

**NJPSA Testimony on A-5877/S4234 before the Assembly Education Committee
December 14, 2023**

Thank you for the opportunity to share the deep concerns of the NJ Principals and Supervisors Association (NJPSA) on A-5877, legislation that significantly changes the frequency, content, process, and goals of the current educator evaluation system set forth in TEACH NJ. This law was established in 2012, after almost a year of public discussion, bill revisions, and comprehensive stakeholder input. The reason the legislative process took so long was the importance of the issue of teacher quality with its direct impact on student achievement, the need to develop a fair evaluation system, aligned to professional standards of practice and informed by multiple objective measures of performance, and the complexity of the tenure process itself. The legislative goal of that critical law is important to remember today as we consider this bill: “To raise student achievement by improving instruction through the adoption of evaluations that provide specific feedback to educators, to inform the provision of aligned professional development and to inform personnel decisions.”

Our Unique Role and Perspective

Our members are doubly-covered by the TEACH NJ statute and the revisions contained in A-5877. We are both employees who are annually evaluated and rated under the evaluation processes of TEACH NJ **and** the certified supervisors charged with evaluating the teachers in our classrooms. We work with teachers on development of their annual student growth objectives (SGOs); we observe our teachers’ performance in the classroom on multiple occasions both formally and informally; we provide direct feedback, share ideas, and instructional strategies; we analyze the student performance data identified by the teacher (SGOs, test results); we work with teachers to establish their professional development goals and plans for the following year; and we develop the final summative evaluation of each teacher at the end of each school year. The substantive, procedural, and paperwork burden of this process is predominantly on the backs of principals and supervisors.

This might sound like a lot of work, and it is - but it is invaluable and rewarding work that makes a real difference in our classrooms. **Evaluation and performance feedback is a key element for every profession and professional, and nowhere is it more important than in education!**

In discussing this legislation with our members, **they clearly stated that teacher observation and evaluation is the most important work that they do in schools.** Why? Because **educational research has found for several decades that teacher performance and quality is the most important in-school factor determining student achievement and success.** As educational leaders, our members know this is true. Research has also found that our work as school leaders is the second most important in-school factor impacting student success. As a result, school leaders work hard to support the instructional process by engaging with their teachers, checking in during the school year, sharing ideas, providing support or modifications

to assist the teacher, recognizing good work, providing resources for professional growth, and, yes, addressing any issues where a teacher is not performing effectively. **All of this is based upon annual teacher evaluation which will be eliminated for the vast majority of New Jersey teachers if A-5877 is enacted as currently written.** We have great faith in the deliberative process that you demand as you develop legislation, Madam Chair, particularly where a bill has such potential negative impacts on students. We hope that today is the beginning of a conversation on this topic and ask that this bill will not be fast tracked in the haste of the lame duck session.

The Impact of A-5877

For the following reasons, NJPSA members are opposed to the idea of limiting the frequency of tenured teacher (and principal) evaluations based solely upon the last summative performance rating received:

- In the post-pandemic, world of our schools, supporting our teachers through observation, feedback, and assistance should be happening more frequently not less often, especially since staffing shortages and increased student needs have increased teachers' pressures and workload. Our members' teachers, including those rated highly effective and effective, have shared the value of the feedback, input and goal-setting involved in this annual summative evaluation process.
- Teacher performance is not always a straight line. A rating of effectiveness one year is no guarantee that the teacher will be effective next year, since many factors, including a change in teaching assignment, grade level, student class composition, courses taught, or personal issues can impact performance in the classroom. It is in the best interest of teachers and students to identify any teacher performance challenges early so they can be addressed before classroom instruction is impacted.
- Effectiveness ratings cover a wide range of performance levels. The process assigns weights for student performance data (test scores and SGOs as appropriate), and professional practice based upon evaluation rubrics that teachers actually select in each district. An educator rated "effective" may have barely achieved that rating by a tenth of a point above being rated partially effective. Are we saying that this teacher should be graced with a long window without observation or evaluations?
- The provisions of the bill which state that a newly tenured teacher (or principal) will not be evaluated until two years after tenure is acquired is wholly inappropriate and does not support or help retain the novice teacher. A newly tenured teacher needs the feedback and support of the evaluation process. This need is supported by the Governor's Staffing Shortages Taskforce Report which noted that nationally 50% of new teachers leave the profession within their first five years on the job. This provision does not serve our novice teachers or their students well and should be removed.
- The flexibility/discretion to "add" another year of evaluation should it be considered necessary creates dissension, not problem solving relationships. It also leads to potential

grievances and claims of disparate treatment of teachers, which does not promote a positive school climate.

- Basing the frequency of educator evaluations on the last performance rating does not promote professional growth. Exceptional teachers or leaders are not perfect; they can benefit from constructive feedback and discussions about professional growth. Most welcome it! The development of the PDP (professional development plan) is an important part of the evaluation process.
- If the paperwork burden of the SGO process is the real concern here, we should address that issue directly without upending the entire evaluative process of TEACH NJ. Let's use a scalpel, not a sledgehammer here. We are open to addressing SGOs in evaluation since they have become a compliance tool more than a formative tool to promote educator development. Although SGOs have served the purpose of leveling up teachers' data literacy and data-driven decision making processes, SGOs are often structured narrowly so they can be measured and reported in the evaluation process. This is not a true reflection of teacher performance, and we could support a new approach here. Additionally, the timing of the SGO setting process makes no sense. The NJDOE requires teachers to set their SGOs in October, a month into the school year, before teachers have gotten to know their students or their abilities. Let's address this!
- The summative evaluation is a precondition of tenure acquisition, but it is also critical where tenure charges may be in order for ineffective performance over time. Procedural requirements must be met in such cases and the bill creates a procedural nightmare for school administrators who have also taken on expanded roles, responsibilities, and challenges post-pandemic. An important outcome of TEACH NJ was a better and more effective process for the removal of a teacher or principal where warranted. The bill provisions mandating that employment decisions and timelines must be determined by an evaluation rating fails to take into account the context of the situation, the scope of the potential harm to student learning, and the procedural hurdles this creates if tenure charges are ultimately warranted.
- Current law requires the development of a corrective action plan and the chance for a teacher or principal to improve. This legislation seems to add an additional year to the process with the result of an ineffective teacher continuing to teach students for another year despite their unacceptable performance level. This is unfair to students, especially with learning recovery being such a big issue statewide.
- The bill raises many unanswered questions that need to be clarified in bill language, especially since the evaluation regulations are very detailed in requirements, timelines and processes. The bill does not address these important questions. What impact will this have on yearly observations of teachers? On corrective action plans? Observation is a required process **within** the annual evaluation process, and its results are part of a

teacher's summative rating. **Does the bill intend to say that supervisors cannot observe a teacher in their classroom in the years that a summative is not required?** Will a principal face a grievance for observing a teacher in their non-summative evaluation years under the bill? Our members want to see their teachers in action and help them hone their craft! The best observations are the unannounced ones where a "typical day" is seen as students and teachers interact.

- The bill also contains specific language stating that teachers cannot be required to collect "teacher generated student growth data" except in the years they receive a summative evaluation. This language is directly counterproductive to the instructional process where reviewing student data is critical to improving practice, making curricular changes, and developing strategies to improve performance. Collecting and sharing this data is an important part of a teacher's work, and administrators must have the authority to request that teachers provide such data which is important classroom, grade level and district goals. We recommend that this language be removed (paragraph 2(g) and (h)).
- During our discussions of teacher shortages and the development of educator pipelines to meet student needs, this Legislature has been thoughtful, deliberative, and supportive of the field. From considering bills to eliminate the EdTPA, to enacting certification changes such as waiving GPA requirements, to eliminating the Praxis basic skills test, you have carefully weighed whether the impact of the proposed change would negatively impact teacher quality. So have we. In reaching our collective decisions to support these changes (which could be argued as lowering teacher quality standards), **we relied upon the local district and its administrators to fill any gaps in teacher preparation by working to develop and support these brand new teachers who did not meet our traditional requirements.** Our members willingly took on this role so they could staff their classrooms and develop their teaching staff. **The key to the success of this effort, however, is the ability of local principals and supervisors to observe and evaluate their teachers.** Although this legislation does not apply to non-tenured teachers, the context of the entire situation must be considered, including the message we are sending these new teachers. Eliminating the tool of annual teacher evaluations, particularly where gaps may exist, and resurface down the road, is not supportive of our mutual goal of developing a quality teacher workforce.

In closing, NJPSA **strongly urges this committee to hold A-5877 in committee today.** This issue is vital to the quality of instruction in our schools and should not be rushed through in the lame duck session. We believe there is common ground on the issue of SGOs, but we need to take the time to have those important discussions before hastily enacting legislation that we may all come to regret. NJPSA has the utmost respect for you, Chairwoman Lampitt, and for your deliberative process in crafting legislation. We simply ask for the time needed to work together to address the real issues in educator evaluation. Thank you.

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