**, shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Teaching Staff Members – N.J.A.C. 6A:10-2.1

1. The Board of Education annually shall adopt evaluation rubrics for all teaching staff members. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.
2. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2



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1. The Board of Education shall meet the following requirements for the annual evaluation of teaching staff members, unless otherwise specified:
 - a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2 et seq.;
 - b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c);
 - (1) **The Superintendent shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to staff members who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to staff members who are or will be primarily responsible for instructing the applicable students in the subsequent school year.**
 - c. Ensure the Superintendent annually notifies all teaching staff members of the adopted evaluation policies and procedures no later than October 1. If a teaching staff member is hired after October 1, the Board/Superintendent shall notify the teaching staff member of the policies and procedures at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy and procedures within ten ~~teaching staff member~~ working days of adoption;
 - d. Annually adopt by June 1, any Commissioner-approved educator practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;
 - e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31



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and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;

- f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and
 - g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of a teaching staff member for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; N.J.A.C. 6A:10-5.4, and **N.J.A.C. 6A:10-6.2**, shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.
2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all teaching staff members and, when applicable, applying the Commissioner-approved educator practice instruments:
- a. Annually provide training on and descriptions of each component of the evaluation rubric for all teaching staff members who are being evaluated in the school district and provide more thorough training for any teaching staff member who is being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;
 - ~~b. Provide training on the teaching staff member practice instruments for any administrator or supervisor who will conduct observations for the purpose of evaluation of teaching staff members. Training shall be provided before the observer conducts his or her first observation for the purpose of evaluation;~~
 - be. Annually provide updates and refresher training ~~on the teaching staff member practice instruments~~ for any **administrators or supervisors** who will observe teaching staff member practice for the purpose of increasing accuracy and consistency among



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~~observers are conducting evaluations in the school district and more thorough training for any administrator or supervisor who will evaluate teaching staff members for the first time. Training shall be provided on each component of the evaluated teaching staff member's evaluation rubric before the evaluation of a teaching staff member; and~~

- cd. The Superintendent shall annually certify to the Department that all administrators or supervisors of teaching staff members in the school district who are utilizing ~~educator practice instruments~~ **evaluation rubrics** have completed training on ~~the instrument and its application~~ and have demonstrated competency in applying the ~~educator practice instruments~~ **evaluation rubrics**.

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

1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; administrators and supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.
2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.
3. Beginning in ~~2017-2018~~ **2018-2019**, the District Evaluation Advisory Committees shall no longer be required and the Board of Education shall have the discretion to continue the District's Evaluation Advisory Committee.

G. Evaluation Procedures for Teaching Staff Members – N.J.A.C. 6A:10-2.4

1. The provisions outlined in Policy and Regulation 3222 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of teaching staff members.
2. Evaluation policies and procedures requiring the annual evaluation of all teaching staff members shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory



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Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:

- a. Roles and responsibilities for implementation of evaluation policies and procedures;
 - b. Job descriptions, evaluation rubrics for all teaching staff members, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10 et seq.;
 - c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, Principals, Assistant Principals, and Vice Principals for calculating the median and school-wide student growth percentile;
 - d. Processes for observations for the purpose of evaluation and post-observation conference(s) by an **administrator** or supervisor;
 - e. **Process for developing and scoring student growth objectives;**
 - fe. The process for preparation of individual professional development plans; and
 - gf. The process for preparation of an annual ~~written~~ performance report by the teaching staff member's designated administrator or supervisor, and an annual summary conference between the teaching staff member and his or her designated administrator or supervisor.
3. The annual summary conference between the designated administrator or supervisor and the teaching staff member shall be held before the ~~written~~ **annual** performance report is filed. The conference shall occur on or before June 30 of each school year and shall include, but not be limited to, a review of the following:
- a. The performance of the teaching staff member based upon the job description and, ~~when applicable~~, the scores or evidence compiled using the teaching staff member's evaluation rubric, including,



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~~whenever applicable; the teaching staff member's practice instrument;~~

- (1) **The teaching staff member's practice instrument; and**
- (2) **Available indicators or student achievement measures such as student growth objective scores and student growth percentile scores.**

b. The progress of the teaching staff member toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan; **and**

~~e. Available indicators or scores of student achievement or growth, when applicable, such as student growth objective scores and student growth percentile scores; and~~

~~cd.~~ The preliminary annual ~~written~~ performance report.

4. If any scores for the teaching staff member's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.

5. The annual ~~written~~ performance report shall be prepared by the teaching staff member's designated administrator or supervisor and shall include, but not be limited to:

a. A summative rating based on the evaluation rubric;

b. Performance area(s) of strength and area(s) needing improvement based upon the job description, ~~observations for the purpose of evaluation and, when applicable, the teaching staff member practice instrument;~~ **and components of the teaching staff member's evaluation rubric; and**

~~c. A~~ **The teaching staff member's** individual professional development plan ~~developed by the designated administrator or supervisor and the teaching staff member or, when applicable, a~~



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corrective action plan from the evaluation year being reviewed in the report.

6. The teaching staff member and the designated administrator or supervisor shall sign the report within five ~~teaching staff member~~ working days of the review.
 7. The Board of Education shall include all ~~written~~ performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the teaching staff member's personnel file or in an alternative, confidential location. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.
- H. Corrective Action Plans for Teaching Staff Members – N.J.A.C. 6A:10-2.5
1. For each teaching staff member rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teaching staff member and the ~~Superintendent or the~~ teaching staff member's designated administrator or supervisor. **If the teaching staff member does not agree with the corrective action plan's content, the designated administrator or supervisor shall make a final determination.**
 2. ~~If the summative evaluation rating is calculated before the end of the school year, then~~ **The** corrective action plan shall be developed and the teaching staff member and his or her designated administrator or supervisor shall meet to discuss the corrective action plan ~~prior to September 15~~ **by October 31** of the following school year. ~~The conference to develop and discuss the corrective action plan may be combined with the teaching staff member's annual summary conference that occurs at the end of the year of evaluation.~~ **following the year of evaluation, except:**
 - a3. If the ineffective or partially effective summative evaluation rating is received after **October 1** ~~the start~~ of the school year following the year of evaluation, ~~then~~ a corrective action plan ~~shall must~~ be developed, and the teaching staff member and his or her designated administrator or supervisor shall meet to discuss the corrective action plan within **twenty-five** ~~fifteen~~ teaching staff member



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working days following the school district's receipt of the teaching staff member's summative rating.

- ~~4. The content of the corrective action plan shall replace the content of the individual professional development plan required in N.J.A.C. 6A:9C-3.4(e) and 3.7(e) until the next annual summary conference.~~
35. The content of the corrective action plan shall **replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:**
- a. Address areas in need of improvement identified in the teaching staff member evaluation rubric;
 - b. Include specific, demonstrable goals for improvement;
 - c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
 - d. Include timelines for meeting the goal(s).
46. The teaching staff member's designated administrator or supervisor and the teaching staff member on a corrective action plan shall discuss the teaching staff member's progress toward the goals outlined in the corrective action plan during each **required** post-observation conference. **The teaching staff member and his or her designated administrator or supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teaching staff member's progress, position, or role.**
57. Progress toward the teaching staff member's goals outlined in the corrective action plan:
- a. ~~S~~shall be documented in the teaching staff member's personnel file and reviewed at the annual summary conference **and** ~~or~~ the mid-year evaluation, ~~when applicable~~. Both the teaching staff member on a corrective action plan and his or her designated administrator or supervisor may collect data and evidence to demonstrate the teaching staff member's progress toward his or her corrective action plan goals; **and**



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- b8. ~~Progress toward the teaching staff member's goals outlined in the corrective action plan M~~ may be used as evidence in the teaching staff member's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.
69. Responsibilities of the evaluated teaching staff member on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teaching staff member's designated administrator or supervisor.
710. The corrective action plan shall remain in effect until the teaching staff member receives his or her next summative evaluation rating.
8. **There shall be no minimum number of teaching staff member working days a teacher's corrective action plan can be in place.**
- I. Teaching Staff Member Observations and Evaluations – N.J.A.C. 6A:10-6.2
1. The Superintendent shall determine the duration of observations required pursuant to N.J.S.A. 18A:27-3.1 for nontenured teaching staff members, except teachers, Principals, Vice Principals, and Assistant Principals. **Observations include, but are not limited to, observations of meetings, student instruction, parent conferences, and case-study analysis of a significant student issue. The observation shall:**
- Be at least twenty minutes in length;**
 - Be followed within fifteen teaching staff member working days by a conference between the administrator or supervisor who made the observation and the nontenured teaching staff member;**
 - Be followed by both parties to such a conference signing the written or electronic observation report and each retaining a copy of his or her records; and**
 - Allow the nontenured teaching staff member to submit his or her written objection(s) of the evaluation within ten teaching**



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staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.

2. **All tenured teaching staff members shall receive at least one observation per school year.**
3. **All nontenured teaching staff members shall receive at least three observations, as required pursuant to N.J.S.A. 18A:27-3.1.**
- ~~2. Each nontenured teaching staff member shall be observed and evaluated in the performance of his or her duties at least three times during each school year, but not less than once during each semester.~~
- ~~3. Each tenured teaching staff member shall be observed and evaluated in the performance of his or her duties at least once each school year. The Superintendent shall determine the duration of observations.~~
- ~~4. Observations include, but are not limited to, observations of meetings, student instruction, parent conferences, and case study analysis of a significant student issue.~~
- ~~5. Each observation shall be followed within fifteen teaching staff member working days by a conference between the Superintendent or designated administrator or supervisor who made the observation and written or electronic evaluation, and the teaching staff member. Both parties to such a conference shall sign the written evaluation report and each shall retain a copy for his or her records. The purpose of this procedure is to recommend as to reemployment, identify any deficiencies, extend assistance for correction, and improve professional competence.~~
- ~~6. The teaching staff member may submit his or her written objection(s) of the evaluation within ten teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report.~~
 - a7. The required observations and evaluations for nontenured teaching staff members shall take place before April 30 each year. These observations and evaluations may cover that period between April 30 of one year and April 30 of the succeeding year except in the



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case of the first year of employment where the three observations and evaluations must have been completed prior to April 30.

- b8.** The number of required observations and evaluations for nontenured teaching staff members may be reduced proportionately when an individual teaching staff member's term of service is less than one academic year.
- 49.** Evaluations for tenured teaching staff shall be completed prior to June 30.

Adopted: 15 January 2013

Revised: 12 May 2016; _____



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[See POLICY ALERT Nos. 175, 201, 207 and 212]

3222 EVALUATION OF TEACHING STAFF MEMBERS, EXCLUDING TEACHERS AND ADMINISTRATORS

The Board of Education recognizes the importance of teaching staff member effectiveness to further the development of a professional corps of educators and to increase student achievement. The Board of Education adopts Policy and Regulation 3222 for the evaluation of teaching staff members consistent with the Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACHNJ) and the AchieveNJ administrative codes. This Policy and Regulation provides the provisions and requirements for teaching staff member evaluations consistent with TEACHNJ and AchieveNJ.

For the purposes of Policy and Regulation 3222, “teaching staff member” includes, but is not limited to, educational services staff members, guidance counselors, school nurses, library/media specialists, occupational therapists, and other teaching staff members working under an educational services certificate. For the purposes of Policy and Regulation 3222, “teaching staff member” does not include teachers, Principals, Vice Principals, Assistant Principals, and administrators, including, but not limited to, directors and/or supervisors.

The rules in N.J.A.C. 6A:10 – Educator Effectiveness shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts in effect on July 1, 2013 and no collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives. All information contained in **annual written** performance reports and all information collected, compiled, and/or maintained by employees for the evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq. shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

The Board shall annually adopt evaluation rubrics for teaching staff members which shall be submitted to the Commissioner by June 1 for approval by August 1 of each year. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of teaching staff members and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all teaching staff members. A District Evaluation Advisory Committee shall be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.



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The minimum requirements for the evaluation procedures for teaching staff members as outlined in N.J.A.C. 6A:10-2.4 shall be followed. For each teaching staff member rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed in accordance with the provisions of N.J.A.C. 6A:10-2.5.

Observations and evaluations for nontenured teaching staff members shall be in accordance with the provisions of N.J.S.A. 18A:27-3.1. Evaluations for nontenured teaching staff members shall take place before April 30 each year prior to the May 15 notice requirement date for continued employment. Evaluations for tenured teaching staff members shall be completed prior to June 30.

The Superintendent shall annually notify all teaching staff members of the adopted evaluation policies and procedures/regulations no later than October 1. If a teaching staff member is hired after October 1, the Superintendent shall notify the teaching staff member of the policies and procedures/regulations at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy and procedures/regulations within ten teaching staff member working days of adoption.

N.J.S.A. 18A:6-117 et seq.; N.J.S.A. 18A:27-3.1

N.J.A.C. 6A:10-1.1 through 1.4; 6A:10-2.1 through 2.5; 6A:10-6.2

Adopted: 17 July 2012

Revised: 12 May 2016; _____



[See POLICY ALERT Nos. 181, 201, 207 and 212]

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A. Definitions – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3222 unless the context clearly indicates otherwise:

“Annual performance report” means a written appraisal of the teaching staff member's performance prepared by the teaching staff member's designated administrator or supervisor based on the evaluation rubric for his or her position.

“Annual summative evaluation rating” means an annual evaluation rating that is based on appraisals of educator practice and student performance, if applicable, and includes all measures captured in a teaching staff member's evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

“Chief School Administrator” means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

“Commissioner” means Commissioner of the New Jersey Department of Education.

“Corrective Action Plan” means a written plan developed by **the designated administrator or supervisor** ~~a teaching staff member serving in a supervisory capacity~~ in collaboration with the teaching staff member to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual teaching staff member and the school district for implementing the plan, and specific support that the district shall provide **as defined in N.J.S.A. 18A:6-119**.

“Department” means the New Jersey Department of Education.

“Designated administrator or supervisor” means the administrator or supervisor designated by the Superintendent of Schools or designee as the teaching staff member's administrator or supervisor.



“District Evaluation Advisory Committee” means a group created to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

“Educator practice instrument” means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from educator practice instruments for teaching staff members other than teachers, Principals, Vice Principals, and Assistant Principals may be applied to the teaching staff member's summative evaluation rating in a manner determined by the school district.

“Evaluation” means an appraisal of an individual's professional performance in relation to his or her job description, **and** professional standards, **and** Statewide evaluation criteria that incorporates analysis of multiple measures of student achievement or growth, as applicable, **and** multiple data sources **based on, when applicable, the individual's evaluation rubric.**

“Evaluation rubric” means a set of criteria, measures, and processes used to evaluate all teaching staff members in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of teaching staff members.

“Indicators of student progress and growth” means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

“Individual professional development plan” is as defined in N.J.S.A. 18A:6-119.

“Job description” means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

~~“Model evaluation rubric” means district educator evaluation rubrics that have been reviewed and accepted by the Commissioner. A model teaching or principal evaluation rubric includes a teacher or principal practice instrument that appears on the Department's list of approved educator practice instruments.~~



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“Observation” means a method of collecting data on the performance of a teaching staff member's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-24.1.

“Post-observation conference” means a meeting, either in-person or remotely, between the administrator or supervisor who conducted the observation and the teaching staff member for the purpose of evaluation to discuss the data collected in the observation.

“Scoring guide” means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Educator practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

“Semester” means half of the school year.

“Signed” means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

“Student growth objective” means an academic goal that teaching staff members and **designated administrators or supervisors** ~~evaluators~~ set for groups of students.

“Superintendent” means Superintendent of Schools or Chief School Administrator.

“Supervisor” means an appropriately certified teaching staff member, as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9B-142.

“Teaching staff member” for the purposes of Policy 3222 and this Regulation, includes, but is not limited to, educational services staff members, guidance counselors, school nurses, library/media specialists, occupational therapists, and



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other teaching staff members working under an educational services certificate and does not include teachers, Principals, Vice Principals, Assistant Principals, and administrators, including, but not limited to, Directors and/or Supervisors.

B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3

The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and ~~Written~~ **Annual Performance Reports** – N.J.A.C. 6A:10-1.4

All information contained in ~~written~~ **annual** performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq., **including, but not limited to, digital records**, shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Teaching Staff Members – N.J.A.C. 6A:10-2.1

1. The Board of Education annually shall adopt evaluation rubrics for all teaching staff members. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.
2. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2



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1. The Board of Education shall meet the following requirements for the annual evaluation of teaching staff members, unless otherwise specified:
 - a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2 et seq.;
 - b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c);
 - (1) **The Superintendent shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to staff members who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to staff members who are or will be primarily responsible for instructing the applicable students in the subsequent school year.**
 - c. Ensure the Superintendent annually notifies all teaching staff members of the adopted evaluation policies and procedures no later than October 1. If a teaching staff member is hired after October 1, the Board/Superintendent shall notify the teaching staff member of the policies and procedures at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy and procedures within ten ~~teaching staff member~~ working days of adoption;
 - d. Annually adopt by June 1, any Commissioner-approved educator practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;
 - e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31



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and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;

- f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and
 - g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of a teaching staff member for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; N.J.A.C. 6A:10-5.4, and **N.J.A.C. 6A:10-6.2**, shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.
2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all teaching staff members and, when applicable, applying the Commissioner-approved educator practice instruments:
- a. Annually provide training on and descriptions of each component of the evaluation rubric for all teaching staff members who are being evaluated in the school district and provide more thorough training for any teaching staff member who is being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;
 - ~~b. Provide training on the teaching staff member practice instruments for any administrator or supervisor who will conduct observations for the purpose of evaluation of teaching staff members. Training shall be provided before the observer conducts his or her first observation for the purpose of evaluation;~~
 - be. Annually provide updates and refresher training ~~on the teaching staff member practice instruments~~ for any **administrators or supervisors** who will observe teaching staff member practice for the purpose of increasing accuracy and consistency among



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~~observers~~ are conducting evaluations in the school district and more thorough training for any administrator or supervisor who will evaluate teaching staff members for the first time. Training shall be provided on each component of the evaluated teaching staff member's evaluation rubric before the evaluation of a teaching staff member; and

- cd. The Superintendent shall annually certify to the Department that all administrators or supervisors of teaching staff members in the school district who are utilizing ~~educator practice instruments~~ **evaluation rubrics** have completed training on ~~the instrument and its application~~ and have demonstrated competency in applying the ~~educator practice instruments~~ **evaluation rubrics**.

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

1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; administrators and supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.
2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.
3. Beginning in ~~2017-2018~~ **2018-2019**, the District Evaluation Advisory Committees shall no longer be required and the Board of Education shall have the discretion to continue the District's Evaluation Advisory Committee.

G. Evaluation Procedures for Teaching Staff Members – N.J.A.C. 6A:10-2.4

1. The provisions outlined in Policy and Regulation 3222 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of teaching staff members.
2. Evaluation policies and procedures requiring the annual evaluation of all teaching staff members shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory



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Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:

- a. Roles and responsibilities for implementation of evaluation policies and procedures;
 - b. Job descriptions, evaluation rubrics for all teaching staff members, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10 et seq.;
 - c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, Principals, Assistant Principals, and Vice Principals for calculating the median and school-wide student growth percentile;
 - d. Processes for observations for the purpose of evaluation and post-observation conference(s) by an **administrator** or supervisor;
 - e. **Process for developing and scoring student growth objectives;**
 - fe. The process for preparation of individual professional development plans; and
 - gf. The process for preparation of an annual ~~written~~ performance report by the teaching staff member's designated administrator or supervisor, and an annual summary conference between the teaching staff member and his or her designated administrator or supervisor.
3. The annual summary conference between the designated administrator or supervisor and the teaching staff member shall be held before the ~~written~~ **annual** performance report is filed. The conference shall occur on or before June 30 of each school year and shall include, but not be limited to, a review of the following:
- a. The performance of the teaching staff member based upon the job description and, ~~when applicable~~, the scores or evidence compiled using the teaching staff member's evaluation rubric, including,



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~~whenever applicable; the teaching staff member's practice instrument;~~

- (1) **The teaching staff member's practice instrument; and**
- (2) **Available indicators or student achievement measures such as student growth objective scores and student growth percentile scores.**

b. The progress of the teaching staff member toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan; **and**

~~e. Available indicators or scores of student achievement or growth, when applicable, such as student growth objective scores and student growth percentile scores; and~~

~~cd.~~ The preliminary annual ~~written~~ performance report.

4. If any scores for the teaching staff member's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.

5. The annual ~~written~~ performance report shall be prepared by the teaching staff member's designated administrator or supervisor and shall include, but not be limited to:

a. A summative rating based on the evaluation rubric;

b. Performance area(s) of strength and area(s) needing improvement based upon the job description, ~~observations for the purpose of evaluation and, when applicable, the teaching staff member practice instrument;~~ **and components of the teaching staff member's evaluation rubric; and**

~~c. A~~ **The teaching staff member's** individual professional development plan ~~developed by the designated administrator or supervisor and the teaching staff member or, when applicable, a~~



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corrective action plan from the evaluation year being reviewed in the report.

6. The teaching staff member and the designated administrator or supervisor shall sign the report within five ~~teaching staff member~~ working days of the review.
 7. The Board of Education shall include all ~~written~~ performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the teaching staff member's personnel file or in an alternative, confidential location. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.
- H. Corrective Action Plans for Teaching Staff Members – N.J.A.C. 6A:10-2.5
1. For each teaching staff member rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teaching staff member and the ~~Superintendent or the~~ teaching staff member's designated administrator or supervisor. **If the teaching staff member does not agree with the corrective action plan's content, the designated administrator or supervisor shall make a final determination.**
 2. ~~If the summative evaluation rating is calculated before the end of the school year, then~~ **The** corrective action plan shall be developed and the teaching staff member and his or her designated administrator or supervisor shall meet to discuss the corrective action plan ~~prior to September 15~~ **by October 31** of the following school year. ~~The conference to develop and discuss the corrective action plan may be combined with the teaching staff member's annual summary conference that occurs at the end of the year of evaluation.~~ **following the year of evaluation, except:**
 - a3. If the ineffective or partially effective summative evaluation rating is received after **October 1** ~~the start~~ of the school year following the year of evaluation, ~~then~~ a corrective action plan ~~shall must~~ be developed, and the teaching staff member and his or her designated administrator or supervisor shall meet to discuss the corrective action plan within **twenty-five** ~~fifteen~~ teaching staff member



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working days following the school district's receipt of the teaching staff member's summative rating.

- ~~4. The content of the corrective action plan shall replace the content of the individual professional development plan required in N.J.A.C. 6A:9C-3.4(e) and 3.7(e) until the next annual summary conference.~~
35. The content of the corrective action plan shall **replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:**
- a. Address areas in need of improvement identified in the teaching staff member evaluation rubric;
 - b. Include specific, demonstrable goals for improvement;
 - c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
 - d. Include timelines for meeting the goal(s).
46. The teaching staff member's designated administrator or supervisor and the teaching staff member on a corrective action plan shall discuss the teaching staff member's progress toward the goals outlined in the corrective action plan during each **required** post-observation conference. **The teaching staff member and his or her designated administrator or supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teaching staff member's progress, position, or role.**
57. Progress toward the teaching staff member's goals outlined in the corrective action plan:
- a. ~~S~~shall be documented in the teaching staff member's personnel file and reviewed at the annual summary conference **and** ~~or~~ the mid-year evaluation, ~~when applicable~~. Both the teaching staff member on a corrective action plan and his or her designated administrator or supervisor may collect data and evidence to demonstrate the teaching staff member's progress toward his or her corrective action plan goals; **and**



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- b8. ~~Progress toward the teaching staff member's goals outlined in the corrective action plan M~~ may be used as evidence in the teaching staff member's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.
69. Responsibilities of the evaluated teaching staff member on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teaching staff member's designated administrator or supervisor.
710. The corrective action plan shall remain in effect until the teaching staff member receives his or her next summative evaluation rating.
8. **There shall be no minimum number of teaching staff member working days a teacher's corrective action plan can be in place.**
- I. Teaching Staff Member Observations and Evaluations – N.J.A.C. 6A:10-6.2
1. The Superintendent shall determine the duration of observations required pursuant to N.J.S.A. 18A:27-3.1 for nontenured teaching staff members, except teachers, Principals, Vice Principals, and Assistant Principals. **Observations include, but are not limited to, observations of meetings, student instruction, parent conferences, and case-study analysis of a significant student issue. The observation shall:**
- a. **Be at least twenty minutes in length;**
 - b. **Be followed within fifteen teaching staff member working days by a conference between the administrator or supervisor who made the observation and the nontenured teaching staff member;**
 - c. **Be followed by both parties to such a conference signing the written or electronic observation report and each retaining a copy of his or her records; and**
 - d. **Allow the nontenured teaching staff member to submit his or her written objection(s) of the evaluation within ten teaching**



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staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.

2. **All tenured teaching staff members shall receive at least one observation per school year.**
3. **All nontenured teaching staff members shall receive at least three observations, as required pursuant to N.J.S.A. 18A:27-3.1.**
- ~~2. Each nontenured teaching staff member shall be observed and evaluated in the performance of his or her duties at least three times during each school year, but not less than once during each semester.~~
- ~~3. Each tenured teaching staff member shall be observed and evaluated in the performance of his or her duties at least once each school year. The Superintendent shall determine the duration of observations.~~
- ~~4. Observations include, but are not limited to, observations of meetings, student instruction, parent conferences, and case study analysis of a significant student issue.~~
- ~~5. Each observation shall be followed within fifteen teaching staff member working days by a conference between the Superintendent or designated administrator or supervisor who made the observation and written or electronic evaluation, and the teaching staff member. Both parties to such a conference shall sign the written evaluation report and each shall retain a copy for his or her records. The purpose of this procedure is to recommend as to reemployment, identify any deficiencies, extend assistance for correction, and improve professional competence.~~
- ~~6. The teaching staff member may submit his or her written objection(s) of the evaluation within ten teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report.~~
 - a7. The required observations and evaluations for nontenured teaching staff members shall take place before April 30 each year. These observations and evaluations may cover that period between April 30 of one year and April 30 of the succeeding year except in the



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Evaluation of Teaching Staff Members, Excluding
Teachers and Administrators

May 17

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case of the first year of employment where the three observations and evaluations must have been completed prior to April 30.

- b8.** The number of required observations and evaluations for nontenured teaching staff members may be reduced proportionately when an individual teaching staff member's term of service is less than one academic year.
- 49.** Evaluations for tenured teaching staff shall be completed prior to June 30.

Adopted: 15 January 2013

Revised: 12 May 2016; _____



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Evaluation of Administrators, Excluding Principals,
Vice Principals, and Assistant Principals

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[See POLICY ALERT Nos. 175, 201, 207 and 212]

3223 EVALUATION OF ADMINISTRATORS, EXCLUDING PRINCIPALS, VICE PRINCIPALS, AND ASSISTANT PRINCIPALS

The Board of Education recognizes the importance of administrator effectiveness to further the development of a professional corps of educators and to increase student achievement. The Board of Education adopts Policy and Regulation 3223 for the evaluation of administrators consistent with the Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACHNJ) and the AchieveNJ administrative codes. This Policy and Regulation provides the provisions and requirements for administrator evaluations consistent with TEACHNJ and AchieveNJ.

For the purposes of Policy and Regulation 3223, “administrator” means an appropriately certified staff member, as defined in N.J.S.A. 18A-1.1, employed in the school district in an administrative and/or supervisory role and capacity, and holding a valid and effective standard, provisional, or emergency administrative certificate. An “administrator” may be a director, supervisor, or any other administrative or supervisory position in the district. For the purposes of Policy and Regulation 3223 and N.J.A.C. 6A:10-1.1 et seq., “administrator” is not a Principal, Vice Principal, or Assistant Principal.

The rules in N.J.A.C. 6A:10 – Educator Effectiveness shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts in effect on July 1, 2013 and no collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives. All information contained in **annual written** performance reports and all information collected, compiled, and/or maintained by employees for the evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq. shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

The Board shall annually adopt evaluation rubrics for administrators which shall be submitted to the Commissioner by June 1 for approval by August 1 of each year. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of administrators and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all administrators. A District Evaluation Advisory Committee shall be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.



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Evaluation of Administrators, Excluding Principals, Vice Principals, and Assistant Principals M

The minimum requirements for the evaluation procedures for administrators as outlined in N.J.A.C. 6A:10-2.4 shall be followed. For each administrator rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed in accordance with the provisions of N.J.A.C. 6A:10-2.5.

Observations and evaluations for nontenured administrators shall be in accordance with the provisions of N.J.S.A. 18A:27-3.1. Evaluations for nontenured administrators shall take place before April 30 each year prior to the May 15 notice requirement date for continued employment. Evaluations for tenured administrators shall be completed prior to June 30.

The Superintendent annually shall notify all administrators of the adopted evaluation policies and procedures/regulations no later than October 1. If an administrator is hired after October 1, the Superintendent shall notify the administrator of the policies and procedures/regulations at the beginning of his or her employment. All administrators shall be notified of amendments to the policy and procedures/regulations within ten administrator working days of adoption.

N.J.S.A. 18A:6-117 et seq.; N.J.S.A. 18A:27-3.1
N.J.A.C. 6A:10-1.1 through 1.4; 6A:10-2.1 through 2.5

Adopted: 17 July 2012
Revised: 12 May 2016; _____



[See POLICY ALERT Nos. 201, 207 and 212]

R 3223 EVALUATION OF ADMINISTRATORS, EXCLUDING
PRINCIPALS, VICE PRINCIPALS, AND
ASSISTANT PRINCIPALS

A. Definitions – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3223 unless the context clearly indicates otherwise:

“Administrator” means an appropriately certified staff member, as defined in N.J.S.A. 18A-1.1, employed in the school district in an administrative and/or supervisory role and capacity, and holding a valid and effective standard, provisional, or emergency administrative certificate. An “administrator” may be a director, supervisor or any other administrative or supervisory position in the district. For the purposes of Policy and Regulation 3223 and N.J.A.C. 6A:10-1.1 et seq., “administrator” is not a Principal, Vice Principal, or Assistant Principal.

“Annual performance report” means a written appraisal of the administrator’s performance prepared by the administrator’s designated administrator or supervisor based on the evaluation rubric for his or her position.

“Annual summative evaluation rating” means an annual evaluation rating that is based on appraisals of educator practice and student performance, and includes all measures captured in an administrator’s evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

“Chief School Administrator” means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

“Commissioner” means Commissioner of the New Jersey Department of Education.

“Corrective Action Plan” means a written plan developed by the administrator’s **designated** or supervisor in collaboration with the administrator to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual administrator and



the school district for implementing the plan, and specific support that the district shall provide **as defined in N.J.S.A. 18A:6-119.**

“Department” means the New Jersey Department of Education.

“Designated supervisor” means the designated administrator or supervisor designated by the Superintendent of Schools or designee as the administrator’s supervisor.

“District Evaluation Advisory Committee” means a group created to oversee and guide the planning and implementation of the Board of Education’s evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

“Educator practice instrument” means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from educator practice instruments for teaching staff members other than teachers, Principals, Vice Principals, and Assistant Principals may be applied to the administrator’s summative evaluation rating in a manner determined by the school district.

“Evaluation” means an appraisal of an individual’s professional performance in relation to his or her job description, **and** professional standards, **and** ~~Statewide evaluation criteria that incorporates analysis of multiple measures of student achievement or growth, if applicable, and multiple data sources~~ **based on, when applicable, the individual’s evaluation rubric.**

“Evaluation rubric” means a set of criteria, measures, and processes used to evaluate all administrators in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of staff members.

“Indicators of student progress and growth” means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

“Individual professional development plan” is as defined in N.J.S.A. 18A:6-119.



“Job description” means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

~~“Model evaluation rubric” means district educator evaluation rubrics that have been reviewed and accepted by the Commissioner. A model teaching or principal evaluation rubric includes a teacher or principal practice instrument that appears on the Department’s list of approved educator practice instruments.~~

“Observation” means a method of collecting data on the performance of an administrator’s assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by **an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-2.1 and as designated by the Superintendent or designee.**

“Post-observation conference” means a meeting, either in-person or remotely, between a ~~Superintendent or designated~~ **the** designated administrator or supervisor who conducted the observation and the administrator for the purpose of evaluation to discuss the data collected in the observation.

“Scoring guide” means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Educator practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

“Semester” means half of the school year.

“Signed” means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

~~“Student growth objective” means an academic goal that administrators and evaluators may set for groups of students.~~

“Superintendent” means Superintendent of Schools or Chief School Administrator.



“Supervisor” means an appropriately certified staff member, as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement, as defined in N.J.A.C. 6A:9B-12~~1~~.

B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3

The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and ~~Written~~ **Annual Performance Reports** – N.J.A.C. 6A:10-1.4

All information contained in ~~written~~ **annual** performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq., **including, but not limited to, digital records**, shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Administrators – N.J.A.C. 6A:10-2.1

1. The Board of Education shall annually adopt evaluation rubrics for all administrators. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.
2. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2



1. The Board of Education shall meet the following requirements for the annual evaluation of administrators, unless otherwise specified:
 - a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-~~21.1~~ et seq.;
 - b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c);
 - (1) **The Superintendent shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to staff members who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to staff members who are or will be primarily responsible for instructing the applicable students in the subsequent school year.**
 - c. Ensure the Superintendent annually notifies all administrators of the adopted evaluation policies and procedures no later than October 1. If an administrator is hired after October 1, the Board/Superintendent shall notify the administrator of the policies and procedures at the beginning of his or her employment. All administrators shall be notified of amendments to the policy and procedures within ten ~~administrator~~ working days of adoption;
 - d. Annually adopt by June 1, any Commissioner-approved educator practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;
 - e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31



and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;

- f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and
 - g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of an administrator for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; N.J.A.C. 6A:10-5.4; and N.J.A.C. 6A:10-6.2 shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.
2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all administrators and, when applicable, applying the Commissioner-approved educator practice instruments:
- a. Annually provide training on and descriptions of each component of the evaluation rubric for all administrators who are being evaluated in the school district and provide more thorough training for any administrator who is being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;
 - b. ~~Provide training on the educator practice instruments for any supervisor who will conduct observations for the purpose of evaluation of administrators. Training shall be provided before the observer conducts his or her first observation for the purpose of evaluation;~~
 - be. Annually provide updates and refresher training ~~on the educator practice instruments for any administrators or supervisors who will observe educator practice for the purpose of increasing accuracy and consistency among observers~~ **are conducting evaluations in the school district and more thorough training for any**



administrator or supervisor who will evaluate administrators for the first time. Training shall be provided on each component of the evaluated administrator's evaluation rubric before the evaluation of an administrator; and

- cd. The Superintendent shall annually certify to the Department that all administrators and supervisors of administrators in the school district who are utilizing ~~educator practice instruments~~ **evaluation rubrics** have completed training on ~~the instrument and its application~~ and have demonstrated competency in applying the **evaluation rubrics** ~~educator practice instruments~~.

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

1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.
2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.
3. Beginning in ~~2017-2018~~ **2018-2019**, the District Evaluation Advisory Committees shall no longer be required and the Board of Education shall have the discretion to continue the District's Evaluation Advisory Committee.

G. Evaluation Procedures for Administrators – N.J.A.C. 6A:10-2.4

1. The provisions outlined in Policy and Regulation 3223 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of administrators.
2. Evaluation policies and procedures requiring the annual evaluation of all administrators shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory



Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:

- a. Roles and responsibilities for implementation of evaluation policies and procedures;
 - b. Job descriptions, evaluation rubrics for administrators, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10 et seq.;
 - c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, Principals, Vice Principals, and Assistant Principals for calculating the median and school-wide student growth percentile;
 - d. Processes for observations for the purpose of evaluation and post-observation conference(s) by an administrator or supervisor;
 - e. **Process for developing and scoring student growth objectives;**
 - fe. The process for preparation of individual professional development plans; and
 - gf. The process for preparation of an annual ~~written~~ performance report by the Superintendent or designated administrator or supervisor and an annual summary conference between the administrator and **his or her** ~~the Superintendent or~~ designated administrator or supervisor.
3. The annual summary conference between ~~the Superintendent or~~ designated administrators or supervisors and the administrator shall be held before the **annual written** performance report is filed. The conference shall occur on or before June 30 of each **school** year and shall include, but not be limited to, a review of the following:
- a. The performance of the administrator based upon the job description and the scores or evidence compiled using the administrator's evaluation rubric, including, whenever applicable, ~~the educator's practice instrument;~~



- (1) **The administrator's practice instrument; and**
 - (2) **Available indicators or student achievement measures such as student growth objective scores and student growth percentile scores.**
- b. The progress of the administrator toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan; **and**
- ~~c. Available indicators or scores of student achievement or growth, when applicable, such as student growth objective scores and student growth percentile scores; and~~
- ~~cd.~~ The preliminary annual ~~written~~ performance report.
4. If any scores for the administrator's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.
5. The annual ~~written~~ performance report for the administrator shall be prepared by the ~~Superintendent or~~ designated administrator or supervisor and shall include, but not be limited to:
 - a. A summative rating based on the evaluation rubric;
 - b. Performance area(s) of strength and area(s) needing improvement based upon the job description, ~~observations for the purpose of evaluation and, when applicable, the educator practice instrument;~~ and **components of the administrator's evaluation rubric; and**
 - c. ~~An~~ **The administrator's** individual professional development plan developed by the ~~Superintendent or designated administrator or supervisor and the administrator or, when applicable,~~ a corrective action plan from the evaluation year being reviewed in the report.



6. The administrator and the ~~Superintendent~~ or designated administrator or supervisor shall sign the report within five ~~administrator~~ working days of the review.
 7. The Board of Education shall include all ~~written~~ performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of his or her personnel file, or in an alternative, confidential location. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.
- H. Corrective Action Plans for Administrators – N.J.A.C. 6A:10-2.5
1. For each administrator rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by administrator and the Superintendent or the designated administrator or supervisor. **If the administrator does not agree with the corrective action plan's content, the designated administrator or supervisor shall make a final determination.**
 2. ~~If the summative evaluation rating is calculated before the end of the school year, then~~ **The** corrective action plan shall be developed and the administrator and the ~~Superintendent~~ or **his or her** designated administrator or supervisor shall meet to discuss the corrective action plan ~~prior to September 15 by~~ **October 31** of the ~~following~~ school year. ~~The conference to develop and discuss the corrective action plan may be combined with the administrator's annual summary conference that occurs at the end of the year of evaluation.~~ **following the year of evaluation except:**
 - a3. If the ineffective or partially effective summative evaluation rating is received after ~~the start~~ **October 1** of the school year following the year of evaluation, ~~then~~ a corrective action plan ~~shall~~ **must** be developed, and the administrator and ~~his or her~~ **the Superintendent** or designated administrator or supervisor shall meet to discuss the corrective action plan within ~~twenty-five~~ **fifteen** administrator working days following the school district's receipt of the administrator's summative rating.



4. ~~The content of the corrective action plan shall replace the content of the individual professional development plan required in N.J.A.C. 6A:9C-3.4(c) and 3.7(c) until the next annual summary conference.~~
35. The content of the corrective action plan shall **replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:**
- a. Address areas in need of improvement identified in the administrator evaluation rubric;
 - b. Include specific, demonstrable goals for improvement;
 - c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
 - d. Include timelines for meeting the goal(s).
46. The **administrator's Superintendent** ~~or~~ designated administrator or supervisor; and the administrator on a corrective action plan shall discuss the administrator's progress toward the goals outlined in the corrective action plan during each **required** post-observation conference. **The administrator and his or her designated administrator or supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the administrator's progress, position, or role.**
57. Progress toward the administrator's goals outlined in the corrective action plan:
- a. ~~Shall~~ be documented in the administrator's personnel file and reviewed at the annual summary conference **and** ~~or~~ the mid-year evaluation, ~~when applicable.~~ Both the administrator on a corrective action plan and ~~the Superintendent or~~ **his or her** designated administrator or supervisor may collect data and evidence to demonstrate the administrator's progress toward his or her corrective action plan goals; **and**
 - ~~b8. Progress toward the administrator's goals outlined in the corrective action plan~~ **may** be used as evidence in the administrator's next



annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.

69. Responsibilities of the evaluated administrator on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the ~~Superintendent~~ or **administrator's** designated administrator or supervisor.

740. The corrective action plan shall remain in effect until the administrator receives his or her next summative evaluation rating.

8. **There shall be no minimum number of administrator working days an administrator's corrective action plan can be in place.**

I. Administrator Observations and Evaluations – N.J.A.C. 6A:10-6.2

1. The Superintendent shall determine the duration of observations required pursuant to N.J.S.A. 18A:27-3.1 for nontenured administrators. **Observations include, but are not limited to, observations of meetings, student instruction, parent conferences, and case-study analysis of a significant student issue. The observation shall:**

- a. **Be at least twenty minutes in length;**
- b. **Be followed within fifteen administrator working days by a conference between the administrator or supervisor who made the observation and the nontenured administrator;**
- c. **Be followed by both parties to such a conference signing the written or electronic observation report and each retaining a copy of his or her records; and**
- d. **Allow the nontenured administrator to submit his or her written objection(s) of the evaluation within ten administrator working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.**

2. **All tenured administrators shall receive at least one observation per school year.**

3. **All nontenured administrators shall receive at least three observations, as required pursuant to N.J.S.A. 18A:27-3.1.**



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- ~~2. Each nontenured administrator shall be observed and evaluated in the performance of his or her duties at least three times during each school year but not less than once during each semester.~~
- ~~3. Each tenured administrator shall be observed and evaluated in the performance of his or her duties at least once each school year. The Superintendent shall determine the duration of the observation.~~
- ~~4. Observations include, but are not limited to: observations of meetings, student instruction, parent conferences, and a case study analysis of a significant student issue.~~
- ~~5. Each observation shall be followed within fifteen administrator working days by a conference between the Superintendent or designated supervisor who made the observation and written or electronic evaluation and the administrator. Both parties to such a conference shall sign the written or electronic evaluation report and each shall retain a copy for his or her records. The purpose of this procedure is to recommend as to reemployment, identify any deficiencies, extend assistance for correction, and improve professional competence.~~
- ~~6. The administrator may submit his or her written objection(s) of the evaluation within ten administrator working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report.~~
 - a7.** The required observations and evaluations for nontenured administrators shall take place before April 30 each year. These observations and evaluations may cover that period between April 30 of one year and April 30 of the succeeding year except in the case of the first year of employment where the three evaluations and observations must have been completed prior to April 30.
 - b8.** The number of required observations and evaluations for nontenured administrators may be reduced proportionately when an individual administrator's term of service is less than one academic year.
- 49.** Evaluations for tenured administrators shall be completed prior to June 30.



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Evaluation of Administrators, Excluding Principals, Vice Principals and Assistant Principals

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Evaluation of Principals, Vice Principals,
and Assistant Principals

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[See POLICY ALERT Nos. 201, 207 and 212]

3224 EVALUATION OF PRINCIPALS, VICE PRINCIPALS, AND ASSISTANT PRINCIPALS

The Board of Education recognizes the importance of Principal, Vice Principal, and Assistant Principal effectiveness to further the development of a professional corps of educators and to increase student achievement. The Board of Education adopts Policy and Regulation 3224 for the evaluation of Principals, Vice Principals, and Assistant Principals consistent with the Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACHNJ) and the AchieveNJ administrative codes. This Policy and Regulation provides the provisions and requirements for Principal, Vice Principal, and Assistant Principal evaluations consistent with TEACHNJ and AchieveNJ.

The rules in N.J.A.C. 6A:10 – Educator Effectiveness shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts in effect on July 1, 2013 and no collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives. All information contained in **annual written** performance reports and all information collected, compiled, and/or maintained by employees for the evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq. shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

The Board shall annually adopt evaluation rubrics for Principals, Vice Principals, and Assistant Principals which shall be submitted to the Commissioner by June 1 for approval by August 1 of each year. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of Principals, Vice Principals, and Assistant Principals and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all Principals, Vice Principals, or Assistant Principals. A District Evaluation Advisory Committee shall be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.

The minimum requirements for the evaluation procedures for Principals, Vice Principals, and Assistant Principals as outlined in N.J.A.C. 6A:10-2.4 shall be followed. For each Principal, Vice Principal, or Assistant Principal rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed in accordance with the provisions of N.J.A.C. 6A:10-2.5.



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The components of the principal evaluation rubrics as described in N.J.A.C. 6A:10-5.1 shall apply to Principals, Vice Principals, and Assistant Principals. Measures of student achievement, as outlined in N.J.A.C. 6A:10-5.2, shall be used to determine impact on student learning. Principal, Vice Principal, and Assistant Principal observations shall be conducted in accordance with the provisions of N.J.A.C. 6A:10-5.4. The Superintendent or designated administrator shall conduct observations for the evaluation of Principals pursuant to N.J.S.A. 18A:6-121 and he or she shall be trained pursuant to N.J.A.C. 6A:10-2.2(b). A Principal, or the Superintendent or designated administrator or supervisor, shall conduct observations for the evaluation of Vice Principals and Assistant Principals pursuant to N.J.S.A. 18A:6-121.

The principal practice instrument approved by the Department of Education shall meet the criteria as outlined in N.J.A.C. 6A:10-7.3.

The Superintendent annually shall notify all Principals, Vice Principals, or Assistant Principals of the adopted evaluation policies and procedures/regulations no later than October 1. If a Principal, Vice Principal, or Assistant Principal is hired after October 1, the Superintendent shall notify the Principal, Vice Principal, or Assistant Principal of the policies and procedures/regulations at the beginning of his or her employment. All Principals, Vice Principals, and Assistant Principals shall be notified of amendments to the policy and procedures/regulations within ten Principal, Vice Principal, or Assistant Principal working days of adoption.

N.J.S.A. 18A:6-117 et seq.

N.J.A.C. 6A:10-1.1 through 1.4; 6A:10-2.1 through 2.5

N.J.A.C. 6A:10-5.1 through 5.4

N.J.A.C. 6A:10-7.1 and 7.3

Adopted: 17 July 2012

Revised: 12 May 2016; _____



[See POLICY ALERT Nos. 201, 207 and 212]

R 3224 EVALUATION OF PRINCIPALS, VICE PRINCIPALS, AND ASSISTANT PRINCIPALS

A. Definitions – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3224 unless the context clearly indicates otherwise:

“Annual performance report” means a written appraisal of the Principal’s, Vice Principal’s, or Assistant Principal’s performance prepared by the designated administrator or supervisor based on the evaluation rubric for his or her position.

“Annual summative evaluation rating” means an annual evaluation rating that is based on appraisals of educator practice and student performance, and includes all measures captured in a Principal, Vice Principal, or Assistant Principal evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

“Calibration” in the context of educator evaluation means a process to monitor the competency of a trained evaluator to ensure the evaluator continues to apply an educator practice instrument accurately and consistently according to the standards and definitions of the specific instrument.

“Chief School Administrator” means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

“Commissioner” means Commissioner of the New Jersey Department of Education.

“Corrective Action Plan” means a written plan developed by the Superintendent or a **designated administrator or supervisor** ~~designee~~ in collaboration with the Principal, Vice Principal, and Assistant Principal to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual Principal, Vice Principal, and Assistant Principal and the school district for implementing the plan, and specific support that the district shall provide **as defined in N.J.S.A. 18A:6-119**.

“Department” means the New Jersey Department of Education.



“Designated supervisor” means the designated administrator or supervisor designated by the Superintendent of Schools **or designee as the administrator’s** ~~as the Principal’s, Vice Principal’s, or Assistant Principal’s~~ supervisor.

“District Evaluation Advisory Committee” means a group created to oversee and guide the planning and implementation of the Board of Education’s evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

“Educator practice instrument” means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies.

“Evaluation” means an appraisal of an individual’s professional performance in relation to his or her job description, **and** professional standards, and ~~Statewide evaluation criteria that incorporates analysis of multiple measures of student achievement or growth and multiple data sources~~ **based on, when applicable, the individual’s evaluation rubric.**

“Evaluation rubric” means a set of criteria, measures, and processes used to evaluate all Principals, Vice Principals, and Assistant Principals in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of teaching staff members.

“Indicators of student progress and growth” means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

“Individual professional development plan” is as defined in N.J.S.A. 18A:6-119.

“Job description” means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

~~“Model evaluation rubric” means district educator evaluation rubrics that have been reviewed and accepted by the Commissioner. A model teaching or principal evaluation rubric includes a teacher or principal practice instrument that appears on the Department’s list of approved educator practice instruments.~~



“Observation” means a method of collecting data on the performance of a Principal’s, Vice Principal’s, and Assistant Principal’s assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by the Superintendent or designee.

“Post-observation conference” means a meeting, either in-person or remotely, between the ~~Superintendent~~ or the designated administrator or supervisor who conducted the observation and the Principal, Vice Principal, and Assistant Principal for the purpose of evaluation to discuss the data collected in the observation.

“Principal practice instrument” means an assessment tool that provides scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from the principal practice instrument are components of the evaluation rubrics and the scores are included in the summative evaluation rating for the individual.

“Scoring guide” means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Educator practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

“Semester” means half of the school year.

“Signed” means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

“Student growth objective” means an academic goal that teachers and ~~evaluators~~ **designated administrators or supervisors** set for groups of students.

“Student growth percentile” means a specific metric for measuring individual student progress on Statewide assessments by tracking how much a student’s test scores have changed relative to other students Statewide with similar scores in previous years.

“Superintendent” means Superintendent of Schools or Chief School Administrator.



“Supervisor” means an appropriately certified teaching staff member as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9B-14~~2~~ and certified to evaluate a Principal, Vice Principal, or Assistant Principal.

B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3

The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and ~~Written~~ **Annual Performance Reports** – N.J.A.C. 6A:10-1.4

All information contained in ~~written~~ **annual** performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq., **including, but not limited to, digital records**, shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Principals, Vice Principals, and Assistant Principals – N.J.A.C. 6A:10-2.1

1. The Board of Education shall annually adopt evaluation rubrics for all Principals, Vice Principals, and Assistant Principals. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.



2. The evaluation rubrics for Principals, Vice Principals, and Assistant Principals shall include all other relevant minimum standards set forth in N.J.S.A. 18A:6-123 (P.L. 2012, c. 26, § 17c).
 3. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.
- E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2
1. The Board of Education shall meet the following requirements for the annual evaluation of Principals, Vice Principals, and Assistant Principals, unless otherwise specified:
 - a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-~~21.1~~ et seq.;
 - b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c);
 - (1) **The Superintendent shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to staff members who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to staff members who are or will be primarily responsible for instructing the applicable students in the subsequent school year.**
 - c. Ensure the Superintendent annually notifies all Principals, Vice Principals, and Assistant Principals of the adopted evaluation policies and procedures no later than October 1. If a Principal, Vice Principal, or Assistant Principal is hired after October 1, the Board/Superintendent shall notify all Principals, Vice Principals, and Assistant Principals of the policies and procedures at the beginning of his or her employment. All Principals, Vice Principals, and Assistant Principals shall be notified of



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amendments to the policy and procedures within ten ~~Principal, Vice Principal, or Assistant Principal~~ working days of adoption;

- d. Annually adopt by June 1, any Commissioner-approved educator practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;
 - e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;
 - f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and
 - g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of a Principal, Vice Principal, or Assistant Principal for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; N.J.A.C. 6A:10-5.4; and 6A:10-6.2 shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.
2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all Principals, Vice Principals, and Assistant Principals and, when applicable, applying the Commissioner-approved principal practice instruments:
 - a. Annually provide training on and descriptions of each component of the evaluation rubric for all Principals, Vice Principals, and Assistant Principals who are being evaluated in the school district and provide more thorough training for any Principals, Vice Principals, and Assistant Principals who are being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed



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descriptions of student achievement measures and all aspects of the principal practice instrument;

~~b. Provide training on the principal practice instrument for the Superintendent or designated supervisor who will conduct observations for the purpose of evaluation of Principals, Vice Principals, or Assistant Principals. Training shall be provided before the observer conducts his or her first observation for the purpose of evaluation;~~

be. Annually provide updates and refresher training ~~on the principal practice instrument for any administrators or supervisors who will observe principal practice for the purpose of increasing accuracy and consistency among observers~~ **are conducting evaluations in the school district and more thorough training for any administrator or supervisor who will evaluate Principals, Vice Principals, or Assistant Principals for the first time. Training shall be provided on each component of the evaluated Principal's, Vice Principal's, or Assistant Principal's evaluation rubric before the evaluation of the Principal, Vice Principal, or Assistant Principal;**

cd. The Superintendent shall annually certify to the Department that all **designated administrators or supervisors evaluators** of Principals, Vice Principals, and Assistant Principals in the school district who are utilizing **evaluation rubrics principal practice instruments** have completed training on **and the instrument and its application and** have demonstrated competency in applying the **evaluation rubrics principal practice instrument.**

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

1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include



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the Superintendent, a special education administrator, a parent, and a member of the Board of Education.

2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.
 3. Beginning in **2018-2019** ~~2017-2018~~, the District Evaluation Advisory Committees shall no longer be required and the Board of Education shall have the discretion to continue the District's Evaluation Advisory Committee.
- G. Evaluation Procedures for Principals, Vice Principals, and Assistant Principals - N.J.A.C. 6A:10-2.4
1. The provisions outlined in Policy and Regulation 3224 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of Principals, Vice Principals, and Assistant Principals.
 2. Evaluation policies and procedures requiring the annual evaluation of Principals, Vice Principals, and Assistant Principals shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:
 - a. Roles and responsibilities for implementation of evaluation policies and procedures;
 - b. Job descriptions, evaluation rubrics for Principals, Vice Principals, and Assistant Principals, the process for calculating the summative ratings and each component and the evaluation regulations set forth in N.J.A.C. 6A:10-1 et seq.;
 - c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, Principals, Vice Principals, Assistant Principals for calculating the median and school-wide student growth percentile;



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- d. Processes for observations for the purpose of evaluation and post-observation conference(s) by an administrator or supervisor;
 - e. **Process for developing and scoring student growth objectives;**
 - fe. The process for preparation of individual professional development plans; and
 - gf. The process for preparation of an annual ~~written~~ performance report by the Superintendent or designated administrator or supervisor, and an annual summary conference between the Principal, Vice Principal, or Assistant Principal and the Superintendent or designated administrator or supervisor.
3. The annual summary conference between the ~~Superintendent or~~ designated administrator or supervisor and the Principal, Vice Principal, or Assistant Principal shall be held before the ~~written annual~~ performance report is filed. The conference shall occur on or before June 30 of each **school** year and shall include, but not be limited to, a review of the following:
- a. The performance of the Principal, Vice Principal, or Assistant Principal based upon the job description and, ~~when applicable,~~ the scores or evidence compiled using the evaluation rubric, including, when applicable,; ~~the principal practice instrument;~~
 - (1) **The principal's practice instrument; and**
 - (2) **Available indicators or student achievement measures such as student growth objective scores and student growth percentile scores.**
 - b. The progress of the Principal, Vice Principal, or Assistant Principal toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan; **and**
 - e. ~~Available indicators or scores of student achievement or growth, when applicable, such as student growth objective scores and student growth percentile scores; and~~



- cd. The preliminary annual ~~written~~ performance report.
4. If any scores for the Principal's, Vice Principal's, or Assistant Principal's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.
 5. The annual ~~written~~ performance report for the Principal, Vice Principal, or Assistant Principal shall be prepared by the ~~Superintendent~~ or designated administrator or supervisor and shall include, but not be limited to:
 - a. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component as described in N.J.A.C. 6A:10-5;
 - b. Performance area(s) of strength and area(s) needing improvement based upon the job description, ~~observations for the purpose of evaluation and, when applicable, the principal practice instrument;~~ and **components of the Principal's, Vice Principal's, or Assistant Principal's evaluation rubric; and**
 - c. ~~A~~ **The Principal's, Vice Principal's, or Assistant Principal's** individual professional development plan developed by the ~~Superintendent or designated administrator or supervisor and the Principal, Vice Principal, or Assistant Principal~~ or, when applicable, a corrective action plan from the evaluation year being reviewed in the report.
 6. The Principal, Vice Principal, or Assistant Principal and the ~~Superintendent~~ or designated administrator or supervisor shall sign the report within five ~~Principal, Vice Principal, or Assistant Principal~~ working days of the review.
 7. The Board of Education shall include all ~~written~~ performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the Principal's, Vice Principal's, or Assistant Principal's personnel file, or in an alternative, confidential location. ~~If reports and data are stored in an alternate location, the personnel file shall clearly indicate the report's~~



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~~location and how it can be easily accessed.~~ The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

H. Corrective Action Plans for Principals, Vice Principals, and Assistant Principals – N.J.A.C. 6A:10-2.5

1. For each Principal, Vice Principal, and Assistant Principal rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the Principal, Vice Principal, or Assistant Principal and the ~~Superintendent~~ or designated administrator or supervisor. **If the Principal, Vice Principal, or Assistant Principal does not agree with the corrective action plan's content, the designated administrator or supervisor shall make the final determination.**
2. ~~If the summative evaluation rating is calculated before the end of the school year, then~~ The corrective action plan shall be developed and the Principal, Vice Principal, or Assistant Principal and the ~~Superintendent~~ or **his or her** designated administrator or supervisor shall meet to discuss the corrective action plan ~~prior to September 15~~ **by October 31** of the following school year. ~~The conference to develop and discuss the corrective action plan may be combined with the Principal's, Vice Principal's, or Assistant Principal's annual summary conference that occurs at the end of the year of evaluation.~~ **following the year of evaluation except:**
 - a3. If the ineffective or partially effective summative evaluation rating is received after ~~the start~~ **October 1** of the school year following the year of evaluation, ~~then~~ a corrective action plan ~~shall~~ **must** be developed, and the Principal, Vice Principal, or Assistant Principal and the ~~Superintendent~~ or **his or her** designated administrator or supervisor shall meet to discuss the corrective action plan within ~~fifteen~~ **twenty-five** Principal, Vice Principal, or Assistant Principal working days following the school district's receipt of the Principal's, Vice Principal's, or Assistant Principal's summative rating.
4. ~~The content of the corrective action plan shall replace the content of the individual professional development plan required in N.J.A.C. 6A:9C-3.4(e) and 3.7(e) until the next annual summary conference.~~



35. The content of the corrective action plan shall **replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:**
- a. Address areas in need of improvement identified in the principal evaluation rubric;
 - b. Include specific, demonstrable goals for improvement;
 - c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
 - d. Include timelines for meeting the goal(s).
46. The ~~Superintendent or~~ designated administrator or supervisor and the Principal, Vice Principal, or Assistant Principal on a corrective action plan shall discuss the **Principal's, Vice Principal's, or Assistant Principal's** ~~employee's~~ progress toward the goals outlined in the corrective action plan during each post-observation conference, when required by N.J.S.A. 18A:27-3.1 or N.J.A.C. 6A:10-5.4.
57. Progress toward the Principal's, Vice Principal's, or Assistant Principal's goals outlined in the corrective action plan:
- a. ~~S~~shall be documented in the Principal's, Vice Principal's, or Assistant Principal's personnel file and reviewed at the annual summary conference **and** ~~or~~ the mid-year evaluation, ~~when applicable.~~ Both the Principal, Vice Principal, or Assistant Principal on a corrective action plan and ~~the Superintendent~~ **his or her** designated administrator or supervisor may collect data and evidence to demonstrate the Principal's, Vice Principal's, or Assistant Principal's progress toward his or her corrective action plan goals; **and**
 - b8. ~~Progress toward the goals outlined in the corrective action plan~~ **M**ay be used as evidence in the Principal's, Vice Principal's, or Assistant Principal's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.



69. Responsibilities of the evaluated Principal, Vice Principal, or Assistant Principal on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the ~~Superintendent~~ or designated administrator or supervisor.
740. The Superintendent or **his or her designee**, ~~designated administrator or supervisor~~ and the Principal, as appropriate, shall conduct a mid-year evaluation of any Principal, Vice Principal, or Assistant Principal pursuant to N.J.S.A. 18A:6-121.c. ~~If the corrective action plan was created before the start of the year, the mid-year evaluation shall occur midway between the development of the corrective action plan and the annual summary conference.~~ **The mid-year evaluation shall occur approximately midway between the development of the corrective action plan and the expected receipt of the next annual summative rating.** The mid-year evaluation shall include, at a minimum a conference to discuss progress toward the Principal's, Vice Principal's, or Assistant Principal's goals outlined in the corrective action plan. The mid-year evaluation conference may be combined with a post-observation conference.
844. The Superintendent shall ensure Principals, Vice Principals, and Assistant Principals with a corrective action plan receive one observation and a post-observation **conference** in addition to the observations required in N.J.A.C. 6A:10-5.4 for the purpose of evaluation as described in N.J.A.C. 6A:10-1.2 and 5.4. ~~The Superintendent or Principal shall determine the length of the observation.~~
942. The corrective action plan shall remain in effect until the Principal, Vice Principal, or Assistant Principal receives his or her next summative evaluation rating.
10. **There shall be no minimum number of Principal, Vice Principal, or Assistant Principal working days a Principal's, Vice Principal's, or Assistant Principal's corrective action plan can be in place.**
- I. Components of Principal Evaluation Rubrics – N.J.A.C. 6A:10-5.1
1. Unless otherwise noted, the components of the principal evaluation rubrics shall apply to teaching staff members holding the position of Principal, Vice Principal, or Assistant Principal and holding a valid and effective standard, provisional, or emergency administrative certificate.



2. The principal evaluation rubric shall meet the standards provided in N.J.S.A. 18A:6-123, including, but not limited to:
 - a. Measures of student achievement pursuant to N.J.A.C. 6A:10-5.2; and
 - b. Measures of principal practice pursuant to N.J.A.C. 6A:10-5.3 and 5.4.
3. To earn a summative rating, the Principal, Vice Principal, or Assistant Principal shall have a student achievement score, pursuant to N.J.A.C. 6A:10-5.2 and a principal practice score pursuant to N.J.A.C. 6A:10-5.3 and 5.4.
4. Each score shall be converted to a percentage weight so all measures make up 100 percent of the evaluation rubric. By August 31 prior to the ~~academic~~ **school** year in which the evaluation rubric applies, the Department shall provide on its website the required percentage weight of each component and the required summative rating scale. All components shall be worth the following percentage weights or fall within the following ranges:
 - a. If, according to N.J.A.C. 6A:10-5.2(b), the Principal, Vice Principal, or Assistant Principal receives a school-wide student growth percentile score as described in N.J.A.C. 6A:10-5.2(c), the score shall be at least ten percent and no greater than forty percent of evaluation rubric rating as determined by the Department.
 - b. Measure of average student growth objective for all teachers, as described in N.J.A.C. 6A:10-5.2(d), shall be at least ten percent and no greater than twenty percent of evaluation rubric rating as determined by the Department.
 - c. Measure of administrator goal, as described in N.J.A.C. 6A:10-5.2(e), shall be no less than ten percent and no greater than forty percent of evaluation rubric rating as determined by the Department.
 - d. Measure of principal practice, as described in N.J.A.C. 6A:10-5.3(b), shall be ~~thirty~~ **no less than fifty** percent of evaluation rubric rating.



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- e. ~~Measure of leadership practice, as described in N.J.A.C. 6A:10-5.3(c), shall be twenty percent of evaluation rubric rating.~~
- f. ~~Notwithstanding the provisions of a. through e. above, if an appeal of the administrator goal is approved, according to N.J.A.C. 6A:10-5.2(e)5, the administrator goal weight and the principal practice weight shall be adjusted by the Superintendent or the Commissioner, as applicable according to N.J.A.C. 6A:10-5.2(e)5.~~
5. Standardized assessments, used as a measure of student progress, shall not be the predominant factor in determining a Principal's annual summative rating.
6. The Department shall periodically collect principal evaluation rubric data that shall include, but are not limited to, component-level scores and annual summative ratings.
- J. Student Achievement Components of Principal Evaluation Rubrics – N.J.A.C. 6A:10-5.2
1. Measures of student achievement shall be used to determine impact on student learning and shall include the following components:
- a. The school-wide student growth percentile of all students assigned to the Principal;
- b. Average student growth objective scores of every teacher, as described in N.J.A.C. 6A:10-4.2(e), assigned to the Principal; and
- c. Administrator goals set by Principals, Vice Principals, **or** ~~and~~ Assistant Principals in consultation with **their** ~~the Superintendent~~ ~~or~~ designated administrator or supervisor pursuant to N.J.A.C. 6A:10-5.2(e), which shall be specific and measurable, based on student growth and/or achievement data.
2. The school-wide student growth percentile score shall be included in the annual summative rating of Principals, Vice Principals, and Assistant Principals who are assigned to a school as of October 15 and who are employed in schools where student growth percentiles are available for students in one or more grades. If the Principal, Vice Principal, or Assistant Principal is employed in more than one school, the



Superintendent shall assign to the Principal, Vice Principal, or Assistant Principal, as appropriate, the school-wide student growth percentile from one school and shall notify the Principal, Vice Principal, or Assistant Principal at the beginning of the school year of the student growth percentile assignment.

3. The Department shall calculate the school-wide student growth percentile for Principals, Vice Principals, and Assistant Principals.
4. The average student growth objective scores of all teachers, as described in N.J.A.C. 6A:10-4.2(e), shall be a component of the Principal's annual summative rating. The average student growth objective scores for Vice Principals or Assistant Principals shall be determined according to the following procedures:
 - a. The Principal, in consultation with the Vice Principal or Assistant Principal, shall determine prior to the start of the **school** year, which teachers, if not all teachers in the school, shall be linked to the Vice Principal's and Assistant Principal's average student growth objective score.
 - b. If the Vice Principal or Assistant Principal does not agree with the list of teachers linked to his or her name for the purposes of this measurement, the Principal shall make the final determination.
5. Administrator goals for Principals, Vice Principals, or Assistant Principals shall be developed and measured according to the following procedures:
 - a. The ~~Superintendent~~ **designated administrator or supervisor** shall determine for all Principals, Vice Principals, or Assistant Principals, the number of required administrator goals which shall reflect the achievement of a significant number of students within the school. By August 31 prior to the ~~academic~~ **school** year in which the evaluation rubric applies, the Department shall provide on the Department's website the minimum and maximum number of required goals, which will be at least one goal and no more than four goals.
 - b. Principals, Vice Principals, or Assistant Principals shall develop, in consultation with **their** ~~the Superintendent or~~ designated administrator or supervisor, each administrator goal. **Each** Vice Principals and Assistant Principals shall set goals specific to his or



her job description or adopt the same goals as his or her Principal. If the Principal, Vice Principal, or Assistant Principal and ~~Superintendent~~ **his or her** or designated administrator or supervisor do not agree upon the **administrator** goal score, the Principal's, Vice Principal's, or Assistant Principal's ~~Superintendent~~ or designated administrator or supervisor shall make the final determination.

c. Administrator goals and the criteria for assessing performance based on those objectives shall be determined, recorded, and retained by the Principal, Vice Principal, or Assistant Principal and **his or her** the ~~Superintendent~~ or designated administrator or supervisor by October 31 of each ~~academic~~ **school** year, or within ~~twenty~~ **twenty-five working work** days of the Principal's, Vice Principal's, or Assistant Principal's start date if he or she begins work after October 1.

d. The administrator goal score shall be ~~calculated~~ **approved** by the ~~Superintendent~~ or designated administrator or supervisor of the Principal, Vice Principal, or Assistant Principal. The Principal's, Vice Principal's, or Assistant Principal's administrator goal score, if available, shall be discussed at his or her annual summary conference and recorded in his or her personnel file.

~~6. The Superintendent shall remove a teacher's student growth objective score from the Principal's, Vice Principal's, or Assistant Principal's final average student growth objective score for the 2013-2014 academic year and adjust the annual summative rating accordingly if:~~

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

~~b. Failure to remove the score would cause the Principal's, Vice Principal's, or Assistant Principal's annual summative rating to be ineffective or partially effective.~~

K. Principal Practice Component of Evaluation Rubric – N.J.A.C. 6A:10-5.3



1. Measures of principal practice shall include ~~the following components: a. —A~~ **a** measure determined through a Commissioner-approved principal practice instrument; and **may include b.—A** **a** leadership measure determined through the Department-created leadership rubric.
 2. Principal practice component rating shall be based on the measurement of the Principal's, Vice Principal's, or Assistant Principal's performance according to the school district's Commissioner-approved principal practice instrument. Observations pursuant to N.J.A.C. 6A:10-5.4 shall be used as one form of evidence for this measurement.
 3. Leadership practice shall be determined by a score on a leadership rubric, which will assess the Principal's, Vice Principal's, or Assistant Principal's ability to improve student achievement and teaching staff member effectiveness through identified leader behaviors. The rubric will be posted on the Department's website and annually maintained.
- L. Principal, Vice Principal, and Assistant Principal Observations – N.J.A.C. 6A:10-5.4
1. The Superintendent or **his or her designee**, ~~designated administrator or supervisor~~ shall conduct observations for the evaluation of Principals pursuant to N.J.S.A. 18A:6-121 and he or she shall be trained pursuant to N.J.A.C. 6A:10-2.2(b).
 2. A Principal, or the Superintendent **or his or her designee** ~~or designated administrator or supervisor~~, shall conduct observations for the evaluation of Vice Principals and Assistant Principals pursuant to N.J.S.A. 18A:6-121.
 3. For the purpose of collecting data for the evaluation of a Principal, Vice Principal, or Assistant Principal, an observation, as described in N.J.S.A. 18A:6-119 and N.J.A.C. 6A:10-1.2, may include, but is not limited to: building walk-through, staff meeting observation, parent conference observation, or case study analysis of a significant student issue.
 4. Post-observation conferences shall include the following procedures:
 - a. ~~A Superintendent or~~ designated administrator or supervisor who **is** ~~was~~ present at the observation shall conduct a post-observation



conference with the Principal, Vice Principal, or Assistant Principal being observed. A post-observation conference shall occur no more than fifteen Principal, Vice Principal, or Assistant Principal working days following each observation.

- b. The post-observation conference shall be for the purpose of reviewing the data collected at the observation, connecting the data to the principal practice instrument and the Principal's, Vice Principal's, or Assistant Principal's individual professional development plan, collecting additional information needed for the evaluation, and offering areas to improve effectiveness.
 - c. With the consent of the observed Principal, Vice Principal, or Assistant Principal, post-observation conferences for individuals who are not on a corrective action plan may be conducted via written communication, including electronic communication.
 - d. One post-observation conference may be combined with the Principal's, Vice Principal's, or Assistant Principal's annual summary conference as long as it occurs within the required fifteen Principal, Vice Principal, or Assistant Principal working days following the observation.
 - e. A written or electronic **observation evaluation** report shall be signed by the ~~Superintendent~~ or designated administrator or supervisor who conducted the observation and post-observation and the Principal, Vice Principal, or Assistant Principal who was observed.
 - f. The Principal, Vice Principal, or Assistant Principal shall submit his or her written objection(s) of the evaluation within ten ~~Principal, Vice Principal, or Assistant Principal~~ working days following the conference. The objection(s) shall be attached to each party's copy of the annual ~~written~~ performance report.
5. Each tenured Principal, Vice Principal, and Assistant Principal shall be observed as described in N.J.A.C. 6A:10-5.4, at least two times during each school year. Each nontenured Principal, Vice Principal, and Assistant Principal shall be observed as described in N.J.A.C. 6A:10-5.4 at least three times during each school year, as required by N.J.S.A. 18A:27-3.1. An additional observation shall be conducted pursuant to N.J.A.C.



6A:10-2.5~~(h)~~(h) for Principals, Vice Principals, and Assistant Principals who are on a corrective action plan.

M. Principal Practice Instrument – N.J.A.C. 6A:10-7.3

1. The principal practice instrument approved by the Department shall meet the following criteria:
 - a. Incorporate domains of practice and/or performance criteria that align to the 2008 ISLLC Professional Standards for School Leaders developed by the Interstate School Leadership Licensure Consortium incorporated herein by reference, available at:

http://www.ccsso.org/documents/2008/educational_leadership_policy_standards_2008.pdf;
 - b. Include scoring guides for assessing ~~teacher~~ **principal** practice that differentiate among a minimum of four levels of performance, and the differentiation has been shown in practice and/or research studies. Each scoring guide shall clearly define the expectations for each category and provide a conversion ~~for the~~ **to** four **rating** categories: ~~ineffective, partially effective, effective, and highly effective~~;
 - c. **Rely on, to the extent possible, Be based on** multiple sources of evidence collected throughout the **school year, including, but not limited to, evaluation of a Principal's leadership related to:**
 - (1) **Implementing high-quality and standards-aligned curriculum, assessments, and instruction; and**
 - (2) **Evaluating the effectiveness of teaching staff members and supporting their professional growth.**
 - d. ~~Incorporate an assessment of the Principal's leadership for implementing a rigorous curriculum and assessments aligned to the Core Curriculum Content Standards;~~ **Include descriptions of specific training and implementation details required for the instrument to be effective.**
 - e. ~~Incorporate an assessment of the Principal's leadership for high-quality instruction;~~



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- ~~f. — Include an assessment of the Principal's performance in evaluating teachers; and~~
 - ~~g. — Include an assessment of the Principal's support for teachers' professional growth.~~
- ~~2. — For Commissioner approval of a principal practice instrument in 2015 or any year thereafter, the instrument shall include a process to assess competency on the evaluation instrument which the school district may choose to use as a measure of competency.~~

Adopted: 08 April 2014

Revised: 12 May 2016; _____



[See POLICY ALERT Nos. 145, 187, 202, 209 and 212]

3240 PROFESSIONAL DEVELOPMENT FOR TEACHERS ~~TEACHING STAFF~~ AND SCHOOL LEADERS

The Board of Education encourages all teaching staff members to pursue a program of continuing professional development by course work or matriculation in institutions of higher learning, participation in workshops and conferences, membership in professional organizations, and/or independent scholarship.

Teaching staff members may be permitted to: visit other schools and classrooms; attend local, regional, or national conferences; participate in committees, workshops, and panels, both within and outside the district. Requests for participation in such professional development activities must be submitted in writing to the Superintendent or designee for approval. In addition, the Board of Education must approve all travel expenditures in accordance with N.J.S.A. 18A:11-12 and the State of New Jersey Department of the Treasury, Office of Management and Budget Circulars 08-19-OMB and 06-14-OMB (OMB Circulars) and any superseding circulars and any additional requirements set forth in N.J.A.C. 6A:23A-7 et seq.

A teaching staff member who has been granted time off and/or approved to be reimbursed for a professional development activity shall submit to the Superintendent or designee, with a copy to the School Business Administrator/Board Secretary, within ten working days, a brief written report that includes the primary purpose of the travel, the key issues addressed at the event, and their relevance to improving instruction or the operations of the school district.

All active teachers, defined as staff whose positions require possession of the instructional or educational services certificates in accordance with N.J.A.C. 6A:9B-8 through 11 and 13 and all active school leaders serving on a permanent or interim basis whose positions require possession of the Chief School Administrator, Principal, or Supervisor endorsement in accordance with N.J.A.C. 6A:9B-12 shall comply with the professional development requirements as outlined in N.J.A.C. 6A:9C-4.1 et seq.

To meet the professional development requirement, each teacher shall be guided by an individual Professional Development Plan (PDP), which shall include at least twenty hours per year of qualifying activities as outlined in N.J.A.C. 6A:9C-4.4. The PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3.3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3. The PDP shall be ~~effective for one year,~~



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updated annually **in accordance with N.J.A.C. 9C-4.4(c) and modified during the year as outlined in N.J.A.C. 9C-4.4(d)**, and shall include ~~at least the minimum requirements outlined in N.J.A.C. 6A:9C-4.4(e).~~

District-level and school-level professional development planning and implementation shall be in accordance with the requirements of N.J.A.C. 6A:9C-4.2.

Implementation of the professional development requirement for school leaders shall be in accordance with N.J.A.C. 6A:9C-4.3.

The Board of Education shall comply with the monitoring and assistance requirements as outlined in N.J.A.C. 6A:9C-4.4.

The Board shall monitor and enforce the professional development requirements for teachers and school leaders set forth in N.J.A.C. 6A:9C-4.1 et seq. and shall actively assist and support the provision of opportunities and resources, and the efforts by teachers and school leaders to meet the professional development requirements.

N.J.S.A. 18A:31-2; 18A:6-111

N.J.A.C. 6A:9-3.3; 6A:13-2.1; 6A:9B-8 through 13; 6A:9C-3.3;
6A:9C-4.1 et seq.

Adopted: 17 July 2012

Revised: 13 September 2016; _____



[See POLICY ALERT Nos. 145, 187, 202, 209 and 212]

R 3240 PROFESSIONAL DEVELOPMENT FOR TEACHERS AND
SCHOOL LEADERS

A. Definitions (N.J.A.C. 6A:9C-2.1)

1. The definitions set forth in N.J.A.C. 6A:9-2.1 shall apply to the words and terms used in N.J.A.C. 6A:9C-3 et seq. and 6A:9C-4 et seq. and Policy and Regulation 3240.

B. Components of Professional Development – (N.J.A.C. 6A:9C-3.2)

1. Professional development shall align with the Professional Standards for Teachers and the Professional Standards for School Leaders in N.J.A.C. 6A:9-3, the standards for professional learning in N.J.A.C. 6A:9C-3.3, student learning and educator development needs, and school, school district, and/or State improvement goals.
2. Professional development shall encompass a broad range of professional learning that contributes to improved practice, including, but not limited to, participation in the work of established collaborative teams of teachers, school leaders, and other administrative, instructional, and educational services staff members who commit to working together to accomplish common goals and who are engaged in a continuous cycle of professional improvement focused on:
 - a. Evaluating student learning needs through ongoing reviews of data on student performance; and
 - b. Defining a clear set of educator learning goals based on the rigorous analysis of data on student performance.
3. Professional learning shall incorporate coherent, sustained, and evidenced-based strategies that improve educator effectiveness and student achievement, such as job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills to their work.
4. Professional learning may be supported by external expert assistance or additional activities that:



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- a. Address defined student and educator learning goals;
 - b. Advance primarily ongoing school-based professional learning; and
 - c. Include, but are not limited to, courses, workshops, institutes, networks, and conferences provided by for-profit and nonprofit entities outside the school such as universities, educational service agencies, technical assistance providers, networks of content specialists, and other education organizations and associations.
- C. Standards for Professional Learning (N.J.A.C. 6A:9C-3.3)
1. Professional learning that increases educator effectiveness and improves results for all students shall be guided by the following standards:
 - a. Learning communities: Occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment;
 - b. Leadership: Requires skillful leaders who develop capacity, advocate, and create support systems for professional learning;
 - c. Resources: Requires prioritizing, monitoring, and coordinating resources for educator learning;
 - d. Data: Uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;
 - e. Learning designs: Integrates theories, research, and models of human learning to achieve its intended outcomes;
 - f. Implementation: Applies research on change and sustains support for implementation of professional learning for long-term change; and
 - g. Outcomes: Aligns its outcomes with educator performance and student curriculum standards.



- D. Requirements for and Implementation of Teachers' Individual Professional Development Plans (N.J.A.C. 6A:9C-4.4)
1. Each teacher shall be guided by an individualized Professional Development Plan (PDP), pursuant to N.J.S.A. 18A:6-128.a, which shall include at least twenty hours per year of qualifying experiences. The twenty-hour annual requirement shall be based on the length of full-time employment and reduced by a pro rata share reflecting part-time employment, or an absence, including the use of family or medical leave.
 2. The content of each individual PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3.
 3. **Each teacher's individual PDP shall be updated annually no later than October 31, except:**
 - a. **If the teacher is hired after October 1, the PDP shall be developed within twenty-five working days of his or her hire.**
 43. The individual PDP shall be ~~effective for one year, updated annually, and~~ modified during the year, as necessary, and shall specify at least:
 - a. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation; and
 - b. One area for development of professional practice derived from individual, collaborative team, school, or school district improvement goals.
 54. Progress on the individual PDP shall be discussed at the annual summary conference, pursuant to N.J.A.C. 6A:10-2.4, but may occur more frequently throughout the year.
 65. Evidence of progress toward meeting the requirements of the teacher's individual PDP may be provided by the teacher and/or his or her **designated** supervisor, and shall be reviewed as part of each annual summary conference.



- ~~6. All teachers governed by the professional development requirements shall have an individual PDP within thirty instructional days of the beginning of their respective teaching assignments.~~
7. A teacher's individual PDP goals may necessitate more than the recommended minimum requirements outlined in N.J.A.C. 6A:9C-4.
8. Additional hours of qualifying experiences may be required for teachers in low-performing schools, as determined by the Commissioner of Education.
9. The teacher's designated supervisor shall:
 - a. Use the teacher performance evaluation process and the professional development planning process to monitor each teacher's progress in meeting the professional development requirements and shall take appropriate steps to assure such progress. If a teacher's progress is found to be inadequate, the teacher's designated supervisor shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and
 - b. Maintain accurate records of each teacher's progress in meeting the individual professional development requirements, pursuant to N.J.A.C. 6A:9C-4.3 and N.J.A.C. 6A:9C-4.4. Such records shall include a copy of each teacher's current PDP and timeline, as well as any documentation and evidence showing the teacher's progress toward meeting the plan's requirements.
10. If a teacher leaves the employ of one New Jersey school district and is hired by another, the previous employing school district shall share with the new employing school district the teacher's individual PDP and all supporting documentation. If the current individual PDP is found to be unsuitable to the teacher's new assignment, the new employing school district shall ensure a revised individual PDP and timeline is created ~~within thirty days of hire by the employee's new supervisor in collaboration with the new teacher~~ **in accordance with N.J.A.C. 6A:9C-4.4.**



- E. School-Level Plans for Professional Development Implementation (N.J.A.C. 6A:9C-4.2)
1. The Principal shall oversee the development and implementation of a plan for school-level professional development and shall ensure:
 - a. The school-level professional development plan includes a description of school-level and team-based professional learning aligned with identified school goals, and includes teacher and student learning needs; and
 - b. All teachers receive the necessary opportunities, support, and resources to complete individual professional development requirements pursuant to N.J.A.C. 6A:9C-4.4(a).
 2. The school-level plan shall become part of the school district plan for professional development overseen and reviewed by the Superintendent of Schools.
- F. Requirements for District-Level Plans for Professional Development Implementation (N.J.A.C. 6A:9C-4.2)
1. The school district plan shall provide information on school-level and district-wide professional development learning opportunities, the resources being allocated toward their support, a justification for the expenditures, and include any professional development required by statute or regulation.
 2. The Superintendent of Schools or designee shall oversee the development and implementation of the school district plan to address the school district's professional development needs and shall review on an annual basis the school district plan to assess its effectiveness and revise it, as necessary, to meet the school district's learning goals for students, teachers, and school leaders.
 3. When overseeing and reviewing the school district plan, the Superintendent or designee shall:
 - a. Review school-level professional development plans;



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- b. Assess the learning needs of students, teachers, and school leaders based on educator evaluation data, school-level plans, and data from school- and district-level performances;
 - c. Plan, support, and implement professional learning activities that address the **New Jersey Student Learning Standards** ~~CCCS~~, and that align with the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3 and the Professional Standards for Teachers and School Leaders in N.J.A.C. 6A:9-3;
 - d. Develop and update, as necessary, the district mentoring plan for non-tenured teachers including novice professional teachers who hold a CE or CEAS, in accordance with N.J.A.C. 6A:9C-5.3;
 - e. Present the plan to the Board of Education to review for fiscal impact; and
 - f. Certify annually to the Department of Education, through a statement of assurance, that the school district is meeting the requirements for the school district plan as set forth in N.J.A.C. 6A:9C-4.2 and that it includes requirements of the district mentoring plan pursuant to N.J.A.C. 6A:9C-5.3.
4. School districts sending to the same middle and/or high school may form a regional consortium to develop one district-wide plan based on the sending schools' plans.
- G. Requirements for and Implementation of School Leaders' Professional Development Plans (N.J.A.C. 6A:9C-4.3)
1. Each school leader shall create, implement, and complete an individual PDP that:
 - a. Aligns with the Professional Standards for School Leaders set forth in N.J.A.C. 6A:9-3.4 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3;
 - b. Derives from the results of observations, evidence, and recommendations included in the annual performance evaluation of the school leader;
 - c. Identifies professional learning goals that address specific individual, school, or school district goals;



- d. Grounds professional learning in objectives related to improving teaching, learning, and student achievement, and aligns to the school and/or school district plan for professional development; and
 - e. Includes training on: school law, ethics, and governance pursuant to N.J.S.A. 18A:26-8.2 and other statutory requirements related to student safety, bullying and harassment, and well-being.
2. **Each school leader's individual PDP shall be developed by October 31 except:**
- a. **If the school leader is hired after October 1, the PDP shall be developed within twenty-five working days of his or her hire.**
32. The Superintendent of Schools shall develop an individual PDP for review by the Board of Education. In developing the individual PDP, the following process shall be followed:
- a. The Board shall review the Superintendent's individual PDP, including the individual training needs pursuant to N.J.A.C. 6A:9C-4.3(a)5, and shall ensure the individual PDP aligns to school district goals and to the school district's plan for professional development.
 - b. The Superintendent shall submit annually to the Board evidence of progress toward completion of the individual PDP. The Superintendent also shall submit every three to five years, depending on the length of his or her contract with the Board, summative evidence of plan completion.
 - c. The Superintendent may appeal to the Executive County Superintendent if he or she disagrees with the Board regarding PDP contents or progress toward completion. The Executive County Superintendent shall have final decision-making authority on all such matters.
43. **Each** ~~Leaders~~ whose positions requires a Principal or supervisor endorsement, or whose positions requires a Chief School Administrator endorsement but who **does** ~~de~~ not serve as a Chief School Administrator or Superintendent of a school district, shall develop in collaboration with **his or her designated supervisor** ~~the Superintendent or designee~~ an individual PDP and shall provide evidence **to his or her designated**



- supervisor** of progress toward fulfillment of his or her plan. Each Superintendent or designee shall:
- a. Review each Principal's, supervisor's, or other school leader's individual PDP, including the individual training needs pursuant to N.J.A.C. 6A:9C-4.3(a)5, and shall ensure it aligns to school and school district goals and the school district's plan for professional development;
 - b. Meet with the Principal, supervisor, or other school leader at mid-year to assess progress toward his or her PDP's completion or modification; and
 - c. Review the individual PDP's status as part of the Principal's, supervisor's, or other school leader's annual performance evaluation.
54. The school leader's designated supervisor, or the Board of Education in the case of the Superintendent, shall:
- a. Use the performance evaluation process and professional development planning process to monitor the school leader's progress in meeting the professional development requirements. If a school leader's progress is found to be inadequate, the school leader's designated supervisor or the Board shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and
 - b. Maintain accurate records of each school leader's progress in meeting the individual professional development requirements, pursuant to N.J.A.C. 6A:9C-4.3. Such records shall include a copy of each school leader's current PDP and timeline, as well as any documentation and evidence showing the school leader's progress toward meeting the plan's requirements.
65. If a school leader leaves the employ of one New Jersey school district and is hired by another, the school leader's designated supervisor, or the Board of Education in the case of the Superintendent, shall ensure a revised individual PDP appropriate to the new assignment is developed in collaboration with the school leader.



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H. Assistance (N.J.A.C. 6A:9C-4.1)

1. The Board of Education shall ensure all teachers and school leaders receive the necessary opportunities, support, and resources to engage in ongoing professional learning and to complete the requirements of their respective professional development plans.

Issued: 6 December 2010

Approved: 15 January 2013

Revised: 12 August 2016; _____



4127 TERMS AND CONDITIONS FOR CONFIDENTIAL
AND NON-REPRESENTED/SUPERVISORY STAFF

This policy sets forth terms and conditions of employment for those employees who are not members of a bargaining unit with which the Board has a collective bargaining agreement and/or are not covered by an individual employment contract approved by the Board.

A. Definitions:

1. “Immediate family” members shall include husband, wife, children, mother, father, grandparents, sisters, brothers, sisters-in-law, brothers-in-law, parents-in-law and other relatives who reside in the employee’s household.
2. “Salary” is defined as the employee’s base pay excluding stipends, overtime, compensatory time off, or tax-sheltered annuity contributions by the Board.
3. “Year” and “work year” are defined as the period from July 1 to June 30.

B. Work Year

The work year for twelve (12) month employees shall be two hundred sixty (260) days. The work year for ten (10) month employees shall be two hundred seventeen (217) days.

C. Part-time employees

Employees who work at least 20 hours per week and at least 217 days per year will earn the benefits discussed in this policy on a pro-rated basis.

D. Vacation

Employees shall be granted twenty (20) days of paid vacation each year. Employees shall accrue vacation at a rate of thirteen and one-third (13.33) hours per month worked. Employees who wish to carry over vacation time from one year to the next must have the advance approval of the Superintendent. Employees will be permitted to carry over a maximum of five (5) days of accrued, unused vacation. Employees may have a maximum total accumulation of twenty five (25) days vacation at any given time. Employees hired after the beginning of the school year will earn vacation time on



a pro-rated basis of thirteen and one-third (13.33) hours per month worked. An employee must work past the 15th day of the month to accrue vacation for that month.

E. Holidays

The employee will be entitled to paid time off for the following ~~eleven~~ **thirteen (13)** holidays:

1. Independence Day (or designated State day) for 12-month employees only
2. Labor Day
3. Thanksgiving Day
4. Day after Thanksgiving
5. Christmas Eve
6. Christmas Day
7. New Year's Day
8. **Floating Day over December Holiday Recess**
9. **Martin Luther King Day**
- ~~8~~ 10. Presidents' Day
- ~~9~~ 11. Memorial Day
- ~~10~~ 12. Good Friday
- ~~11~~ 13. New Year's Eve Day

F. Paid Leaves of Absence

1. Sick Leave

Employees will be credited with their annual allotment of sick leave on the first workday of the year. An employee must subsequently earn the accrued leave at the rate of one (1) day of paid sick leave for each month worked during the school year. A twelve-month employee who works a full year will earn twelve (12) days; a ten-month employee who works a full year will earn ten (10) days. Accrued but unused sick leave will accumulate from year to year.

2. Personal Leave

Employees may take up to four (4) days of personal leave each year. Personal leave should be requested for personal business which cannot be scheduled outside of business hours or for religious holidays that are not included in section E of this policy. Leave requests must be submitted for approval to the employee's immediate supervisor at least one week in advance of the time at which it must be taken, except in cases of emergency. Personal leave may not



be requested by an employee on a day immediately preceding or immediately following a vacation day or holiday. Personal leave will not be granted during the week immediately preceding the start of school or the last week of school. Requirements for advance approval of personal leave and restrictions of use adjacent to holidays, vacation, the week before school starts and the last week of school do not apply in an emergency. The Superintendent may require proof of an actual emergency after the employee returns from emergency leave.

3. **Compassionate Leave**

The use of compassionate leave is restricted to illness or emergencies in the immediate family. An employee may use unused personal days to build a compassionate leave bank containing a maximum of eight (8) days. Once banked, single compassionate leave days may be used by the employee with permission of the employees supervisor. Employees who desire to use two (2) or more compassionate leave days in succession, or who wish to use a compassionate leave day in tandem with personal days, holidays or vacation days, must secure the approval of the Superintendent.

4. **Bereavement Leave**

Employees make take up to five (5) consecutive days of paid leave in the event of a death in the immediate family. Absence due to the death of a non-immediate family member or a non-family member living in the employee's home shall be allowed for one (1) day for the day of the funeral. Up to an additional two (2) days may be granted for travel at the discretion of the Superintendent.

5. **Jury Duty/Court Leave**

Absence from work by reason of subpoena or jury duty shall be allowed at no loss in pay. The District reserves the right to review the circumstances surrounding the request for court leave due to subpoena. The District may deny court leave by reason of subpoena if the employee stands to gain from the court appearance or cause of action itself.

G. ~~Unpaid Leaves of Absence~~

± 6. **Pregnancy Disability Leave**



- a. An employee may, upon confirmation of her pregnancy, apply to the Board for a disability leave. Such leave will be granted in conformance with the following procedures.
- b. Such request will be accompanied by a physician's written confirmation of the anticipated date of disability and the anticipated date of delivery. This confirmation shall be sent to the Superintendent no later than sixty (60) days prior to the anticipated date of delivery, except in the case of emergency.
- c. The employee may use all or part of her accumulated sick days during the period of the disability, and the Board shall grant such use under the same terms and conditions governing leave of absence for other illness or medical disabilities.
- d. The period of disability leave for pregnancy shall be determined by the employee's physician subject to confirmation by the Board's physician if required by the Superintendent. Differences of opinion will be resolved in accordance with the provisions of paragraph g. (2) (iii) below.
- e. In addition to the medical certificate of disability referenced in F (1) b. above, all employees shall be required to produce an additional medical certificate within fourteen (14) calendar days following the date of the delivery. This certificate shall state the specific period and termination date of the post-partum disability period. In the event that normal conditions do not prevail for post-partum, the employee's physician may submit an additional certificate of disability.
- f. The Board shall not maintain any policy or practice for removal of any employee from her duties based solely on pregnancy or term of pregnancy but shall consider the employee's ability to perform the essential duties of the job and treat each employee on an individual basis.
- g. The Board may remove any pregnant employee from her duties on any one of the following bases:
 1. Performance: Her work performance has declined because of disability from the time immediately prior to her pregnancy



2. Physical incapacity: Her physical condition or capacity is such that her health would be impaired if she were to continue or resume working, and which physical incapacity shall be deemed to exist only if:
 - i. the pregnant employee fails to produce a certificate from her doctor that she is medically able to continue work following a request by the Board for such certification ;
or
 - ii. the Board's physician and the employee's physician agree that she cannot continue working; or
 - iii. following any difference of medical opinion between the Board's physician and the employee's physician, the Board requests expert consultation in which case the Morris County Medical Society shall appoint an impartial third physician who shall examine the employee and whose medical opinion shall be conclusive and binding on the issue of medical capacity to continue working or to remain on disability leave due to pregnancy. The expense of any examination by an impartial third physician shall be borne by the Board.
- h. The employee may return to work immediately following the medically-certified disability period established under section F (1) (d) or (e) above.
- i. In the event that normal conditions attendant upon pregnancy and birth do not prevail, the employee may apply to the Board in writing to return to her position prior to the end of the disability period for which leave had been requested initially. Such return shall be effective no later than seventy-five (75) calendar days from the date of application by the employee seeking early return from disability leave. During this period of time between the end of the medical disability period and the date of return to duty, the employee shall be placed on an unpaid leave of absence.

G. Unpaid Leaves of Absence

1. **Federal Family and Medical Leave Act (FMLA), New Jersey Family Leave Act (NJFLA)**



a. See Policy 4431.1 Family Leave (M)

2. Child-Rearing Leave

- a. In the case of the birth or adoption of a child, any employee with three or more years of continuous service in the district immediately prior to the leave request will have the right to apply for a leave of absence without pay for child-rearing purposes. In cases where both spouses are employed in this district, only one parent will be eligible to apply for such leave at any one time.
- b. A child-rearing leave may be granted for not more than two (2) years from the birth or adoption of the child.
- c. Application for a child rearing leave must be filed at least sixty (60) days before the anticipated birth or adoption of the child. Application shall specify the intended period of leave requested by the employee. Application deadlines may be waived in the case of emergency.
- d. Child-rearing leave for employees on pregnancy disability leave shall begin immediately upon the termination of the pregnancy disability as certified by the employee's physician subject to Section F(1)(e) above.
- e. Notification by the employee of intent to return from leave, request for a leave extension, or request for shortening of time for a previously-approved child-rearing leave must be submitted to the Superintendent no later than sixty (60) days before the expiration of the leave. Failure to give written notice of intent to return from leave may be considered job abandonment and lead to termination of employment.
- f. A child-rearing leave may be granted to an employee with less than three (3) years of continuous experience but shall not be extended beyond June 30 in the "contract year" which the leave began.
- g. Any employee returning from child rearing leave is entitled to all benefits to which employees returning from other unpaid leave would be entitled.

H. Health Benefits



Employees will be provided health insurance benefits, beginning in the first workday following sixty (60) calendar days of employment, under a plan established by the Board. The health insurance provider(s) will be determined by the Board.

I. Tax Sheltered Plans

Any employee who works twenty (20) hours per week or more is eligible to participate in tax-sheltered plans upon employment. The Board will match the employee's contribution up to 6% of the employee's yearly salary. The Board match will vest at 20% per year over a five (5) year period. The Board match will be fully vested on the date of the employee's 5 (five) year anniversary of employment.

J. Professional Association Membership Fees

The employee may be reimbursed for the cost of membership fees charged by local, state, regional and national professional associations with approval by the Superintendent. The employee must, at the request of the Superintendent or the Board, submit reports on the benefits of maintaining these memberships and activities with these associations.

K. Continuing Educational Reimbursement

The employee shall be reimbursed for 75% of registration fees, tuition, and text books for undergraduate and graduate school work taken in a subject matter related to the professional responsibilities of the employee and approved by the Superintendent. The reimbursement should not exceed \$5,000 per work year. The employee shall comply with the current Board policy with respect to submission of itemized statements and documentation verifying the expenses for which the continuing educational reimbursement is sought.

L. Professional Development

With prior approval of the Superintendent, the employee may be excused from work to attend appropriate professional meetings at the local, state or national level with approval of the Superintendent. Under the travel reimbursement policy No. 6471, subject to the Superintendent's decision to set lower limits, the employee will be reimbursed for reasonable costs of attending professional development. These costs include attendance, travel, food and lodging, providing the costs do not exceed the reimbursement limits set by the Superintendent.



M. Evaluations

All employees with less than three (3) years of service will be evaluated by their immediate supervisor three (3) times each year. Employees with three (3) or more years of service shall receive an evaluation once each year performed by the immediate supervisor. The timing, form of the evaluation instrument, and process and procedures regarding the evaluations will be established by the Superintendent.

N. Termination and Non Renewal

If any employee is lawfully precluded from performing the employee's duties by any judgment, order or direction of any court of competent jurisdiction or the Commissioner of Education, the employee's employment will terminate.

Employees must provide thirty (30) days notice prior to resignation. Such notice should be in writing and sent via certified mail, addressed to the Superintendent.

The Board may terminate the employee's employment, in accordance with applicable state laws or regulations adopted by the New Jersey State Board of Education.

O. Payment for unused sick days

Employees who leave the employ of the Board, and who at the time of separation become officially retired, under the provisions of the NJ State Pension Plan, shall receive reimbursement from the Board for a percentage of accrued but unused sick days. The percentage shall be thirty-three percent (33%). Sick leave payment will be calculated as follows:

1. A day's pay shall be calculated by using $\frac{1}{260}$ of the contracted salary of the employee for twelve-month employees and $\frac{1}{217}$ for ten-month employees.
2. The formula to be used to determine the amount to be paid will be; the current salary divided by 260 (**217 for ten-month employees**), times the accumulated but unused sick day bank, times 33%.
3. There will be a cap of \$10,000 for sick time payout.
4. Sick time payout upon retirement may be made over two (2) fiscal years at the discretion of the Superintendent.



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5. In the event of the death of an employee who has completed fifteen (15) years of service in the district, payment of such terminal pay as calculated in accordance with numbers 1 – 4 above shall accrue to said employee's estate and/or designated beneficiary(s). Payment of such entitlement shall be made to the beneficiary and/or estate in lump sum payment within one (1) month of the death or within the calendar year.

Adopted: 17 July 2012

Revised: 20 November 2012; 17 June 2014 (formerly 3127); _____



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Eligibility of Resident/Nonresident Students

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R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

A. Definitions

1. "Affidavit student" means a student attending, or seeking to attend, school in a district pursuant to N.J.S.A. 18A:38-1.b and N.J.A.C 6A:22-3.2(a).
2. "Appeal" means contested case proceedings before the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
3. "Applicant" means a parent, guardian, or a resident supporting an affidavit student who seeks to enroll a student in a school district; or an unaccompanied homeless youth or adult student who seeks to enroll in a school district.
4. "Commissioner" means the Commissioner of Education or his/her designee.
5. "Guardian" means a person to whom a court of competent jurisdiction has awarded guardianship or custody of a child, provided that a residential custody order shall entitle a child to attend school in the residential custodian's school district unless it can be proven that the child does not actually live with the custodian. "Guardian" also means the Department of Children and Families for purposes of N.J.S.A. 18A:38-1.e.

B. Eligibility to Attend School – Students Domiciled in the District

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district if the student is domiciled within the district:



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Eligibility of Resident/Nonresident Students

- a. A student is domiciled in the school district when he or she is living with a parent or guardian whose domicile is located within the school district.
 - (1) When a student's parents or guardians are domiciled within different school districts and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the school district of the parent or guardian with whom the student lives for the majority of the school year. This provision shall apply regardless of which parent has legal custody.
 - (2) When a student's physical custody is shared on an equal-time, alternating week/month or other similar basis so the student is not living with one parent or guardian for a majority of the school year and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the present domicile of the parent or guardian with whom the student resided on the last school day prior to October 16 preceding the application date.
 - (a) When a student resided with both parents or guardians, or with neither parent or guardian, on the last school day prior to the preceding October 16, the student's domicile is the domicile of the parent or guardian with whom the parents or guardians indicate the student will be residing on the last school day prior to the ensuing October 16. When the parents or guardians do not designate or cannot agree upon the student's likely residence as of that date, or if on that date the student is not residing with the parent or guardian previously indicated, the student shall attend school in the school district of domicile of the parent or guardian with whom the student actually lives as of the last school day prior to October 16.



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Eligibility of Resident/Nonresident Students

- (b) When the domicile of the student with disabilities as defined in N.J.A.C. 6A:14 cannot be determined pursuant to N.J.A.C. 6A:22-3.1, nothing shall preclude an equitable determination of shared responsibility for the cost of such student's out-of-district placement.
 - (3) When a student is living with a person other than a parent or guardian, nothing in N.J.A.C. 6A:22-3.1 is intended to limit the student's right to attend school in the parent or guardian's school district of domicile pursuant to the provisions of N.J.A.C. 6A:22.
 - (4) No school district shall be required to provide transportation for a student residing outside the school district for all or part of the school year unless transportation is based upon the home of the parent or guardian domiciled within the school district or otherwise required by law.
- b. A student is domiciled in the school district when he or she has reached the age of eighteen or is emancipated from the care and custody of a parent or guardian and has established a domicile within the school district.
- c. A student is domiciled in the school district when the student has come from outside the State and is living with a person domiciled in the school district who will be applying for guardianship of the student upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-54 ("home state" definition) and 2A:34-65.a(1). However, a student may later be subject to removal proceedings if application for guardianship is not made within a reasonable period of time following expiration of the mandatory waiting period or if guardianship is applied for and denied.
- d. A student is domiciled in the school district when his or her parent or guardian resides within the school district on an



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all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.

- e. A student is domiciled in the school district if the Department of Children and Families is acting as the student's guardian and has placed the student in the school district.
2. When a student's dwelling is located within two or more school districts, or bears a mailing address that does not reflect the dwelling's physical location within a municipality, the school district of domicile for school attendance purposes shall be the municipality to which the majority of the dwelling's property tax is paid, or to which the majority of the dwelling's or unit's property tax is paid.
 - a. When property tax is paid in equal amounts to two or more municipalities, and there is no established assignment for students residing in the affected dwellings, the school district of domicile for school attendance purposes shall be determined through assessment of individual proofs as provided pursuant to N.J.A.C. 6A:22-3.4.
 - b. This provision shall not preclude the attendance of currently enrolled students who were permitted to attend the school district prior to December 17, 2001.
 - c. When a student's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 shall exclude a student's right to attend the school district of domicile although the student is qualified to attend a different school district pursuant to N.J.S.A. 18A:38-1.b or the temporary residency (less than one year) provision of N.J.S.A. 18A:38-1.d.
 3. Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other section of law to the contrary, a child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in any of the armed forces of the United States in a time of war or national emergency, shall be permitted to remain enrolled in the school district in which the



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Eligibility of Resident/Nonresident Students

child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. The school district shall not be responsible for providing transportation for the child if the child lives outside of the district. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

C. Eligibility to Attend School – Other Students Eligible to Attend School

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b if that student is kept in the home of a person other than the student's parent or guardian, and the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child.

a. A student is not eligible to attend this school district pursuant to this provision unless:

(1) The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and that the student is not residing with the other person solely for the purpose of receiving a free public education; and

(2) The person keeping the student has filed, if so required by the Board of Education:

(a) A sworn statement that he or she is domiciled within the school district, is supporting the child without remuneration and intends to do so for a longer time than the school term, and will assume all personal obligations for the student pertaining to school requirements; and



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Eligibility of Resident/Nonresident Students

- (b) A copy of his or her lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner.
 - b. A student shall not be deemed ineligible under this provision because required sworn statement(s) cannot be obtained when evidence is presented that the underlying requirements of the law are being met, notwithstanding the inability of the resident or student to obtain the sworn statement(s).
 - c. A student shall not be deemed ineligible under this provision when evidence is presented that the student has no home or possibility of school attendance other than with a school district resident who is not the student's parent or guardian, but is acting as the sole caretaker and supporter of the student.
 - d. A student shall not be deemed ineligible under this provision solely because a parent or guardian gives occasional gifts or makes limited contributions, financial or otherwise, toward the student's welfare provided the resident keeping the student receives from the parent or guardian no payment or other remuneration for regular maintenance of the student.
 - e. Pursuant to N.J.S.A. 18A:38-1.c, any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another school district commits a disorderly persons offense.
2. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and the parent or guardian is a member of the New Jersey National Guard or the



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Eligibility of Resident/Nonresident Students

reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency.

- a. Eligibility under this provision shall cease at the end of the school year during which the parent or guardian returns from active military duty.
3. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.d if the student's parent or guardian temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere.
 - a. When required by the Board of Education, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of the student attending the school district of temporary residence;
 - b. When one of a student's parents or guardians temporarily resides in a school district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with N.J.A.C. 6A:22-3.1(a)1i. However, no student shall be eligible to attend school based upon a parent or guardian's temporary residence in a school district unless the parent or guardian demonstrates, if required by the Board of Education, the temporary residence is not solely for purposes of a student's attending the school district.
4. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.f if the student's parent or guardian moves to another school district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2, Education of Homeless Children.



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Eligibility of Resident/Nonresident Students

5. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-2 if the student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2. As used in this section, “court order” shall not encompass orders of residential custody under which claims of entitlement to attend a school district are governed by provisions of N.J.S.A.18A:38-1 and the applicable standards set forth in N.J.A.C. 6A:22.
6. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-3.b if the student previously resided in the school district and if the parent or guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the school district. A school district admitting a student pursuant to N.J.S.A. 18A:38-3.b shall not be obligated for transportation costs.
7. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend the school district pursuant to N.J.S.A.18A:38-7.7 et seq. if the student resides on Federal property within the State.
8. In accordance with N.J.S.A. 18A:38-1.1, a student who is not considered homeless under N.J.S.A. 18A:7B-12 and who moves to a new school district during the academic year as a result of a family crisis shall be permitted to remain enrolled in the original school district of residence for the remainder of the school year without the payment of tuition. A student attending an academic program during the summer, who is otherwise eligible except for the timing of the move, shall be permitted to remain in the school district for the remainder of the summer program if it is considered an extension of the preceding academic year.



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Eligibility of Resident/Nonresident Students

- a. For purposes of N.J.A.C. 6A:22-3.2(h) and Policy and Regulation 5111, "family crisis" shall include, but not be limited to:
 - (1) An instance of abuse such as domestic violence or sexual abuse;
 - (2) A disruption to the family unit caused by death of a parent or guardian; or
 - (3) An unplanned displacement from the original residence such as fire, flood, hurricane, or other circumstances that render the residence uninhabitable.

- b. Upon notification of the move by the parent or guardian, the original school district of residence shall allow the student to continue attendance and shall provide transportation services to and from the student's new domicile in accordance with N.J.S.A. 18A:39-1. The original school district of residence may request from the parent or guardian and may review supporting documentation about the reason(s) for the move; however, any such review shall not interrupt the student's continued enrollment in the school district and in the current school of attendance with the provision of transportation.
 - (1) Examples of documentation include, but are not limited to, newspaper articles, insurance claims, police or fire reports, notes from health professionals, custody agreements, or any other legal document.

- c. If the parent or guardian or the relevant documentation indicates the child is homeless pursuant to N.J.S.A. 18A:7B-12, the school district liaison shall assume the coordination of enrollment procedures pursuant to N.J.A.C. 6A:17-2.5 and the student shall not be eligible for enrollment under N.J.S.A. 18A:38-1.1.



- d. If the original school district of residence determines the situation does not meet the family crisis criteria outlined in 8.a. above, the Superintendent or designee shall notify the parent or guardian in writing. The notification shall inform the parent or guardian of his or her right to appeal the decision within twenty-one calendar days of his or her receipt of the notification, and shall state that if such appeal is denied, he or she may be assessed the costs for transportation provided to the new residence during the period of ineligible attendance. It shall also state whether the parent or guardian is required to withdraw the student by the end of the twenty-one-day appeal period in the absence of an appeal.
- (1) The parent or guardian may appeal by submitting the request in writing with supporting documentation to the Executive County Superintendent of the county in which the original school district of residence is situated.
 - (2) Within thirty calendar days of receiving the request and documentation, the Executive County Superintendent shall issue a determination whether the situation meets the family crisis criteria set forth at 8.a. above. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued.
 - (3) If the Executive County Superintendent determines the situation does not constitute a family crisis, the school district may submit to the Executive County Superintendent for approval the cost of transportation to the ineligible student's new domicile. The Executive County Superintendent shall certify the transportation costs to be assessed to the parent or guardian for the period of ineligible attendance.



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Eligibility of Resident/Nonresident Students

- e. When the original school district of residence determines the situation constitutes a family crisis pursuant to N.J.S.A. 18A:38-1.1, the Superintendent or designee shall immediately notify the parent or guardian in writing.
 - (1) When the original school district of residence anticipates the need to apply for reimbursement of transportation costs, it shall send to the Executive County Superintendent a request and documentation of the family crisis for confirmation the situation meets the criteria set forth at 8.a. above.
 - (2) Within thirty days of receiving the school district's request and documentation, the Executive County Superintendent shall issue a determination of whether the situation meets the criteria for a family crisis. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued, and shall not be reimbursed for additional transportation costs unless the Executive County Superintendent determines the situation is a family crisis or as directed by the Commissioner upon appeal.
- f. In providing transportation to students under N.J.S.A. 18A:38-1.1, the Board shall use the most efficient and cost-effective means available and in conformance with all laws governing student transportation.
- g. At the conclusion of the fiscal year in which the Executive County Superintendent has determined the situation constitutes a family crisis, the original school district of residence may apply to the Executive County Superintendent for a reimbursement of eligible costs for transportation services.
 - (1) Eligible costs shall include transportation for students who are required to be transported pursuant to N.J.S.A. 18A:39-1.



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Eligibility of Resident/Nonresident Students

- (2) The school district shall provide documentation of the transportation costs for the eligible student(s) to the Executive County Superintendent who shall review and forward the information to the Department's Office of School Facilities and Finance for reimbursement payment(s) to the school district.
 - (3) Payment to the school district shall be made in the subsequent fiscal year and shall equal the approved cost less the amount of transportation aid received for the student(s).
- h. Nothing in N.J.A.C. 6A:22-3.2 shall prevent the Board of Education from allowing a student to enroll without the payment of tuition pursuant to N.J.S.A. 18A:38-3.a.
 - i. Nothing in N.J.A.C. 6A:22-3.2 shall prevent a parent or school district from appealing the Executive County Superintendent's decision(s) to the Commissioner in accordance with N.J.A.C. 6A:3-1.3. If the Commissioner of Education determines the situation is not a family crisis, his or her decision shall state which of the following shall pay the transportation costs incurred during the appeal process: the State, school district, or parent.
- D. Housing and Immigration Status
1. A student's eligibility to attend school shall not be affected by the physical condition of an applicant's housing or his or her compliance with local housing ordinances or terms of lease.
 2. Except as set forth in a. below, immigration/visa status shall not affect eligibility to attend school. Any student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, who is domiciled in the school district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 shall be enrolled without regard to, or inquiry concerning, immigration status.



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Eligibility of Resident/Nonresident Students

- a. However, the provisions of N.J.S.A. 18A:38-1 and N.J.A.C. 6A:22 shall not apply to students who have obtained, or are seeking to obtain, a Certificate of Eligibility for Nonimmigrant Student Status (INS Form I-20) from the school district in order to apply to the INS for issuance of a visa for the purpose of limited study on a tuition basis in a United States public secondary school ("F-1 Visa").

3. F-1 Visa Students

The school district will permit the attendance of F-1 Visa students into the school district with the payment of tuition with a signed tuition contract that may require advance payment of tuition providing the requested I-20 Form.

- E. Nothing in Policy and Regulation 5111 or N.J.A.C. 6A:22 shall be construed to limit the discretion of the Board to admit nonresident students, or the ability of a nonresident student to attend school with or without payment of tuition, with the consent of the district Board pursuant to N.J.S.A. 18A:38-3(a).

1. **All nonresident students being considered for admission to a District school shall be subject to the following terms and conditions:**

- a. **Any nonresident student applying for admission shall provide District administration with official copies of his or her academic and disciplinary records for the past five (5) years, if applicable;**
- b. **Any nonresident student being considered for admission shall be interviewed by District administration who shall make a recommendation based upon said interview and a review of the student's academic and disciplinary record to the Board regarding the student's fitness to attend District schools;**
- c. **Admission of any nonresident student shall also be contingent upon a finding by the administration that the District is able to provide the student with a**



thorough and efficient education and that there is sufficient space available to accommodate the student;

- d. If the Board determines that the nonresident student may be admitted to a District school, the parent(s) or guardian(s), and the student if eighteen-years of age, must sign an agreement agreeing that student will, among other things, abide by the District's student code of conduct, attendance requirements, and all Board policies and regulations;**
- e. The parent(s) or guardian(s) of any nonresident student admitted under this Regulation must render payment of tuition, as determined by the Board pursuant to relevant law, in full by certified check made payable to the Randolph Board of Education on or before September 1st of the school year for which the student will be enrolled, or if admitted midyear, by a date to be determined by the Administration;**
- f. The tuition amount to be paid to the Board pursuant to subsection (e) shall exclusively cover in-district regular education programs; if it is determined that the nonresident student requires additional services, including but not limited to special education or related services, the parent(s) or guardian(s) of the nonresident student shall bear sole financial responsibility for any and all additional services provided by the Board; if the nonresident student elects to participate in extracurricular programs and activities, the student's parent(s) or guardian(s) shall be responsible for any fees or costs associated with said activities;**
- g. The parent(s) or guardian(s) are required to notify the Administration at the time application is made to the District of any services, supports, or accommodations the nonresident student requires that are in addition to the District's regular education program;**
- h. The Board's decision to admit any nonresident student shall apply only to a single school year and shall not**



represent or imply a commitment to admit the child in the next or subsequent school years; the Board shall vote each year on the admission of any nonresident student if requested by the parent(s) or guardian(s) for future years and recommended by the Superintendent.

F. Proof of Eligibility

1. The Board of Education shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the district:
 - a. Property tax bills; deeds; contracts of sale; lease; mortgages; signed letters from landlords; and other evidence of property ownership, tenancy, or residency;
 - b. Voter registrations; licenses; permits; financial account information; utility bills; delivery receipts; and other evidence of personal attachment to a particular location;
 - c. Court orders; State agency agreements; and other evidence of court or agency placements or directives;
 - d. Receipts; bills; cancelled checks; insurance claims or payments; and other evidence of expenditures demonstrating personal attachment to a particular location, or to support the student;
 - e. Medical reports; counselor or social worker assessments; employment documents; unemployment claims; benefit statements; and other evidence of circumstances demonstrating family or economic hardship, or temporary residency;
 - f. Affidavits, certifications and sworn attestations pertaining to statutory criteria for school attendance, from the parent, guardian, person keeping an "affidavit student," adult student, person(s) with whom a family is living, or others as appropriate;



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- g. Documents pertaining to military status and assignment; and
 - h. Any other business record or document issued by a governmental entity.
2. The Board of Education may accept forms of documentation not listed above, and shall not exclude from consideration any documentation or information presented by an applicant.
3. The Board of Education shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form or subset of documents without regard to other evidence presented.
4. The Board of Education shall not condition enrollment on the receipt of information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school. They include, but are not limited to:
 - a. Income tax returns;
 - b. Documentation or information relating to citizenship or immigration/visa status, except as set forth in N.J.A.C. 6A:22-3.3(b);
 - c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
 - d. Social security numbers.
5. The Board of Education may consider, in a manner consistent with Federal law, documents or information referenced in 4. above, or pertinent parts thereof if voluntarily disclosed by the applicant. However, the Board of Education may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.
6. In the case of a dispute between the school district and the parents or guardians of a student in regard to a student's eligibility to



enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district.

G. Registration Forms and Procedures for Initial Assessment

1. The Board of Education shall use Commissioner-provided registration forms, or locally developed forms that:
 - a. Are consistent with the forms provided by the Commissioner;
 - b. Do not seek information prohibited by N.J.A.C. 6A:22 or any other provision of statute or rule;
 - c. Summarize, for the applicant's reference, the criteria for attendance set forth in N.J.S.A. 18A:38-1 and specify the nature and form of any sworn statement(s) to be filed;
 - d. Clearly state the purpose for which the requested information is being sought in relation to the criteria; and
 - e. Notify applicants that an initial eligibility determination is subject to a more thorough review and evaluation and that an assessment of tuition is possible if an initially admitted applicant is later found ineligible.
2. The Board of Education shall make available sufficient numbers of registration forms and trained registration staff to ensure prompt eligibility determinations and enrollment. Enrollment applications may be taken by appointment, but appointments shall be promptly scheduled and shall not unduly defer a student's attendance at school.
 - a. If the school district uses separate forms for affidavit student applications rather than a single form for all types of enrollment, affidavit student forms shall comply in all respects with the provisions of G.1. above. When affidavit student



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forms are used, the school district shall provide them to any person attempting to register a student of whom he or she is not the parent or guardian, even if not specifically requested.

- (1) The Board of Education or its agents shall not demand or suggest that guardianship or custody must be obtained before enrollment will be considered for a student living with a person other than the parent or guardian since such student may qualify as an affidavit student.
 - (2) The Board of Education or its agents shall not demand or suggest that an applicant seeking to enroll a student of whom the applicant has guardianship or custody produce affidavit student proofs.
- b. A district-level administrator designated by the Superintendent shall be clearly identified to applicants and available to assist persons who experience difficulties with the enrollment process.
3. Initial eligibility determinations shall be made upon presentation of an enrollment application and enrollment shall take place immediately except in cases of clear, uncontested denials.
 - a. Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2.
 - b. When a student appears ineligible based on information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the school



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district's determination and intent to appeal to the Commissioner.

- (1) An applicant whose student is enrolled pursuant to this provision shall be notified that the student will be removed, without a hearing before the Board, if no appeal is filed within the twenty-one-day period established by N.J.S.A. 18A:38-1.
4. When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of this written statement that the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school, designated staff shall report to the school district of actual domicile or residence, or the Department of Children and Families, a potential instance of "neglect" for purposes of ensuring compliance with compulsory education laws, N.J.S.A.9:6-1. Staff shall provide the school district or the Department of Children and Families with the student's name, the name(s) of the parent/guardian/resident, and the student's address to the extent known. Staff shall also indicate admission to the school district has been denied based on residency or domicile, and there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.
5. Enrollment or attendance in the school district shall not be conditioned on advance payment of tuition in whole or part when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information.
6. The Board of Education shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2 - Education of Homeless Children.



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7. Enrollment or attendance in the school district shall not be denied based upon absence of a certified copy of the student's birth certificate or other proof of his or her identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.
 8. Enrollment in the school district shall not be denied based upon absence of student medical information. However, actual attendance at school may be deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.
 9. When enrollment in the school district, attendance at school, or the receipt of educational services in the regular education program appears inappropriate, the student shall not be denied based upon the absence of a student's prior educational record. However, the applicant shall be advised the student's initial educational placement may be subject to revision upon the school district's receipt of records or further assessment of the student.
- H. Notice of Ineligibility
1. When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22 or the student's initial application is found to be deficient upon subsequent review or investigation, the school district shall immediately provide notice to the applicant that is consistent with Commissioner-provided sample form(s) and meets the requirements of N.J.A.C. 6A:22-4 et seq.
 - a. Notices shall be in writing; in English and in the native language of the applicant; issued by the Superintendent; and directed to the address at which the applicant claims to reside.
 2. Notices of ineligibility shall include:
 - a. In cases of denial, a clear description of the specific basis on which the determination of ineligibility was made: The description shall be sufficient to allow the applicant to understand the basis for the decision and determine whether to appeal; and



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- (1) The description shall identify the specific subsection of N.J.S.A. 18A:38-1 under which the application was decided.
 - b. In cases of provisional eligibility, a clear description of the missing documents or information that still must be provided before a final eligibility status can be attained under the applicable provision of N.J.S.A. 18A:38-1;
 - c. A clear statement of the applicant's right to appeal to the Commissioner of Education within twenty-one days of the date of the notice, along with an informational document provided by the Commissioner describing how to file an appeal;
 - d. A clear statement of the student's right to attend school for the twenty-one-day period during which an appeal can be made to the Commissioner. It also shall state the student will not be permitted to attend school beyond the twenty-first day following the notice date if missing information is not provided or an appeal is not filed;
 - e. A clear statement of the student's right to continue attending school while an appeal to the Commissioner is pending;
 - f. A clear statement that, if an appeal is filed with the Commissioner and the applicant does not sustain the burden of demonstrating the student's right to attend the school district, or the applicant withdraws the appeal fails to prosecute or abandons the appeal by any means other than settlement, the applicant may be assessed, by order of the Commissioner enforceable in Superior Court, tuition for any period of ineligible attendance, including the initial twenty-one-day period and the period during which the appeal was pending before the Commissioner;
 - g. A clear statement of the approximate rate of tuition, pursuant to N.J.A.C. 6A:22-6.3, that an applicant may be assessed for the year at issue if the applicant does not prevail on appeal, or elects not to appeal:



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- (1) If removal is based on the student's move from the school district, the notice of ineligibility shall also provide information as to whether district Policy permits continued attendance, with or without tuition, for students who move from the school district during the school year.
 - h. The name of a contact person in the school district who can assist in explaining the notice's contents; and
 - i. When no appeal is filed, notice that the parent or guardian shall still comply with compulsory education laws. In the absence of a written statement from the parent or guardian that the student will be attending school in another school district or non-public school or receiving instruction elsewhere than at a school, school district staff shall notify the school district of actual domicile/residence, or the Department of Children and Families, of a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1. For purposes of facilitating enforcement of the State compulsory education requirement (N.J.S.A. 18A:38-25), staff shall provide the student's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere.
- I. Removal of Currently Enrolled Students
 1. Nothing in N.J.A.C. 6A:22 and this Regulation shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information.
 2. When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board of Education for the student's removal.



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- a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2. However, the notice shall also provide for a hearing before the Board of Education prior to a final decision on removal.
 3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student," has been informed of his or her entitlement to a hearing before the Board of Education.
 4. Once the hearing is held, or if the parent, guardian, adult student, or resident keeping an "affidavit student," does not respond within the designated time frame to the Superintendent's notice or appear for the hearing, the Board of Education shall make a prompt determination of the student's eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2.
 5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board of Education or a Board committee, at the discretion of the full Board. If the hearing is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. However, no student shall be removed except by vote of the Board of Education taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.
- J. Appeal to the Commissioner
1. An applicant may appeal to the Commissioner of Education a school district determination that a student is ineligible to attend its schools. Appeals shall be initiated by petition, which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3.
 - a. Pursuant to N.J.S.A. 18A:38-1.b(1), appeals of "affidavit student" ineligibility determinations shall be filed by the resident keeping the student.
- K. Assessment and Calculation of Tuition



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1. If no appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an “affidavit” student following notice of an ineligibility determination the Board of Education may assess tuition for up to one year of a student’s ineligible attendance, including the twenty-one-day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner.
 - a. If the responsible party does not pay the tuition assessment, the Board of Education may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10 through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.
2. If an appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an “affidavit” student and the petitioner does not sustain the burden of demonstrating the student’s right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition for the period during which the hearing and decision on appeal were pending, and for up to one year of a student’s ineligible attendance in a school district prior to the appeal’s filing and including the twenty-one-day period to file an appeal.
 - a. Upon the Commissioner’s finding that an appeal has been abandoned, the Board of Education may remove the student from school and seek tuition for up to one year of ineligible attendance pursuant to N.J.A.C. 6A:22-6.1(a) plus the period of ineligible attendance after the appeal was filed. If the record of the appeal includes a calculation reflecting the tuition rate(s) for the year(s) at issue, the per diem tuition rate for the current year and the date on which the student’s ineligible attendance began, the Commissioner may order payment of tuition as part of his or her decision. In doing so, the Commissioner shall consider whether the ineligible attendance was due to the school district’s error. If the record does not include such a calculation and the Board of Education has filed a counterclaim for tuition, the



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counterclaim shall proceed to a hearing notwithstanding that the petition has been abandoned.

- b. An order of the Commissioner assessing tuition is enforceable through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division, in accordance with N.J.S.A. 2A:58-10.
3. Tuition assessed pursuant to the provisions of N.J.A.C. 6A:22-6 shall be calculated on a per-student basis for the period of a student's ineligible enrollment, up to one year, by applicable grade/program category and consistent with the provisions of N.J.A.C. 6A:23A-17.1. The individual student's record of daily attendance shall not affect the calculation.
4. Nothing in N.J.A.C. 6A:22 shall preclude an equitable determination by the Board of Education or the Commissioner that tuition shall not be assessed for all or part of any period of a student's ineligible attendance in the school district when the particular circumstances of a matter so warrant. In making the determination, the Board of Education or Commissioner shall consider whether the ineligible attendance was due to the school district's error.

Adopted: 15 January 2013

Revised: 15 November 2016; _____



[See POLICY ALERT No. 140, 144, 147, 176, 203 and 212]

5610 SUSPENSION

The Board of Education recognizes that even the temporary exclusion of a student from the educational program of this district is a severe sanction and one that cannot be imposed without due process.

Any student who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over ~~him~~ **the student**, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school. Conduct which shall constitute good cause for suspension or expulsion of a student guilty of such conduct shall include, but not be limited to, the conduct as defined in N.J.S.A. 18A:37-2 and the school district's Student Discipline/Code of Conduct Policy and Regulation in accordance with the N.J.A.C. 6A:16-7.1 et seq.

For the purposes of this ~~P~~policy, "suspension" means the temporary removal of a student from the regular instructional program.

For the purposes of this Policy, "short term suspension" means a suspension for one, but not more than ten consecutive school days and "long term suspension" means a suspension for more than ten consecutive school days.

In accordance with the provisions of N.J.S.A. 18A:37-4, a student may be suspended only by the Principal, who shall report any suspension to the Superintendent as soon as possible. The Superintendent shall report the suspension to the Board at its next regular meeting. The suspended student may be reinstated by the Principal or by the Superintendent prior to the second regular meeting of the Board following the suspension, unless the Board reinstates the student at the first regular meeting. No student suspended for reasons of assault upon a person in authority may be reinstated before the Board has held a hearing, within thirty calendar days of the suspension, to consider that student's expulsion from school. At its second regular meeting after the suspension and thereafter, the Board alone may reinstate the student or continue the suspension.

In accordance with the provisions of N.J.S.A. 18A:37-2a, a student in Kindergarten through grade two shall not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual nature that endangers



others. Students in preschool shall not receive an out-of-school suspension except as provided pursuant to the “Zero Tolerance for Guns Act,” N.J.S.A. 18A:37-7 et seq.

The district shall implement an early detection and prevention program to identify students in preschool through grade two who are experiencing behavioral or disciplinary problems and provide behavioral supports for these students which may include, but not be limited to, remediation of problem behaviors, positive reinforcements, supportive interventions, and referral services. An early detection program may be incorporated into the intervention and referral services required to be established in each school pursuant to State Board of Education regulations.

In each instance of a short-term suspension, the student will be provided oral or written notice of the charges and an informal hearing conducted by the Principal or designee in accordance with the procedures outlined in N.J.A.C. 6A:16-7.2. To the extent the student’s presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student’s educational program and the informal hearing shall be held as soon as practical after the suspension.

In each instance of a long-term suspension, the district shall assure the rights of the student pursuant to N.J.A.C. 6A:16-7.3.

The district will comply with the requirements of N.J.A.C. 6A:16-7.2 and 7.3, in addition to all the procedural protections set forth in N.J.A.C. 6A:14, for each student with a disability who is subject to a short-term or long-term suspension.

In each instance of a short or long-term suspension, the district shall provide academic instruction, either in school or out of school, that addresses the **New Jersey Student Learning Core Curriculum Content Standards** pursuant to N.J.A.C. 6A:8-3.1 et seq., which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10. These services shall be provided within five school days of the suspension. Educational services provided to a student with a disability shall be provided consistent with the student’s Individualized Education Program, in accordance with N.J.A.C. 6A:14.

Student records are subject to challenge by parents and adult students in accordance with N.J.A.C. 6A:32-7.7 and Policy and Regulation 8330. The name of a disciplined student will not appear in the agenda or minutes of a public meeting or in any public record of this district; any such student will be designated by code.



POLICY

RANDOLPH BOARD OF EDUCATION

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Suspension
May 17
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N.J.S.A. 18A:37-1; 18A:37-2 et seq.; 18A:37-4; 18A:37-5
N.J.S.A. 18A:54-20g [**vocational districts**]
N.J.A.C. 6A:16-7.2; 6A:16-7.3; 6A:32-7.7; 6A:14-2.8

Adopted: 17 July 2012
Revised: 21 October 2014; _____

DRAFT



[See POLICY ALERT Nos. 176, 203 and 212]

R 5610 SUSPENSION PROCEDURES

A. Short-Term Suspensions

1. In each instance of a short-term suspension, the Principal or designee, shall assure the rights of a student suspended for one, but not more than ten consecutive school days by providing for the following:
 - a. As soon as practicable, oral or written notice of charges to the student.
 - (1) When charges are denied, an explanation of the evidence forming the basis of the charges also shall be provided.
 - b. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of the events regarding his or her actions leading to the short-term suspension and is provided notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5.
 - (1) The informal hearing shall be conducted by a school administrator or designee;
 - (2) To the extent that a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student's educational program and the informal hearing shall be held as soon as practical after the suspension;
 - (3) The informal hearing should take place even when a school staff member has witnessed the conduct forming the basis of the charge; and
 - (4) The informal hearing and the notice given may take place at the same time.
 - c. Oral or written notification to the student's parent of the student's removal from the student's educational program prior to the end of



the school day on which the Principal decides to suspend the student. The notification shall include an explanation of:

- (1) The specific charges;
 - (2) The facts on which the charges are based;
 - (3) The provision(s) of the code of student conduct the student is accused of violating;
 - (4) The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.2; and
 - (5) The terms and conditions of the suspension.
- d. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day; and
- e. Academic instruction, either in school or out of school, that addresses the **New Jersey Student Learning Core Curriculum Content Standards**.
- (1) The student's academic instruction shall be provided within five school days of the suspension.
 - (2) At the completion of a short-term suspension, the Board of Education shall return a general education student to the general education program for which he or she was suspended.
 - (3) The academic instruction provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.
2. The Principal suspending the student shall immediately report the suspension to the Superintendent, who shall report it to the Board of Education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.



3. An appeal of the Board's decision affecting the general education student's educational program shall be made to the Commissioner, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
 4. For a student with a disability, the provisions set forth in N.J.A.C. 6A:16-7.2 shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.
- B. Long-Term Suspensions
1. In each instance of a long-term suspension, the Principal or designee shall assure the rights of a student suspended for more than ten consecutive school days by providing the following:
 - a. Notification to the student of the charges prior to the student's removal from school;
 - b. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of events regarding his or her actions leading to the long-term suspension and is provided notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;
 - c. Immediate notification to the student's parent of the student's removal from school;
 - d. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day;
 - e. Written notification to the parent by the Superintendent or designee within two school days of the initiation of the suspension, stating:
 - (1) The specific charges;
 - (2) The facts on which the charges are based;
 - (3) The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.3; and



- (4) Further engagement by the student in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the student's right to a free public education, in the event that a decision to expel the student is made by the Board, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.4.
- (a) The Board shall request from the parent and student written acknowledgement of the notification provided pursuant to N.J.A.C. 6A:16-7.3(a)5.iv subsequent to the removal of the student from his or her educational program, pursuant to N.J.A.C. 6A:16-7.3.
- f. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to j. below;
- g. For a student with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations;
- h. Information on the student's right to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)7;
- i. Either in- or out-of-school educational services that are comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with N.J.A.C. 6A:16-9 or 10.
- (1) The student's educational services shall be provided within five school days of the suspension.
- (2) The Board shall make decisions regarding the appropriate educational program and support services for the suspended general education student based on the **New Jersey Student Learning Core Curriculum Content** Standards and the following considerations:



- (a) A behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team, as appropriate;
 - (b) The results of relevant testing, assessments, or evaluations of the student;
 - (c) The student's academic, health, and behavioral records;
 - (d) The recommendation of the Superintendent, Principal, or other relevant school or community resource;
 - (e) Considerations of parental input; or
 - (f) Consultation with the Intervention and Referral Services Team, in accordance with N.J.A.C. 6A:16-8.
- (3) Educational services provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.
- j. A formal hearing before the Board that shall, at a minimum:
- (1) Be conducted by the Board or delegated by the Board to a Board committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations.
 - (a) Before taking final action, the Board as a whole shall receive and consider either a transcript or detailed report on the hearing.
 - (2) Include the opportunity for the student to:
 - (a) Confront and cross-examine witnesses, if there is a question of fact; and
 - (b) Present his or her own defense, and produce oral testimony or written supporting affidavits.



- (3) Take place no later than thirty calendar days following the day the student is suspended from the general education program; and
 - (4) Result in the Board's decision that shall be based, at a minimum, on the preponderance of competent and credible evidence.
- k. A written statement to the student's parent regarding the Board's decision within five school days after the close of the hearing. The statement shall include at a minimum:
- (1) The charges considered;
 - (2) A summary of the documentary or testimonial evidence from both the student and the administration that was brought before the Board at the hearing;
 - (3) Factual findings relative to each charge and the Board's determination of each charge;
 - (4) Identification of the educational services to be provided to the student, pursuant to i. above;
 - (5) The terms and conditions of the suspension; and
 - (6) The right to appeal to the Commissioner of Education the Board's decision regarding the student's general education program, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
- l. If at any time it is found that the student did not commit the offense, the student shall be immediately returned to the program from which he or she was removed; and
- m. At the completion of a long-term suspension, the Board shall return the general education student to the general education program.



2. An appeal of the Board's decision regarding the general education student's program shall be made to the Commissioner of Education, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
3. Suspension of a general education student shall not be continued beyond the Board's second regularly scheduled meeting following the suspension, unless the Board so determines, pursuant to N.J.S.A. 18A:37-5.
 - a. The Board shall determine whether to continue the suspension, pursuant to B.1. above, based on the following criteria:
 - (1) The nature and severity of the offense;
 - (2) The Board's removal decision;
 - (3) The results of relevant testing, assessments, or evaluations of the student; and
 - (4) The recommendation of the Superintendent, after considering input from the Principal or Director of the alternative education program or home or other in-school or out-of-school instruction program in which the student has been placed.
 - b. The Board shall develop and adopt policies and procedures providing for action on the continuation of student suspensions in the event of cancellation of the first or second regular Board meeting pursuant to N.J.S.A. 18A:37-4 and 5. In this unlikely event, a special committee of the Board, which will include the Superintendent of Schools or his/her designee, will be appointed by the Board President to make a decision on the continuation of the suspension. The committee's decision will be implemented subject to ratification of the committee's decision at the next regularly scheduled Board meeting.
4. When the Board votes to continue a general education student's suspension, it shall review the case, in consultation with the Superintendent, at each subsequent Board meeting for the purpose of determining:
 - a. The status of the student's suspension;



- b. The appropriateness of the suspended student's current educational program; and
 - c. Whether the suspended student's current placement, pursuant to i. above, should continue or whether the student should return to the general education program.
5. When the Board votes to continue a general education student's suspension, it shall make, in consultation with the Superintendent, the final determination on:
 - a. When the student is prepared to return to the general education program;
 - b. Whether the student will remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in B.3.a.(1) through (4) above; or
 - c. Whether to initiate expulsion proceedings in accordance with N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.4, and Policy 5620.
6. The Board shall provide a general education student suspended under N.J.A.C. 6A:16-7.3 with an appropriate educational program or services, based on the criteria set forth under B.1.i.(2) above, until the student graduates from high school or reaches the age of twenty, whichever comes first.
 - a. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is applicable; or
 - b. The educational services provided, either in-school or out-of-school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.
7. For a student with a disability who receives a long-term suspension, the Board shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the student's educational placement to an interim or alternate educational setting.



REGULATION

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- a. All procedural protections set forth in N.J.A.C. 6A:14 and N.J.A.C. 6A:16-7.3 shall be afforded to a student with a disability who is subjected to a long-term suspension.
- b. All decisions concerning the student's educational program or placement shall be made by the student's Individualized Education Program team.
- c. The provisions of B.2. through B.6. above shall not apply to students with disabilities.

Adopted: 15 January 2013

Revised: 21 October 2014; _____



[See POLICY ALERT Nos. 101, 140, 147, 166, 170, 176, 203 and 212]

5620 EXPULSION

The Board of Education recognizes that expulsion from this district is the most severe sanction that can be imposed upon a student.

The Board may expel a general education student from school, pursuant to N.J.S.A. 18A:37-2, only after the Board has provided the **following**:

1. **The** procedural due process rights set forth in N.J.A.C. 6A:16-7.1(c) 3 and 7.3, and as outlined in Policy and Regulation 5610, subsequent to a long-term suspension pursuant to N.J.A.C. 6A:16-7.3; and
2. ~~only after the Board has provided~~ An appropriate educational program or service, based on the criteria set forth under N.J.A.C. 6A:16-7.3(f) and as outlined in Regulation 5610.
 - a. The educational program or service shall be consistent with the provisions of N.J.A.C. **6A:16-9.2 - Program Criteria** ~~6A:16-9.1 et seq., Alternative Educational Programs, and~~; N.J.A.C. 6A:16-10.2; - Home or Out-of-School Instruction for General Education Students;; and N.J.A.C. 6A:14-2.1 et seq.; - Special Education, Procedural Safeguards; and N.J.A.C. 6A:14-4.31 et seq.; - Special Education, Programs **Options** ~~and Instruction~~, whichever are applicable;; **or**
 - b. The educational services provided, either in school or out-of-school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25.

An appeal of the Board's decision regarding the cessation of the student's general education program shall be made to the Commissioner of Education in accordance with N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3-1.3 through 1.17. The Board shall continue to provide an appropriate educational program or service in accordance with N.J.A.C. 6A:16-7.4(a)2 until a final determination has been made on the appeal of the Board's action to expel a student.

In accordance with the provisions of N.J.S.A. 18A:37-2a, a student in Kindergarten through grade two shall not be expelled from school, except as provided pursuant to



the “Zero Tolerance for Guns Act,” N.J.S.A. 18A:37-7 et seq. Students in preschool shall not be expelled, except as provided pursuant to the “Zero Tolerance for Guns Act,” N.J.S.A. 18A:37-7 et seq.

The district shall implement an early detection and prevention program to: identify students in preschool through grade two who are experiencing behavioral or disciplinary problems; and provide behavioral supports for these students which may include, but not be limited to, remediation of problem behaviors, positive reinforcements, supportive interventions, and referral services. An early detection program may be incorporated into the intervention and referral services required to be established in each school pursuant to State Board of Education regulations.

A student with a disability shall only be expelled from his or her current program in accordance with N.J.A.C. 6A:14 et seq. An expulsion of a student with a disability from a receiving school shall be handled in accordance with N.J.A.C. 6A:14 et seq.

N.J.S.A. 18A:36A-9; 18A:37-2; 18A:37-2a; 18A:37-2b
N.J.A.C. 6A:16-7.4; 6A:14 et seq.

Adopted: 17 July 2012

Revised: 21 October 2014; _____



[See ~~POLICY ALERT Nos. 206, 208 and 212~~]

8550 UNPAID MEAL CHARGES/OUTSTANDING FOOD SERVICE
CHARGES

The Board of Education understands a student may forget to bring breakfast or lunch, as applicable, or money to purchase breakfast or lunch to school on a school day. When this happens, the food service program **shall follow school district established procedures in Elementary, Middle and High School:**

~~Select Only One Option Below~~

~~[Option 1 — No Charging Permitted~~

~~_____ not provide a student a breakfast or lunch and will immediately inform the Principal or designee, who will contact the student's parent to arrange for breakfast or lunch or money for breakfast or lunch to be brought from home to school for the student.~~

~~A parent's refusal to provide lunch or breakfast for their child or money to purchase lunch or breakfast may be indicative of more serious issues in the family or household. In these situations, the Principal or designee shall consult with and seek necessary services from both the County Board of Social Services and the Department of Children and Families, Division of Child Protection and Permanency, as appropriate.~~

~~When a parent's routine failure to provide breakfast or lunch is reasonably suspected to be indicative of child abuse or neglect, the Principal or designee shall immediately report such suspicion to the Department of Children and Families, Division of Child Protection and Permanency as required in N.J.S.A. 9:6-8.10. Such reporting shall not be delayed to accommodate a parent's meeting with the Principal or designee.]~~

~~[Option 2 — No Lunch and/or Breakfast Served After Second Notice~~

Elementary School:



— provide a student a with breakfast or lunch with an expectation payment will be made the next school day or shortly thereafter. However, there may be circumstances when payment is not made and a student's school breakfast/lunch bill is in arrears. The school district will manage a student's breakfast or lunch bill that is in arrears in accordance with the provisions of N.J.S.A. 18A:33-21 and this Policy.

In the event a student's school breakfast or lunch bill is in arrears **in excess of \$12.00, the student will continue to receive lunch or breakfast and their account will be charged accordingly.** The Principal or designee shall contact the student's parent to provide notice of the amount in arrears and shall provide the parent a period of ten school days to pay the full amount due. If the student's parent does not make full payment to the Principal or designee by the end of the ten school days, the Principal or designee shall again contact the student's parent to provide a second notice that their child's breakfast or lunch bill is in arrears. ~~If payment in full is not made within one week from the date of the second notice, the student will not be served school breakfast or lunch, as applicable, without payment for that day's breakfast or lunch beginning the eighth calendar day from the date of the second notice.~~

A parent who has received a second notice their child's lunch or breakfast bill is in arrears and who has not made payment in full within one week from the date of the second notice will be requested to meet with the Principal or designee to discuss and resolve the matter.

A parent's refusal to meet or take other steps to resolve the matter may be indicative of more serious issues in the family or household. In these situations, the Principal or designee shall consult with and seek necessary services from both the County Board of Social Services and the Department of Children and Families, Division of Child Protection and Permanency, as appropriate.

When a parent's routine failure to provide breakfast or lunch is reasonably suspected to be indicative of child abuse or neglect, the Principal or designee shall immediately report such suspicion to the Department of Children and Families, Division of Child Protection and Permanency as required in N.J.S.A. 9:6-8.10. Such reporting shall not be delayed to accommodate a parent's meeting with the Principal or designee.



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Unpaid Meal Charges/Outstanding Food Service
Charges
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~~If the student's breakfast or lunch bill is in arrears, but the student has the money to purchase breakfast or lunch, the student will be provided breakfast or lunch and the food service program will not use the student's money to repay previously unpaid charges if the student intended to use the money to purchase that day's meal.~~

~~The food service program will prevent the overt identification of children through the method of payment used to purchase a meal and whose breakfast or lunch bill is in arrears.]~~

~~[Option 3 – Breakfast and/or Lunch will be Served After Second Notice~~

Middle and High School:

— provide a student a breakfast or lunch with an expectation payment will be made the next school day or shortly thereafter. However, there may be circumstances when payment is not made and a student's school breakfast or lunch bill is in arrears. The school district will manage a student's breakfast or lunch bill that is in arrears in accordance with the provisions of N.J.S.A. 18A:33-21 and this Policy.

In the event a student's school breakfast or lunch bill is in arrears in excess of \$12.00, the student will continue to receive lunch or breakfast and their account will be charged accordingly. The Principal or designee shall contact the student's parent to provide notice of the amount in arrears and shall provide the parent a period of ten school days to pay the full amount due. If the student's parent does not make full payment to the Principal or designee by the end of the ten school days, the Principal or designee shall again contact the student's parent to provide a second notice that their child's breakfast or lunch bill is in arrears. If payment in full is not made within one week from the date of the second notice, the student will be provided an basic alternate breakfast or lunch, as applicable, that will contain the essentials in balanced nutritional selections as prescribed by the Bureau of Child Nutrition Programs, New Jersey Department of Agriculture and the Food and Nutrition Services of the United State Department of Agriculture beginning the eighth calendar day from the date of the second notice. ~~This alternate meal will be provided until the bill is in arrears in excess of \$_____, at which time the student will not be served school breakfast or lunch, as applicable.~~



A parent who has received a second notice their child's lunch or breakfast bill is in arrears and who has not made payment in full within one week from the date of the second notice will be requested to meet with the Principal or designee to discuss and resolve the matter.

A parent's refusal to meet or take other steps to resolve the matter may be indicative of more serious issues in the family or household. In these situations, the Principal or designee shall consult with and seek necessary services from both the County Board of Social Services and the Department of Children and Families, Division of Child Protection and Permanency, as appropriate.

When a parent's routine failure to provide breakfast or lunch is reasonably suspected to be indicative of child abuse or neglect, the Principal or designee shall immediately report such suspicion to the Department of Children and Families, Division of Child Protection and Permanency as required in N.J.S.A. 9:6-8.10. Such reporting shall not be delayed to accommodate a parent's meeting with the Principal or designee.

~~**If the student's breakfast or lunch bill is in arrears, but the student has the money to purchase breakfast or lunch, the student will be provided breakfast or lunch and the food service program will not use the student's money to repay previously unpaid charges if the student intended to use the money to purchase that day's meal.**~~

~~**The food service program will prevent the overt identification of children through the method of payment used to purchase a meal and whose breakfast or lunch bill is in arrears.]**~~

In accordance with the provisions of the United States Department of Agriculture, this Policy shall be provided in writing to all households at the start of each school year and to households transferring to the school or school district during the school year. The school district may post this Policy on the school or school district's website provided there is a method in place to ensure this Policy reaches all households, particularly those households without access to a computer or the Internet.

This Policy shall also be provided to all school and food service staff responsible for the enforcement of this Policy, including school administrators to ensure this Policy is supported.



POLICY

RANDOLPH BOARD OF EDUCATION

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**Unpaid Meal Charges/Outstanding Food Service
Charges**
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The food service program will comply with all meal charge policy requirements of the United States and New Jersey Department of Agriculture and N.J.S.A. 18A:33-21.

N.J.S.A. 18A:33-21

United States Department of Agriculture SP 23-2017 – March 23, 2017

Adopted:

DRAFT

