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Preface

This is the first paper in a series of white papers sponsored by the Kean University Center for History, Politics and Policy (CHPP). This paper, co-authored by Dr. Kathe Callahan and Dr. Leila Sadeghi, explores the challenges and opportunities of the newly enacted Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACH NJ).

On behalf of the University and the CHPP, we thank Dr. Callahan and Dr. Sadeghi for their contribution, and believe you will find this paper informative.

Terry Golway, Ph.D.

Director

Kean University Center for History, Politics, and Policy

About the Contributing Authors

Kathe Callahan, Ph.D., is an Assistant Professor and the coordinator of the doctoral program in the Department of Educational Leadership at the Nathan Weiss Graduate College. Dr. Callahan's research interests focus on civic engagement, public sector accountability and performance measurement. Dr. Callahan may be reached at kcallaha@kean.edu.

Leila Sadeghi, Ph.D., is an Assistant Professor in the Department of Educational Leadership at the Nathan Weiss Graduate College. Dr. Sadeghi's research focuses on school funding and issues in urban education policy. Dr. Sadeghi may be reached at lsadeghi@kean.edu.

New Jersey Teacher Tenure Reform

Kathe Callahan and Leila Sadeghi

Problem:

New Jersey's student achievement ranking is impressive; we're number two in the nation. BUT this ranking does not reflect the number of underperforming schools throughout the state that are failing our children. In April of this year, the New Jersey Department of Education (NJDOE) identified 370 schools in need of improvement. Of those, 75 were identified as priority schools – schools that have the lowest test scores and graduation rates in New Jersey. Most, if not all, of the underperforming schools are in the state's most economically distressed areas. Governor Christie has proposed a multi-faceted approach to improving educational outcomes for all students that includes, among other things, greater school choice (including vouchers and additional charter schools) and teacher tenure reform. This white paper will examine teacher tenure reform in New Jersey and the opportunities and challenges associated with implementing a fair, impartial and objective teacher evaluation system.

Policy Solution:

The Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACH NJ) was signed in to law on August 6, 2012.¹ The legislative intent is to make it more difficult for teachers to earn tenure and easier for school districts to eliminate underperforming teachers. The underlying assumption is that underperforming schools are underperforming because of bad teachers.

Under the old law, tenure was awarded after three years on the job. Under the new law, teachers are required to work for four years, with one of those years under the guidance of a mentor, and consistently earn good grades on annual performance evaluations before attaining tenure.

TEACH NJ also targets teachers who have already earned tenure. Prior to the new legislation, school districts could dismiss tenured teachers for “inefficiency,” but the process for doing so took years and could often cost districts hundreds of thousands of

¹ http://www.njleg.state.nj.us/2010/Bills/S3000/2925_I1.PDF

dollars, leading many school districts to avoid the process all together. Now, teachers will have 105 days after a school district files tenure revocation papers with the state to appeal the decision. Under the new law arbitration will take place outside of the courts and costs will be capped at \$7,500, which will be paid by the state.

Beginning in September 2013, all of New Jersey's teachers will be evaluated on an annual basis. The evaluations will be based on multiple observations of classroom performance as well as student learning outcomes. Rather than relying on absolute standardized test scores, a statistical formula will determine student growth from year to year (called value-added) and compare that growth to that of their peers. Every teacher will receive a summative rating of "highly effective," "effective," "partially effective," or "ineffective." Untenured teachers will be required to attain two positive evaluations within their first three years. And, in a major change in educational policy, tenured teachers may lose their jobs after two consecutive years of ineffective evaluations.

Implementation Challenges

In this paper we want to call attention to the implementation challenges associated with insuring the consistent utilization of a teacher evaluation system that is fair, reliable and objective; and is based on merit and free from political and personal preferences. In theory, the legislation sounds promising, but in reality, how do 2,500 schools in 590 operating school districts implement such a uniform teacher evaluation system?

No performance evaluation system is perfect and no performance assessment tool is purely objective. When dealing with people, politics, and personal relationships, objectivity is an elusive goal. Evaluation becomes all the more difficult when performance is linked to an outcome over which the person being evaluated has little direct control, such as student performance on standardized tests. Teachers certainly *influence* student learning, but they do not *control* it. Just as police officers influence the crime rate, but they do not control it. External factors like poverty, illiteracy, family structure and community conditions influence the outcomes of both. So while teacher accountability for student learning is critical, we have to be cautious in our assumptions about causality and we have to be deliberate in the selection of evaluation tools.

It is also important to remember: “what gets measured matters” and therefore dictates behavior. If a police officer’s performance is measured, in part, on the number of tickets issued, she’s going to issue more tickets. If a teacher’s performance is measured, in part, by student performance on standardized tests, she’s going to teach to the test. Holding teachers accountable for the results on standardized tests, some argue, has the potential of not only teaching to the test, but also to a “dumbing down” of the curriculum to focus exclusively on tested subjects. Students lose instruction time in some areas, including the arts and music, that enhance the development of non-cognitive behaviors.

Current Strategy

Central to TEACH NJ is an evaluation system for teachers that examines both in-classroom teaching practices and student learning. The evaluation system will utilize approved evaluation instruments and professional standards that look at teaching practices and student learning. A statewide database will be used to collect individual student assessment on standardized tests and link the results to individual teachers through class rosters. Again, evaluators are looking at the value-added scores that track growth.

According to the New Jersey Education Association (NJEA), the state’s largest teachers union, each school will establish a School Improvement Panel that will consist of a principal (or designee), an assistant or vice principal, and a teacher. The teacher will be a “person with a demonstrated record of success in the classroom,” chosen in consultation with the union.²

The School Improvement Panel will be responsible for overseeing the mentoring of new teachers and will conduct the classroom evaluations of all teachers. NJEA will not allow teachers to take part in the classroom evaluations, unless agreed to by the union. NJEA wanted this provision included in the legislation so teachers would not be put in the difficult situation of evaluating other teachers.

² <http://www.njea.org/issues-and-political-action/tenure>

The School Improvement Panels will utilize state approved teacher evaluation frameworks such as the Danielson model, the Marzano model, the McREL teacher evaluation system, or the Stronge teacher evaluation system—all of which are currently being piloted across school districts in New Jersey. School districts may use one of these NJDOE approved teacher evaluation frameworks or they may develop their own, but all frameworks must be approved by the state.³

Concerns

Performance-based teacher evaluations must be approached and measured in realistic ways. Teacher evaluation systems are not perfect and effective teachers are not the product of formulas. Research shows us that much of what effective teachers do cannot be measured by categorical ratings. However, that is not to say we should not attempt to define what effective teachers do and make every effort to replicate it.

Additional concerns include:

- The evaluation system is intended to include teacher observations and student learning outcomes, yet the percent to which each of these will be weighted is vague and not clearly defined.
- The variations in teacher evaluation instruments will pose challenges for comparing results among comparable school districts.
- Tracking student growth will be complicated by mobility – students enrolling in different schools or moving to a different school district.
- Value-added measures of growth in test scores can be distorted. Gifted and talented students performing at the 98th percentile will show little growth just as special needs students will show inadequate gains.

³ <http://www.nj.gov/education/EE4NJ/faq/>

<http://www.state.nj.us/education/EE4NJ/providers/>

- The administrative burden for NJDOE and local school districts will be significant. Some policy analysts forecast the statewide cost to be as much as \$60 million and that does not include the cost of mentoring new teachers.
- There is no hard rule on how many “effectives” or “highly effectives” are needed to gain tenure, introducing more subjectivity to the evaluation process.
- Student learning is more than performance on standardized tests, and linking that performance to teachers reinforces teaching to the test.
- Standardized tests are not administered for every subject and every grade level. The system calls for greater flexibility in how non-testing subject teachers will be evaluated, but does not indicate what that is.
- There is no standardized training curriculum for members of School Improvement Panels.
- Imperfect assessment measures can demoralize teachers and derail promising careers.
- Outside factors that have a significant impact on student learning, such as poverty, parental involvement, class size, and absenteeism, are beyond the teacher’s control.
- Personal bias, political priorities and subjective classroom observations can determine whether a teacher attains tenure or is fired.

Recommendations

We provide here a list of recommendations for consideration in the implementation of TEACH NJ.

- The teacher evaluation process should be a communicative process that is open and transparent.
- Evaluations should assess teaching weaknesses and attempt to make improvement; not just label teachers
- Teachers should be provided with timely, actionable, and data-driven feedback.
- Multiple measures of performance data should be used to inform personnel decisions.

- School districts should develop targeted professional development aimed at helping teachers improve their performance, not only at the beginning of their careers, but throughout their careers.
- School administration should collaborate, as much as possible, with teachers throughout the evaluation process to promote a feedback loop that builds trust.
- Effective teaching standards should be identified and incorporated in to teacher training programs.
- A consistent evaluation system should be utilized to increase the validity of the instruments.
- A systemized training program should be developed for evaluators to reduce inconsistencies in reporting and increase the reliability of the evaluation system.
- Student achievement should include factors beyond state assessment scores.
- Teacher evaluations ratings should be based, to a significant extent, on objective data and not limited to standardized test scores and annual evaluations.
- Multiple classroom observations should be made by different evaluators throughout the year that focus on a set of observable standards.

Conclusion

TEACH NJ is not perfect, but it is an improvement over the existing system where 99% of all teachers were granted tenure. While there is no such thing as a perfect performance evaluation system, this is a start. Through open dialogue over what works and does not work the evaluation system can be modified and improved. Furthermore, information obtained through the independent analysis being conducted by the Rutgers University Graduate School of Education, using data from the pilot school districts, should be used to inform better and evidenced-based teacher evaluations.

Decades of research show there is a significant relationship between teacher effectiveness and student learning and yet New Jersey does not have a system in place to collect objective data, inform decision-making and strengthen the teaching profession. More importantly, New Jersey does not have a system in place to measure the impact of

ineffective teaching on student learning and achievement. TEACH NJ moves the state in that direction.

As we move forward, we need to acknowledge how difficult it is to implement a teacher evaluation system that is fair, reliable and objective; based on merit and free from political and personal preferences. We need to acknowledge that teachers are the single most important factor for educational attainment and have the greatest impact on student learning. We need to support their professional growth, not label their performance.