

TEACHNJ: Procedures Seeking to Ensure Quality Teacher Performance

By: Jennifer Mazawey, Esq. and Jennifer Paganucci, Esq.

On August 6, 2012, Governor Christie signed the Teacher Effectiveness and Accountability for the Children of New Jersey ("TEACHNJ") Act. TEACHNJ represents a significant change from the traditional methods to obtain tenure and methods to remove ineffective teachers from the classroom and focuses on professional development and the importance of performance evaluations.

Centered on a goal of increased student achievement through improved instruction, TEACHNJ requires all newly hired teachers to serve four years prior to obtaining tenure. During this period, teaching staff members must complete a mentoring program, and after completion, two of three summative evaluations must rank their performance as effective or highly effective in order to receive tenure.

Once tenured, teaching staff members must continue to maintain effective or highly effective performance ratings. Performance will be evaluated through use of Commissioner of Education approved evaluation rubrics. Districts must adopt an approved rubric by December 31, 2012 and will be required to implement a pilot program to test and refine the evaluation rubric for January 1, 2013. By the 2013-2014 school year the rubrics must be in place for all elementary, middle and high schools in a district. A model performance rubric will be made available by the Commissioner of Education and regulations to detail the required rubric approval standards will be promulgated. Individual schools are also now required to form school improvement panels, which monitor performance, identify professional development opportunities and conduct mid-year evaluation as necessary. TEACHNJ also recommends that this panel advise on mentoring programs and individual professional development plans.

In addition to the creation of new review procedures, TEACHNJ also drastically changes tenure charge proceedings. First, in some instances, the filing of charges will be mandatory. In addition, rather than proceeding to a hearing before an administrative law judge, the Commissioner will appoint an arbitrator to hear the case. The matter will then proceed before an arbitrator randomly selected from a panel of 25 permanent arbitrators in accordance with very strict timelines and discovery rules. The new procedures should significantly shorten the timeframe associated with tenure proceedings.

TEACHNJ establishes an entirely new system for evaluating performance and continuing employment as a public school teaching staff member. For more information on the impact of TEACHNJ, or to discuss strategies for implementation of TEACHNJ's requirements, please contact Jennifer Mazawey, at jmazawey@genovaburns.com, or Jennifer Paganucci, at jpaganucci@genovaburns.com, or 973-533-0777.