

N.J.A.C. 6A:33, SCHOOL TURNAROUND AND IMPROVEMENT

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CHAPTER 33. SCHOOL TURNAROUND AND IMPROVEMENT

SUBCHAPTER 1. GENERAL PROVISIONS

6A:33-1.1 Purpose

- (a) The mission of the New Jersey Department of Education is to ensure that all children graduate from high school prepared for college and career regardless of their life circumstances. The Department has aligned significant resources and coordinated school-improvement activities to advance this mission, particularly within the State's lowest-performing schools. To that end, these rules are promulgated pursuant to N.J.S.A. 18A:7F-34 and 18A:7F-42 to establish Regional Achievement Centers (RACs) to support the State's lowest performing schools identified as Priority and Focus Schools.
- (b) Pursuant to the authority at N.J.S.A. 18A:7F-6.b and 18A:7F-60, the Commissioner may withhold the disbursement of funds to a school district, or take any necessary action to ensure the effective and efficient expenditure of funds by school districts. Whenever the Commissioner determines, through the results of Statewide assessments or during the course of an evaluation of school performance, that a school district or one or more of its schools is failing to achieve the New Jersey Student Learning Standards (NJSLs), the Commissioner may take any such action he or she deems necessary and appropriate, which may include, but is not limited to:
1. Directing the restructuring of curriculum or programs;
 2. Directing staff retraining or reassignment;
 3. Conducting a comprehensive budget evaluation;
 4. Redirecting expenditures; and
 5. Enforcing spending at the full adequacy budget.

- (c) Based on the authority of N.J.S.A. 18A:7F-6.b and 18A:7F-60 and pursuant to these rules, the RACs will support each Priority and Focus School’s development of an approved school improvement plan that identifies interventions to address the turnaround principles outlined in N.J.A.C. 6A:33-1.3. The RACs will ensure effective implementation of a support and interventions system that is grounded in distinct principles – the turnaround principles - designed to improve educational outcomes for students in Priority and Focus Schools throughout the State.
- (d) Priority and Focus Schools failing to meet the NJSLS or to implement school improvement plans may be subject to additional conditions and requirements, which include the appointment of a qualified turnaround provider to assist with school improvement plan’s development and implementation.

6A:33-1.2 Scope

The rules shall apply to Priority and Focus Schools as defined in N.J.A.C. 6A:33-1.3, with the exception of any charter schools authorized pursuant to N.J.S.A. 18A:36A-1 et seq., that may be identified as Priority or Focus Schools. Upon recommendation of the Executive Director of Regional Achievement, the Commissioner shall take appropriate action, which may include the appointment of a qualified turnaround provider, to ensure the meaningful implementation of the school improvement plan (SIP) when a Priority or Focus School demonstrates continued academic failure or the inability or unwillingness to implement its SIP either in whole or in part.

6A:33-1.3 Definitions

The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

“Executive Director for Regional Achievement” or “EDRA” means an individual who leads a Regional Achievement Center.

“Focus School” means a school with focused or specific deficiencies as determined by the criteria at N.J.A.C. 6A:33-2.1(a).

“Interventions” means strategies identified in a SIP for implementation by a Priority or Focus School. Interventions may include, but are not limited to:

1. Implementation of the Department’s model curriculum and unit assessments aligned to the NJSLs;
2. Redesign of instructional time to better meet student needs and increase teacher collaboration focused on improving teaching and learning;
3. Use of current data to design and implement specific classroom strategies to improve teaching and learning;
4. Required professional development focused on the eight turnaround principles for school leaders and educators;
5. Changes to the climate and culture of the school to ensure a quality learning environment with a culture of high expectations for every student;
6. Development of new family- and community-engagement strategies specifically focused on academic achievement;
7. Hiring or reassigning full-time professionals specialists (for example, culture-and-climate, data, literacy, and mathematics leaders) to be embedded in schools; or
8. Support from a qualified turnaround provider in any, or all, of the eight turnaround strategies.

“New Jersey Student Learning Standards” or “NJSLs” means the standards established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-4 and defined in N.J.A.C. 6A:8.

“Non-categorized school” means a school that does not meet the criteria for a Priority or Focus School.

“Priority School” means a school that demonstrates very low levels of success in either school wide student proficiency rates or overall graduation rates as determined by criteria at N.J.A.C. 6A:33-2.1(b).

“Quality school review” or “QSR” means a school-based needs assessment conducted by a RAC that assesses school performance based on turnaround principles.

“Qualified turnaround provider” or “QTP” means an entity with demonstrated success in both student and school growth and improvement based upon expertise grounded in one or more of the turnaround principles.

“Regional Achievement Center” or “RAC” means one of the Department’s regional centers led by experienced educators and specialists who are charged with driving school improvement and student achievement in schools identified as Priority and Focus.

“School improvement plan” or “SIP” means a plan for improvement for a Priority or Focus School based upon turnaround principles that have been developed by RAC and school staff.

“School performance reports” means annual Department reports released for every school in New Jersey that set specific school- and subgroup-performance targets for both language arts and mathematics, and detail the school’s annual progress toward meeting the targets. The report includes a range of data, including progress toward closing achievement gaps, comparison to peer schools with similar demographics, growth over time as measured through Student Growth Percentiles (SGP) on State tests, and additional college- and career-readiness data points. The reports support school districts’ and schools’ engagement in performance management by setting performance goals, identifying strengths and weaknesses, and developing local plans to focus on low-performance areas.

“Turnaround principles” means interventions that are based on the needs of a school’s students and are designed to enhance student achievement. The turnaround principles are:

1. School climate and culture: establishing school environments that support the social, emotional and health needs of all students;
2. School leadership: ensuring that the principal has the ability to lead the turnaround effort;
3. Standards-aligned curriculum, assessment, and intervention system: ensuring teachers have the foundational documents and instructional materials needed to teach to the rigorous college- and career-ready standards that have been adopted;
4. Instruction: ensuring teachers utilize research-based effective instruction to meet the needs of all students;
5. Use of time: redesigning academic time to better meet student needs and increase teacher collaboration focused on improving teaching and learning;
6. Use of data: ensuring school wide use of data focused on improving teaching and learning;

7. Staffing practices: developing the skills to better recruit, retain and develop effective teachers and administrators; and
8. Family and community engagement: increasing academically focused family and community engagement.

SUBCHAPTER 2. ACCOUNTABILITY PROCESS AND SYSTEM

6A:33-2.1 Schools identified as Priority or Focus

- (a) The bottom five percent of Title I schools, that is, those schools that receive Federal funding pursuant to the No Child Left Behind Act of 2001, reauthorized as the Elementary and Secondary Act of 1965, 20 U.S.C. §§ 6301 et seq., that meet the criteria noted in (a)1, 2, or 3 below shall be designated by the Department as Priority Schools, with the exception of schools with a median Student Growth Percentile (SGP) of 65 or higher, or high schools with average yearly increases greater than five percentage points in High School Proficiency Assessment (HSPA) proficiency rates:
 1. All current or formally designated Tier I or Tier II schools under the school improvement grant (SIG) program that are using SIG funds to implement a school intervention model;
 2. All schools qualifying for Federal funds pursuant to Title I of the Elementary and Secondary Act of 1965 with the lowest absolute levels of proficiency as measured on State assessments; or
 3. Any non-Title I school ranking below the highest ranked Title I school and that meets the criteria noted in (a)1 or 2 above.
- (b) The bottom 10 percent of Title I schools that are not categorized as Priority Schools and meet one or more of the following criteria shall be designated by the Department as

Focus Schools:

1. All Title I-eligible or -participating high schools not previously identified as a Priority School and with a graduation rate of less than 75 percent;
 2. All schools with the largest within-school proficiency gap between the highest-performing subgroup and the average proficiency of the two lowest-performing subgroups. Only subgroups that contain at least 30 students, represent at least five percent of the total student population, and have a SGP score below 65 shall be included;
 3. All schools with their two lowest-performing subgroups ranking among the lowest combined proficiency rates in the State. Only subgroups that contain at least 30 students, represent at least five percent of the total student population, and have a SGP score below 65 shall be included; or
 4. Any non-Title I school ranking below the highest-ranked Title I school that meets the criteria noted in (b)1, 2, or 3 above.
- (c) The State assessments data, graduation rates, and median SGPs used to determine Priority and Focus School designation shall be based on the 2008-2009, 2009-2010, and 2010-2011 school years.
- (d) A school becomes eligible to exit status as a Priority School only if it meets the following criteria:
1. Fails to meet the definition of a Priority School for two consecutive years after implementation of a SIP;
 2. Successfully implements all interventions required through the QSR, as determined by the RAC; and
 3. Reduces by 25 percent the number of students not demonstrating proficiency on Statewide assessments over a three-year period after implementation of the SIP. A high school shall have reduced by 25 percent the number of students not

graduating over a three-year period after implementation of the SIP; and/or demonstrated high growth for two consecutive years after SIP implementation, as measured by a SGP score of 65 or higher.

(e) A school becomes eligible to exit status as a Focus School only if meets the following criteria:

1. Fails to meet the definition of a Focus School for two consecutive years after implementation of the SIP;
2. Successfully implements all interventions required through the QSR, as determined by the RAC;
3. Meets over a three-year period annual measurable objectives for its lowest-performing subgroups if status was based on proficiency rates of the two lowest-performing subgroups; and/or demonstrates high growth for two consecutive years after implementation of the SIP, as measured by SGP of 65 or higher; or
4. Reduces by 25 percent the number of students not graduating over a three year period after implementation of the SIP if the high school's status was based on graduation rates.

6A:33-2.2 Non-categorized schools

- (a) Non-categorized schools shall discuss the SPR publicly and, for each school missing performance targets on the SPR, develop a local district board of education-approved SIP that addresses the missed school- and/or subgroup-performance targets. The plans shall describe the alignment of Title I funds to address performance deficiencies identified for the school.
- (b) Non-categorized schools at risk of reaching the criteria for Priority or Focus Schools shall be monitored by the RACs to assess school-level progress. At-risk non-categorized

schools have at least one subgroup failing for two years to meet academic achievement performance targets based on the school performance report card.

6A:33-2.3 Quality school reviews

- (a) Upon assignment to a Priority or Focus School pursuant to N.J.A.C. 6A:33-2.1, the RAC shall conduct a quality school review (QSR) to evaluate the school's current performance and determine its needs in connection with each turnaround principle.
- (b) The QSR will review weighted performance indicators based on the eight turnaround principles, incorporated in this chapter as the chapter Appendix.
- (c) The turnaround principle indicators shall be used by the RACs to assess the performance of Priority and Focus Schools and identify high priority areas to address through interventions in the SIP.

6A:33-2.4 School improvement plans

- (a) The Department shall assign all schools identified as Priority and Focus to cooperate with the RAC within the region in which the school is located to develop and implement the school improvement plan. All Priority and Focus Schools shall implement the SIP on a timeline and in a manner specified by the EDRA.
- (b) The EDRA shall:
 - 1. Review and approve the SIP or direct that it be revised and resubmitted;
 - 2. Monitor implementation of the SIP;
 - 3. Review student performance outcomes resulting from the SIP's implementation;
and
 - 4. Assess progress toward achievement of each turnaround principle.

- (c) Interventions in the SIP for Priority Schools shall be closely monitored and continued for a three-year period, or until the time they exit status as a Priority School according to the criteria set forth in N.J.A.C. 6A:33-2.1(d), to provide schools time to implement required changes and demonstrate improvement in student achievement.
- (d) Focus School interventions shall continue for a minimum of two years or until the time the school exits status pursuant to N.J.A.C. 6A:33-2.1(e).

6A:33-2.5 Regional Achievement Center interventions

- (a) School and school district leaders shall commit to and be held accountable for the high-quality implementation of the intervention strategies identified in the SIP with the support of the RAC team. District boards of education that have a Priority or Focus School shall submit assurances to the Department ensuring that:
 - 1. Priority and Focus Schools will work with the RAC to develop and implement a SIP that delineates the interventions for which the school and district will be held accountable; and
 - 2. Each Priority and Focus School has sufficient operational flexibility in areas of budgeting, staffing, and calendars/time to implement the approved SIP with fidelity.
- (b) If a Priority or Focus School fails to implement the SIP either in whole or in part, or if the SIP does not lead to an adequate increase in student performance outcomes, the Commissioner may take, upon recommendation of the EDRA and/or the RACs, appropriate action to ensure the SIP's meaningful implementation. The action may include, but is not limited to:

1. Directing all educational expenditures in the school district to be spent effectively and efficiently pursuant to N.J.S.A. 18A:7F-60 to enable students to achieve the NJSLS; and/or
2. Exercising powers pursuant to N.J.S.A. 18A:7F-6.b, including, but not limited to:
 - i. Restructuring the curriculum if the Department determines that a Priority or Focus School's curriculum does not satisfy QSR criteria, which may require the school to:
 - (1) Implement a curriculum, assessment, and intervention system to meet QSR requirements;
 - (2) Provide training on the new curriculum to staff or to participate in training provided by the Department; or
 - (3) Comply with other appropriate actions associated with (b)1 and 2 above;
 - ii. Directing staff retraining or reassignment, including the following:
 - (1) If the Commissioner determines that a Priority or Focus School's leadership is insufficient to successfully improve the school's performance, the Department may reassign its principal. In such cases, the Department shall approve the school district's replacement selection before he or she is installed. The removed principal shall not be reassigned to another Priority or Focus School to serve in the role as a principal.
 - (2) Priority and Focus Schools shall utilize a staffing model that meets QSR-established criteria. Priority and Focus Schools shall demonstrate sufficient support for students and school staff in the areas of literacy, mathematics, data, and climate and culture. If a school does not meet the requirements, the Department may take

the following actions or other staff-related actions deemed necessary by the Commissioner:

- (A) Require the hiring or appointing of staff to fill roles associated with identified school needs, including, but not limited to: school literacy leader; school math leader; school data leader; and school climate and culture leader;
 - (B) Require staff to participate in training or professional development activities;
 - (C) Require the school district to purchase resources associated with appropriate training or professional development;
 - (D) Conduct a comprehensive budget evaluation;
 - (E) Redirect expenditures; and
 - (F) Enforce spending at full adequacy budget;
- iii. Withholding Federal funds from a school district consistent with authority under Federal or State law;
- iv. Altering the budget if, through the QSR process and analysis of other information, the Commissioner determines a Priority or Focus School's budget and/or expenditures are contributing to the school's poor performance, which may include:
- (1) Altering the school's budget;
 - (2) Altering the school district's budget;
 - (3) Redirecting school spending; or
 - (4) Redirecting school district spending in ways associated with the Priority or Focus School; and/or
- v. Appointing a QTP to assist with the SIP's development and implementation, including, but not limited to, the implementation in

Priority Schools of one or more turnaround principles or any intervention authorized through this chapter.

- (c) To gather necessary information to determine implementation of a SIP or whether a Priority or Focus School has made adequate progress, Department staff may conduct at least the following:
1. Enter Priority or Focus Schools;
 2. Enter school district administrative offices;
 3. Interview school or school district staff;
 4. Conduct classroom walkthroughs, upon advance notice to the school principal;
 5. Conduct surveys of school and/or school district staff, students and families;
 6. Request data from the school and/or the school district;
 7. Request access to reports and other documents deemed relevant to the Priority or Focus School's performance; or
 8. Require and/or provide professional development to school or school district staff.

SUBCHAPTER 3. QUALIFIED TURNAROUND PROVIDER INTERVENTION

6A:33-3.1 Appointment of qualified turnaround provider

- (a) If a Priority or Focus School fails to adequately implement the SIP, make adequate progress, or cooperate with the RAC, the Commissioner may appoint, upon the EDRA's recommendation, a QTP to assist with the SIP's implementation, pursuant to N.J.A.C. 6A:33-2.5.
- (b) If a QTP is appointed to a Priority or Focus School, the QTP shall:
1. Provide to the Priority or Focus School's district board of education and to the EDRA an initial report outlining the SIP's development and implementation,

including recommended interventions, and shall do so by the date determined by the EDRA; and

2. Provide to the Priority or Focus School's district board of education and to the EDRA an annual report regarding the progress made in developing and implementing the SIP, and shall do so by the date determined by the EDRA.
- (c) If a QTP is appointed to a Priority or Focus School, the district board of education retains ultimate decision-making authority with the following exception: upon recommendation by the EDRA, the Commissioner may direct the district board of education to take action pursuant to N.J.S.A. 18A:7F-6.b, 18A:7F-34, and 18A:7F-60, and N.J.A.C. 6A:33-2.4.
- (d) The cost of the QTP shall be at the expense of the school district in which the Priority or Focus School is located.

6A:33-3.2 Qualified turnaround provider agreements

- (a) If a QTP is appointed to a Priority or Focus School, a qualified turnaround provider agreement shall be executed between the QTP and the Commissioner setting forth the responsibilities and expected outcomes.
- (b) Successful implementation of turnaround principles shall be the joint responsibility of both the Priority or Focus School's school district and the QTP.
- (c) At the end of each school year, the EDRA shall review the SIP for each Priority or Focus School working with a QTP to determine whether the QTP is meeting designated outcomes and interim milestones and/or deliverables designated in the QTP agreement. Based upon this review and the EDRA's recommendation, the Commissioner may take actions as designated in the QTP agreement, which may include terminating the QTP's appointment if outcomes and deliverables are not being met.

SUBCHAPTER 4. APPEAL PROCESS

6A:33-4.1 Presentation of countervailing evidence

- (a) A Priority or Focus School and/or its school district may dispute either a Departmental finding or intervention made pursuant to this chapter by initiating a contested case before the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
- (b) The Department shall not be required to suspend its activities, including the disputed interventions, while evidence is being collected or presented by the school or school district, or while the Department considers and responds to the evidence.