

**STATE BOARD OF EDUCATION
ADMINISTRATIVE CODE
COMMENT/RESPONSE FORM**

This comment and response form contains comments from the April 5, 2017, meeting of the State Board of Education when the draft regulations were considered at First Discussion Level.

Topic:	Evaluation of the Performance of School Districts	Meeting Date:	May 3, 2017
Code Citation:	N.J.A.C. 6A:30	Level:	Second Discussion
Division:	Field Services	Completed by:	County Office Administrative Unit

Summary of Comments and Agency Responses:

The following is a summary of the comments received from State Board of Education members and the Department's responses. Each commenter is identified at the end of the comment by a letter or number that corresponds to the following list:

- A. Mark W. Biedron, President
State Board of Education
- B. Joseph Fisicaro, Vice President
State Board of Education
- C. Jack Fornaro, Member
State Board of Education
- D. Edithe Fulton, Member
State Board of Education

1. COMMENT: The commenter asked what will be used to measure student performance, as referenced in the Instruction and Program section of the proposed District Performance Review (DPR). **(D)**

RESPONSE: The Department will be using the state assessment results for the measurement of student performance in the Instruction and Program indicators.

2. COMMENT: The commenter asked whether the Department considered including in the Operations section of the DPR the measurement of a school district's sustainable practices or how "green" is a school district. **(A)**

RESPONSE: The Department has considered the inclusion of practices around "green" schools but decided that this is currently regulated through N.J.A.C. 6A:26, Educational Facilities and already verified through the NJQSAC process. Specifically, the Department requires, in accordance with N.J.A.C. 6A:26-6.3(b)13, that the design of all new schools incorporate the guidelines developed by the United States Green Building Council known as the Leadership in Energy Environmental Design (LEED) to achieve maximum energy efficient and environmental sustainability. This is monitored through

the submission and verification of the “Annual Facilities Checklist-Health and Safety Evaluation of School Buildings.” Additionally through the NJQSAC process the county office verifies that the health and safety reviews have been conducted annually in proposed Fiscal Management indicator number 9a, b and c.

Furthermore, the Department participates in the U.S. Department of Education Green Ribbon Schools Program which annually awards public and private school and school districts for demonstrating exemplary achievement in reducing environmental impacts and costs; improving health and wellness; and providing environment and sustainability education. Participation in this award program lays out a thoughtful vision for schools, raises the profile of green schools and the states, like New Jersey whose policies encourage them.

3. **COMMENT:** The commenter asked how the Department defines high-quality professional development. The commenter also suggested for the Department to share its standard with the State’s administrators and educators because what constitutes “high quality” often differs from school to school. **(B)**

RESPONSE: The Department delineates components and standards for high quality professional development to guide districts in developing systems for educator learning and continuous improvement in service to students’ learning needs (N.J.A.C. 6A:9C-3.2 and -3.3). The essential components of professional development, adapted from Learning Forward’s 2008 definition, describe the overall purpose of professional development and delineate specific practices to improve educator and student performance. The definition calls for professional development that is aligned with student learning and educator needs and embedded in educators’ daily work. The Standards for Professional Learning set forth seven key criteria for a professional learning system. More information on the components and standards can be found at <http://www.state.nj.us/education/profdev/>.

The Department agrees that fostering a shared understanding of the definition of “high quality” professional development across the state is an important undertaking that will promote stronger and more consistent implementation from district to district. The Department has many staff committed to working with multiple groups of educators, including the State’s Professional Learning Committee and county office staff, to assist districts in understanding and implementing high quality professional development.

4. **COMMENT:** The commenter asked whether there still is a mentoring program for new teachers and, if so, whether mentors are paid as part of the program. **(D)**

RESPONSE: The current code at N.J.A.C. 6A:9C-5 outlines district responsibilities for mentoring. All school districts must develop a district mentoring program that provides nontenured teachers, including novice provisional teachers who hold a CE or CEAS, with an induction to the teaching profession and to the school district community. Additionally, districts must provide first-year provisional teachers with at least 30 weeks of one-to-one mentoring by an experienced teacher. The mentors are paid for this service. While districts are permitted to use state and local funds to pay for mentoring services, provisional teachers typically assume this cost.

5. **COMMENT:** The commenter asked what constitutes a physical exam, as referenced in the Personnel section of the DPR, and whether the requirements comply with the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). **(C)**

RESPONSE: The Department requires pursuant to N.J.A.C. 6A:32-6 that district boards of education shall adopt written policies and procedures for the physical examination of candidates for employment and, where the school district so chooses, for the physical examination of employees, in accordance with N.J.S.A. 18A:16-2. Additionally the Department requires the health records of candidates for employment and current employees be maintained in a secured location separate from other personnel files. Upon monitoring, the Department will only verify that the district has conducted the required physical examinations and the health records are stored in a secured separate location thereby, complying with Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

AGENCY-INITIATED CHANGES

1. The Department proposes to amend the point value of two Instruction and Program (I & P) Indicators in the Proposed Appendix A, Effective July 1, 2018. As described in the summary memo, the point value of each DPR area is proposed to be 100. However, upon further review, the Department discovered that the point values for I & P indicator numbers 8 and 16 were inaccurate in the proposal and therefore, the I & P indicators did not total 100 points. The correct point value for indicator numbers 8 and 16 are reflected below.

<p>8. The chief school administrator (CSA) reports preliminary and final participation and performance results of annual Statewide assessments to the district board of education within 60 days of receipt of the information from the Department. The reports include aggregated and disaggregated subgroup data, as well as trend and comparative analyses and appropriate intervention strategies. (N.J.A.C. 6A:8-4.3)</p>	<p style="text-align: center;">[[5]]6</p>
<p>16. Policies and procedures exist to ensure a coordinated system for planning, delivering, measuring outcomes, and modifying intervention and referral services is implemented in each school by a multidisciplinary team to address all students’ learning, behavior, and/or health needs. (N.J.A.C. 6A:16-8) This requirement may be fulfilled through implementation of the New Jersey Tiered System of Support (NJTSS) or other RTI or MTSS model. The system includes:</p> <ol style="list-style-type: none"> a. A continuum of supports and interventions available in each school to support learning, behavior, and health needs; b. Action plans for interventions based on student data and desired outcomes; c. Professional development for multidisciplinary teams and staff who provide interventions; and d. Review and assessment of effectiveness of interventions (e.g., progress monitoring). 	<p style="text-align: center;">[[5]]6</p>



State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

Second Discussion
May 3, 2017

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

KIMBERLEY HARRINGTON
Acting Commissioner

TO: Members, State Board of Education

FROM: Kimberley Harrington
Acting Commissioner

SUBJECT: N.J.A.C. 6A:30, Evaluation of the Performance of School Districts

REASON FOR ACTION: Readoption with amendments, repeals, and new rules

AUTHORITY: P.L. 2005, c. 235, P.L. 2007, c. 16, and N.J.S.A. 18A:7A-1 et seq.

SUNSET DATE: June 24, 2017

Summary

The Department of Education (Department) proposes to readopt with amendments N.J.A.C. 6A:30, Evaluation of the Performance of School Districts, which implements a monitoring and evaluation system for school districts and county special services school districts.

P. L. 2005, c. 235 and P. L. 2007, c. 16 amended N.J.S.A. 18A:7A-1 et seq. to establish a new monitoring and evaluation system of school districts, entitled the New Jersey Quality Single Accountability Continuum (NJQSAC). P.L. 2007, c. 16 set forth the procedures for the Commissioner to promulgate rules to implement the new monitoring system for the 36-month period following enactment (January 24, 2007). The law also provided for the State Board of Education (State Board) to approve all subsequent amendments, readoptions, or repeals. The Commissioner in February 2007 adopted initial rules implementing NJQSAC. The Commissioner then readopted the rules with amendments in March 2008, amended the rules in January 2009, and amended the rules and adopted new rules in January 2010. In June 2010, the State Board readopted the rules with amendments. The chapter is set to expire on June 24, 2017.

The NJQSAC monitoring and evaluation system for school districts establishes a comprehensive single accountability system. Under NJQSAC, school districts are evaluated in five key component areas of school district effectiveness—instruction and program, fiscal management, governance, personnel, and operations—to determine the extent to which a thorough and efficient education is being provided to students within the school district. The standards and criteria used to evaluate school districts assess both actual achievement and progress toward proficiency, school district capacity to operate without State intervention, and the need for State support and assistance. Once a school district is identified under NJQSAC as requiring assistance in one or more of the five areas of school district effectiveness, the

Department and the school district work collaboratively to improve school district performance in the identified targeted area(s). The measures used to achieve this goal include Department evaluations of the school district, collaborative development of a district improvement plan, close monitoring of the plan's implementation, and the provision of technical assistance, as appropriate. If a school district fails to develop or implement an improvement plan as required, or other emergent circumstances warrant, the Department may seek full or partial intervention in the school district to effect the changes necessary to build local capacity to provide a thorough and efficient education.

NJQSAC provides an in-depth assessment of school district practices and capacity in each of the five areas of school district effectiveness. As a result, the Department can target remedial measures, such as technical assistance or partial or full intervention, to the areas of need in a particular school district. In addition, NJQSAC provides clear guidelines for initiating and withdrawing from partial or full State intervention in a school district.

In the current rulemaking, the Department proposes to maintain, with no changes, Appendix A (District Performance Review), Appendix B (District Performance Review for County Special Services School Districts), and Appendix C (Statement of Assurance) for the 2017-2018 school year. The Department proposes to repeal Appendices A, B, and C with a delayed effective date of July 1, 2018. The Department also proposes new Appendix A (District Performance Review) and Appendix B (District Performance Review for County Special Services School Districts) with a delayed effective date of July 1, 2018. The proposed District Performance Reviews (DPRs) have been developed with extensive input from education stakeholders to create a monitoring tool that focuses on teaching and learning and preparing students to be college and career ready. The proposed DPRs also will align NJQSAC with the state's plan under the Federal Every Student Succeeds Act (ESSA).

The delayed effective date of proposed Appendices A and B will provide school districts and stakeholders ample time to become familiar with the new DPRs before they are used to monitor school districts.

Additionally, the Department proposes to delete any reference to "Appendix C" or "Statement of Assurance" in the rule text once Appendix C is no longer in effect (July 1, 2018) through an administrative notice of correction.

The following summarizes the chapter's rules and the proposed amendments, new rules, and new appendices. Unless otherwise noted, proposed amendments are for clarity or stylistic or grammatical improvement.

Subchapter 1. Purpose, Scope and Definitions

N.J.A.C. 6A:30-1.1 Purpose and scope

This section establishes the chapter's purpose, which is to implement NJQSAC, including the steps the Department undertakes to implement the three-year evaluation process, placement of the school district on a performance continuum, improvement and intervention activities, and periodic progress monitoring. The section also establishes the chapter's scope as it applies to all school districts in the State with the exception of charter schools and educational services commissions. The chapter does not apply to county vocational school districts that provide only shared-time services but applies to all other county vocational school districts and to county special services school districts.

N.J.A.C. 6A:30-1.2 Definitions

This section provides definitions of terms used throughout the chapter.

The Department proposes to delete the terms “Commissioner,” “Department,” and “State Board” as they are commonly used terms that do not require an explicit definition.

The Department proposes an amendment to the term “NJQSAC district improvement plan” to “district improvement plan” because the definition describes part of the NJQSAC process and “NJQSAC” in the term is unnecessary. Additionally the Department proposes to move the definition of “district improvement plan” to the correct alphabetical order. The Department also proposes throughout the chapter to delete “NJQSAC” when it appears directly before “district improvement plan.”

The Department proposes an amendment to the definition of “District Performance Review” or “DPR,” which consists of the quality performance indicators in all of the five key components of school district effectiveness, by replacing “consists of” with “means the Department-developed self-assessment tool that measures a school district’s compliance with” to relocate language from N.J.A.C. 6A:30-3.2(a). The Department also proposes to delete language that requires the development and use of DPRs for both school districts and county special services school districts and describes the DPRs’ locations. The language proposed for deletion currently is included in the rules, which is a more appropriate location.

The Department proposes an amendment to the definition of “highly skilled professional,” which is a Commissioner designee who has skills and expertise based on education and/or experience that is relevant to one or more of the five key components of school district effectiveness, to delete language that describes the highly skilled professional’s functions. The language proposed for deletion currently is included in the rule text, which is a more appropriate location.

The Department proposes an amendment to the definition of “in-depth evaluation,” which is a process the Commissioner can use to evaluate school districts that satisfy less than 80 percent of the weighted quality performance indicators in one or more of the five key components of school district effectiveness as determined by the Department based on the comprehensive review, to delete the last sentence requiring the in-depth evaluation to be conducted by a team of individuals and describes the team’s possible composition. The language proposed for deletion currently is included at existing N.J.A.C. 6A:30-5.3(c), which is a more appropriate location.

The Department proposes an amendment to the definition of “quality performance indicators,” which are the specific, objective criteria for each key component of school district effectiveness by which each school district’s performance, capacity, and need for State support, assistance, or intervention are measured, to delete the last sentence stating the quality performance indicators are set forth in the DPR at the chapter Appendices. The language proposed for deletion currently is included at N.J.A.C. 6A:30-2.2(b), which is a more appropriate location.

The Department proposes an amendment to the definition of “technical assistance,” which is guidance and support provided to a school district to enable it to meet State and Federal policy and regulatory requirements and to ensure the provision of a thorough and efficient education, by deleting the last two sentences describing the ways in which technical assistance

may be used. The language proposed for deletion currently is included in the rule text, which is a more appropriate location.

Subchapter 2. NJQSAC Components of School District Effectiveness and Indicators

N.J.A.C. 6A:30-2.1 Components of school district effectiveness

This section requires the Department to evaluate and monitor school district performance and capacity in the five key components of school district effectiveness and to use objective measures and consider school district improvement and growth in its evaluation.

N.J.A.C. 6A:30-2.2 Quality performance indicators of school district effectiveness

This section requires the Department to establish weighted quality performance indicators to measure school district performance and capacity in each of the five key components of school district effectiveness. The section also establishes the weighted quality performance indicators are set forth in the DPR incorporated as the chapter Appendices. The section further requires the Commissioner to use the weighted quality performance indicators to assess school district performance and capacity during the comprehensive reviews, in-depth evaluations, and monitoring. The section also requires the Commissioner to use the weighted quality performance indicators in determining whether to initiate intervention activities or to withdrawal from intervention.

Subchapter 3. Comprehensive Review of Public School Districts

N.J.A.C. 6A:30-3.1 General Requirements

This section requires the Commissioner to conduct a comprehensive review of each school district every three years using the weighted quality performance indicators and establishes procedures for the three-year review and for intervening years.

N.J.A.C. 6A:30-3.2 District Performance Review

This section establishes the self-assessment tool, which measures the school district's compliance with the weighted quality performance indicators in all five areas of school district effectiveness. Additionally, the section identifies the specific steps to be taken by the CSA when completing the DPR, which includes presenting and obtaining approval for submission by the district board of education at a public meeting and submission to the executive county superintendent (ECS) by November 15. The section also allows the Department to grant an extension for submission of the DPR for good cause.

The Department proposes an amendment at N.J.A.C. 6A:30-3.2(a), which requires school districts to use the appropriate DPR and incorporates the DPRs as chapter appendices, to delete “, which consists of a self-assessment tool developed by the Department that measures the public school district's compliance with the weighted quality performance indicators in all five areas of school district effectiveness.” The Department proposes to include the language in the definition of “District Performance Review,” as previously explained.

The Department proposes an amendment at N.J.A.C. 6A:30-3.2(b)1, which requires the CSA to convene a committee to assist in completing the DPR and establishes which individuals can be appointed, to remove “in his or her discretion” because the remainder of the rule language

accurately communicates the CSA has the discretion to add individuals to the school district's DPR committee and also requires the CSA to secure district board of education approval.

The Department proposes an amendment at N.J.A.C. 6A:30-3.2(e), which requires the CSA, upon the DPR's completion, to sign a declaration page attesting to the accuracy of the responses and requires each committee member to be given the opportunity to sign the declaration page to attest to his or her participation in the DPR's completion, to add "proposed responses to the" before "District Performance Review" in the first sentence. The Department proposes the amendment for clarity because this step in the process occurs before the district board of education reviews and approves the DPRs for submission.

The Department proposes amendments at N.J.A.C. 6A:30-3.2(g), which, in part, requires the DPR, as approved by the district board of education, the declaration page, and the minutes of all district board of education meetings at which the DPR was discussed to be submitted to the ECS by November 15 or at such other time as designated by the Commissioner if he or she has directed a school district to undergo an immediate comprehensive review. The Department proposes to replace "the minutes of all district board of education meetings at which the District Performance Review was discussed" with "the district board of education resolution approving the District Performance Review" to ensure the required documentation submitted by a school district is consistent throughout the chapter.

The Department proposes to recodify the last sentence of N.J.A.C. 6A:30-3.2(g), which allows a district board of education to adopt a resolution indicating it does not approve of all DPR sections, if applicable, and the section(s) with which the district board of education takes exception, as N.J.A.C. 6A:30-3.2(g)1. The proposed recodification will separate how the district board of education must proceed when the DPR is approved and not approved. The proposed amendment will identify more clearly the two processes.

The Department proposes to recodify the second sentence of N.J.A.C. 6A:30-3.2(h), which states failure by a school district to conduct or submit a DPR and the declaration page approved by the district board of education may result in the withholding of State aid or the initiation of intervention activities, as N.J.A.C.6A:30-3.2(i). The proposed recodification will separate the rules governing how a school district may request an extension for submission of the DPR and what can happen if a school district fails to submit a DPR.

N.J.A.C. 6A:30-3.3 Review and evaluation of District Performance Reviews

This section requires the ECS to confirm receipt of a school district's DPR and declaration page and to conduct a review using the documents. The ECS' review includes providing clarification and feedback, verifying school district responses to the DPR, analyzing the responses, and making a recommendation to the Commissioner for final decision.

The Department proposes throughout the section to replace "executive county superintendent" with "Department" to allow greater flexibility in the monitoring process. While the ECSs and the county offices of education are departmental offices, the proposed amendment will account for Department staff outside the county offices of education who might be involved with the NJQSAC process.

The Department proposes an amendment to N.J.A.C. 6A:30-3.3(a) and (a)1, which require the ECS to confirm review of a school district's DPR and declaration page and to review the documents for completeness, by adding the district board of education resolution as one of the documents to be confirmed and reviewed. The Department reviews the district board of

education resolution to verify the district board of education has reviewed and approved the DPR's submission.

The Department proposes to recodify the third sentence of N.J.A.C. 6A:30-3.3(c), which requires the Commissioner to review the recommendation for the school district's placement on the performance continuum, as well as any other data, facts, reports, audit results, documents, and/or other information that may inform a well-reasoned final decision in determining the school district's placement, as N.J.A.C. 6A:30-3.3(d) for clarity. The Department also proposes to add "made pursuant to (c) above" after "recommendation" to clarify the recommendation is from Department staff about the school district's placement on the performance continuum.

Subchapter 4. Performance Continuum

N.J.A.C. 6A:30-4.1 General requirements

This section requires the Commissioner to issue, on or before June 30 of the school year which the school district's review occurred, a final determination of the school district's performance and placement on the performance continuum based on the school district's comprehensive review,. The section also requires the Commissioner's determination regarding the school district's placement on the performance continuum to be in the form of a district profile consisting of the reporting of the percentage of weighted quality performance indicators satisfied by the school district in each of the five key components of school district effectiveness. The section further requires the Commissioner to issue to each school districts that complies with the comprehensive review's requirements a letter certifying the school district's continued operation for a period of three years or until the school district's next comprehensive review, if it is to occur before the end of the three-year period.

The section also requires school districts that satisfy between 80 and 100 percent of the weighted quality performance indicators in each of the five key components of school district effectiveness to receive a letter from the Commissioner designating it as a "high performing" school district. The section also requires a school district to report the placement on the performance continuum at the next public meeting of the district board of education. Lastly, the section allows a school district to seek reconsideration of the Commissioner's initial placement decision within seven days of its receipt, as well as the requirements for filing a request for reconsideration.

The Department proposes an amendment at N.J.A.C. 6A:30-4.1 to clarify the process for the Commissioner's determination, school district notification, and district board of education responsibilities. The section prescribes a four-step notification process, which does not reflect the current notification system.

The Department proposes an amendment at N.J.A.C. 6A:30-4.1(a), which requires the Commissioner to issue, on or before June 30 of the school year which the school district's review occurred, a final determination of the school district's performance and placement on the performance continuum based on the school district's comprehensive review, to replace "[o]n or before June 30 of the school year in which the" with "[f]ollowing a." The proposed amendment is necessary because the review can happen at any point during the school year and end after June 30. The Department also proposes to add "letter" after "final determination" to clarify in what format the school district will be notified of the Commissioner's determination. The Department further proposes in the last sentence to delete "[t]he Commissioner shall promptly notify public school districts of that determination" because the rule, as proposed for

amendment, requires the Commissioner to issue a final determination letter detailing each school district's performance and placement on the performance continuum, based on the comprehensive review.

The Department proposes to recodify N.J.A.C. 6A:30-4.1(b), which requires the Commissioner's determination regarding the school district's placement on the performance continuum to be in the form of a district profile consisting of the reporting of the percentage of weighted quality performance indicators satisfied by the school district in each of the five key components of school district effectiveness, as N.J.A.C. 6A:30-4.1(a)1.

The Department proposes to recodify N.J.A.C. 6A:30-4.1(d), which requires the Commissioner's determination letter to designate each school district satisfying at least 80 percent of the weighted quality performance indicators in each of the five components of school district effectiveness as a high performing school district, as N.J.A.C. 6A:30-4.1(a)2. Additionally, the Department proposes an amendment at recodified N.J.A.C. 6A:30-4.1(a)2 to require the Commissioner's determination letter to include a recommendation for the State Board to certify the school district as providing a thorough and efficient education, for a period of three years. The addition of this section clarifies that after the Commissioner's determination letter which recognizes a school district as high performing is issued, that a recommendation to the State Board will be made to certify the school district.

The Department proposes N.J.A.C. 6A:30-4.1(a)3 to require the Commissioner's determination letter include a notification for each school district satisfying less than 80 percent of the weighted quality performance indicators in at least one of the five components of school district effectiveness will be directed to begin improvement activities. The proposed provision will clarify school districts satisfying less than 80 percent of the weighted quality performance indicators in at least one of the five components of school district effectiveness are not certified but rather are required to begin improvement activities.

The Department proposes to recodify N.J.A.C. 6A:30-4.1(e), which ensures the Commissioner's determination letter includes the requirement that a school district must report its Commissioner-determined placement on the performance continuum at the next public district board of education meeting, as N.J.A.C. 6A:30-4.1(a)4.

The Department proposes to recodify N.J.A.C. 6A:30-4.1(f), which ensures the Commissioner's determination letter includes that the school district may seek reconsideration of the Commissioner's placement on the performance continuum within seven days of receiving the letter, as N.J.A.C. 6A:30-4.1(a)5.

The Department proposes to delete N.J.A.C. 6A:30-4.1(c), which requires the Commissioner to issue to each school districts that complies with the comprehensive review's requirements a letter certifying the school district's continued operation for a period of three years or until the school district's next comprehensive review, if it is to occur before the end of the three-year period, because the rule's requirements are more clearly delineated in proposed N.J.A.C. 6A:30-4.1(a)2.

The Department proposes to recodify N.J.A.C. 6A:30-4.1(f)1, which prescribes the components of a reconsideration request made by a school district, as N.J.A.C. 6A:30-4.1(b) and (b)1. The Department also proposes to recodify N.J.A.C. 6A:30-4.1(f)2 as N.J.A.C. 6A:30-4.1(b)2.

The Department proposes new N.J.A.C.6A:30-4.1(c) to require the Department to notify each school district when the Commissioner’s recommendation for recertification has been accepted by the State Board.

Subchapter 5. Improvement Activities to Support Student Achievement in Public School Districts

N.J.A.C. 6A:30-5.1 Public school district obligations for continual improvement

This section requires each school district to continually strive for improvement in all areas of school district functioning to enhance student achievement and to ensure the school district provides a thorough and efficient education to all students.

The Department proposes an amendment at N.J.A.C. 6A:30-5.1 to replace “functioning” with “effectiveness” because school districts are evaluated in five key component areas of school district effectiveness rather than functioning. The Department proposes the same amendment throughout the chapter.

N.J.A.C. 6A:30-5.2 Improvement activities for public school districts that satisfy less than 80 percent of the weighted quality performance indicators in one or more components of school district effectiveness

This section requires school districts that satisfy less than 80 percent of the weighted quality performance indicators in one or more of the key components of school district effectiveness to commence improvement activities set forth in the remainder of the subchapter. The section also requires the improvement activities to include development and implementation of a Commissioner-approved district improvement plan.

The Department proposes to delete the second sentence of N.J.A.C. 6A:30-5.2(a), which requires the improvement activities to include development and implementation of a Commissioner-approved district improvement plan. The Department also proposes to delete N.J.A.C. 6A:30-5.2(a)1 and 2, which allow other improvement activities to include an in-depth evaluation conducted by the Department, pursuant to N.J.A.C. 6A:30-5.3, and technical assistance provided by Department staff or by one or more highly skilled professionals, pursuant to N.J.A.C. 6A:30-5.7. The language proposed for deletion is repetitious of the requirements described in more detail at N.J.A.C. 6A:30-5.3 through 5.7.

N.J.A.C. 6A:30-5.3 In-depth evaluation

The section requires the Commissioner to determine whether to conduct an in-depth evaluation of a school district and establishes the criteria for which the Commissioner uses to make the determination. The section also establishes the process for conducting the in-depth evaluation including the person or entities identified to conduct the in-depth evaluation, the scope of the evaluation, the timeline for the evaluation, allowable extension of the timelines, transmittal of the final report to the CSA and the reporting of the final report at a regular or special meeting of the district board of education.

The Department proposes an amendment at N.J.A.C. 6A:30-5.3(a), which requires the Commissioner to determine whether to conduct an in-depth evaluation of a school district pursuant to the defined criteria, to replace “[t]he Commissioner shall determine whether to conduct” with “[u]pon completion of the comprehensive review, the Commissioner will notify the school district as to whether the Department will conduct.” The proposed amendment will

relocate to N.J.A.C. 6A:30-5.3(a) the provisions currently at N.J.A.C. 6A:30-5.3(b), which is proposed for deletion, to clarify the process for a school district that must undergo an in-depth evaluation based on the results from the comprehensive review.

The Department proposed to recodify N.J.A.C. 6A:30-5.3(c) through (j) as N.J.A.C. 6A:30-5.3(b) through (i), respectively.

N.J.A.C. 6A:30-5.4 New Jersey Quality Single Accountability Continuum district improvement plan

This section requires school districts that satisfy less than 80 percent of the weighted quality performance indicators in one or more of the five components of school district effectiveness to develop and submit a district improvement plan to address the areas of deficiency and limited capacity identified through the comprehensive review and in-depth evaluation, if applicable. The section requires the district improvement plan to be data driven and results oriented. The section also identifies the required components of the district improvement plan and the process for its development.

The Department proposes to recodify N.J.A.C. 6A:30-5.4(g), which requires the Department to collaborate with the school district to determine the type of technical assistance to be provided to the school district through the district improvement plan, as the second sentence of N.J.A.C. 6A:30-5.4(f) to combine the rules regarding technical assistance.

N.J.A.C. 6A:30-5.5 Review and approval process for the NJQSAC district improvement plan

This section prescribes the timelines and submission process for a school district's district improvement plan, as well as the possible consequences for not submitting a district improvement plan. The section also requires Department staff to review the proposed district improvement plan to ensure it addresses all areas identified in the comprehensive review and in-depth evaluation and that it contains measurable and attainable evidence-based objectives and strategies for achieving improvement, developing local capacity, and improving school district effectiveness. The section further requires Department staff to recommend to the Commissioner revisions to the district improvement plan or its approval. The section also requires the Commissioner to review the proposed district improvement plan and Department staff recommendations within 30 days of receipt and requires the Commissioner to notify the school district whether the district improvement plan is approved or if it needs revision.

The Department proposes to recodify the last two sentences of N.J.A.C. 6A:30-5.5(a), which allow a district board of education to require the CSA and in-district team to reevaluate and/or revise the district improvement plan if the district board of education does not approve it and allows the Commissioner to grant a reasonable extension for the district improvement plan's submission if requested by the district board of education, as N.J.A.C. 6A:30-5.5(a)1. The proposed recodification will clearly delineate the requirements of a district board of education when submitting a district improvement plan and a district board of education's options if it does not approve the district improvement plan.

N.J.A.C. 6A:30-5.6 Implementation and monitoring of an approved NJQSAC district improvement plan

This section requires the school district to implement the district improvement plan after approval by the Commissioner. Additionally, this section requires the Department to review

every six months the school district's progress in implementing the district improvement plan. The section further requires the school district to submit to the Department a progress report regarding implementation of each item(s) in the district improvement plan and in satisfying the weighted performance indicators. The section also requires the Commissioner to determine, based on the six-month review, whether the school district has satisfied the weighted quality performance indicators and, if so, to issue a letter recognizing the school district as high performing. If the school district has not met the satisfactory threshold of at least 80 percent of the weighted quality performance indicators, the section requires the Department to continue to monitor the school district every six months. The section also allows the school district to submit to the Department for review and approval amendments to the district improvement plan, as circumstances warrant. Additionally, the section requires the Department every two years to assess whether the school district's NJQSAC improvement plan needs be amended to address insufficient progress by the school district in satisfying the weighted performance indicators in one or more areas of school district effectiveness.

The Department proposes to recodify the last sentence of N.J.A.C. 6A:30-5.6(b) and N.J.A.C. 6A:30-5.6(b)1 and 2, which establish the possible outcomes of the six-month review, as N.J.A.C. 6A:30-5.6(c) and (c)1 and 2. The Department propose an amendment at recodified N.J.A.C. 6A:30-5.6(c)2iii, which requires the Commissioner to monitor the school district's progress if he or she determines the school district does not satisfy at least 80 percent of the weighted quality performance indicators in each of the five components of school district effectiveness during the review of the district improvement plans, to add at the end "at the six-month review pursuant to (b) above." The proposed amendment will specify the timeframe by which the continued monitoring of school districts will occur when a school district does not satisfy at least 80 percent of the weighted quality performance indicators in each of the five components of school district effectiveness.

The Department proposes to recodify current N.J.A.C. 6A:30-5.6(c) as N.J.A.C. 6A:30-5.6(d).

N.J.A.C. 6A:30-5.7 Assistance provided to school districts through the NJQSAC District improvement plan

This section allows the Department to provide technical assistance to school districts to improve performance and increase local capacity in areas of need as identified in the comprehensive review and/or the in-depth evaluation. The section also allows the technical assistance to be provided by Department personnel or highly skilled professionals appointed by the Commissioner using criteria established in the section. The section also identifies the designated functions that can be performed by Commissioner-appointed highly skilled professionals. The section also prohibits the Commissioner from appointing highly skilled professionals in any capacity that would create and actual or potential conflict of interest within a school district. The section further requires the compensation of a Commissioner-appointed highly skilled professional to be shared between the school district and the Department. If the highly skilled professional is a Department employee, the section requires the Department to assume the total cost of compensation.

The Department proposes to delete the last sentence of N.J.A.C. 6A:30-5.7(a), which allows technical assistance to be provided by Department personnel and/or by one or more other highly skilled professionals, because its provisions are repeated at N.J.A.C. 6A:30-5.7(a)2 and 3. The Department also proposes to replace "shall" with "may" in N.J.A.C. 6A:30-5.7(a)2 to reflect that the Commissioner can choose to appoint appropriate Department personnel to provide technical assistance for the district improvement plan, as opposed to the Commissioner being

required to appoint a Department employee. Additionally, the Department proposes to recodify the last phrase of N.J.A.C. 6A:30-5.7(a)3, which allows the technical assistance set forth in the district improvement plan to be coordinated and provided on a regional or Statewide basis, as N.J.A.C. 6A:30-5.7(a)4 for clarity.

Subchapter 6. Intervention Activities

N.J.A.C. 6A:30-6.1 Forms of State intervention

This section allows the Commissioner to seek partial or full State intervention in a school district in any or all of the five areas of school district functioning. The types of intervention provided in both a partial and full State intervention are identified, as well.

The Department proposes to delete N.J.A.C. 6A:30-6.1(b)1, 2, and 3, which allow partial State intervention to include appointment by the State Board of a school district superintendent, if vacant, appointment of one or more highly skilled professionals, and appointment by the Commissioner of up to three additional district board of education members, because the provisions are repeated in N.J.A.C. 6A:30-6.4 and 6.5. Additionally, the Department proposes an amendment at N.J.A.C. 6A:30-6.1(b) to add “elements set forth in N.J.A.C. 6A:30-6.4 and 6.5” after “may include” for clarity.

The Department proposes to delete N.J.A.C. 6A:30-6.1(c)1, 2, and 3, which allow full State intervention to include appointment by the State Board of a State district superintendent, appointment of one or more highly skilled professionals, and appointment by the Commissioner of up to three additional district board of education members, because the provisions are repeated in N.J.A.C. 6A:30-6.7 and 6.8. Additionally, the Department proposes an amendment at N.J.A.C. 6A:30-6.1(c) to add “elements set forth in pursuant to N.J.A.C. 6A:30-6.7 and 6.8” after “may include” for clarity.

N.J.A.C. 6A:30-6.2 Factors for initiating State intervention

This section allows the Commissioner’s to seek to initiate partial State intervention if a school district satisfies less than 50 percent of the weighted quality performance indicators in four of the five components of school district effectiveness and at least one of five additional factors listed in the section is present. The section also allows the Commissioner to seek to initiate full State intervention if the school district satisfies less than 50 percent of the weighted quality performance indicators in all five components of school district effectiveness, or if the school district is under direct oversight of a State fiscal monitor and satisfies less than 50 percent of the weighted quality performance indicators in the instruction and program, operations, personnel, and governance components of school district effectiveness and at least one of five additional factors listed in the section is present.

N.J.A.C. 6A:30-6.3 Procedure for initiating partial State intervention

This section identifies the procedures for the Commissioner to initiate a partial State intervention when a school district fails to satisfy at least 50 percent of the weighted quality performance indicators in one to four of the five components of school district effectiveness and one of the factors set forth at N.J.A.C. 6A:30-6.2(a) is present. The procedures include: issuance of an Order to Show Cause why an administrative order to place the identified components under partial State intervention should not be implemented; service upon the school district of a proposed administrative order for partial intervention, including a partial intervention plan

develop by Department staff; referral of the Order to Show Cause to the Office of Administrative Law (OAL) for a plenary hearing conducted on an expedited basis, during which the Department has the burden of showing the recommended administrative order is not arbitrary, unreasonable, or capricious; recommendation by the Commissioner to the State Board that it issue an order planning the school district under partial State intervention; and placement of the school district under partial State intervention by the State Board.

The Department proposes an amendment at N.J.A.C. 6A:30-6.3(a), which allows the Commissioner to seek partial State intervention by issuing an Order to Show Cause why an administrative order to place the identified components under partial State intervention should not be implemented when a school district fails to satisfy at least 50 percent of the weighted quality performance indicators in one to four of the five components of school district effectiveness and one of the factors set forth at N.J.A.C. 6A:30-6.2(a) is present. The Department proposes to replace “fails to satisfy at least 50 percent of the weighted quality performance indicators in one to four of the five components of school district effectiveness and one of the factors set forth at N.J.A.C. 6A:30-6.2(a) is present” with “qualifies for partial State intervention pursuant to N.J.A.C. 6A:30-6.2(a).” The proposed amendment will simplify the rule as the language proposed for deletion already is contained in N.J.A.C. 6A:30-6.2(a).

N.J.A.C. 6A:30-6.4 Partial State intervention plan

This section requires the partial State intervention plan to incorporate and amend the district improvement plan and requires the intervention plan to be presented by the Commissioner as part of the proposed administrative order when the Department brings an Order to Show Cause seeking partial intervention in a school district. The section also requires the intervention plan to address the appointment of a school district superintendent with approval by the State Board, appointment of highly skilled professionals, and whether the Commissioner intends to appoint up to three additional district board of education members with State Board approval.

The Department proposes to recodify the last three sentences of N.J.A.C. 6A:30-6.4(a)2, which require the intervention plan to address the key components over which highly skilled professionals will have authority, if appointed, the professionals’ powers, authority, and duties, the decision-making hierarchy if conflicts arise between persons appointed by the Commissioner and school district personnel, and the costs of highly skilled professionals will be divided equally between the State and the school district, as N.J.A.C. 6A:30-6.4(a)2i through iii.

The Department proposes to delete the last sentence of N.J.A.C. 6A:30-6.4(a)3, which requires additional district board of education members, if appointed, to be subject to the requirements of N.J.A.C. 6A:30-6.5, because the same provision is in N.J.A.C. 6A:30-6.5.

N.J.A.C. 6A:30-6.5 Structure of the district board of education under partial State intervention

This section establishes the parameters for the appointment of additional district board of education members by the Commissioner, if the appointments are included in the partial State intervention plan. The section also establishes the duties, responsibilities, and authority of the additional district board of education members and requires them to be appointed for a two-year term, which can be extended by another two years upon State Board approval.

N.J.A.C. 6A:30-6.6 Procedure for initiating full State intervention

This section identifies the procedures for the Commissioner to initiate a full State intervention plan when a school district fails to satisfy at least 50 percent of the weighted quality performance indicators in each of the five components of school district effectiveness and one of the factors set forth at N.J.A.C. 6A:30-6.2(a) is present. The procedures include: issuance of an Order to Show Cause why an administrative order to place the school district under full State intervention should not be implemented; service upon the school district of a proposed administrative order for full intervention, including a full intervention plan developed by the Department ; referral of the Order to Show Cause to OAL for a plenary hearing conducted on an expedited basis, during which the Department has the burden of showing the recommended administrative order is not arbitrary, unreasonable, or capricious; recommendation by the Commissioner to the State Board that it issue an order planning the school district under partial State intervention; and the placement of the school district under full intervention by the State Board.

The Department proposes an amendment at N.J.A.C. 6A:30-6.6(a), which allows the Commissioner to seek full State intervention by issuing an Order to Show Cause why an administrative order to place the school district under full State intervention should not be implemented when a school district fails to satisfy at least 50 percent of the weighted quality performance indicators in each of the five components of school district effectiveness or the school district is under the direct oversight of a Commissioner-appointed State fiscal monitor and satisfies less than 50 percent of the weighted quality performance indicators in the instruction and program, operations, personnel and governance components of school district effectiveness. The Department proposes to replace “fails to satisfy at least 50 percent of the weighted performance indicators in each of the five components of school district effectiveness or in a public school district which is under the direct oversight of a State fiscal monitor appointed by the Commissioner pursuant to N.J.S.A. 18:7A-55 et al. and which satisfies less than 50 percent of the weighted quality performance indicators in the instruction and program, operations, personnel and governance components of school district effectiveness and one of the factors set forth at N.J.A.C. 6A:30-6.2(b) is present” with “qualifies for full State intervention pursuant to N.J.A.C. 6A:30-6.2(b).” The proposed amendment will simplify the rule as the language proposed for deletion already is contained in N.J.A.C. 6A:30-6.2(b).

N.J.A.C. 6A:30-6.7 Full State intervention plan

This section requires the full State intervention plan to incorporate and amend the district improvement plan and requires the intervention plan to be presented by the Commissioner as part of the proposed administrative order when the Department brings an Order to Show Cause seeking full State intervention in a school district. The section also requires the intervention plan to address the appointment of a State district superintendent, inclusive of term limits, with approval from the State Board and conditions for appointment of the existing school district superintendent as State district superintendent; appointment of highly skilled professionals; whether the school district’s CSA and executive administrators responsible for curriculum, business and finance, and personnel will be abolished; whether a Capital Project Control Board will be established in the school district; and whether the Commissioner intends to appoint up to three additional school district board of education members with State Board approval.

The Department proposes to delete the last sentence of N.J.A.C. 6A:30-6.7(a)5, which requires additional district board of education members, if appointed, to be subject to the requirements of N.J.A.C. 6A:30-6.8, because the same provision is in N.J.A.C. 6A:30-6.8.

N.J.A.C. 6A:30-6.8 Operations of the district board of education under full State intervention

This section requires a district board of education of a school district under full State intervention to continue in place but serve only in an advisory capacity with the rights, powers, and privileges of an advisory board. The section also requires the advisory district board of education to meet once per month at dates and times determined by the State district superintendent. The section further requires a vacancy on the advisory district board of education to be filled in the same manner as initially filled. The section also describes the procedures the Commissioner must follow to appoint up to three additional advisory district board of education members, if included in the full State intervention plan, as well as requirements for appointed district board of education members. The section also establishes the duties, responsibilities, and authority of the appointed district board of education members and requires them to be appointed for a two-year term, which can be extended by another two years upon State Board approval.

N.J.A.C. 6A:30-6.9 Assessment activities during the period of intervention

This section requires a school district under partial or full State intervention to continue to undergo both comprehensive reviews pursuant to N.J.A.C. 6A:30-3 and monitoring at six-month intervals pursuant to N.J.A.C. 6A:30-5.6(b).

Subchapter 7. Withdrawal from Partial or Full State Intervention

N.J.A.C. 6A:30-7.1 Factors for initiating return to local control

This section requires school districts in full intervention to remain in status for no less than three years before the process of withdrawal can begin. This section also outlines factors the Commissioner will consider in determining whether to initiate a full or partial withdrawal from intervention in a school district. The factors include evidence of sustained and substantial progress demonstrated by the school district having satisfied 80 to 100 percent of the weighted quality performance indicators in one or more of the components of school district effectiveness under full State intervention, as shown by the comprehensive reviews, six-month Department reviews, and/or other appropriate evidence; and substantial evidence the school district has adequate programs, policies, and personnel in place and in operation to ensure the demonstrated progress, with respect to the components of school district effectiveness under full State intervention, will be sustained.

N.J.A.C. 6A:30-7.2 Procedure for transition to partial State intervention or to local control

This section establishes requires the Commissioner to recommend to the State Board that the process for withdrawal from intervention be initiated if he or she determines a school district under State intervention has satisfied the factors at N.J.A.C. 6A:30-7.1(b) with respect to one or more components of school district effectiveness. The section also allows the State Board, based on the Commissioner's recommendation, to grant approval for the Department to initiate the transition to local control in the components of school district effectiveness. The section also requires the Commissioner to notify the school district if the State Board grants approval. The section further requires the Department to develop, in conjunction with the school district, a transition plan for local control as an initial step in the transition process.

The Department proposes an amendment to the second sentence of N.J.A.C. 6A:30-7.2(a), which allows the State Board, based on the Commissioner's recommendation, to grant approval for the Department to initiate the transition to local control in the components of school district effectiveness, to add "for which the school district satisfied 80 to 100 percent of the weighted quality performance indicators and shows evidence the progress will be sustained" after "school district effectiveness." The proposed amendment will specify the transition to local

control for partial State intervention can be granted only after the school district satisfied 80 to 100 percent of the weighted quality performance indicators and shows evidence the progress will be sustained.

Additionally, the Department proposes to recodify the third sentence of N.J.A.C. 6A:30-7.2(a), which applies the subchapter's procedures regarding transition to partial State intervention or to local control to school districts that were State-operated prior to February 22, 2007, as N.J.A.C. 6A:30-7.2(a)1.

The Department also proposes an amendment at N.J.A.C. 6A:30-7.2(c), which requires the Department to develop, in conjunction with the school district, a transition plan for local control as an initial step in the transition process, to replace "area or areas" with "component(s)" in for consistency.

N.J.A.C. 6A:30-7.3 Components of the Transition Plan

This section requires the transition plan to address, at a minimum, the following: timelines; continued employment of the State district superintendent; continued technical assistance by highly skilled professionals; continued use of and any change in the duties, authority, and responsibilities of highly skilled professionals appointed to provide direct oversight in the school district; a decision-making hierarchy if conflicts arise between appointed highly skilled professionals and school district personnel; specific goals and benchmarks to assist the school district in satisfying the factors at N.J.A.C. 6A:30-7.1(b) with respect to the remaining areas of school district functioning under intervention; status of district board of education members appointed by the Commissioner, if the governance component of school district effectiveness is being returned to local control; the receipt and payment for technical assistance; and the discontinuance of the Capital Projects Control Board, if applicable.

N.J.A.C. 6A:30-7.4 Implementation of the transition plan

This section requires the school district to present the transition plan for withdrawal from intervention to be presented at a public district board of education meeting and officially note it in the minutes. The section also requires the district board of education to be required immediately to implement the transition plan. The section also requires the Department to continue to monitor the school district during the transition period to ensure sustained progress and the transition plan's implementation. Lastly, the section requires the transition plan to be updated and amended as the school district achieves compliance with N.J.A.C. 6A:30-7.2(a) with respect to the other components or as other circumstances warrant.

N.J.A.C. 6A:30-7.5 Transition process for the governance component of school district effectiveness for school districts under full State intervention

This section provides a district board of education transitioning from full State intervention will continue to have the rights, powers, and duties of an advisory district board of education. The section also allows the advisory district board of education to be placed in partial State intervention as part of the transition to local control, unless and until the governance component has been returned to local control. The section also allows the State Board to return, upon Commissioner recommendation, some voting functions to the district board of education as part of and in furtherance of the process of transitioning the governance component to local control. The section further allows the Commissioner or his or her designee to veto any action by the district board of education in accordance with N.J.S.A. 18A:7A-53.c if some voting functions are returned to the district board of education. The section also requires the district board of

education to call a special election to place the question of classification status before the school district's voters no more than one year after the return of the governance component to local control and requires the special election to be conducted in accordance with the provisions of Title 19 of the Revised Statutes concerning school elections.

N.J.A.C. 6A:30-7.6 Completion of the transition process

This section requires the Commissioner to recommend to the State Board the completion of the withdrawal from intervention and for the school district to be returned fully to local control upon complete satisfaction of all components of a full transition plan. This section also requires the Commissioner to determine the school district's placement on the performance continuum, upon State Board approval, to notify the school district of the action, and to issue a letter to the school district designating it as a "high performing" school district.

The Department proposes an amendment at N.J.A.C. 6A:30-7.6(a), which requires the Commissioner to recommend to the State Board, upon complete satisfaction of all components of a full transition plan to local control, the withdrawal from intervention be completed and the school district be returned fully to local control, to replace "complete satisfaction of all components" with "successful implementation." The proposed amendment will specify a school district must successfully implement a full transition plan and not just complete it satisfactorily.

Subchapter 9. Observation of Instructional Practices and Evaluation of Public School District Facilities

The Department proposes to recodify Subchapter 9 as Subchapter 8, which currently is reserved.

N.J.A.C. 6A:30-9.1 Observation of instructional practices and evaluation of public school district facilities

This section states nothing in the chapter shall limit the Department's ability to monitor school district practices by, among other things, conducting on-site visits to observe instructional practices and school facilities, or to take other action the Commissioner or his or her designee deems necessary to ensure the satisfaction of any statutory or constitutional obligation.

Appendix A, District Performance Review (Delayed Repeal July 1, 2018)

The Department proposes to readopt Appendix A with no amendments. Additionally, the Department proposed to repeal Appendix A with a delayed effective date of July 1, 2018.

Instruction and Program

The Instruction and Program DPR indicators are used to assess a school district's performance and capacity in the area of instruction and student performance. The Instruction and Program DPR components include evaluating the proficiency and graduation rates of students based on state assessments; how well school districts analyze and use student achievement data; the alignment and implementation of the curriculum for each State standard, which includes the professional development for school leaders and teachers; lesson plan alignment; evaluations of teachers and administrators; and regular attendance of students.

Fiscal

The Fiscal DPR indicators are used to assess a school district's performance and capacity in the area of finance. The Fiscal DPR components include self-assessment of the areas for which the district board of education is responsible for direct oversight, including: maintaining monthly reports from the district board of education secretary; maintaining and updating the standard operating procedures manual for business functions; filing an annual CAFR audit and other supporting forms and collections; satisfying the elements of the annual audit; managing and overseeing entitlement and discretionary grants, as required; properly overseeing and accounting capital projects in Fund 30; implementing, reviewing, and revising projects that are consistent with the approved long-range facilities plan; securing county office approval for emergent projects; conducting and meeting requirements for annual health and safety reviews; following a budget calendar; transferring funds during the budget year in accordance with statute and budgetary control provisions; preparing and analyzing fiscal-year cash flow management for all funds; submitting reimbursement requests for Federal grant awards for the actual amount of incurred expenditures; and approving purchase orders approved only by the purchasing agent.

Governance

The Governance DPR indicators are used to assess a school district's performance and capacity in the area of Governance. The components in the Governance DPR include self-assessment in the areas of responsibility for which the district board of education has direct oversight, including: developing curriculum that is aligned with State standards; overseeing the budgeting process; developing and implementing all district board of education approved policies; evaluating the CSA; reviewing and approving all new, renewed, amended, altered, or extended contracts for CSAs, deputy superintendents, assistant superintendents, and school business administrators.

Operations

The Operations DPR indicators are used to assess a school district's performance and capacity in the area of Operations. The score for the Operations DPR is based on the Statement of Assurance Operations Items, which are described in summary of Appendix C.

Personnel

The Personnel DPR indicators are used to assess a school district's performance and capacity in the area of Personnel. The score for the Personnel DPR is based on the Statement of Assurance Personnel Items, which are described in the summary of Appendix C.

Appendix A, District Performance Review (Effective July 1, 2018)

District Performance Review

The Department proposes to repeal current Appendix A and to replace it with a new DPR in Appendix A, effective July 1, 2018. The proposed DPR includes extensive modifications of current DPR indicators and incorporates various SOA items. A detailed analysis of the current indicators compared to the proposed indicators follows.

The proposed indicators do not include a documentation column because specific documentation no longer will be required; rather, the Department will accept any documentation that demonstrates compliance with the particular indicator. The points in the DPR have been reassigned based on factors relative to the complexity of the DPR indicator. The specific point

assignments are proposed within the indicators that follow. Unless otherwise noted, proposed amendments are for clarity or stylistic or grammatical improvement.

The total point value for proposed Appendix A is 500. The Department proposes the following point values for the five key component areas in the DPR:

- Instruction and Program indicators -- 100 points;
- Governance indicators -- 100 points;
- Fiscal indicators -- 100 points;
- Personnel indicators -- 100 points; and
- Operations indicators -- 100 points.

The proposed point value for each indicator will result in a weighted balance of the point values based on the significance and complexity of each indicator. The proposed point values will be identified in the Summary within the detailed description of the proposed indicator.

Instruction and Program

The Instruction and Program DPR indicators will be used to assess a school district's performance and capacity in the area of instruction and student performance. The proposed Instruction and Program DPR components include a school district meeting the State's measure of academic progress and graduation rate; State assessment results and the analysis of the results to improve teaching and learning; curriculum alignment with the New Jersey Student Learning Standards (NJSLS); continuous improvement of curriculum and instruction; equal access to the NJSLS; and tiered supports for all students.

The Department proposes to repeal current Instruction and Program Indicator 1, which verifies a school district meets the annual measurable objective (AMO) in language arts literacy for the school district's total population because the State no longer calculates AMOs in the accountability system under the ESSA.

The Department proposes to repeal current Instruction and Program Indicator 2, which verifies a school district meets the AMO in mathematics for the school district's total population because the State no longer calculates AMOs in the accountability system under the ESSA.

The Department proposes new Instruction and Program Indicator 1 through 7 that will establish student performance metrics and student growth and graduation rate criteria that are aligned with ESSA. The points for the indicators will vary based on a school district's grade configuration. School districts that have grade configurations of kindergarten through grade eight (K-8) will be held accountable only for student growth measures and not a graduation rate; school districts that are kindergarten through grade 12 (K-12) will be held accountable for both graduation rates and student growth measures; and school districts that are grade nine through grade 12 (9-12) will be held accountable only for graduation rate. The maximum number of points that each grade configuration will be able to obtain for Instruction and Program Indicators 1 through 7 is 60. Each indicator point value will vary and is described in detail further in this summary.

The Department proposes new Instruction and Program Indicator 1 to enable a school district to receive points for its ELA achievement score. The ELA achievement score will be comprised of the following factors:

- Overall performance: The proficiency rate of all students in a school district; and
- Subgroup performance: The proficiency rate of all student subgroups.

In accordance with Federal guidelines, 95 percent or more of eligible PARCC assessment takers will be included in proficiency rate calculations (i.e., if less than 95 percent of students participated, 95 percent of all students will be counted and non-participants will be considered not proficient).

Depending upon the grade configuration of a school district, it will be able to attain a maximum of 10, 7.5, or 15 points for the proposed indicator. School districts with kindergarten through grade eight (K-8) will be able to attain a maximum of 10 points; school districts with kindergarten through grade 12 (K-12) will be able to attain a maximum of 7.5 points; and school districts with grade nine through 12 (9-12) will be able to attain a maximum of 15 points for this indicator.

For illustration purposes the following is an example of how the scores will be calculated. “School District A” has an ELA achievement score of 80 percent, or .80. The points earned by School District A for the ELA achievement indicator would vary based on School District A’s configuration and would be calculated as follows:

- If School District A is any composition of K-8, the achievement score (.80) would be multiplied by the maximum possible point value of 10, which would earn the school district eight points for the ELA achievement indicator ($.8 \times 10 = 8$).
- If School District A is any composition of K-12, the achievement score (.80) would be multiplied by the maximum possible point value of 7.5, which would earn the school district six points for the ELA achievement indicator ($.8 \times 7.5 = 6$).
- If School District A is any composition of 9-12, the achievement score (.80) would be multiplied by the maximum possible point value of 15, which would earn the school district 12 points for the ELA achievement indicator ($.8 \times 15 = 12$).

The Department proposes new Instruction and Program Indicator 2 to enable a school district to receive points for its mathematics achievement score. The mathematics achievement score will be comprised of the following factors:

- Overall performance: The proficiency rate of all students in a school district.
- Subgroup performance: The proficiency rate of all student subgroup’.

In accordance with Federal guidelines, 95 percent or more of eligible PARCC assessment takers will be included in proficiency rate calculations (i.e., if less than 95 percent of students participated, 95 percent of all students will be counted and the non-participants will be considered not proficient).

Depending upon the grade configuration of a school district, it will be able to attain a maximum of 10, 7.5, or 15 points for the proposed indicator. School districts with kindergarten through grade eight (K-8) will be able to attain a maximum of 10 points; school districts with kindergarten through grade 12 (K-12) will be able to attain a maximum of 7.5 points; and school districts with grade nine through 12 (9-12) will be able to attain a maximum of 15 points for this indicator.

For illustration purposes the following is an example of how the scores will be calculated. “School District A” has mathematics achievement score of 80 percent, or .80. The points earned by School District A for the mathematics achievement indicator would vary based on School District A’s configuration and would be calculated as follows:

- If School District A is any composition of K-8, the achievement score (.80) would be multiplied by the maximum possible point value of 10, which would earn the school district eight points for the mathematics achievement indicator ($.8 \times 10 = 8$).
- If School District A is any composition of K-12, the achievement score (.80) would be multiplied by the maximum possible point value of 7.5, which would earn the school district six points for the mathematics achievement indicator ($.8 \times 7.5 = 6$).
- If School District A is any composition of 9-12, the achievement score (.80) would be multiplied by the maximum possible point value of 15, which would earn the school district 12 points for the mathematics achievement indicator ($.8 \times 15 = 12$).

The Department proposes to recodify Instruction and Program Indicator 6, which measures the percentage of students who have achieved proficient or advanced proficient status on the most recent State science assessments, as proposed Instruction and Program Indicator 3. To align with the ESSA achievement requirements and the proposed ELA and mathematics achievement indicators, the Department proposes to enable a school district to receive points for its science achievement score. The science achievement score will be comprised of the following factors:

- Overall performance: The proficiency rate of all students in a school district.
- Subgroup performance: The proficiency rate of all student subgroups’.

In accordance with Federal guidelines, 95 percent or more of eligible PARCC assessment takers will be included in proficiency rate calculations (i.e., if less than 95 percent of students participated, 95 percent of all students will be counted and the non-participants will be considered not proficient).

Depending upon the grade configuration of a school district, it will be able to attain a maximum of 10, five, or zero points for the proposed indicator. School districts with a K-8 configuration will be able to attain a maximum of 10 points because they are held accountable for only student growth; school districts with a K-12 configuration will be able to attain a maximum of five points because they are held accountable for student growth and graduation rate; and school districts with a 9-12 configuration will be able to attain zero points for the indicator because they are not held accountable for student growth.

For illustration purposes, the following is an example of how the scores will be calculated. “School District A” has science achievement score of 80 percent, or .80. The points earned by School District A for the science achievement indicator would vary based on School District A’s configuration and would be calculated as follows:

- If School District A is any composition of K-8, the achievement score (.80) would be multiplied by the maximum possible point value of 10, which would earn the school district eight points for the science achievement indicator ($.8 \times 10 = 8$).
- If School District A is any composition of K-12, the achievement score (.80) would be multiplied by the maximum possible point value of 5, which would earn the school district six points for the science achievement indicator ($.8 \times 5 = 4$).
- If School District A is any composition of 9-12, it will not have a science achievement score and, therefore, would earn zero points for the indicator.

The Department proposes Instruction and Program Indicator 4 to enable a school district to receive points for its ELA academic progress. Academic progress will be calculated to include subgroup performance by averaging the median student growth percentile (mSGP) of all students with the average of all subgroups’ mSGPs. Depending upon the grade configuration of a school district, it will be able to attain a maximum of 10, 7.5, or zero points for the proposed indicator. School districts with a K-8 configuration will be able to attain a maximum of 10

points because they are held accountable for only student growth; school districts with a K-12 configuration will be able to attain a maximum of 7.5 points because they are held accountable for student growth and graduation rate; and school districts with a 9-12 configuration will be able to attain zero points for the indicator because they are not held accountable for student growth.

Each school district's mSGP will be converted to a score that ranges from zero to one. School districts will be able to refer to the *Median Student Growth Percentile Conversion Chart for NJQSAC*, which the Department will provide. This approach is similar to the mSGP conversion method used for the AchieveNJ system, although the scale and point allocation differ in the NJQSAC application to account for the mSGP distribution properties at the school district level. The calculation for Indicator 4 will be treated the same as described for Indicators 1 through 3 because the scores ranges from zero to one. The mSGP converted score, which is a decimal from zero to one, will be multiplied by the maximum value of the indicator, which will yield the NJQSAC score.

The Department proposes Instruction and Program Indicator 5 to enable a school district to receive points for its mathematics academic progress. Academic progress will be calculated to include subgroup performance by averaging the mSGP of all students with the average of all subgroups' mSGPs. Depending upon the grade configuration of a school district, it will be able to attain a maximum of 10, 7.5, or zero points for the proposed indicator. School districts with a K-8 configuration will be able to attain a maximum of 10 points because they are held accountable for only student growth; school districts with a K-12 configuration will be able to attain a maximum of 7.5 points because they are held accountable for student growth and graduation rate; and school districts with a 9-12 configuration will be able to attain zero points for this indicator because they are not held accountable for student growth. The score for this indicator will be calculated using the same method as described in the summary of proposed Instruction and Program Indicator 4. The mSGP converted score, which is a decimal from zero to one, will be multiplied by the maximum value of the indicator, which will yield the NJQSAC score.

The Department proposes to repeal Instruction and Program Indicator 5a, which assigns points to school districts for having no Priority Schools. The indicator is based on accountability data from 2011-2012.

The Department proposes to repeal Instruction and Program Indicator 5b, which assigns points to school districts for having a school with a high proficiency rate in Statewide assessments (classified as a Reward School). The proficiency rate is not a measure of growth but rather a static percentage, which is not an indication of improvement.

The Department proposes new Instruction and Program indicator 6 to enable a school district to receive points for its graduation rate (average of four-year and five-year adjusted cohort graduation rates). Graduation rate is calculated to include subgroup performance by averaging the combined graduation rate (i.e. the average of the four-year and five-year graduation rates) of all students with the average of all subgroups' combined graduation rates.

Depending upon the grade configuration of a school district, it will be able to attain a maximum of 20, 15, or zero points for the proposed indicator. School districts with a K-8 configuration will be able to attain zero points because they have no graduation rate; school districts with a K-12 configuration will be able to attain a maximum of 15 points because they are held accountable for student growth and graduation rate (K-12 school districts will be eligible for an additional five points in the student growth indicator); and school districts with a 9-12

configuration will be able to attain 20 points for this indicator because they are not held accountable for student growth and are not eligible for the additional points for student growth.

For illustration purposes, the following is an example of how the scores will be calculated. “School District A” has graduation rate of 80 percent, or .80. The points earned by School District A for the graduation rate indicator would vary based on School District A’s configuration and would be calculated as follows:

- If School District A is any composition of K-8 it will not have a graduation rate score and, therefore, will earn zero points for the graduation rate indicator.
- If School District A is any composition of K-12, the graduation rate (.80) would be multiplied by the maximum possible point value of 15, which would earn the school district six points for the graduation rate indicator ($.8 \times 15 = 12$).
- If School District A is any composition of 9-12, the graduation rate (.80) would be multiplied by the maximum possible point value of 20, which would earn the school district six points for the graduation rate indicator ($.8 \times 20 = 16$).

The Department proposes new Instruction and Program Indicator 7 to verify a school district has met the State’s measure for school quality and student success. The measurement is aligned with Federal requirements and is one of the State’s five indicators in ESSA, which encourages each state to establish additional school quality and student success indicators that impact student achievement. For example, chronic absenteeism will be the measure for school quality and student success in the 2017-2018 school year. In subsequent years, the Department could add a measure(s) of school quality and student success to the State’s ESSA plan and the additional measure(s) would be factored into this indicator. The Department anticipates chronic absenteeism to be a school quality and student success indicator for the 2018-2019 school year. The school quality or student success will be reflected in the percentage of school districts’ students who are not chronically absent. A student is identified as chronically absent when a school district reports that he or she has been present for 90 percent or fewer of the days he or she was an enrolled student at a school in the school district. If the ESSA plan is modified, school districts will be notified well in advance of monitoring about changes to the indicator for the following school year, including the calculation for the indicator. The Department proposes to assign the indicator a point value of 10.

The Department proposes to repeal current Instruction and Program 7, which verifies the percentage of students who graduated from high school by way of the High School Proficiency Assessment (HSPA). The HSPA is no longer used as an assessment in New Jersey and is no longer relevant as a measure under NJQSAC.

The Department proposes to recodify Instruction and Program Indicators 8, 9, 10, 11, and 13 and SOA Item 1, which verify a school district analyzes student achievement data by comparing each grade level across all schools within the school district, district factor groups (DFGs), and against State averages; identifies possible causes for decline or improvement in student performance; implements strategies to support progress and address deficiencies identified in the data; monitors the data to continually improve curriculum implementation; and reports the information to the district board of education, as new Instruction and Program Indicator 8. The proposed indicator states: “The chief school administrator (CSA) reports preliminary and final participation and performance results of annual Statewide assessments to the district board of education within 60 days of receipt of the information from the Department. The reports include aggregated and disaggregated subgroup data, as well as trend and comparative analyses and appropriate intervention strategies.” The proposed indicator includes the components of the current indicators without being as prescriptive, which aligns with the

Federal mandates under ESSA and the authorizing rules at N.J.A.C. 6A:8-4.3. The Department proposes to assign the indicator a point value of six.

The Department proposes to recodify Instruction and Program Indicators 12, 14, 15, 17b, and 18 and SOA Item 3 as new Instruction and Program Indicators 9 through 15. The current indicators and SOA items verify a school district's curriculum: specifies the content mastered for each grade level; includes clear grade-level benchmarks and interim assessments; is aligned with the most recent State academic standards; is horizontally and vertically articulated among all grade levels, content areas, schools and transition points; ensures instruction is based on the school district's curriculum, instructional materials, and media and school library resources; and meets the needs of all students. Additionally, the SOA item verifies the school district identifies the date(s) on which the curriculum was aligned to academic standards and has established a timeline for implementation. The proposed indicator will provide greater clarity regarding the requirements in N.J.A.C. 6A:8 and will ensure each curriculum area includes specific elements in N.J.A.C. 6A:8. The Department proposes each curricular element in new Instruction and Program Indicators 9 through 15 to monitor whether a school district's curriculum and instruction are aligned to the NJSLS standards in English language arts, mathematics, science, social studies, visual and performing arts, comprehensive health and physical education and world languages. Additionally, each indicator will monitor whether the curriculum and instruction integrate technology and career education and counseling. The proposed addition of "the Department's curriculum implementation timeline" allows for the monitoring of future standards and curriculum expectations. The Department proposes to assign Indicators 9 through 15 a point value of four each.

The Department proposes to repeal current Instruction and Program Indicator 16, which verifies a school district has implemented high school graduation requirements for all students based on the implementation schedule at N.J.A.C. 6A:8-5.1. The authorizing rules are prescriptive and, after multiple years of monitoring, the Department has found this occurs in virtually all school districts.

The Department proposes to recodify SOA Operations Item 14, which monitors whether a school district has a multidisciplinary team in each school building that is part of the coordinated system for the planning and delivery of intervention and referral services, as new Instruction and Program Indicator 16. The Department proposes amendments to align the indicator with the authorizing rules at N.J.A.C. 6A:16-8, which requires policies and procedures to exist to ensure a coordinated system for planning, delivering, and measuring outcomes and modification of intervention and referral services by the multidisciplinary team to identify students' learning behavior and health difficulties to assist staff members who have difficulty in addressing students' learning behaviors and health needs. Additionally, the proposed indicator outlines specific required elements for such a system. The proposed amendments are a quality measure of intervention and referral services for general education students as opposed to the current SOA, which verifies only the existence of multidisciplinary teams in each school building. The Department proposes to assign the indicator a point value of six.

The Department proposes to repeal current Instruction and Program Indicator 20, which verifies the school district's average daily attendance rate averages 90 percent or higher as calculated for three years prior to the DPR's completion, because the authorizing rule at N.J.A.C. 6A:32-13.1 has been repealed.

The Department proposes to repeal current Instruction and Program Indicator 21, which allocates points attained in the SOA by the school district during the NJQSAC monitoring year, because the Department also proposes to repeal Appendix C.

Fiscal

The Fiscal DPR indicators will be used to assess a school district's performance and capacity in the area of finance. The proposed Finance DPR components include self-assessment of the areas for which the district board of education is responsible for direct oversight, including: maintaining monthly reports from the district board of education secretary; maintaining and updating the standard operating procedures manual for business functions; filing an annual CAFR audit and other supporting forms and collections; satisfying the elements of the annual audit; managing and overseeing entitlement and discretionary grants, as required; properly overseeing and accounting capital projects in Fund 30; implementing, reviewing, and revising projects that are consistent with the approved long-range facilities plan; securing county office approval for emergent projects; conducting and meeting requirements for annual health and safety reviews; following a budget calendar; employing a buildings and grounds supervisor who possesses a valid Department authorization to serve as a certified educational facilities manager; transferring funds during the budget year in accordance with statute and budgetary control provisions; preparing and analyzing fiscal-year cash flow management for all funds; submitting reimbursement requests for Federal grant awards for the actual amount of incurred expenditures; and approving purchase orders approved only by the purchasing agent.

The Department proposes to maintain current Fiscal Indicator 1, which monitors whether the district board of education secretary's monthly report is completed and reconciled without exceptions, completed within 30 days of the month's end, reconciled with the treasurer's report within 45 days of the month's end, and submitted to the district board of education within 60 days of the month's end for approval. The current indicator additionally monitors the report's contents. The Department proposes to maintain the indicator language stating the district board of education secretary's monthly report is completed and reconciled. The Department also proposes to delete the remainder of the indicator language because it refers to the process and timelines that must occur prior the district board of education receiving the reports within 60 days of month's end. The remaining indicator language aligns with the authorizing rule at N.J.A.C. 6A:23A-16.10 that requires the district board of education secretary's monthly report to be completed and reconciled without exceptions and to be submitted to the district board of education within prescribed timelines. The Department proposes to assign the indicator a point value of six.

The Department proposes to maintain current Fiscal Indicator 2, which monitors a school district's maintenance and implementation of a standard operating procedure manual that includes a system of internal controls to prevent over-expenditure of line item accounts and to safeguard assets from theft and fraud. The Department proposes to delete "and to ensure an adequate separation of duties" because safeguarding assets from theft and fraud includes separation of duties. The Department proposes in Fiscal Indicator 2 to also require the manual to detail purchasing procedures to align the indicator with the authorizing regulation at N.J.A.C. 6A:23A-6.6. The Department proposes to assign the indicator a point value of eight.

The Department proposes to recodify current Fiscal Indicator 3, which monitors whether a school district prepares and analyzes, at least monthly, fiscal-year cash flow management for all funds to ensure payments can be made promptly and reimbursement requests for Federal grants are submitted in a timely manner, as new Fiscal Indicators 13 and 14. The Department proposes in new Fiscal Indicator 13 to replace "at least monthly" with "on a regular basis" because school districts regularly can obtain the timeliness of payments for all funds as a result of bookkeeping changes to modern accounting systems and practices. The Department proposes to assign new Fiscal Indicators 13 and 14 a point value of four each.

The Department proposes to recodify current Fiscal Indicator 4, which verifies the school district has filed by the due date its CAFR and other forms and collections such as the Auditor's Management Report and the Federal Data Collection Form, as new Fiscal Indicator 3. The Department proposes to assign the indicator a point value of four.

The Department proposes to delete the stem of current Fiscal Indicator 5, which states "[t]he district received an unqualified opinion on the annual audit and satisfied all of the following:," and replace it with "[t]he school district:" as the stem of new Fiscal Indicator 4. The Department proposed change will clarify the indicator applies to all school districts and not only to school districts with an unqualified opinion. The annual audit is embedded within new Fiscal Indicators 4a through 4d.

The Department proposes to recodify current Fiscal Indicator 5a, which verifies the school district has implemented, if required, a corrective action plan (CAP) that is acceptable to the ECS and addresses all audit recommendations, as new Fiscal Indicator 4a. The Department proposes to replace "acceptable to the Executive County Superintendent" with "acceptable to the Department" because another Department staff member other than the ECS may determine the acceptability of the CAP. The Department proposes to assign the indicator a point value of four.

The Department proposes to recodify current Fiscal Indicator 5b, which monitors whether a school district has repeat audit findings of a substantive nature, as new Fiscal Indicator 4b. The Department proposes to add "in the CAFR or AMR." The specificity of the CAFR and the AMR will provide a concrete measurement for NJQSAC monitoring purposes. Additionally, the CAFR and AMR are important and tools commonly used by auditors when reviewing a school district's audit. The Department proposes to assign the indicator a point value of four.

The Department proposes to recodify Fiscal Indicator 5c, which is used to verify a school district has no material weaknesses in the audit findings, as new Fiscal Indicator 4c. The Department proposes to amend the current language to "[r]eports no material weaknesses or significant deficiencies in the CAFR or AMR." The proposed language will align the indicator with language used by auditors according to audit standards. The Department proposes to assign the indicator a point value of four.

The Department proposes to recodify Fiscal Indicator 5d, which is used to verify a school district ends the year with no deficit balances and no line item over-expenditures in the general fund, special revenue fund, capital projects fund, or debt service fund other than permitted under State law and GAAP, as new Fiscal Indicator 4d. The Department proposes adding "(on the budgetary basis of accounting)" after the word "fund," because it is specific to the accounting method used to accommodate state aid payments. The Department proposes to assign the indicator a point value of four.

The Department proposes to recodify the stem of Fiscal Indicator 6, which lists specific types of entitlement and discretionary grants that a school district manages and oversees, as the stem of new Fiscal Indicator 5. The proposed indicator will broaden the grants school districts manage and oversee by deleting the specific list.

The Department proposes to repeal Fiscal Indicator 6a, which monitors whether a school district complies with the demonstration of comparability, maintenance of effort, supplement not supplant, and other Federal grant fiscal requirements. The current indicator's elements are duplicative and inherent in proposed Fiscal Indicators 5a through 5d. Proposed Fiscal Indicator 5a is a combination of SOA Fiscal Items 6 and 8. The Department proposes the new Fiscal

Indicator 5a as follows: “Submits initial applications, revisions, and final reports for all entitlement and discretionary grants by published due dates and expends Federal funds consistent with the approved indirect cost rate and grant application.” The Department proposes to assign the indicator a point value of two.

The Department proposes to recodify Fiscal Indicator 6b, which verifies a school district has expended grant funds as budgeted and has completed amendments and budget modifications for charges that exceed the applicable grant thresholds, as new Fiscal Indicator 5b. The Department proposes to amend the indicator language by adding “[b]udgets grant funds according to the approved application and” before “spends grant funds as budgeted.” The Department also proposes to replace “(entitlement grants – 10% of total grant award; discretionary grants – 10% of total grant award)” with “of 10 percent or for modifications that require opening new budget lines” to make the indicator language of the indicator less cumbersome while maintaining the requirement. The Department proposes to assign the indicator a point value of two.

The Department proposes to recodify Fiscal Indicator 6c, which ensures that Federal and State grant funds have been spent as required and that nonpublic school allocations have been expended as required, requires school districts to show evidence of ongoing and meaningful and timely consultation with nonpublic school officials, and evaluates whether a school district returns to the Department funds above \$1,000 and provides a reason for the return of funds for nonpublic school services, as new Fiscal Indicator 5c. The Department proposes to amend the indicator by deleting “If the district has returned funds in excess of \$1,000 to DOE: list the name of the grant and dollar amount refunded” and by clarifying the indicator monitors nonpublic school allocations of State- and federally funded programs. The Department also proposes to replace “ongoing meaningful and timely consultation” with “required consultations” and to add at the end “and provides evidence of consulting with nonpublic schools regarding the use of unexpended funds,” which will provide school districts greater flexibility in demonstrating the use of grants for educationally sound purposes while meeting the requirements for nonpublic school consultation. The Department proposes to assign the indicator a point value of two.

The Department proposes to recodify Fiscal Indicator 6d, which verifies salaries funded by Federal grants are documented in district board of education minutes and the school district maintains the required time and activity reports, as new Fiscal Indicator 5d. The Department proposes to assign the indicator a point value of two.

The Department proposes to recodify the stem of Fiscal Indicator 7, which verifies a school district provides proper oversight and accounting of capital projects, bond referendum, and other Fund 30 capital projects, as the stem of new Fiscal Indicator 6. The stem of the proposed indicator will state: “Proper oversight and accounting of capital projects accounted for in Fund 30 is provided. Specifically, the school district:” The current indicator is not clear to school districts and, therefore, resulted in a misunderstanding of the indicator’s scope.

The Department proposes to recodify Fiscal Indicators 7a through 7d, which currently evaluate whether a school district maintains a separate accounting by project, regularly monitors detailed accounts and oversees change orders to ensure/certify funds are available, spends within the authorized amount unless proper approvals have been received to raise additional funds to augment the authorized amount, and conducts the proper fiscal closeout of completed projects, including the proper transfer of interest earned annually to the debt service and/or general fund, as new Fiscal Indicators 6a through 6d. The Department proposes to assign the indicators a point value of four each.

The Department proposes to recodify Fiscal Indicator 8, which monitors whether a school district implements, reviews, and revises, as needed, projects that are consistent with the long-range facilities plan (LRFP) and has received county office approval for emergent projects, as new Fiscal Indicators 7 and 8. The Department proposes to add “, pursuant to N.J.A.C. 6A:26-2,” after “revised” to emphasize the regulatory requirements and to replace “N.J.A.C. 23A-3.16” with “N.J.A.C. 6A:26-3.14” to correct the Administrative Code reference for county office approval of emergent projects. The Department proposes to assign the indicators a point value of two each.

The Department proposes to maintain Fiscal Indicators 9a through 9c, which verify annual health and safety reviews have been conducted in each school building using the Evaluation of School Buildings Checklist Report and either 100 percent of all items are in compliance in all buildings or at least 80 percent of the items are in compliance in all buildings. The Department proposes to replace “Evaluation of School Buildings Checklist Report” with “Annual Facilities Checklist – Health and Safety Evaluation of School Buildings” to update the checklist name. The Department proposes to assign Fiscal Indicator 9a a point value of five, Fiscal Indicator 9b a point value of five, and Fiscal Indicator 9c a point value of two.

The Department proposes to recodify SOA Fiscal Item 1, which verifies whether a school district has followed a budget calendar that was developed and annually shared with the district board of education and reflects all applicable legal and management requirements, as new Fiscal Indicator 10. The Department proposes to amend the indicator to also require the school district’s programmatic offices to be involved in the budgeting process to offer input regarding the requirements and materials needed for teaching and student learning. The Department proposes to assign the indicator a point value of four.

The Department proposes to repeal current Fiscal Indicator 10, which provides for the allocation of points in the SOA attained by the school district during the NJQSAC monitoring year, because the Department also proposes to repeal Appendix C.

The Department proposes new Fiscal Indicator 11 to monitor whether all persons employed by a school district as a buildings and grounds supervisor, as defined in N.J.S.A. 18A:17-49, possess a valid authorization from the Department to serve as a certified educational facilities manager. The proposed indicator will ensure that school district no longer have uncertified educational facilities managers. The Department proposes to assign the indicator a point value of four.

The Department proposes to recodify SOA Fiscal Item 5, which monitors whether a school district included only line-item transfers or appropriations of surplus for new programs and initiatives contained in the original budget certified for taxes, as new Fiscal Indicator 12. The Department proposes the new indicator as follows: “The transfer of funds during the budget year is made in accordance with N.J.S.A. 18A:22-8.1 and 8.2 and complies with all budgetary control provisions, pursuant to N.J.A.C. 6A:23A-16.10.” The proposed amendments will improve the indicator’s alignment to the authorizing statutes and regulations that ensure a school district’s expenditures support the educational plans developed for that year. The Department proposes to assign the indicator a point value of four.

The Department proposes to recodify SOA Fiscal Item 10, which verifies purchase orders are approved by the purchasing agent and issued in advance of goods received or services rendered and encumbered for the full contractual amount and there are no confirming orders, as new Fiscal Indicator 15. The Department proposes to assign the indicator a point value of four.

Governance

The Governance DPR indicators will be used to assess a school district's performance and capacity in the area of Governance. The components in the Governance DPR include self-assessment in the areas of responsibility for which the district board of education has direct oversight, including: developing curriculum that is aligned with State standards; overseeing the budgeting process; developing and implementing all district board of education approved policies; evaluating the CSA; reviewing and approving all new, renewed, amended, altered, or extended contracts for CSAs, deputy superintendents, assistant superintendents, and school business administrators.

The Department proposes to maintain Governance Indicator 1, which verifies a district board of education or advisory board reviews, updates, and adopts by resolution the policies, procedures, and by-laws required by N.J.S.A. 18A:11-1. The Department also proposes to replace "current statutory authority" with "current statutory and regulatory authority" to clarify the policies, procedures, and by-laws must reflect current law and regulations. The Department proposes to assign the indicator a point value of eight.

The Department proposes to recodify the first sentence of Governance Indicator 2, which monitors whether a district board of education has a policy and a contract with the CSA to annually evaluate the CSA based on the adoption of goals and performance measurements reflecting the highest priority is given to student achievement and attention is given to subgroup achievement, as Governance Indicators 2 and 2a. The Department also proposes to delete the second sentence of current Governance Indicator 2, which verifies a district board of education annually reviews and revises, as necessary, the evaluative instrument based on school district goals and objectives, because the requirement is not in the authorizing statute and the frequency of review and revision of the evaluation instrument should be left to the district board of education's discretion.. The Department proposes to delete the third sentence of Governance Indicator 2, which mandates a CSA's contract is null and void if his or her certificate is revoked, because it has never been an issue during NJQSAC monitoring and, therefore, is unnecessary for NJQSAC monitoring purposes. Instead, the Department proposes Governance Indicator 2b to state "[c]ompletes the CSA evaluation by July 1 for both individual and shared district boards of education, in accordance with N.J.A.C. 6A:10-8.1(g)." The proposed amendment highlights the district board of education's responsibility to complete the CSA evaluations no later than July 1 and will ensure district boards of education use the evaluations to inform the CSA goal setting process decisions for the following school year. The proposed requirement for all constituent boards of education to conduct an annual CSA evaluation will allow each district board of education to make an informed decision about renewing the CSA contract. The Department proposes to assign Governance Indicator 2a a point value of seven and Governance Indicator 2b a point value of six.

The Department proposes to recodify current SOA Item 7, which verifies district boards of education or advisory boards, as applicable, submit new, renegotiated, amended, altered, or extended contracts for CSAs, deputy superintendents, assistant superintendents, and school business administrators for review and approval by the ECS and take no action until the review and approval has occurred, as new Governance Indicator 3. The Department proposes to assign the indicator a point value of seven.

The Department proposes to recodify Governance Indicator 3, which monitors whether a school district's budgeting process and allocation of resources are aligned with instructional priorities and student needs to provide for a thorough and efficient (T&E) education, as new Governance Indicator 6. The Department proposes amendments to add "as demonstrated by:" at

the end to indicate school districts will be held accountable for new Governance Indicators 6a through 6c. The Department also proposes to add “N.J.S.A. 18A:7F-6 and 46” before “N.J.A.C. 6A:23A-8.1.”

The Department proposes to recodify current Governance Indicator 3a, which monitors whether a school district has developed written policies and procedures for the budget and financial planning process that ensure integration and alignment with school district priorities and planning objectives based on Statewide assessments and applicable strategic plans such as school improvement plans, curriculum plans, a textbook replacement plan, a LRFP, and maintenance plans, as new Governance Indicator 6a. The Department proposes to replace “[t]he district has developed” before “written” with “[a]doption and implementation of” to clarify the policies and procedures must be adopted and implemented rather than developed. The Department also proposes to delete “such as school improvement plans, curriculum plans, a textbook replacement plan, a long-range facilities plan and maintenance plans” because the examples are not inclusive of all strategic plans and could be misinterpreted as the only strategic plans being monitored. The Department proposes to assign the indicator a point value of eight.

The Department proposes to recodify Governance Indicator 3b, which monitors whether the district board of education annually aligns the school district’s fiscal goals and budget objectives to ensure instructional resources are sufficient to address the needs of students and student subgroup performance as measured under the Federal No Child Left Behind Act (NCLB) and the school district develops curricula and ensures professional development for all staff, as Governance Indicator 6b. The Department proposes to replace “[t]he district” at the beginning with “[c]urricula that comply with State standards by” and to replace “ensure that instructional resources are sufficient to address the needs of students and student subgroup performance as measured under NCLB. The school district develops curricula and ensures professional development for all staff” with “provide for a thorough and efficient education.” The proposed amendment will provide more specificity and clarity. A T&E education can be measured by resources and where they are placed based on the school district’s needs. The proposed indicator goes beyond the development of curriculum and professional development by including “thorough and efficient education.” The Department proposes to assign the indicator a point value of eight.

The Department proposes to repeal Governance Indicator 3c, which monitors whether a district board of education’s adopted budget includes sufficient resources to address all board-approved corrective measures in response to annual audits and other programmatic and fiscal monitoring reports because this requirement is repetitive of the proposed fiscal indicator 4a.

The Department proposes to recodify Governance Indicator 4, which monitors whether a district board of education has reviewed all audit recommendations and, if required, approved and submitted an acceptable corrective action plan for any audit finding and recommendation or other compliance-related report (e.g. Title I audits, special education monitoring reports, as new Governance Indicator 5. The focus of the current indicator is the district board of education’s review of the audit report and, if applicable, approval of the corrective action plan; however, the indicator is used to monitor the district board of education’s review of additional compliance-related reports. The Department proposes to replace “audit finding and recommendation, or other compliance-related report according to N.J.S.A. 18A:23-5 and N.J.A.C. 6A:23A-4.3 (e.g. Title I audits, special education monitoring reports)” with “finding or recommendation for all compliance-related reports, consolidated monitoring reports, financial audits, special education reports, etc.” to apply the indicator to all compliance-related reports. The Department also proposes to use the indicator to verify that a school district has no outstanding monitoring or complaint investigation findings that exceed the required timelines for correction and that there

is no evidence of the school district not implementing the plan addressing findings or recommendations for all compliance-related reports, consolidated monitoring reports, financial audits, special education reports, etc. The Department proposes to assign the indicator a point value of eight.

The Department proposes to delete Governance Indicator 5, which allocates points based on the SOA points attained by the school district during the NJQSAC monitoring year, because the Department proposes to repeal Appendix C as explained later in this Summary.

The Department proposes to recodify the first and second sentences of SOA Item 4, which monitor whether a district board of education drafts minutes of all meetings, including executive session, that reflect all district board of education actions, make the minutes publicly available within two weeks or by the next district board of education meeting, and obtain public input and provide to school district staff information as it relates to community expectations, as Governance Indicator 12. The Department proposes to repeal the third sentence of SOA Item 4, which states the school district board of education also implements the Open Public Records Act. The Department determined that a district board of education is not the entity to implement OPRA, however a better indicator of Governance is to ensure a district board of education implements the Open Public Meetings Act. Therefore, the Department proposes a new Governance Indicator 10, to ensure the district board of education implements the Open Public Meetings Act pursuant to N.J.S.A. 10:4-6 et seq. The Department proposes to assign Governance Indicator 12 a point value of six and to assign Governance Indicator 10 a point value of four.

The Department proposes to recodify SOA Item 5, which verifies each district board of education member and administrator annually file a timely and properly completed financial/relative disclosure statement and discuss the School Ethics Act annually, as new Governance Indicator 13. The current SOA item also states no board member or administrator has been found in violation of the School Ethics Act. The Department proposes to assign the indicator a point value of five.

The Department proposes to recodify SOA Item 8, which monitors whether the school district board of education approves appointments and transfers, and removes or renews certificated and non-certificated officers and employees only by a roll call majority vote of the district board of education's full membership upon the CSA's recommendation and acts within 60 days of it, as new Governance Indicator 4. The Department proposes an amendment to delete "within 60 days of the CSA's recommendation" because the authorizing statute, N.J.S.A. 18A:27-4.1.b, does not stipulate a timeline. The Department proposes to assign the indicator a point value of six.

The Department proposes to recodify SOA Item 9, which monitors whether the district board of education approves the monthly district board of education secretary's and treasurer's reports within 60 days of month's end and certifies in the minutes that the major funds (general fund, special revenue, and capital projects fund) have not been over-expended), as new Governance Indicator 11. The Department proposes to assign the indicator a point value of six.

The Department proposes to recodify SOA Item 10, which monitors whether a district board of education conducts a public hearing on the proposed budget and formally adopts the budget at a public meeting, as new Governance Indicator 7. The Department proposes to also monitor whether the district board of education follows the budget process by also providing ongoing information on the budget's status and any revision(s) or emergent conditions and making the budget available for public notice and inspection, to encourage the budget's

development to be a process and not only an annual event. The Department proposes to assign the indicator a point value of eight.

The Department proposes a new Governance Indicator 8 to monitor whether a district board of education gathers data/information from families at least annually to measure the school district's system of communication and the effectiveness of its programs and processes to support student learning. The Department will use the indicator to verify whether the board of education gathers and uses information from families, to inform the programs and processes that are implemented in the school district to support student learning. The Department proposes to assign the indicator a point value of six.

The Department proposes a new Governance Indicator 9 to monitor whether a district board of education has established programs and services for all English language learners. The proposed indicator will align with the newly adopted requirements in the underlying code at N.J.A.C. 6A:15. The Department proposes to assign the indicator a point value of seven.

Operations

The Operations DPR indicators will be used to assess a school district's performance and capacity in implementing school district policies related to code of student conduct, attendance, alcohol, tobacco, and other drugs, and harassment, intimidation, and bullying (HIB); collecting data for NJSMART, incidents of violence, vandalism, substance abuse, and HIB, and school safety and security plans and procedures; developing and maintaining a positive school climate; implementing the education and law enforcement memorandum of agreement; providing school health services; reporting potentially missing and abused children; providing transportation services; implementing career education and counseling services, guidance and academic counseling programs, and intervention and referral services.

The Department proposes to repeal current Operations Indicator 1, which allocates points based on the SOA points attained by the school district during the NJQSAC monitoring year, because the Department also proposes to repeal Appendix C.

The Department proposes to recodify SOA Operations Item 2, which verifies a school district submits all required NJSMART files by the due dates and has an error rate of less than two percent for each file, as new Operations Indicators 1a and 1b. The Department proposes to add "and educator evaluation data files" after "NJSMART" in the indicator stem to ensure the Department monitors the new data collection for teacher certification purposes and to ensure accurate record keeping of evaluation data.

The Department proposes to amend new Operations Indicator 1a to replace "submitted" with "certified" and "due dates" with "established deadlines," respectively, and to also monitor whether the data submissions provide complete data. The proposed indicator will ensure school districts are inputting quality data, which is important because the data are used by the Department for multiple purposes, including student and teacher identification for State assessments, school performance reports, and teacher and administrator evaluation criteria. The Department proposes to assign the indicator a point value of two.

The Department proposes to amend new Operations Indicator 1b to replace the error rate of "less than 2% for each file" with "less than 1.5 percent for each file -- inclusive of student sync errors." The Department proposes to decrease the threshold for error rates in NJSMART and to add student sync errors to further improve the quality of data inputted into NJSMART.

Additionally, the proposed indicator will hold school districts accountable for student sync errors for the first time. The Department proposes to assign the indicator a point value of three.

The Department proposes a stem for new Operations Indicator 2 stating: “The school district’s educational entity system data:.” The Department proposes new Operations Indicator 2a to verify the school district’s educational entity system data have been submitted by established deadlines and no evidence of changes not approved by the Department were reported since the last NJQSAC monitoring. The educational entity system is the application that school districts use to enter information about a school district and its individual schools. The system also captures programs offered by school districts, key staff member contact information, school grade configurations, and county, school district, and school codes. The proposed new indicator will ensure the Department’s educational entity system accurately reflects school district data and information. The Department proposes to assign the indicator a point value of one.

The Department proposes new Operations Indicator 2b to monitor whether the school district’s educational entity system data have been accurately maintained throughout the school year and the school district has obtained Department approval for changes to school configurations within five business days of the proposed change. The proposed new indicator will ensure school districts are not making changes to school configurations without the knowledge and required Department approval. Changes to a school configuration can impact school district funding and accountability for State assessments. For example, a school building that has kindergarten through second grade may choose to expand to fifth grade. The change in grade configuration will impact school accountability because all State assessments administered in grades three through five will be reported on the school performance report. A school with only kindergarten through second grade are not held accountable for State assessment results because State assessments are not administered until third grade. The proposed indicator will also ensure a more accurate school contact directory, which is critical for the Department and the public to effectively communicate with the proper school personnel. The Department proposes assign the indicator a point value of three.

The Department proposes a stem for new Operations Indicator 3 stating: “The school district has a data management process that includes:.”

The Department proposes a new Operations Indicator 3a to monitor whether the school district has a data management process that includes identification of a school district data coordinator, school district contacts for all Department data applications, and an internal communication/information dissemination procedure. The proposed new indicator will ensure the Department can verify a school district memorializes a process for data management inclusive of minimum elements that are best practices in data management. The Department proposes assign the indicator a point value of two.

The Department proposes new Operations Indicator 3b to verify a school district has a data management process that includes submission of the data collection applications on the Department’s website by the established deadlines. The proposed indicator will ensure a school district submits all applications by the due dates. The applications are uploaded through the Department’s website and include grant management systems, budget submission, teacher and administrators evaluation score certification tool, career and technical education program approval, school register summary, school violence, vandalism, and substance abuse data collections, as well as other applications listed on the Department’s website at <http://homeroom.state.nj.us/>. The Department proposes assign the indicator a point value of three.

The Department proposes new Operations Indicator 4 to verify whether a school district has policies and procedures that require the use of multiple sources of data to monitor student achievement and progress and to evaluate the effectiveness of programs, initiatives, and strategies. The proposed new indicator will ensure school districts use available data to monitor and make adjustments to program initiatives and strategies for improving the student achievement and progress, if required. The Department proposes to assign the indicator a point value of three.

The Department proposes to recodify SOA Operations Item 3, which verifies the school district adopts and distributes to all school staff, students, and parents a code of student conduct that contains all required elements, as new Operations Indicator 5. The Department proposes amended language of the indicator to specify the elements that are required in the code of student conduct pursuant to N.J.A.C. 6A:16-7.1. Therefore, the proposed indicator states: “The district board education adopts and annually distributes to staff, parents, and students, policies and procedures to address the equitable application of a code of student conduct that establishes expectations for academic achievement, behavior, and attendance. The policy provides comprehensive tiered behavioral supports and responses to violations that include positive disciplinary practices that minimize exclusionary practices, such as suspension and expulsion; and details students’ due process rights. (N.J.A.C. 6A:16-7.1)” The proposed amendments will allow the Department to monitor the quality of the policies and procedures and not only the adoption and distribution of the code of student conduct. The Department proposes to assign the indicator a point value of five.

The Department proposes to recodify SOA Operations Item 4, which is used to verify the school district’s annual collection and reporting of incidents of violence, vandalism, substance abuse, and disruptive behavior on the EVVRS, as new Operations Indicator 6. The item also verifies the school district’s annual reporting of all incidents from the previous year to the district board of education at a public hearing and the school district’s analysis of the incidents and identification of activities to address them. The Department proposes to repeal the item’s first sentence because the Department already monitors the collection of the data through the EVVRS system; therefore, the monitoring of the collection through NJQSAC is duplicative. The Department proposes to replace “Electronic Violence, Vandalism and Vandalism Reporting System (EVVRS)” with “violence, vandalism, substance abuse, and harassment, intimidation, and bullying (HIB) incidents submitted on the Department’s incident reporting system” to align the indicator with changes to the underlying code, N.J.A.C. 6A:16-5.3. Additionally, the Department collects more than violence, vandalism and substance abuse incident in the system and the change aligns with the expansion of the type of data collected. The Department also proposes to amend the indicator to align more closely with the authorizing rule at N.J.A.C. 6A:16-5.3, which requires the CSA to make a presentation on the data to the district board of education twice per year and to submit the final data verification to the Department by July 15. Lastly, the Department proposes to delete the current indicator’s last sentence, which requires the analysis of incidents and the identification of activities to address them, because it is duplicative of the proposed Operations Indicator 5. The Department proposes to assign the indicator a point value of five.

The Department proposes a new Operations Indicator 7, which will verify a school district implements a process to ensure the school safety/school climate team in each school builds a positive school climate with support from the CSA. The proposed indicator will monitor whether each school has school safety/school climate team that reviews and takes action to strengthen school climate policies; educates the school community, including students, teachers, staff, and parents, to prevent HIB; is provided with professional development opportunities that address effective practices of successful school climate programs or approaches; and completes

the HIB self-assessment. Additionally, the Department proposes to also monitor whether the CSA submits to the Department the statement of assurances and the district board of education approval date for the HIB self-assessment for each school by September 30, as required by the authorizing statute, N.J.S.A. 18A:37-14 through 18. The proposed indicator will ensure each school district has a process for building a positive school climate to facilitate student progress and achievement. The Department proposes to assign the indicator a point value of seven.

The Department proposes to recodify SOA Operations Item 7, which verifies the school district provides for the safety and protection of students by annually reviewing, developing, and implementing a memorandum of agreement (MOA) with law enforcement and implementing the district board of education-approved policies to facilitate cooperation between school staff and law enforcement, as new Operation Indicator 8. The Department proposes to amend the indicator to reflect the MOA's proper name and to focus on the signing of the MOA between a school district and law enforcement. The Department also proposed to focus on the MOA's quality of implementation by replacing "[p]rovides for the safety and protection of students through the annual review, development and implementation of a memorandum of agreement (MOA) with law enforcement and implementation of board-approved policies to facilitate" with "[t]here have been no findings of noncompliance since the last NJQSAC monitoring." The proposed amendment will result in monitoring the school district's implementation of the MOA instead of monitoring the MOA's annual review and development, which is already common practice within school districts. To implement the MOA, it already must have been reviewed and developed; therefore, there is no need to monitor for development and review. The Department proposes to assign the indicator a point value of six.

The Department proposes to recodify SOA Operations Item 18, which is used to monitor the dissemination information about and implementation of a school district's comprehensive alcohol, tobacco, and other drug abuse program, as new Operations Indicator 9. The current SOA item also monitors the adoption and dissemination to all school staff, students, and parents of the policies and procedures for the prevention, assessment, intervention, referral for evaluation, referral for treatment, discipline for students using alcohol or other drugs, and continuity of care. The Department proposes to delete the dissemination requirement because school district policies are available to the public at any time and are distributed annually to parents and guardians. Additionally, the Department proposes a new final sentence stating: "There have been no findings of noncompliance since the last NJQSAC monitoring." The proposed indicator will result in improved monitoring of the quality of the school district's implementation of a comprehensive alcohol, tobacco, and other drug abuse program. The Department proposes to assign the indicator a point value of six.

The Department proposes to recodify SOA Operations Item 8, which verifies whether a school district implements procedures to review and resolve transportation incidents to avoid safety violations and ensures the safety of children by meeting Motor Vehicle Commission requirements for bus driver inspections before loading and after drop-off and evacuation drills, as new Operations Indicator 10. The Department proposes to amend the item by deleting "before loading and after drop-off" because it does not encompass all Motor Vehicle Commission bus inspection requirements and could result in school districts interpreting the requirements incorrectly and incompletely. Additionally, the Department proposes to amend the indicator to also verify the school district completes the required evacuation drills and the CSA presents to the district board of education evidence of the drills' completion, pursuant to the authorizing rules at N.J.A.C. 6A:27. The Department proposes to assign the indicator a point value of six.

The Department proposes to recodify SOA Operations Item 9, which monitors a school district's adoption and implementation of policies and procedures for reporting missing and

abused children to law enforcement and child welfare authorities, as new Operations Indicator 11. The item is also used to verify the appointment of a school district liaison and the provision of required training in procedures for reporting missing and abused children to law enforcement for school district staff, volunteers, and interns. The Department proposes to add “potentially” before “missing” and to add “or neglected” after “abused” to align the indicator with the authorizing rules at N.J.A.C. 6A:16-11. Additionally, the Department proposes a new final sentence to state: “There have been no findings of noncompliance since the last NJQSAC monitoring.” The proposed addition will allow the Department to determine whether the requirements regarding reporting missing and abused children have been implemented in the school district since the previous monitoring period. The Department proposes to assign the indicator a point value of six.

The Department proposes to recodify SOA Operations Item 10, which verifies whether the school district provides school health services, screenings, and examinations to identify the need for medical services for public and nonpublic students and maintains student health records, as new Operations Item 12. The Department proposes to replace “[p]rovides school health services” with “Comprehensive record of immunizations, required physical examinations and health screenings are maintained to identify the need for medical services for public and nonpublic school students.” The proposed amendment will clarify the school district does not provide health services but maintains a record of the services for both public and nonpublic school students. The Department also proposes to add “[h]ealth records are kept separately from other student records” to clarify the health records are not part of other student records and must be maintained separately. Additionally, the Department proposes a new final sentence to state: “There have been no findings of noncompliance since the last NJQSAC monitoring.” The proposed addition will allow for the Department to monitor the quality of implementation since the previous monitoring period. The proposed amendments will better align the indicator with the authorizing rules at N.J.A.C. 6A:16-2.1(a)8 and 2.5. The Department proposes to assign the indicator a point value of four.

The Department proposes to recodify SOA Operations Item 11, which monitors whether the school district has implemented the Department-approved school health nursing services plan, as Operations Indicator 13. The Department proposes an amendment to replace “DOE-approved school health nursing services plan” with “[t]he district board of education annually adopts a nursing services plan for each school that addresses sufficient nursing requirements and the needs of all students, including nonpublic school students.” The proposed amendments will align the indicator with the authorizing rule at N.J.A.C. 6A:16-2.1(b), which no longer requires Department’s approval of the school nursing services plan. The Department also proposes to add the following at the beginning of the indicator to better align it with the authorizing rule: “At least one certified school nurse is employed by the school district (not through a third-party contract). For medically fragile students who require one-to-one clinical nursing services, the school district uses a provider of clinical nursing services who appears on the New Jersey Department of Human Services’ directory of private-duty nursing.” The Department proposes to assign the indicator a point value of eight.

The Department proposes to recodify the first sentence of SOA Operations Item 15, which monitors the school district’s provision of educational services, either in school or out of school, within five days of a student’s removal from school for disciplinary reasons or absence due to chronic or temporary illness, as new Operations Indicator 14. The Department proposes to replace “absence” with “within five days after receipt of the school physician’s verification of the need for home instruction.” The Department also proposes to also monitor whether instruction for all students receiving home instruction because of disciplinary reasons or chronic or temporary illness is provided by a certified instructor who successfully completed the

Department's criminal history record check. The proposed amendments will better align the indicator with the authorizing rules at N.J.A.C. 6A:16-7.2, 7.3, and 10.1. Additionally, the Department proposes an amendment to include examples of the reasons for removal from school for clarification. The Department also proposes to repeal the SOA item language about a county special services school district (CSSSD) developing and implementing procedures for notifying the resident school district of disciplinary removals or absences due to chronic or temporary illness in Appendix A because it only applied to CSSSDs. However, the statement will be included in proposed Appendix B. The Department proposes to assign the indicator a point value of six.

The Department proposes to recodify the first sentence of SOA Operations Item 19, which verifies whether a school district annually reviews, revises, or develops and implements safety and security plans, procedures, and mechanisms in consultation with law enforcement, health, social service and emergency management agencies, and other community members, including parents, as new Operations Indicator 15. The Department proposes to also monitor whether the CSA has verified in writing that the process has occurred, which will further ensure safety and security plans have been reviewed at least annually. The Department proposes to assign the indicator a point value of six.

The Department proposes a new Operations Indicator 16 to verify the annual submission to the Department of the security drill SOA that accurately represents that the monthly security drills were conducted, in accordance with N.J.S.A. 18A:41. The proposed indicator will highlight the importance of school districts not only submitting the security drill SOA but also the accuracy of the SOA's content. The Department proposes to assign the indicator a point value of four.

The Department proposes to recodify SOA Operations Item 20, which verifies the implementation of the Department-approved comprehensive equity plan designed to eliminate discrimination according to race, age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender, religion, disability, socioeconomic status, pregnancy, or parenthood, as new Operations Indicator 17. The Department proposes to also monitor whether the school district's annual CEP statement of assurance has been submitted to the Department. The Department proposes to assign the indicator a point value of six.

The Department proposes to recodify current Instruction and Program Indicator 19, which verifies the school district promotes regular attendance of students by adopting and implementing policies and procedures that include expectations and consequences of attendance and the school district's responses to unexcused absences, as new Operations Indicator 18. The Department proposes an amendment by replacing "promote" with "require" to emphasize the importance of attendance policies and addressing student absenteeism. Additionally, the Department proposes to add at the end "that attempt to determine the cause and to provide tiered supports in maintaining regular attendance for all students." The additional language will monitor whether school districts develop supports for individual students based on the cause of absence. The Department proposes to assign the indicator a point value of eight.

Personnel

The Personnel DPR indicators will be used to assess a school district's performance and capacity in fulfilling the requirements for staffing and for staff development, including assurance staff are appropriately certified and meet the qualifications of their positions, staff attendance is maintained, staff evaluations are aligned to the TEACHNJ Act, support is provided to novice teachers, professional development is provided to staff based on the professional development

plan, and the school district's professional development plan is aligned to the school district's goals and budget.

The Department proposes to delete current Personnel Indicator 1, which allocates points based on the SOA points attained by the school district during the NJQSAC monitoring year, because the Department also proposes to repeal Appendix C.

The Department proposes new Personnel Indicator 1 to verify whether the school district demonstrates that evaluation processes have occurred in accordance with N.J.A.C. 6A:9C and 6A:10. The new indicator will be used to monitor school district's implementation of the teacher and administrator evaluation requirements to ensure all teachers and administrators are evaluated and provided feedback for improvement, pursuant to N.J.A.C. 6A:10. The Department proposes a stem for new Personnel Indicator 1 as follows: "An audit of staff personnel files and other relevant school district records demonstrates that evaluation processes have occurred in accordance with N.J.A.C. 6A:9C and 6A:10 in the following categories:."

The Department proposes new Personnel Indicator 1a to verify the teacher evaluation processes has occurred in a school district and includes correct summative scores, evaluation training, observations and post-observation conferences, and measures of student growth (student growth objectives (SGOs) and mSGP), which are required in the authorizing rules at N.J.A.C. 6A:10-2.2, 2.4, 2.5, 4.1, 4.2, and 4.4. School districts that have every component of the indicator in every staff file will earn 10 points. School districts that have one staff file incomplete will earn five points and any school district that has more than one staff file incomplete will earn zero points.

The Department proposes new Personnel Indicator 1b to verify the school leader evaluation processes has occurred in a school district and includes correct summative scores, evaluation training, measures of principal practice, and measures of student growth (SGOs, mSGP, and administrator goals), which are required in the authorizing rules at N.J.A.C. 6A:10-2.2, 2.4, 2.5, 5.1, 5.2, 5.3, and 5.4. School districts that have every component of the indicator in every staff file will earn eight points. School districts that have one staff file incomplete will earn four points and any school district that has more than one staff file incomplete will earn zero points.

The Department proposes new Personnel Indicator 1c to verify evaluations of other certificated staff have occurred in accordance with the authorizing rules at N.J.A.C. 6A:10-2.2, 2.4, 2.5, 6.1, and 6.2. School districts that have every component of the indicator in every staff file will earn four points. School districts that have one staff file incomplete will earn two points and any school district that has more than one staff file incomplete will earn zero points.

The Department proposes new Personnel Indicator 1d to verify other structures and evaluation processes exist in a school district and include school improvement panels (ScIPs) and tenure charge proceedings according to the TEACHNJ Act. The Department proposes to assign the indicator a point value of six.

The Department proposes a stem for new Personnel Indicator 2 as follows: "The school district demonstrates supportive conditions for high-quality professional learning and development for teachers, educational services staff, and administrators, as indicated by the following: (N.J.A.C. 6A:9C and 6A:13-2)."

The Department proposes new Personnel Indicator 2a to monitor whether a school district demonstrates it provides supportive conditions for high-quality professional learning and

development through the completion of professional development plans (PDP) or corrective action plans (CAPs) for all administrators and teaching staff. The proposed indicator will also verify the PDPs or the CAPs are linked to school district, school, team, and/or individual goals, and result from individual performance evaluations. The Department proposes the indicator not only for alignment with the authorizing rules at N.J.A.C. 6A:9C and 6A:10-2.5 but also to highlight the importance of professional development. The Department proposes to assign the indicator a point value of five.

The Department proposes new Personnel Indicator 2b to monitor whether school districts ensure the curriculum and information about student strengths and needs are horizontally and vertically articulated among all grades, content areas, and schools, and at all specific transition points. The Department will use the new indicator to monitor whether a school district demonstrates it provides supportive conditions for high-quality professional learning and development by ensuring school schedules include consistent time for teachers to examine student results and to collaborate on addressing student learning needs. The allotment of this time is critical for school district teaching staff to ensure a student's learning needs are met across all content areas and grade levels. The proposed indicator also will align with the authorizing rules at N.J.A.C. 6A:9C-3.2 and 3-3 and 6A:13-2.1. The Department proposes to assign the indicator a point value of five.

The Department proposes to recodify Instruction and Program Indicator 12, which verifies the school district assesses the progress of each student mastering the State academic standards and using assessment data to improve instruction to proposed Personnel Indicator 2c. The proposed indicator will be used to monitor whether a school district demonstrates it provides supportive conditions for high-quality professional learning and development by ensuring the school district-level PDP contains specific components. The components include districtwide and school-level professional learning for active staff holding teaching, educational services, and administrative certificates; incorporates professional learning that is sustained and job-embedded rather than one-time workshops; and provides a rationale for the professional learning. The Department proposes the new indicator to verify that school districts have a quality districtwide PDP plans, which use student and educator data, including educator evaluation data and data from school-level PDPs to determine the appropriate type of professional learning for staff to show how it addresses the New Jersey Student Learning Standards and/or the professional standards for teachers and school leaders (N.J.A.C. 6A:8 and 6A:9) and how the professional learning is based on a variety of sources and types of student, educator, and system evidence, including educator evaluation data and school-level PDPs. The proposed indicator will ensure school districts use data to determine the needs of students and staff and plan professional learning around the data. The Department proposes to assign the indicator a point value of five.

The Department proposes new Personnel Indicator 2d to monitor whether a school district demonstrates it provides supportive conditions for high-quality professional learning and development by ensuring the school district budget includes funds for educator professional learning and development that align to the school district's professional development needs, as stated in the PDP and mentoring plan, and are distinct from funds designated toward completion of State-mandated professional development topics. The new indicator will allow the Department to verify a school district includes professional learning and development as part of providing a thorough and efficient education. Department proposes to assign the indicator a point value of five.

The Department proposes new Personnel Indicator 2e to monitor whether a school district demonstrates it provides supportive conditions for high-quality professional learning and development by ensuring its school district mentoring plan details support provided for all

nontenured teachers in their first year of employment through, at minimum, an introduction to school district curricula, student assessment policies, and training on the school district's evaluation rubric; describes the process for selecting and assigning one-to-one mentors who meet State eligibility requirements to work with provisional teachers; describes how mentors are trained; and describes the process by which the administrative office oversees mentor payments in accordance with the authorizing rules at N.J.A.C. 6 A:9C-5. The proposed indicator will ensure school districts are supporting new teachers and administrators through the district mentoring plan. The Department proposes to assign the indicator a point value of three.

The Department proposes to recodify SOA Operations Item 1, which monitors whether a school district conducts all trainings for school district employees in accordance with N.J.S.A. 18A and N.J.A.C. 6A, as new Personnel Indicator 2f. The Department proposes an amendment to the indicator by replacing "trainings," which is an outdated term, with "professional development." The Department also proposes to monitor whether all staff have completed professional development on the State-mandated topics required for their assignments rather than ensuring the school district has conducted professional development. The Department proposes to assign the indicator a point value of two.

The Department proposes a stem for new Personnel Indicator 3 as follows: "The district board of education has ensured the following staffing practices are followed for all provisional staff members:."

The Department proposes new Personnel Indicator 3a to verify a district board of education has ensured employees with a certificate of eligibility with advanced standing (CEAS) or certificate of eligibility (CE) are registered in the provisional teacher process within 60 days of beginning employment. The proposed indicator will ensure a school district is not negatively impacting a provisional teacher from obtaining a standard certification by registering late or not at all. Additionally the indicator highlights the authorizing rules at N.J.A.C. 6A:9B, which may be overlooked by school districts. The Department proposes to assign the indicator a point value of four.

The Department proposes new Personnel Indicator 3b to verify a district board of education has ensured a mentor is assigned to all provisional teaching staff and mentor hours are tracked and evaluation is conducted in accordance with the authorizing rules at N.J.A.C. 6A:9B-8.4, 6A:9C-5, and 6A:10. The proposed indicator will ensure provisional teaching staff members have mentors to guide them through the process of obtaining a standard license. The Department proposes to assign the indicator a point value of three.

The Department proposes new Personnel Indicator 3c to verify a district board of education has ensured provisional teaching staff seeking the standard license for teacher of students with disabilities and/or teacher of bilingual education submit annual transcripts from their educator preparation programs (EPPs) to allow school districts to track staff progress toward completion of required coursework. The proposed indicator will ensure provisional teachers of students with disabilities and/or teachers of bilingual education obtain a standard license and do not remain in provisional status indefinitely. The Department proposes to assign the indicator a point value of four.

The Department proposes a stem for new Personnel Indicator 4 as follows: "The district board of education has ensured the following staffing practices are followed:."

The Department proposes to recodify Personnel SOA Item 2, which confirms new school district employees have a successful criminal history check within three months of employment

and have not been disqualified for employment, as Personnel Indicator 4a. The Department proposes an amendment to replace “within three months of employment” with “prior to employment” because the three-month period is not a requirement of N.J.S.A. 18A:6-7.1 and to emphasize the criminal history check must be completed before employment begins. The Department proposes to assign the indicator a point value of two.

The Department proposes to recodify Personnel SOA Item 3, which monitors whether a school district adopts written policies and procedures for the physical examinations of new and existing employees and maintains personal health records in separate and secure location from personnel files, as Personnel Indicator 4b. The Department proposes an amendment to replace “[a]dopts written policies and procedures for the physical examination of new and existing employees” with “[c]andidates for employment and employees, when applicable, receive a physical examination.” The current SOA item verifies only if a policy and procedures for physical examinations exist; the proposed indicator will ensure the physical examinations are being conducted, when appropriate. The Department proposes to assign the indicator a point value of two.

The Department proposes to recodify Personnel SOA Item 1, which monitors whether school districts use district board of education-approved job descriptions and standards for appointment of each teaching staff member, substitute teacher, and other staff, including paraprofessional positions, and ensure all staff are appropriately certified and credentialed for their assignment, as Personnel Indicator 4c. The Department proposes to delete “[u]tilize board-approved job descriptions and standards for appointment of each teaching staff member, substitute teacher and other staff including paraprofessional positions” because it is not aligned to the existing rules for school district hiring practices. In accordance with N.J.A.C. 6A:32-4.1, a school district may create its own guidelines for the hiring of all staff. The Department proposes to maintain the second sentence, which verifies the school district ensures all staff are appropriately certified and credentialed for their assignment. The Department proposes to amend the indicator to read as follows: “Certificated staff are working in roles that are appropriate for their certification; and (N.J.A.C. 6A:9B-9.1).” The Department proposes to assign the indicator a point value of five.

The Department proposes new Personnel Indicator 4d to verify whether accurate teacher attendance records -- including the reason for the teacher’s absence (e.g. personal day, sick day, etc.), absence frequency patterns, and the percentage of teachers absent 10 days or more per school year – are maintained at the school district and school levels. Teacher attendance plays a critical role in student learning and achievement. School districts that accurately track trends and patterns of teacher attendance will be able to implement corrective measures before the absences impact student learning and achievement. Additionally, attendance tracking will increase the accuracy of school districts’ payroll systems. The Department proposes to assign the indicator a point value of five.

The Department proposes new Personnel Indicator 2e to verify whether a district board of education has ensured the length of service of substitute teachers is tracked and the placement of substitute teachers is appropriate, in accordance with N.J.A.C. 6A:9B-6.5. The proposed indicator will ensure students are being taught by qualified substitute teachers in the long-term absence of a regular teacher. The Department proposes to assign the indicator a point value of two.

The Department proposes a stem for new Personnel Indicator 5 as follows: “The position control roster:.”

The Department proposes new Personnel Indicator 5a to verify the position control roster includes all required components listed in the authorizing rules at N.J.A.C. 6A:23A-6.8. The Department proposes to assign the indicator a point value of six.

The Department proposes new Personnel Indicator 5b to verify the position control roster is accurate and up to date. An accurate position control roster indicates the school district has an understanding of vacancies, long-term leaves of absence, and the associated budget for existing personnel. The Department proposes to assign the indicator a point value of five.

The Department proposes new Personnel Indicator 5c to verify the position control roster reconciles with the budget. The proposed indicator will ensure the budget reflects staffing within a school district to allot funds accurately to identified priority areas. The Department proposes to assign the indicator a point value of four.

The Department proposes to recodify Instruction and Program Indicator 17a, which verifies supervisory practices are implemented, curriculum is taught in every classroom, and practices focus on classroom instruction as evidenced by teacher-principal/supervisor discussions and meetings, teacher evaluations and observations, lesson planning, student performance data and walk-throughs, as new Personnel Indicator 6. The current indicator also verifies lesson plans are aligned with the NJCCCS and CCSS, integrate technology, and are reviewed at least monthly by principals/supervisors, and feedback is provided to the teacher on lesson planning and implementation. The proposed amendments verify teacher observation reports and classroom activities indicate that supervision and evaluation processes are occurring in accordance with N.J.A.C. 6A:10 and result in professional practices aligned with the district board of education-approved teacher observation instrument and supervisory feedback to teachers that is targeted and actionable. The proposed indicator will ensure supervisors are providing teachers with meaningful feedback on practice to improve teaching and learning. The proposed amendments will improve the indicator's alignment with the authorizing rules at N.J.A.C. 6A:10. The Department proposes to assign the indicator a point value of five.

Appendix B, Delayed Repeal on July 1, 2018

District Performance Review of County Special Services School Districts

The Department proposes to readopt Appendix B with no amendments. Additionally, the Department proposed to repeal Appendix B with a delayed effective date of July 1, 2018.

Instruction and Program

The Instruction and Program DPR indicators for CSSSDs are used to assess a CSSSD's performance and capacity in the area of instruction and student performance. The Instruction and Program DPR components include analysis of student achievement data; full implementation of student individualized education programs (IEPs), the creation and implementation of corrective action plans that address the needs of all students who score below expectations in State and local assessments; reporting of student achievement to the school district board of education; continuous improvement of curriculum and instruction; development, adoption, and implementation of school district graduation requirements; horizontal and vertical articulation; implementation of activities to prepare students for transitioning to a least restrictive environment; the use of positive behavioral supports; implementation of transition services; promotion of parental involvement to support student progress; implementation of supervisory practices for each content area; professional development based on data and promoting regular attendance.

Fiscal

The Fiscal DPR indicators are used to assess a school district's performance and capacity in the area of finance. The Finance DPR components include self-assessment of the areas for which the district board of education is responsible for direct oversight, including: maintaining monthly reports from the district board of education secretary; maintaining and updating the standard operating procedures manual for business functions; filing an annual CAFR audit and other supporting forms and collections; satisfying the elements of the annual audit; managing and overseeing entitlement and discretionary grants, as required; properly overseeing and accounting capital projects in Fund 30; implementing, reviewing, and revising projects that are consistent with the approved long-range facilities plan; securing county office approval for emergent projects; conducting and meeting requirements for annual health and safety reviews; following a budget calendar; transferring funds during the budget year in accordance with statute and budgetary control provisions; preparing and analyzing fiscal-year cash flow management for all funds; submitting reimbursement requests for Federal grant awards for the actual amount of incurred expenditures; and approving purchase orders approved only by the purchasing agent.

Governance

The Governance DPR indicators are used to assess a school district's performance and capacity in the area of Governance. The components in the Governance DPR include self-assessment in the areas of responsibility for which the district board of education has direct oversight, including: developing curriculum that is aligned with State standards; overseeing the budgeting process; developing and implementing all district board of education approved policies; evaluating the CSA; and reviewing and approving all new, renewed, amended, altered, or extended contracts for CSAs, deputy superintendents, assistant superintendents, and school business administrators.

Operations

The Operations DPR indicators is used to assess a school district's performance and capacity in the area of Operations. The score for the Operations DPR is based on the Statement of Assurance Operations Items, which are described in the summary of Appendix C.

Personnel

The Personnel DPR indicators are used to assess a school district's performance and capacity in the area of Personnel. The score for the Personnel DPR is based on the Statement of Assurance Personnel Items, which are described in the summary of Appendix C.

Appendix B, (Effective July 1, 2018)

District Performance Review of County Special Services School Districts

The Department proposes to repeal current Appendix B and to replace it with a new Appendix B, effective July 1, 2018. The proposed DPR will include extensive modifications of current DPR indicators for CSSSDs and incorporates various SOA items. A detailed analysis of the current indicators compared to the proposed indicators follows. The proposed indicators do not include a documentation column because specific documentation no longer will be required; rather, the Department will accept any documentation that demonstrates compliance of the particular indicator.

Instruction and Program

The Instruction and Program DPR indicators for CSSSDs will be used to assess a CSSSD's performance and capacity in the area of instruction and student performance. The proposed Instruction and Program DPR components will include required and ongoing communication with the sending school district, the use of positive behavioral supports, targets paraprofessional and school aide staff training, full implementation of student IEPs, the creation and implementation of corrective action plans that address the needs of all students who score below expectations in State and local assessments; continuous improvement of curriculum and instruction; development, adoption, and implementation of school district graduation requirements; equal access to the NJSLs; horizontal and vertical articulation; supports for general education students; guidance and academic counseling; implementation of supervisory practices for each content area and in accordance with N.J.A.C. 6A:10; and professional development based on data.

The proposed amendments for Instruction and Program indicators in Appendix B align with proposed Appendix A. However, Indicators 1 through 7 in proposed Appendix A are not mirrored in proposed Appendix B because CSSSDs are not held accountable for the performance of students on State assessments. Results of State assessments for students who attend CSSSDs are reported back to their district of residence for accountability purposes and not to the CSSSD. A CSSSD still receives and monitors State assessment results for the students it educates.

The following summary specifically describes all current Appendix B indicators proposed for deletion or for recodification in proposed Appendix B.

The Department proposes to repeal Instruction and Program Indicator 1, which verifies the school district analyzes student achievement data by comparing across each grade level across all schools within the school district and against State averages. The indicator also monitors whether the school district provides the analysis to each principal and verifies the data analysis drives instruction and professional development. CSSSDs are not held accountable for the results of the Statewide assessments and, therefore, do not have access to the overall assessment reports for all students. However, CSSSDs have access to individual student assessment results and proposed Instruction and Program Indicator 3, as described in further in this Summary, will monitor whether CSSSDs analyze the individual student assessment results.

The Department proposes to repeal Instruction and Program Indicators 2 and 3, which verifies the school district analyzes subgroup population achievement based on State assessment data and investigates reasons why the subgroup(s) may have stagnant or declining growth and shows improvement. CSSSDs are not held accountable for Statewide assessment results and do not have access to the overall assessment reports for all students. However, CSSSDs have access to individual student assessment results and proposed Instruction and Program Indicators 3, 5, and 6, as described further in in this Summary, will monitor whether CSSSDs analyze and determine reasons for decline and improvement on individual student basis by ensuring each student demonstrates the knowledge and skills of the NJSLs as measured by the Statewide assessment system and formative and summative assessments.

The Department proposes to repeal Instruction and Program Indicator 4, which verifies the school district implements strategies to support progress or to address deficiencies identified for student achievement data. Additionally, the strategies must explicitly link to changes in instruction, curriculum, materials, staffing, professional development and support, and other areas to address any and all hypothesized causes through the use of data. The strategies must

also have timelines for implementation with expected outcomes and target dates for resolution. Since CSSSDs are not held accountable for Statewide assessment results and have access to individual student assessment results but not the overall assessment reports for all students, proposed Instruction and Program Indicators 5 and 6, as described further in this Summary, will monitor whether CSSSDs implement strategies on individual student basis by ensuring each student demonstrates the knowledge and skills of the NJSLs as measured by the Statewide assessment system.

The Department proposes new Instruction and Program Indicators 1 and 2 as described further in the Summary of current Indicators 13 and 14.

The Department proposes new Instruction and Program Indicator 3 to verify the CSSSD's CSA analyzes individual student assessment data. The Department will use this indicator to monitor whether the CSA has shared the assessment data with administrators, teachers, and parents. The proposed indicator also will monitor whether the CSA uses the data to inform instruction and curriculum to improve student achievement and to ensure each student demonstrates the knowledge and skills of the NJSLs as measured by the Statewide assessment system. The Department proposes to assign the indicator a point value of five.

The Department proposes to recodify Instruction and Program Indicators 5 and 7, which verifies that a school district assesses the progress of each student in mastering the NJCCCS and the CCSS at least two times each year, including content areas not included on Statewide assessments, and uses the data from assessments at the school district, school, and classroom levels to evaluate, adjust, and improve instruction, and that curriculum implementation is monitored for continuous improvement, as new Instruction and Program Indicator 5. After multiple years of implementation, NJQSAC monitors observed school districts provided commercially developed chapter tests as evidence of compliance with the current indicator, which is not the intent. The Department proposes to amend the indicator to strengthen the expectation for a school district to show evidence of administering developmentally appropriate, standards-based formative and summative assessments in all content areas to gauge the progress of students in mastering the NJSLs. Additionally, the Department proposes to maintain the monitoring of whether data from the assessments are analyzed and inform changes to curriculum, professional development, core instruction, and intervention strategies. The Department proposes to assign the indicator a point value of seven.

The Department proposes to repeal Instruction and Program Indicator 6, which monitors whether the school district annually reports to the district board of education and the public on the progress of all students at key grade levels in mastering the NJCCCS. Since the CSSSD's do not receive aggregated and disaggregated data on their students' performance they cannot make these presentations. The CSA will only share individual student assessment data with administrators, teachers and parents to improve teaching and learning because of Family Education Right to Privacy Act (FERPA) requirements.

The Department proposes to recodify Instruction and Program Indicator 10 and SOA Item 2, which verify the school district has implemented high school graduation requirements for all students and annually has communicated the requirements to students, families, and the community based on the implementation schedule at N.J.A.C. 6A:8-5.1, as new Instruction and Program Indicator 4. The Department proposes to amend the indicator by adding language that will monitor whether the school district also develops and adopts local graduation requirements that meet the minimum requirements at N.J.A.C. 6A:8-5.1 and prepare students for success in post-secondary degree programs, careers, and civic life in the 21st century. The proposed amendments will align the indicator more closely with the authorizing rule and will provide

clarity for school districts in developing graduation requirements. The Department proposes to assign the indicator a point value of seven.

The Department proposes to recodify Instruction and Program Indicator 12, which monitors whether a school district verifies instruction for all students is based on the school district's curriculum, instructional materials, and media and school library resources and includes instructional strategies, activities, and content that meet individual student needs, as new Instruction and Program Indicator 6. The Department proposes to amend the indicator by replacing the current language with "[a]ppropriate curricular and instructional modifications to content, processes, products, and learning environments are delivered based on individual student needs to ensure access to and foster attainment of the NJSLs for all students" to better align the indicator with the authorizing rules at N.J.A.C. 6A:8. The Department proposes to assign the indicator a point value of seven.

The Department proposes new Instruction and Program Indicator 7 to monitor whether a comprehensive system exists to ensure each student's IEP is fully implemented and whether the system ensures the provision of related services, assistive technology and specialized instruction, a process for communication with sending school districts, and supervision and oversight from the CSSSD's administration. Each sending school district is responsible for the development of a student's IEP and the CSSSD has agreed and is required to fully implement each IEP inclusive of all related services and assistive technology. The Department proposes to assign the indicator a point value of 10.

The Department proposes new Instruction and Program Indicator 8 to monitor whether the school district's professional development plan is inclusive of individualized paraprofessional and school aide staff training that is ongoing, embedded, and targeted to meet the needs of the school district's students. Unlike regular school districts, CSSSDs have paraprofessional staff and school aides in every classroom providing unique assistance to students in accordance with their IEPs. The indicator monitors whether the CSSSD ensures paraprofessional staff and school aides receive the required professional development components but also have the appropriate in-classroom coaching and other needs unique to the student population. The Department proposes to assign the indicator a point value of 10.

The Department proposes to recodify Instruction and Program Indicator 9, which monitors whether school districts ensure the curriculum and information about student strengths and needs are horizontally and vertically articulated among all grades, content areas, schools, and at all specific transition points, as new Personnel Indicator 2b, as described in the Summary under Appendix A, Personnel.

The Department proposes to recodify Instruction and Program Indicator 11a, which verifies supervisory practices are implemented, curriculum is taught in every classroom, and practices focus on classroom instruction as evidenced by teacher-principal/supervisor discussions and meetings, teacher evaluations and observations, lesson planning, student performance data, and walk-throughs, as new Personnel Indicator 6, as described in the summary of proposed Appendix A.

The Department proposes to recodify Instruction and Program Indicators 8, 9, 11b, and SOA Item 3 as new Instruction and Program Indicators 9 through 15. The current indicators and SOA items verify a school district's curriculum specifies the content mastered for each grade level; includes clear grade-level benchmarks and interim assessments; is aligned with the most recent State Board-adopted NJSLs; the curriculum is horizontally and vertically articulated among all grade levels, content areas, schools, and transition points; and instruction is based on

the school district's curriculum, instructional materials, and media and school library resources, and meets the needs of all students. Additionally, the SOA item verifies the school district identifies the date(s) on which the curriculum was aligned to NJSLs and has established a timeline for implementation. The proposed indicator will ensure each curriculum area includes specific elements in N.J.A.C. 6A:8. Currently, the elements are located in six separate indicators. The Department proposes to locate each curricular element in Instruction and Program Indicators 9 through 15, monitoring the NJSLs standards for English language arts, mathematics, science, social studies, visual and performing arts, comprehensive health and physical education, and world languages. Additionally, each indicator will contain a requirement to integrate technology and career education and counseling along with all curriculum elements found in N.J.A.C. 6A:8. The proposed addition of "the Department's curriculum implementation timeline" allows for the monitoring of future standards and curriculum expectations. The Department proposes to assign each indicator a point value of five.

The Department proposes to repeal Instruction and Program Indicator 13, which monitors whether the CSSSD implements activities to prepare students with disabilities to transition to a less-restrictive environment. Each sending school district is responsible for determining program and placement (and development of a student's IEP). The CSSSD is required to have policies and procedures in place to ensure communication with sending school districts, especially when discussing a student's transition to a less-restrictive environment. Instead, the Department proposes a new Instruction and Program Indicator 1 to monitor whether the CSSSD has policies and procedures to ensure communication with the case manager of the sending school district when it is determined a student would benefit from additional programs and services, including a change to a less-restrictive environment, which will facilitate the proper placement for a student. The Department proposes to assign the indicator a point value of 10.

The Department proposes to recodify Instruction and Program Indicator 14, which monitors whether a school district utilizes positive behavioral support and other proactive strategies to maximize student learning and prevent disciplinary problems, as new Instruction and Program Indicator 2. The Department proposes to assign the indicator a point value of nine.

The Department proposes to repeal Instruction and Program Indicator 15, which verifies a school district provides a variety of experiences to promote successful secondary outcomes, including career exploration, structured learning experiences, and community-based instruction, because the indicator is too prescriptive. A school district decides the components of its curriculum based on the needs of its students.

The Department proposes to repeal Instruction and Program Indicator 16, which verifies the school district provides students ages 14 and above, with a program of instruction that is consistent with the State graduation requirements as specified in the student's IEP. This indicator is an individual student-based measure and not a districtwide measure of effectiveness. Each student is required to meet the State graduation requirements unless otherwise stated in the students' IEP. A CSSSD is required to implement a student's IEP and the Department will not be evaluating a student's IEP through NJQSAC.

The Department proposes to repeal Instruction and Program Indicator 17, which monitors whether the CSSSD provides a system for promoting parent involvement to support student progress. Parental involvement is required during the development of a student's IEP, which occurs at the sending school district and not the CSSSD. This process is also already monitored through the Office of Special Education Programs on a case-by-case basis. The monitoring of this requirement is not appropriate in NJQSAC.

The Department proposes to recodify current Instruction and Program Indicator 18, which verifies a school district promotes regular attendance of students by adopting and implementing policies and procedures that include expectations and consequences of attendance and the school district's responses to unexcused absences, as new Operations Indicator 18, as described in the summary of proposed Appendix A.

The Department proposes to repeal Instruction and Program Indicator 19, which verifies the CSSSD's average daily attendance rate averages 90 percent or higher as calculated for three years prior to the DPR's completion, because the authorizing rule at N.J.A.C. 6A:32-13.1 has been repealed.

The Department proposes to repeal Instruction and Program Indicator 20, which allocates points attained in the SOA by the CSSSD during the NJQSAC monitoring year, because the Department also proposes to repeal Appendix C.

Fiscal

The Fiscal DPR indicators for CSSSDs will be used to assess a CSSSD's performance and capacity in the area of finance. The proposed Finance DPR for the CSSSDs components include self-assessment of the areas for which the CSSSD board of education is responsible for direct oversight, including maintaining monthly reports from the CSSSD board of education secretary; maintaining and updating the standard operating procedures manual for business; filing an annual CAFR audit and other supporting forms and collections; requiring CSSSDs to satisfy the elements of the annual audit; overseeing entitlement and discretionary grants, as required; overseeing capital projects in Fund 30; implementing, reviewing, and revising, as necessary, projects that are consistent with the approved LRFP; conducting and meeting requirements for annual health and safety reviews; following a budget calendar; implementing programs with actual expenditures reflected in the statement of priorities; transferring funds in accordance with statute and Administrative Code; analyzing fiscal-year cash flow management for all funds; and approving purchase orders approved only by the purchasing agent.

The Department proposes the same amendments to the Fiscal DPR for CSSSDs as described in the summary of proposed Appendix A.

Governance

The Governance DPR indicators for CSSSDs will be used to assess a CSSSD's performance and capacity in the area of Governance. The components in the Governance DPR include self-assessment in the areas of responsibility for which the CSSSD board of education has direct oversight, including developing curriculum aligned with State standards; overseeing the budgeting process; developing and implementing all CSSSD board of education approved policies; evaluating the CSA; and reviewing and approving all new, renewed, amended, altered or extended contracts for the CSA, deputy superintendents, assistant superintendents, and school business administrators.

The Department proposes the same amendments to the Governance DPR for CSSSDs as described in the summary of proposed Appendix A.

Operations

The Operations DPR indicators for CSSSDs will be used to assess a CSSSD's performance and capacity in implementing school district policies related to code of student

conduct, attendance, alcohol tobacco and other drugs, and harassment, intimidation, and bullying; collecting data for NJSMART, the EVVRS, and school safety and security; developing and maintaining a positive school climate; implementing the Education and Law Enforcement Memorandum of Agreement; providing school health services; reporting potentially missing and abused children; providing transportation services; and implementing career education and counseling services and guidance and academic counseling programs, intervention and referral services (I&RS), and the services provided under Chapters 192/192 for nonpublic school students.

The Department proposes the same amendments to the Operations DPR for CSSSDs as described in in the summary of proposed Appendix A.

Personnel

The Personnel DPR indicators for CSSSDs will be used to assess a CSSSD's performance and capacity in implementing the requirements for staffing and for staff development, including the assurance that staff are appropriately certified, staff meet the qualifications of their positions, staff attendance is maintained, staff evaluations are conducted, support to novice teachers is provided, professional development is provided to staff, and a school district professional development plan has been aligned to the CSSSD's goals and budget. The current Personnel DPR is based on the total score achieved in the Personnel section of the SOA.

The Department proposes the same amendments to the Personnel DPR for CSSSDs as described in the summary of proposed Appendix A.

Appendix C, Effective until July 1, 2018

Statement of Assurance

The Department proposes to readopt the current Statement of Assurance through the 2017-2018 school year. School districts will continue to be evaluated in the five key component areas within the current SOA. The school district scores on the SOA are incorporated as part of the DPR score through June 30, 2018.

The Department proposes to repeal the Statement of Assurance with a delayed effective date of July 1, 2018. Once in effect any items from the SOA which are contained in the proposed DPRs effective July 1, 2018 are explained above. A number of SOA items will be deleted in their entirety and are described as follows.

Instruction and Program Statement of Assurance

The Instruction and Program SOA items are used to assess a school district's performance and capacity in the area of curriculum and assessment. Instruction and Program SOA components include school district requirements such as reporting to the district board of education and the public on the performance of all students on New Jersey standardized assessments; the annual communication of graduation requirements to all high school students, their families, and the community; implementation of district board of education-approved new or revised curricula aligned to State standards, alignment of career and technical education programs to the State Plan for Career and Technical Education and the evaluation of such programs; and State approval of preschool programs in accordance with N.J.A.C. 6A:13A.

The Department proposes to repeal Instruction and Program SOA Item 2, which verifies a school district communicates school district graduation requirements in accordance with N.J.A.C. 6A:8-5.1. The underlying rules are prescriptive and, after multiple years of monitoring, the Department has found this occurs in virtually all school districts.

The Department proposes to repeal Instruction and Program SOA Item 4, which verifies an approved career and technical education program is aligned with the State Plan for Career and Technical Education, is evaluated annually, and includes the required safety and health program. The requirement's monitoring in NJQSAC is duplicative of the monitoring that occurs through the Department's Office of Career Readiness and, if included in NJQSAC monitoring, only school districts with career and technical education programs could gain or lose points for this item.

The Department proposes to repeal Instruction and Program SOA Item 5, which verifies a school district that receives State preschool education aid has a Department-approved preschool program plan, pursuant to N.J.A.C. 6A:13A-3.1. The item also monitors whether school districts receiving full preschool funding under the School Funding Reform Act complete the self-assessment validation system. The requirement's monitoring in NJQSAC is duplicative of the monitoring that occurs through the Department's Division of Early Childhood Education and, if included in NJQSAC monitoring, allows only school districts with preschools to gain or lose points for this item.

Governance

The Governance SOA items are used to assess a district board of education's or advisory board's performance and capacity in establishing policies and procedures for the provision of educational programs and services to all students; establishing a nepotism policy and travel and related expense reimbursement policies; maintaining meeting minutes and executive session minutes; filing a timely and properly completed financial personal/relative disclosure statement each year; annually discussing the School Ethics Act; submitting new, renegotiated, amended, altered, or extended contracts for CSAs, deputy superintendents, assistant superintendents and school business administrators to the ECS for review and approval; approving appointments and transfers; removing or renewing certificated and non-certificated officers and employees; approving the monthly district board of education secretary's and treasurer's reports; conducting a public hearing on the proposed budget; and formally adopting the budget at a public meeting.

The Department proposes to repeal Governance SOA Item 2, which monitors whether a district board of education established a nepotism policy, because the monitoring of this item over three cohorts of school districts reveals the vast majority of school districts are compliant. Additionally, proposed Governance Indicator 1 will require a district board of education or advisory board to review, update, and adopt by resolution the policies, procedures, and by-laws required by N.J.S.A. 18A:11-1 et seq.

The Department proposes to repeal Governance SOA Item 3, which verifies a district board of education follows all requirements for the annual organization meeting. The requirements of this indicator are part of regular operating procedures for a district board of education and, after years of monitoring, the Department has found very few school district boards of education that have not met the requirements.

The Department proposes to repeal Governance SOA Item 6, which monitors whether district boards of education establish a travel and related expense reimbursement policy, because proposed Governance Indicator 1 will monitor whether the district board of education reviews,

updates, adopts by resolution, and ensures implementation of policies, procedures, and by-laws reflective of current statutory and regulatory authority, at least annually.

Fiscal

The Fiscal SOA items are used to assess a school district's performance and capacity in the area of finance. Fiscal SOA components include school district requirements such as following a budget calendar; estimating and analyzing prior-year expenditures and the current-year schedule of out-of-district placements from existing contracts; basing appropriation on capital projects on the district's LRFP and the comprehensive maintenance plan; supporting other budget appropriation trend analysis of historical expenditures, including only line-item transfers or appropriations of surplus for new programs and initiatives contained in the original budget certified for taxes; submitting all grant documentation in a timely manner; maintaining separate accounts by grant; expending Federal funds appropriately; performing regular reviews of budget status; and approving purchase orders appropriately.

The Department proposes to repeal SOA Fiscal Item 2, which verifies the school district bases the tuition estimate on an analysis of prior-year expenditures and the current-year schedule of out-of-district placements from existing contracts. This is common practice in school districts because of the tight fiscal climate; therefore, it does not require monitoring through NJQSAC.

The Department proposes to repeal SOA Fiscal Item 3, which verifies appropriations for capital projects are based on the school district's LRFP and the comprehensive maintenance plan. The appropriations for capital projects are already incorporated into the reporting in the Department-provided budget software and LRFP software and in the county office of education's review of the appropriations.

The Department proposes to repeal SOA Fiscal Item 4, which verifies a school district supports other budget lines by a trend analysis of historical expenditures. The SOA item is proposed for repeal because school districts' normal budgeting practices include these analyses. After multiple years of monitoring, the Department has found very few school districts as noncompliant with the indicator.

The Department proposes to repeal SOA Fiscal Item 6, which verifies a school district submits initial applications, revisions, and final reports for all entitlement and discretionary grants in a timely manner, because it is duplicative of proposed Fiscal Indicator 5.

The Department proposes to repeal SOA Fiscal Item 7, which verifies a school district keeps separate accounts and records for each grant or consolidated account, because it is duplicative of proposed Fiscal Indicator 12.

The Department proposes to repeal SOA Fiscal Item 8, which verifies a school district expends Federal funds consistent with the approved indirect cost rate, because it is duplicative of proposed Fiscal Indicator 5a.

The Department proposes to repeal SOA Fiscal Item 9, which verifies a school district performs, at a minimum, a semi-monthly review of the budget status to ensure sufficient appropriations are available, because it is duplicative of proposed Fiscal Indicators 10 and 11.

Operations

The Operations SOA items are used to assess a school district's performance and capacity in implementing school district policies related to code of student conduct, attendance, alcohol tobacco and other drugs, and harassment, intimidation and bullying; collecting data for NJSMART, the EVVRS, and school safety and security; developing and maintaining a positive school climate; implementing the education and law enforcement MOA; providing school health services; reporting potentially missing and abused children; providing transportation services; and implementing career education and counseling services and guidance and academic counseling programs, I&RS, and the services provided under Chapters 192/192 for nonpublic school students.

The Department proposes to repeal Operations Item 5, which monitors the development and implementation of policies and procedures prohibiting HIB, the distribution of the policies and procedures to students, parents, and staff, and posting of the policies and procedures on the school district's website. The HIB policies and procedures are part of the school district's code of student conduct; therefore, this item is a duplication of proposed Operations Indicator 5.

The Department proposes to repeal Operations Item 6, which verifies whether a school district satisfies all requirements of the Gun Free Schools Act, 20 USC 7151 and Title IV Section 4141 of NCLB. The reporting is done through the EVVRS, which is monitored annually by the Department's Office of Student Support Services; therefore, the item is duplicative of Department monitoring.

The Department proposes to repeal Operations Item 12, which verifies a school district implements a comprehensive guidance and academic counseling for all students. The requirement is contained in N.J.A.C. 6A:8-3.2 and must be infused throughout the K-12 curriculum, which will be monitored in proposed Instruction and Program Indicators 8 through 14 in proposed Appendix A and in proposed Indicators 9 to 14 in proposed Appendix B.

The Department proposes to repeal SOA Operations Item 13, which monitors whether a school district coordinates a comprehensive career education and counseling program with transition services for students with disabilities beginning at age 14 or younger as determined by a student's IEP, to eliminate duplication. The Department's Office of Special Education Programs regularly monitors this requirement.

The Department proposes to repeal SOA Operations Item 16, which verifies a school district forwards all student records, including disciplinary records, to the receiving school district within 10 school days after a student's transfer has been verified by the requesting school district. After multiple years of monitoring for this requirement, the Department has found very few instances where student records were not transferred to a receiving school. Therefore, monitoring for this requirement has made no impact on the timeliness of transfers.

The Department proposes to repeal SOA Operations Item 17, which monitors a school district's provision of services and programs to nonpublic schools in accordance with Chapter 192 Auxiliary Service and Chapter 193 Remedial Services for the Handicapped. The requirements apply only to school districts that have nonpublic school students who require Chapter 192 Auxiliary Service and Chapter 193 Remedial Services for the Handicapped and, furthermore, the services apply to a very small portion of nonpublic school students. Therefore, the Department investigates incidents of noncompliance on a case-by-case basis.

Personnel

The Personnel SOA items are used to monitor a school district's hiring practices; policies for physical examinations of new and existing staff; evaluation of all tenured and non-tenured teaching staff; assessing professional development needs and priorities; and alignment of the needs with the professional development plan.

The Department proposes to repeal Personnel SOA Item 4, which verifies whether a school district adopts policies and procedures for the annual evaluation of all tenured and non-tenured teaching staff members by appropriately certified personnel. The SOA item also verifies whether the school district distributes the policies to all tenured teaching staff members, including administrators and supervisors, annually by October 1, pursuant to N.J.A.C. 6A:32-4.4 and 4.5. The rules have been repealed and replaced with the TEACHNJ Act and its resulting rules at N.J.A.C. 6A:10. The new rules have different requirements for school districts regarding teacher evaluations; therefore, SOA Item 4 is no longer relevant.

The Department proposes to repeal Personnel SOA Item 5, which verifies whether a school district uses multiple data sources to address current and projected needs and priorities for all school or school district staff when providing professional development. The SOA item also monitors whether a school district uses the data sources to analyze alignment of the school district's professional development plan with teaching staff needs, pursuant to N.J.A.C. 6A:9-15 and 6A:32-4.3 and 4.4. The cited rules have been repealed and replaced by N.J.A.C. 6A:9C, Professional Development, and N.J.A.C. 6A:10. The new rules have different requirements for school districts regarding professional development; therefore, the SOA item is no longer relevant.

As the Department has provided a 60-day comment period in this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption with amendments, repeals, and new rules implement a system for the evaluation and monitoring of school districts by the Department to ensure the provision of a thorough and efficient education to all students in the State. Under NJQSAC, all public school districts are evaluated by uniform, objective criteria in the areas of instruction and program, fiscal management, personnel, operations, and governance. Based on the Department reviews, appropriate assistance and/or intervention activities are initiated. If a school district fails to develop or implement an improvement plan as required or as other emergency circumstances warrant, the Department may seek partial or full intervention in the school district to effect the changes necessary to build local capacity to provide a thorough and efficient education. Through this system, the Department is able to work with school districts to identify and remedy areas of deficient performance in public school districts, which has a salutary impact on affected students and parents. Communities also benefit by receiving current, reliable information about their school districts, thereby enabling communities to hold their school districts accountable for the five key component areas of school district effectiveness.

The Department does not anticipate the proposed amendments, repeals, and new rules will have any additional social impact. The proposed amendments, repeals, and new rules will continue to enable the Department to work with school districts to identify and remedy areas of deficient performance in school districts, which will have a salutary impact on affected students and parents.

Economic Impact

The economic impact of the rules proposed for readoption with amendments, repeals, and new rules on school districts will vary, depending on each school district's need to take corrective action as a result of the Department's three-year comprehensive review. School districts that are designated as "high performing" pursuant to the comprehensive review process will experience little or no additional costs as a result of the rules proposed for readoption with amendments. However, there likely will be an economic impact on school districts that are required to develop and implement a district improvement plans. The amount of increased costs to school districts will depend on the specific improvement activity(ies) required and whether highly skilled professionals will be used.

Furthermore, the consolidation and reduction of the number of areas monitored under NJQSAC under the proposed amendments will likely decrease for all school districts the costs related to the time necessary to complete the self-evaluation portion of the NJQSAC monitoring process.

Federal Standards Statement

The rules proposed for readoption with amendments, repeals, and new rules are consistent with Federal standards for school-accountability under ESSA (20 USC Sec. 6311(c) and 34 CFR Sec. 200.12).

Jobs Impact

The Department does not anticipate that rules proposed for readoption with amendments, repeals, and new rules will result in the generation or loss of jobs.

Agriculture Industry Impact

The rules proposed for readoption with amendments, repeals, and new rules will have no impact on the agricultural industry in New Jersey.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required because the rules proposed for readoption with amendments, repeals, and new rules do not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined by the Regulatory Flexibility Act at N.J.S.A. 52:14B-16 et seq. The chapter impacts solely upon New Jersey public school districts.

Housing Affordability Impact Analysis

The rules proposed for readoption with amendments, repeals, and new rules will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the rules proposed for readoption with amendments would evoke a change in the average costs associated with housing because the rules concern school district effectiveness.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments, repeals, and new rules will have an insignificant impact on smart growth. There is an extreme unlikelihood the proposed amendments and new rules would evoke a change in housing production in Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan in New

Jersey because the rules proposed for readoption with amendments, repeals, and new rules concern school district effectiveness.

Full text of the rules proposed for readoption and the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

N.J.A.C. 6A:30, EVALUATION OF THE PERFORMANCE OF SCHOOL DISTRICTS

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CHAPTER 30. EVALUATION OF THE PERFORMANCE OF SCHOOL DISTRICTS

SUBCHAPTER 1. PURPOSE, SCOPE AND DEFINITIONS

6A:30-1.1 Purpose and scope

- (a) The **chapter's** purpose [of this chapter] is to establish rules to implement the New Jersey Quality Single Accountability Continuum (NJQSAC) system, as required by N.J.S.A. 18A:7A-3 et seq., for evaluating and monitoring all [public] school districts in the State. NJQSAC is designed to be a single, comprehensive accountability system that consolidates and incorporates the monitoring requirements of applicable State and Federal programs. NJQSAC is also intended to complement, and serve in part to implement, Federal requirements. Under NJQSAC, [public] school districts are evaluated in five key component areas of school district effectiveness — instruction and program, personnel, fiscal management, operations and governance — to determine the extent to which [public] school districts are providing a thorough and efficient education. The standards and criteria by which [public] school districts are evaluated will assess actual achievement, progress toward proficiency, local capacity to operate without State intervention, and the need for **State** support and assistance [provided by the State]. [Under NJQSAC, once] **Once** a [public] school district is identified **under NJQSAC** as requiring assistance in one or more of the five areas of school district effectiveness, the Department and the [public] school district will work collaboratively to improve [public] school district performance in [those] **the** targeted areas. The measures used to achieve this goal include **Department** evaluations of the [public] school district [by the Department], development of a [school] district improvement plan, close monitoring of

the implementation of the **district improvement** plan, and the provision of technical assistance, as appropriate. [NJQSAC also provides that in circumstances where] **If** a [public] school district fails to develop or implement [an] **a district** improvement plan as required, or other emergent circumstances warrant, **NJQSAC allows** the Department [may] **to** seek partial or full intervention in the [public] school district to effect the change(s) necessary to build [local] **school district** capacity to provide a thorough and efficient education.

- (b) This chapter sets forth the steps the Department will undertake to implement N.J.S.A. 18A:7A-3 et seq., which include a [three year] **three-year** evaluation process, placement of the [public] school district on a performance continuum, improvement and intervention activities, and [the] periodic **progress** monitoring [of progress].
- (c) [These] **The** rules shall apply to all [public] school districts in the State [of New Jersey] as defined in N.J.S.A. 18A:8-1 et seq. and 18A:13-1 et seq., with the exception of charter schools and [Educational Services Commissions] **educational services commissions**, and shall include county vocational[-technical] school districts established pursuant to N.J.S.A 18A:54-1 et seq., with the exception of [those] county vocational [technical] school districts that provide only [shared time] **shared-time** services, and county special services school districts established pursuant to N.J.S.A. 18A:46-29 et seq.

6A:30-1.2 Definitions

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

“Administrative order” means a written directive ordering specific corrective action by a [public] school district [which] **that** has shown insufficient compliance with the quality performance indicators.

“Assistant [Commissioner] **commissioner**” means an [Assistant Commissioner] **assistant commissioner**, or designee, in the Department [of Education].

“Chief [School Administrator] **school administrator**” or “CSA” means the superintendent of a [public] school district or **county** vocational school **district** or, if there is no superintendent, the administrative principal.

[“Commissioner” means the Commissioner of Education or his or her designee.]

“Components of school district effectiveness” means the areas in which school districts will be evaluated under NJQSAC. They are:

1. Instruction and program;
2. Operations;
3. Fiscal management;
4. Personnel; and
5. Governance.

“Comprehensive review” refers to the **Department’s** evaluation process [conducted by the Department of each public school district pursuant to this chapter] to measure each [public] school district’s performance, capacity, and need for State support, assistance, or intervention.

The comprehensive review shall be based on the weighted quality performance indicators

developed by the Department and set forth in the District Performance Review, incorporated in this chapter as the chapter Appendices.

“Declaration page” means the section of the District Performance Review that verifies the accuracy of the responses on the school district’s District Performance Review.

[“Department” means the New Jersey Department of Education.]

“District improvement plan” means a plan developed in collaboration with the Department by a school district that fails to satisfy at least 80 percent of the weighted quality performance indicators in any of the five key components of school district effectiveness. The district improvement plan addresses critical areas of need identified through the comprehensive review.

“District Performance Review” or “DPR” [consists of] **means the Department-developed self-assessment tool that measures a school district’s compliance with** the quality performance indicators in all of the five key components of school district effectiveness. [The District Performance Review shall be developed by the Department and shall be used by the Department to evaluate the performance of public school districts pursuant to the procedures set forth in this chapter. The District Performance Review is located in chapter Appendix A and is incorporated herein by reference and shall be used by all public school districts with the exception of county special services school districts. The District Performance Reviews for county special services school districts consists of quality performance indicators in all the five key components of school district effectiveness. The District Performance Reviews for county special services school districts shall be developed by the Department and shall be used by the Department to evaluate the performance of county special services school districts pursuant to the procedures

set forth in this chapter. The District Performance Review for county special services districts is located in chapter Appendix B and is incorporated herein by reference.]

“Evaluation team” means a **Commissioner-designated** team [designated by the Commissioner and] qualified by training and experience to examine specific conditions existing in a [public] school district.

“Evidence based” means a program or service that has demonstrated success based on research, best practices, or other forms of evidence.

“[High performing] **High-performing** school district” [is] **means** a designation assigned to a [public] school district that satisfies at least 80 percent of the weighted performance indicators in each of the five key components of school district effectiveness.

“Highly skilled professional” or “HSP” means a **Commissioner** designee [of the Commissioner] who has skills and expertise based on education and/or experience that is relevant to one or more of the five key components of school district effectiveness. [Among other functions, HSPs may assist the Department in evaluating public school district performance, provide direct oversight in one or more areas during partial or full State intervention in a public school district, and/or assist public school districts in developing local capacity in areas of critical need identified through the comprehensive review, pursuant to the procedures set forth in this chapter. HSPs may be Department employees.]

“In-depth evaluation” means a process [that may be authorized by] the Commissioner **can authorize** to evaluate [public] school districts that satisfy less than 80 percent of the weighted quality performance indicators in one or more of the five key components of school district

effectiveness as determined by the Department based on the comprehensive review. [In-depth evaluations shall be conducted by a team of individuals which may include Department employees and/or highly skilled professionals.]

“NJQSAC” means the New Jersey Quality Single Accountability Continuum.

[“NJQSAC District Improvement Plan” means a plan developed, in collaboration with the Department, by a public school district that fails to satisfy at least 80 percent of the weighted quality performance indicators in any of the five key components of school district effectiveness, and that addresses critical areas of need identified through the comprehensive review.]

“Performance continuum” [is] **means** a measure [which] **that** identifies a [public] school district’s performance with respect to each of the five components of school district effectiveness.

“Quality performance indicators” or “weighted quality performance indicators” [are] **mean** the specific, objective criteria for each key component of school district effectiveness by which each [public] school district’s performance, capacity, and need for State support, assistance, or intervention are measured. [The quality performance indicators are set forth in the District Performance Review at the chapter Appendices.]

[“State Board” means the New Jersey State Board of Education.]

“Statement of Assurance” consists of quality performance indicators in the five key components of school district effectiveness. The Statement of Assurance (SOA) shall be developed by the Department and shall be used **annually** by [public] school districts [annually,] to self-evaluate

the performance of requirements set forth in this chapter. The SOA shall be incorporated into the District Performance Review with maximum point values of 10 in each component of school district effectiveness. Receipt of total points shall be determined by the percentage of statements [that] the [public] school district has satisfactorily completed.

“Technical assistance” means guidance and support provided to a [public] school district to enable the [public] school district to meet State and Federal policy and regulatory requirements and to ensure the provision of a thorough and efficient education. [Technical assistance may, among other things, support the teaching and learning process and overall school district effectiveness. Technical assistance may be provided by Department personnel or other designees of the Commissioner.]

SUBCHAPTER 2. NJQSAC COMPONENTS OF SCHOOL DISTRICT EFFECTIVENESS AND INDICATORS

6A:30-2.1 Components of school district effectiveness

- (a) The Department shall evaluate and monitor [public] school districts’ performance and capacity in five key components of school district effectiveness. They are:
1. Instruction and program;
 2. Personnel;
 3. Fiscal management;
 4. Operations; and
 5. Governance

- (b) In assessing [public] school district performance and capacity in [these] **the five** component areas, the Department shall use objective measures and shall consider [public] school district improvement and growth.

6A:30-2.2 Quality performance indicators of school district effectiveness

- (a) The Department shall establish weighted quality performance indicators to measure [public] school district performance and capacity in each of the five key components of school district effectiveness.
- (b) The weighted quality performance indicators are set forth in the District Performance Review incorporated in this chapter as the chapter Appendices.
- (c) The **Commissioner shall use the** weighted quality performance indicators [shall be used by the Commissioner] to assess [public] school district performance and capacity during the comprehensive reviews pursuant to N.J.A.C. 6A:30-3.1 through 3.3, the in-depth evaluations pursuant to N.J.A.C. 6A:30-5.3, and monitoring pursuant to N.J.A.C. 6A:30-5.6. The **Commissioner also shall use the** weighted quality performance indicators [shall also be used by the Commissioner] in determining whether to initiate intervention activities pursuant to N.J.A.C. 6A:30-6.2 and **to** withdraw from intervention pursuant to N.J.A.C. 6A:30-7.1.

SUBCHAPTER 3. COMPREHENSIVE REVIEW OF [PUBLIC] SCHOOL DISTRICTS

6A:30-3.1 General requirements

- (a) The Commissioner shall conduct a comprehensive review of each [public] school district every three years. In the intervening years between each [public] school district's [three

year] **three-year** review, the Commissioner shall assess the [public] school district's performance to determine whether conditions exist in the school district that significantly and negatively impact the **school district's** educational program or operations [of the school district]. Upon a determination that [such] conditions exist in a [public] school district, the Commissioner may direct [that] the Department immediately conduct a comprehensive review of the [public] school district as set forth in this section.

- (b) The comprehensive review shall be based on the **Department-developed** weighted quality performance indicators [developed by the Department]. Unless [N.J.A.C. 6A:30-3.1](d) **below** applies, the comprehensive review shall commence with the completion of the District Performance Review by each [public] school district, followed by **its** verification [of that report] and review of other relevant data and information by the Department. [It] **The comprehensive review also** may [also] include one or more on-site visits to [public] school district facilities by Department staff.
- (c) The Commissioner shall direct the [Executive County Superintendent] **executive county superintendent** and other appropriate Department staff to provide timely notification to each [public] school district of the **comprehensive review** procedures [for the comprehensive review].
- (d) The Commissioner may determine [that] a [public] school district **does not** need [not] to provide a District Performance Review as part of the comprehensive review with respect to [those] components of school district effectiveness for which the [public] school district is implementing a [school] district improvement plan, pursuant to N.J.A.C. 6A:30-5.4 [to] **and** 5.5, and is subject to Department monitoring, pursuant to N.J.A.C. 6A:30-5.6.
- (e) Annually, the [Chief School Administrator] **CSA** with a team of his or her choice will complete the Statement of Assurance (Appendix C, incorporated herein by reference). The CSA and **school** district board president will sign the declaration page of the

Statement of Assurance attesting to the accuracy of the responses in the document to the best of their knowledge, and the district board of education will pass a resolution, annually, affirming the information in the document. The Statement of Assurance will be used for reference by the [Executive County Superintendent] **executive county superintendent** or Department staff at any time during the intervening years and during the NJQSAC review process for accountability and technical assistance purposes. All five areas of **school** district effectiveness will be included in the Statement of Assurance.

1. The Statement of Assurance [must] **shall** be submitted to the [County Office of Education] **county office of education** by November 15 of each year. The [Executive County Superintendent] **executive county superintendent** will review the Statement of Assurance for opportunities to provide technical assistance to the **school** district in areas identified as deficient by the school district.
2. The Statement of Assurance will be a weighted quality indicator in the District Performance Review. The **school** district must satisfy between 80 to 100 percent of the Statement of Assurances to receive credit in the District Performance Review in each area of effectiveness, for the year during which the **school** district's review is being conducted.

6A:30-3.2 District Performance Review

- (a) As part of the comprehensive review, unless N.J.A.C. 6A:30-3.1(d) applies, each [public] school district shall complete a District Performance Review[, which consists of a self-assessment tool developed by the Department that measures the public school district's compliance with the weighted quality performance indicators in all five areas of school district effectiveness]. The District Performance Review is incorporated in this chapter as the chapter Appendices (Appendix A and Appendix B,), [and] **which** is the form that

[public] school districts shall use in completing the self-assessment. All [public] school districts, with the exception of county special services school districts shall use Appendix A to complete the self-assessment. All county specials services school districts shall use Appendix B to complete the self-assessment.

(b) [In order to] **To** complete the District Performance Review, the [Chief School Administrator] **CSA** shall take the following steps:

1. Convene a committee to assist in completing the District Performance Review.

The CSA shall determine the total number of people that will serve on the committee. The CSA shall appoint **to the committee** the following persons [to the committee,] and[, in his or her discretion,] may include other persons [on the committee] with [the] approval of the district board of education:

- i. [Chief School Administrator] **CSA**;
- ii. One or more members of the **school district's** administrative staff [in the public school district];
- iii. One or more teaching personnel, representative of different grade levels and/or schools in the [public] school district;
- iv. The business administrator and assistant superintendent for curriculum and instruction, as well as other appropriate [public] school district level personnel as determined by the [Chief School Administrator] **CSA**;
- v. One or more member representatives of the **educational staff's** local collective bargaining unit [of the educational staff] **as** selected by the local collective bargaining unit[; which]. **The member representatives** may include the teaching personnel required under [3.2](b)1iii above; and
- vi. One or more members of the district board of education selected by the district board of education.

2. Ensure [that] the process used by the committee in completing the District Performance Review provides for participation and input by all committee members;
 3. Consult with the committee in formulating a response to all weighted quality performance indicators of each component of school district effectiveness;
 4. Ensure [that] the responses in the [public] school district's District Performance Review encompass and reflect [the] circumstances that exist in the school district.
 5. Ensure [that] all responses to the District Performance Review can be verified by data and supporting documentation, or otherwise. [and] **The CSA shall** provide [this] **the** verification to the Department upon request.
- (c) The [Executive County Superintendent] **executive county superintendent** shall provide technical assistance, as needed, to the [Chief School Administrator] **CSA** and the **school district's** committee [utilized by the public school district] **formed** to complete the District Performance Review.
- (d) The district board of education may establish a **district board of education** subcommittee [of the district board of education] to consult with the committee formed to complete the District Performance Review. The district board of education **also** may [also] monitor the progress of the committee completing the District Performance Review by requiring periodic reporting to the [school] **district board of education** at public meetings.
- (e) Upon completion of the **proposed responses to the** District Performance Review, the CSA shall sign a declaration page attesting to the accuracy of the responses in the report to the best of his or her knowledge. Each member of the committee shall be given the opportunity to sign the declaration page to attest to his or her participation in completion of the District Performance Review. If a member of the committee refuses to sign the

declaration page, the **member's** name [of such member] shall be written on the form[,] with the notation "refused to sign."

(f) Upon completion of the proposed responses to the District Performance Review, the district board of education shall fix a date, place, and time for the holding of a public meeting, which may be a regularly scheduled **district board of education** meeting, [of the district board of education, at which time] **to review** the proposed responses to the District Performance Review[,] and declaration page [shall be presented to the district board of education] for approval by resolution. The district board of education shall [comply with] **do** the following [procedures] with respect to [this] **the** meeting:

1. [The district board of education shall post] **Post** the proposed responses to the District Performance Review and declaration page on [its] **the school district's** Internet site[, if one exists] at least five working days prior to the **meeting** date [fixed for the meeting, and]. **The district board of education also** shall make [it] **the proposed responses and declaration page** available for examination by the public at the district board **of education** offices or another reasonable location;
2. [The district board of education shall cause] **Cause** notice of the meeting to be published, [as required by] **pursuant to** the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.[, and this] **The** notice shall inform the public that the District Performance Review and declaration page will be discussed at the meeting and **of** the times and manner in which members of the public may view the proposed responses to the District Performance Review; and
3. [At] **Provide, at** the public meeting, [the district board of education shall provide] the public with the opportunity to comment and be heard with respect to the proposed responses to the District Performance Review. The district board of education **also** shall [also] provide the public with the opportunity to submit written comments prior to the meeting.

(g) The District Performance Review, [as approved by the district board of education,] the declaration page, and the [minutes of all] district board of education [meetings at which] **resolution approving** the District Performance Review [was discussed] shall be submitted to the appropriate [Executive County Superintendent's] **executive county superintendent's** office by November 15 [of that year] or at [such other] **another** time [as] **designated by** the Commissioner [may designate where the Commissioner] **if he or she** has directed a **school** district to undergo an immediate comprehensive review, pursuant to N.J.S.A. 18A:7A-11 and N.J.A.C. 6A:30-3.1(a).

1. [In the event that] **If** the district board of education does not approve all sections of the District Performance Review as submitted by the CSA, the district board of education may adopt a resolution indicating [those sections of] the District Performance Review [of which it approves,] **sections approved** and [those] **the sections** with which [it] **the district board of education** takes exception.

(h) Upon a showing of good cause, the district board of education may request [that] **from** the Department [grant] a reasonable **time** extension [of time] for submission of the District Performance Review.

(i) Failure by a [public] school district to conduct or submit a District Performance Review, including a declaration page approved by the district board of education [in accordance with the requirements set forth at N.J.A.C. 6A:30-3.2] **pursuant to this section**, may result in the withholding of State aid, pursuant to N.J.S.A. 18A:55-2, or, [in] **under** appropriate circumstances, the initiation of intervention activities as set forth at N.J.A.C. 6A:30-6.2.

6A:30-3.3 Review and evaluation of District Performance Reviews

- (a) [Upon receipt of a public school district’s District Performance Review and declaration page, the Executive County Superintendent] **The Department** shall confirm [the] receipt of [the documents] **a school district’s District Performance Review, district board of education resolution, and declaration page** and [conduct a review, which] shall [include] **do the following:**
1. [Reviewing] **Review** the District Performance Review, **district board of education resolution** and declaration page for completeness;
 2. [Confirming] **Confirm** the use of a committee, composed of representatives [as] required by N.J.A.C. 6A:30-3.2(b)1, to complete the District Performance Review[,] as demonstrated by the declaration page; and
 3. [Verifying] **Verify through a desk audit** the [responses of the] District Performance Review **responses** using relevant data, reports, facts, audit results, documents, and/or other information. [In connection with the review of the District Performance Review, the Executive County Superintendent’s staff] **The Department** may require [that] the [public] school district **to** submit documentation substantiating its responses or other information.
- (b) Upon completion of the initial review, the [Executive County Superintendent] **Department** shall notify the [Chief School Administrator] **CSA** of any area(s) of the District Performance Review that requires additional clarification. When [such a] notification is warranted, the Department shall:
1. Issue a written request for any additional information, documentation, or materials from the [Chief School Administrator] **CSA**; and/or
 2. Initiate one or more on-site visits to schools and/or other facilities, as needed to verify the accuracy of [responses in the] District Performance Review **responses**.
- (c) [Appropriate Executive County Superintendent staff] **The Department** shall compile and analyze the results of each [public] school district’s District Performance Review and any

additional review conducted by Department staff and shall develop **for the Commissioner** a recommendation for the [public] school district's placement on the performance continuum. [This recommendation shall be submitted to the Commissioner for a final decision.]

- (d) The Commissioner shall review [this] **the** recommendation **made pursuant to (c) above**, as well as any other data, facts, reports, audit results, documents, and/or other information that may inform a well-reasoned final decision in determining the [public] school district's placement on the performance continuum.

SUBCHAPTER 4. PERFORMANCE CONTINUUM

6A:30-4.1 General requirements

- (a) [On or before June 30 of the school year in which the public] **Following a** school district's comprehensive review [occurs], or at [such other] **another** time [as] **designated by** the Commissioner [may designate where the Commissioner] **if he or she** has directed a [public] school district to undergo an immediate comprehensive review pursuant to N.J.S.A. 18A:7A-11 and N.J.A.C. 6A:30-3.1(a), the Commissioner shall issue a final determination [of] **letter detailing** each [public] school district's performance and placement on the performance continuum, based on the comprehensive review[. The Commissioner shall promptly notify public school districts of that determination], and shall notify the State Board at its next public meeting. **The determination letter shall consist of the following:**

- [(b)] **1.** [For each public school district, the Commissioner's determination regarding placement for each school district on the performance continuum shall be in the form of a school district profile consisting of the reporting of the] **The** percentage

of weighted quality performance indicators satisfied by the [public] school district in each of the five key components of school district effectiveness[.];

[(c) At the time of issuing his or her determination regarding each public school district's placement on the performance continuum, the Commissioner also shall also issue to each public school district that has complied with the requirements of the comprehensive review set forth at N.J.A.C. 6A:30-3 a letter certifying the public school district's continued operation as a public school district in the State of New Jersey for a period of three years, or until the public school district's next comprehensive review, whichever is sooner.]

[(d)] **2.** [Each public] **For each** school district that satisfies [between] **at least 80** [and 100] percent of the weighted quality performance indicators in each of the five key components of school district effectiveness, [shall receive a letter from the Commissioner designating it] **a designation** as a "high performing" **school district[.] and a recommendation for the State Board of Education to certify, for a period of three years, the school district as providing a thorough and efficient education;**

3. For school districts satisfying less than 80 percent in one or more of the weighted quality performance indicators in each of the five key components of school district effectiveness, notification the school district has not met the comprehensive review's requirements and shall be directed to begin improvement activities, pursuant to N.J.A.C. 6A:30-5.2;

[(e)] **4.** [Each public] **The requirement for each** school district [shall be required] to report its **Commissioner-determined** placement on the performance continuum[, as determined by the Commissioner,] at the next public [meeting of the] district board of education **meeting; and**

[(f)] **5.** [The public school district may,] **Notification the school district may seek reconsideration of the Commissioner’s placement of the school district on the performance continuum** within seven days of [the date of receipt of] **receiving** the [Commissioner’s report, seek reconsideration of the initial placement decision by the Commissioner] **determination letter.**

[1.] **(b)** In its request for reconsideration, the [public] school district shall specifically delineate each [indicator in the] District Performance Review [that it believes] **indicator the school district claims** was scored incorrectly by the Commissioner[,] and the basis for [such] **the** claim.

1. During the reconsideration review, the Commissioner shall provide the [public] school district with the opportunity to present evidence [to support its] **supporting the school district’s** claim that its score on one or more indicators of the District Performance Review **was** erroneous and should be changed.

2. [After considering] **If warranted by** the evidence and arguments presented by the [public] school district, the Commissioner may[, if warranted by the evidence and arguments presented,] amend the [public] school district’s placement on the performance continuum. At the conclusion of the reconsideration, the Commissioner shall notify, **in writing**, the [public school district’s Chief School Administrator and] **CSA** [board of education,] and the State Board [in writing] of [his or her] **the** determination.

(c) **Upon the State Board of Education’s approval of the Commissioner’s recommendation made pursuant to (a)2 above, the Department will notify a high-performing school district that it is certified, for a period of three years, as providing a thorough and efficient education.**

**SUBCHAPTER 5. IMPROVEMENT ACTIVITIES TO SUPPORT STUDENT
ACHIEVEMENT IN [PUBLIC] SCHOOL DISTRICTS**

6A:30-5.1 [Public school] School district obligations for continual improvement

Each [public] school district shall continuously strive for improvement in all areas of school district [functioning in order] **effectiveness** to enhance student achievement and to ensure [that it] **the school district** provides a thorough and efficient education to all students.

6A:30-5.2 Improvement activities for [public] school districts that satisfy less than 80 percent of the weighted quality performance indicators in one or more components of school district effectiveness

[(a)] [Public school] **School** districts that satisfy less than 80 percent of the weighted quality performance indicators in one or more of the key components of school district effectiveness shall [be required to] commence improvement activities as set forth at N.J.A.C. 6A:30-5.3 through 5.7. [These improvement activities shall include development and implementation of a NJQSAC district improvement plan, approved by the Commissioner. Other improvement activities may include:

1. An in-depth evaluation conducted by the Department, pursuant to N.J.A.C. 6A:30-5.3; and
2. Receipt of technical assistance, provided by Department staff or by one or more highly skilled professionals, pursuant to N.J.A.C. 6A:30-5.7.]

6A:30-5.3 In-depth evaluation

(a) [The] **Upon completion of the comprehensive review, the** Commissioner [shall determine] **will notify the school district as to** whether [to] **the Department will** conduct an in-depth evaluation of [a public] **the** school district pursuant to the following [criteria]:

1. The Department shall conduct an in-depth evaluation of [public] school districts that satisfy less than 50 percent of the weighted quality performance indicators in one or more of the five key components of school district effectiveness, as determined by the comprehensive review, unless the Commissioner determines [that] a comprehensive evaluation of the [public] school district by [or directed by] the Department **or directed by it** has occurred within the last year;
2. The Department may conduct an in-depth evaluation for [public] school districts that satisfy between 50 and 79 percent of the weighted quality performance indicators in one or more of the five key components of school district effectiveness, as determined by the comprehensive review. In making this determination, the Commissioner shall consider:
 - i. Whether other evaluations of the [public] school district [exist that] address the area(s) of deficiency or limited capacity identified through [this] **the** comprehensive review process[,] and [that may] **whether the other evaluations** obviate the need for an additional in-depth evaluation; or
 - ii. Whether the [public] school district can demonstrate, through documentation or other data, [that] it is engaged in efforts to address the area(s) of deficiency or limited capacity identified through the comprehensive review process; and
3. Notwithstanding the provisions of (a)1 and 2 above, the Commissioner[, in his or her discretion,] may decide not to conduct an in-depth evaluation of a [public]

school district [where] **if** the Department conducted **in a prior year** an in-depth evaluation [in a prior year and] that [in-depth evaluation] was the basis for a [NJQSAC] district improvement plan currently in operation in the [public] school district.

[(b)] (b) The Commissioner will notify the public school district upon completion of the comprehensive review as to whether the Department will conduct an in-depth evaluation of the public school district.]

[(c)] (b) The Commissioner shall designate, secure, or appoint appropriate persons or entities to conduct the in-depth evaluation [and shall appoint a team leader]. The evaluation team may consist of Department personnel, highly skilled professionals or other appropriate persons as determined by the Commissioner, **who also shall appoint a team leader**. In all instances, the members of the evaluation team shall be qualified by training and experience to examine the specific conditions within the [public] school district identified through the comprehensive review.

[(d)] (c) The evaluation team, in consultation with Department staff, shall determine the scope of the in-depth evaluation. The evaluation may include, but need not be limited to:

1. The [deficiencies] **deficiency(ies)** or area(s) of limited capacity within the [public] school district identified by the comprehensive review as [those] **the** component(s) of school district effectiveness [of] **for** which the [public] school district satisfied less than 80 percent of the weighted quality performance indicators;
2. Other [deficiencies] **deficiency(ies)** or area(s) of limited capacity in school district effectiveness related to [those] **the deficiency(ies) or area(s)** identified in (d)1 above; and/or
3. Conditions in the community that may adversely affect the **students'** ability [of students] to learn.

[(e)] (d) The evaluation team leader, in consultation with the Commissioner and upon notice to the [public] school district, may amend the **evaluation's** scope [of the evaluation] during the course of the evaluation if warranted based on **the evaluation team's** preliminary findings [of the evaluation team].

[(f)] (e) The in-depth evaluation shall include, but need not be limited to, the following:

1. A pre-evaluation conference by the evaluation team with the [Chief School Administrator] **CSA** to discuss the **review's** scope [of the review] and the procedures to be followed;
2. On-site visits to the school district's central office[,] and, at the discretion of the evaluation team, [on-site visits] to one or more of the [public] school district's schools. The dates for [such] on-site visits shall be established **in advance** by the team leader [in advance,] in consultation with the [Chief School Administrator of the public] school district's **CSA**;
3. A review of any document(s), data, or other written material(s) deemed relevant by the evaluation team. The [Chief School Administrator] **CSA** shall make [such materials] available to the evaluation team, upon [the team's] request, **the relevant document(s), data, or other written material(s)**;
4. Interviews with [appropriate] individuals as determined **appropriate** by the evaluation team, [which may include] **including** members of the [public] school district committee responsible for completing the [public] school district's District Performance Review, [in order] to obtain [their] **the individuals'** perspectives regarding the circumstances that contributed to the area(s) of deficiency or limited capacity in the [public] school district and to receive input and suggestions; and
5. Provision by the evaluation team for public input [into] **regarding** the evaluation process.

[(g)] (f) The review of [public] school district practices conducted by the in-depth evaluation team shall be completed within 30 business days. [In his or her discretion, the] **The** Commissioner may grant a reasonable extension(s) of time for completion of the in-depth evaluation.

[(h)] (g) Within 45 days after conclusion of its review, the evaluation team shall submit a report to the Commissioner. The report shall include findings, conclusions, and recommendations for the [public] school district to use in developing and implementing a [NJQSAC] district improvement plan.

[(i)] (h) The Commissioner shall review the **evaluation team's** findings, conclusions, and recommendations. [of the evaluation team and] **The Commissioner** shall prepare a final report [that] **and** shall [be transmitted] **transmit it** to the [Chief School Administrator] **CSA** and the district board of education. The [final report as adopted by the] Commissioner may [be used by the Commissioner] **use his or her final report** to re-evaluate the [public] school district's placement on the performance continuum. [and shall be used by the public] **The** school district and the Department **shall use the Commissioner's final report** in developing the [public school district's NJQSAC] district improvement plan, pursuant to N.J.A.C. 6A:30-5.4.

[(j)] (i) Within 30 days of the issuance of the **Commissioner's** final report [by the Commissioner], the district board of education shall report the findings at a regular or special meeting.

6A:30-5.4 [New Jersey Quality Single Accountability Continuum district] District improvement plan

(a) Each school district that satisfies less than 80 percent of the weighted quality performance indicators in one or more of the five components of school district

effectiveness shall be required to develop and submit a [NJQSAC] district improvement plan to address [those] **the** area(s) of deficiency and limited capacity identified through the comprehensive review and in-depth evaluation, if applicable.

(b) The [NJQSAC] district improvement plan shall be data driven[,] **and** results oriented, and shall outline strategies for building capacity of the [public] school district and its schools to improve learning and teaching. The **district** improvement plan shall identify specific areas of strength and weakness in addressing all methods employed by the [public] school district to improve student achievement, [and] increase school district capacity, and improve performance in each applicable component of school district effectiveness[, and]. **The district improvement plan also** shall incorporate the content and requirements of improvement or corrective action plans required by other State or Federal programs. The **district** improvement plan shall be informed by data generated by the Department, the [public] school district, and any individual school improvement planning process[es] that may have occurred.

(c) A [NJQSAC] district improvement plan shall consist of [district-wide] **districtwide** goals and measurable objectives that describe the structural, policy, programmatic, or organizational changes to be implemented. [It] **The district improvement plan** shall identify the individual(s) responsible for addressing each area and shall specify timelines for **each goal's** completion [of each goal]. The [NJQSAC] district improvement plan shall include, but not be limited to, the following elements:

1. School-level planning objectives toward ensuring a thorough and efficient education;
2. Evidence-based strategies for improvement to address all critical areas of need for the [public] school district identified by the findings of the in-depth evaluation report, if applicable, and the comprehensive review; and

3. Identification of the assistance required to implement improvement strategies with budgetary considerations identified.
- (d) [When developing the NJQSAC district improvement plan, the public] **The** school district **also** shall [also] ensure the **district improvement** plan is aligned with and incorporates or references the relevant provisions of all applicable State and Federal plans.
- (e) The [NJQSAC] district improvement plan shall be developed by an in-district team established by the [Chief School Administrator] **CSA**. This in-district team shall, at a minimum, consist of [public] school district administrators[, public]; school district or school personnel with experience in one or more of the areas of school district effectiveness[.]; school administrative personnel from a representative sample of the schools in the [public] school district[.]; instructional staff[.]; member representatives of the local collective bargaining unit of the educational staff selected by the local collective bargaining unit[.]; and one or more representatives of the district board of education selected by the district board of education.
- (f) When requested by the [Chief School Administrator] **CSA**, the Department may provide the **in-district** team with technical assistance needed to develop the [NJQSAC] district improvement plan. [(g)] The Department[, in collaboration with the public school district,] shall determine the type of technical assistance to be provided [to] **in collaboration with** the [public] school district [through the NJQSAC district improvement plan].

6A:30 5.5 Review and approval process for the [NJQSAC] district improvement plan

- (a) Within 60 days of the [public] school district's receipt of the in-depth evaluation report, the [Chief School Administrator] **CSA** shall obtain [the] **district board of education**

approval [of the district's board of education] for the proposed [NJQSAC] district improvement plan. [and] **The CSA** shall submit **to the Department** the proposed [NJQSAC] district improvement plan, as approved by the **district** board of education[, to the Department]. If the Department did not conduct an in-depth evaluation of the [public] school district, the [Chief School Administrator] **CSA** shall [obtain the approval of the district board of education for the proposed NJQSAC district improvement plan and shall] submit **to the Department** the proposed [NJQSAC] district improvement plan, as approved by the district board of education,[to the Department] within 60 days of the final determination of the [public] school district's placement on the performance continuum, as set forth at N.J.A.C. 6A:30-4.1(f).

1. [In the event that] **If** the district board of education does not approve the [NJQSAC] district improvement plan, the district board of education may require [that] the CSA and the in-district team **to** reevaluate and/or revise the plan. [In his or her discretion, the] **If requested by the district board of education, the** Commissioner may grant **a** reasonable extension(s) of time for [the] submission of the [school board-approved NJQSAC] district improvement plan **approved by the district board of education.**
- (b) Failure by a [public] school district to submit a [school board-approved NJQSAC] district improvement plan in accordance with [the requirements set forth at] N.J.A.C. 6A:30-5.4 and (a) above may result in the withholding of State aid, pursuant to N.J.S.A. 18A:55-2, or, in appropriate circumstances, the initiation of intervention activities as set forth at N.J.A.C. 6A:30-6.2.
- (c) The Department staff shall review the proposed [NJQSAC] district improvement plan to ensure [that] it addresses all areas identified in the comprehensive review and the in-depth evaluation, if applicable. The Department shall ensure [that] the plan contains measurable and attainable evidence-based objectives and strategies for achieving

improvement, developing local capacity, and improving [public] school district effectiveness in each [of the] identified area(s) of deficiency. The Department staff shall make a recommendation to the Commissioner proposing revisions to or approval of the proposed **district improvement** plan.

- (d) The Commissioner shall review the proposed [NJQSAC] district improvement plan and [recommendation of] **the** Department staff's **recommendation** within 30 days **of receipt**.
1. Upon approval of the [NJQSAC] district improvement plan, the Commissioner shall [provide] **notify in writing** the [public] school district [with written notification] and shall ensure [that] sufficient resources are allocated within the [public] school district budget to implement the plan.
 2. If the Commissioner determines [that] the proposed [NJQSAC] district improvement plan needs revision, [the Commissioner] **he or she** shall notify the [public] school district[, and the public]. **The** school district shall revise the plan in the manner and within the time specified by the Commissioner.

6A:30-5.6 Implementation and monitoring of an approved [NJQSAC] district improvement plan

- (a) A [public] school district shall implement its [NJQSAC] district improvement plan promptly upon **Commissioner** approval of the plan [by the Commissioner].
- (b) Every six months, the Department shall review the **school district's** progress [of the public school district] in implementing the [NJQSAC] district improvement plan. As part of this review, the [public] school district shall submit **in a Department-determined format** a report of its progress in implementing each [of the] item(s) in the [NJQSAC] district improvement plan and in satisfying the weighted performance indicators of the component(s) of school district effectiveness that are the subject of the [NJQSAC] district

improvement plan [in a format to be determined by the Department]. Each six-month review **also** shall [also] include an on-site visit at which time the Department may receive input from members of the in-district team responsible for developing the [NJQSAC] district improvement plan and others as determined appropriate by Department staff.

(c) Based on [these] **the** six-month review[s] **pursuant to (b) above:**

1. If the Commissioner determines [that] the [public] school district satisfies 80 to 100 percent of the weighted quality performance indicators in each of the five components of school district effectiveness:
 - i. The Commissioner shall issue a letter of recognition designating the [public] school district as high performing;
 - ii. The six month reviews of the [public] school district, pursuant to [this subchapter] **(b) above**, shall cease; and
 - iii. Payment for any technical assistance provided by highly skilled professionals shall become the sole responsibility of the [public] school district.
2. If the Commissioner determines [that] the [public] school district does not satisfy at least 80 percent of the weighted quality performance indicators in each of the five components of school district effectiveness, **the Commissioner shall:**
 - i. [The Commissioner shall issue] **Issue** a letter detailing the area(s) in which the [public] school district continues to need improvement;
 - ii. [The Commissioner shall ensure that] **Ensure** the [public] school district continues to receive appropriate technical assistance, if applicable; and
 - iii. [The Commissioner shall continue] **Continue** to monitor the **school district's** progress [of the public school district] **at the six-month review pursuant to (b) above.**

[(c)] **(d)** [Subject to the] **Upon Commissioner** approval [of the Commissioner], a [public] school district[’s NJQSAC] **may amend its** district improvement plan [may be amended by the public school district] as circumstances warrant. Two years after the implementation of the initial [NJQSAC] district improvement plan, and every two years thereafter, the Department shall [specifically] assess **specifically** whether **to amend** the [public school] district[’s NJQSAC] improvement plan [should be amended] to address insufficient progress by the [public] school district in satisfying the weighted performance indicators in one or more areas of school district effectiveness.

1. If the Commissioner determines [that] the [NJQSAC] **district** improvement plan [should] **needs to** be amended, the Department shall work collaboratively with the in-district team [comprised of members as set forth at N.J.A.C. 6A:30-5.4(e)] to develop amendments to the plan, which shall be subject to approval as set forth at N.J.A.C. 6A:30-5.5.
2. If the Commissioner determines [that] the [public] school district is making sufficient progress in all areas, the [public] school district shall continue to implement the current [NJQSAC] district improvement plan without amendment[s].

6A:30-5.7 Assistance provided to [public] school districts through the [NJQSAC] district improvement plan

- (a) The Department may provide [public] school districts with technical assistance to improve performance and increase local capacity in areas of need as identified in the comprehensive review and/or the in-depth evaluation. [This technical assistance may be provided by Department personnel and/or by one or more other highly skilled professionals.]

1. The type of assistance shall be delineated in the [NJQSAC] district improvement plan developed by the [public] school district in collaboration with the Department.
 2. The Commissioner [shall] **may** select and appoint appropriate Department personnel to provide the **technical** assistance set forth in the [NJQSAC] district improvement plan[, which may be coordinated and provided on a regional or Statewide basis].
 3. In consultation with the [public] school district, the Commissioner may select and appoint other appropriate highly skilled professionals who are not Department personnel to provide the assistance set forth in the [NJQSAC] district improvement plan[, which].
 4. **The technical assistance** may be coordinated and provided on a regional or Statewide basis.
- (b) The Commissioner shall determine the eligibility of persons[,] to be designated as “highly skilled professionals” to perform specific functions in [public] school districts. Highly skilled professionals may be Department employees and shall be selected considering the needs of the particular [public] school district [with consideration given to] **and** the following criteria:
1. Relevant education and training;
 2. Relevant professional experience;
 3. Expertise in the field in which technical assistance is needed; and
 4. Experience working with [public] school districts.
- (c) [Highly] **The Commissioner may assign highly** skilled professionals [may be assigned] to [public] school districts [by the Commissioner] to perform designated functions, including, but not limited to:

1. Participating as a member of the in-depth evaluation team, pursuant to N.J.A.C. 6A:30-5.3;
 2. Providing technical assistance as delineated in the [NJQSAC] **Commissioner-approved** district improvement plan [approved by the Commissioner]; and
 3. Providing direct oversight of [public] school district functions during a period of partial or full State intervention, pursuant to N.J.A.C. 6A:30-6.
- (d) The Commissioner shall not appoint highly skilled professionals to a [public] school district in any capacity that would create an actual or potential conflict of interest within the [public] school district.
- (e) The compensation of highly skilled professionals appointed by the Commissioner pursuant to (c)2 and 3 above shall be a shared expense of the [public] school district and the Department, with each assuming one-half of the costs[, except where technical assistance pursuant to (c)2 above is provided by Department employees, in which case the]. **The Department shall assume the total cost of [the] compensation for technical assistance, pursuant to (c)2 above, provided by Department employees.**

SUBCHAPTER 6. INTERVENTION ACTIVITIES

6A:30-6.1 Forms of State intervention

- (a) Where appropriate, pursuant to N.J.A.C. 6A:30-6.2, the Commissioner may seek partial or full State intervention in a [public] school district.
- (b) Under partial State intervention, the Department will intervene in one or more areas of [public] school district [functioning] **effectiveness**. Partial State intervention may include[:] **elements set forth in N.J.A.C. 6A:30-6.4 and 6.5.**

- [1. Appointment by the State Board, upon the recommendation of the Commissioner, of a district superintendent if the position is vacant;
2. Appointment, pursuant to N.J.S.A. 18A:7A-14, of one or more highly skilled professionals to provide direct oversight in the public school district; and/or
3. Appointment by the Commissioner, with the approval of the State Board, of up to three additional members to the district board of education.]

(c) Under full State intervention, the Department will intervene in each of the five areas of school district [functioning] **effectiveness**. Full State intervention may include[:]
elements set forth in N.J.A.C. 6A:30-6.7 and 6.8.

- [1. Appointment by the State Board, upon recommendation of the Commissioner, of a State district superintendent;
2. Appointment, pursuant to N.J.S.A. 18A:7A-15, of one or more highly skilled professionals to provide direct oversight in the public school district; and/or
3. Appointment by the Commissioner, with the approval of the State Board, of up to three additional members to the district board of education.]

6A:30-6.2 Factors for initiating State intervention

(a) The Commissioner may seek to initiate partial State intervention in a [public] school district [when] **if** the [public] school district satisfies less than 50 percent of the weighted quality performance indicators in one to four of the five components of school district effectiveness, and at least one of the following factors is present:

1. The [public] school district has failed to submit its District Performance Review and Statement of Assurance and/or failed to provide other documentation **requested by the Department** in connection with the comprehensive review [as

requested by the Department] within the established timeframe, pursuant to N.J.A.C. 6A:30-3;

2. The [public] school district has failed to develop a [NJQSAC] district improvement plan that can be approved by the Commissioner, pursuant to N.J.A.C. 6A:30-5.4;
3. The [public] school district has failed to implement the [NJQSAC] **Commissioner-approved** district improvement plan [approved by the Commissioner], pursuant to N.J.A.C. 6A:30-5.6;
4. Other circumstances [exist that] warrant immediate action by the Commissioner to ensure [that] the [public] school district will provide a thorough and efficient education to the **its** students [in the public school district]; or
5. Other circumstances indicate insufficient local capacity to ensure [that] the [public] school district will provide a thorough and efficient education to its students and [an] **the school district's** unwillingness or inability [on the part of the public school district] to develop [such] local capacity without State intervention.

- (b) The Commissioner may seek to initiate full State intervention in a [public] school district when the [public] **the** school district: satisfies less than 50 percent of the weighted quality performance indicators in each of the five components of school district effectiveness; or [in a public] **the** school district [which] is under the direct oversight of a State fiscal monitor, appointed by the Commissioner pursuant to N.J.S.A. 18:7A-55 et [al] **seq.**, and [which] satisfies less than 50 percent of the weighted quality performance indicators in the instruction and program, operations, personnel, and governance components of school district effectiveness. [and at] **At** least one of the following factors [is] **also must be** present:

1. The [public] school district has failed to submit its District Performance Review and Statement of Assurance and/or [failed] to provide other documentation **requested by the Department** in connection with the comprehensive review [as requested by the Department] within the established timeframe, pursuant to N.J.A.C. 6A:30-3;
2. The [public] school district has failed to develop a [NJQSAC] district improvement plan that can be approved by the Commissioner, pursuant to N.J.A.C. 6A:30-5.4;
3. The [public] school district has failed to implement the [NJQSAC] **Commissioner-approved** district improvement plan [approved by the Commissioner], pursuant to N.J.A.C. 6A:30-5.6;
4. Other circumstances [exist that] warrant immediate action by the Department to ensure [that] the [public] school district will provide a thorough and efficient education to [the] **its** students [in the public school district]; or
5. Other circumstances indicate insufficient local capacity to ensure [that] the [public] school district will provide a thorough and efficient education to its students and [an] **the school district's** unwillingness or inability [on the part of the public school district] to develop [such] local capacity without State intervention.

6A:30-6.3 Procedure for initiating partial State intervention

- (a) When a [public] school district [fails to satisfy at least 50 percent of the weighted quality performance indicators in one to four of the five components of school district effectiveness and one of the factors set forth at] **qualifies for partial State intervention pursuant to** N.J.A.C. 6A:30-6.2(a) [is present], the Commissioner may seek partial State

intervention in the [public] school district by issuing an Order to Show Cause why an administrative order to place the identified components under partial State intervention should not be implemented.

- (b) At the **Order to Show Cause's** time of service [of the Order to Show Cause], the Commissioner **also** shall [also] serve upon the [public] school district a proposed administrative order for partial intervention, which shall contain and incorporate a partial intervention plan[,] developed by Department staff, [as set forth more fully at] **pursuant to N.J.A.C. 6A:30-6.4.**
- (c) The Order to Show Cause shall be referred to the Office of Administrative Law, pursuant to N.J.S.A. 52:14B-1 et seq., for a plenary hearing conducted on an expedited basis. In this proceeding, the Department shall have the burden of showing [that] the recommended administrative order is not arbitrary, unreasonable, or capricious.
- (d) If [at the conclusion of the hearing process,] the Commissioner determines, [that] **at the hearing process' conclusion,** the [public] school district has failed to show cause why the actions proposed should not occur, the Commissioner shall recommend to the State Board of Education that it issue an order placing the [public] school district under partial State intervention.
- (e) The State Board may place the [public] school district under partial intervention. The **State Board's** decision [by the State Board] shall be considered final and may be appealed to the Superior Court, Appellate Division.

6A:30-6.4 Partial State intervention plan

- (a) The partial State intervention plan shall incorporate and amend the [NJQSAC] district improvement plan and will be presented by the Commissioner as part of the proposed administrative order when the Department brings an Order to Show Cause seeking partial

intervention in a [public] school district. The intervention plan [must] **shall** address, but need not be limited to, the following:

1. Whether the State Board, upon the **Commissioner's** recommendation [of the Commissioner], will appoint a **school** district superintendent [in the event that] **if** a vacancy occurs during the period of partial intervention. If a district superintendent is appointed during the period of partial intervention, the intervention plan shall indicate [that] the person shall be appointed for an initial term not to exceed two years[,] and [that] the costs of his or her salary shall be an expense of the [public] school district;
2. Whether highly skilled professionals will be appointed, pursuant to N.J.S.A. 18A:7A-14[(c)(5)].**c(5)** to provide direct oversight in the [public] school district.
 - i. If so, the intervention plan will state the key components [in] **over** which the highly skilled professionals will have authority[,] and [will set forth in detail the] **their** powers, authority, and duties [of such individuals.];
 - ii. The **intervention** plan **also** shall [also] establish a decision-making hierarchy [in the event that] **to address** conflicts **that** arise between persons appointed by the Commissioner and [public] school district personnel.
 - iii. The **intervention** plan shall state [that] the costs of the highly skilled professional(s) will be divided equally between the State and the [public] school district; and
3. Whether **the intervention plan shall state** the Commissioner intends to exercise his or her authority to appoint, with the State Board's approval, up to three additional members to the district board of education. [If the additional board members are appointed, they shall be subject to the requirements of N.J.A.C. 6A:30-6.5.]

6A:30-6.5 Structure of the district board of education under partial State intervention

- (a) If the partial intervention plan incorporated into the administrative order for partial intervention provides for the Commissioner, with [the] **State Board** approval [of the State Board], to appoint up to three additional members to the district board of education, the following shall apply:
1. The Commissioner shall appoint at least one of [these] **the** additional members from a list of three candidates provided by the [local] governing body of the municipality in which the [public] school district is located. If the [public] school district is a regional school district, one of [these] **the** additional members shall be selected by the Commissioner from a list containing three candidates from each constituent municipality provided by the governing bodies of the respective municipalities. If the [public] school district is a county vocational[-technical] school district or a **county** special services **school** district, the list of three candidates shall be provided by the governing body of the county in which the [public] school district is located.
 2. The Commissioner shall make every effort to appoint residents of the [public] school district; and
 3. The appointed district board members shall meet all [the] requirements of N.J.S.A. 18A:12-1 et seq., and [must] **shall** be registered voters in the State [of New Jersey, except [that] they shall not be required to be residents of the [public] school district or be registered to vote in the [public] school district.
- (b) The appointed district board **of education** members shall comply with the School Ethics Act, N.J.S.A. 18A:12-21 et seq.

- (c) The appointed district board **of education** members shall be non-voting members of the district board **of education** and shall have all other rights, obligations, powers and privileges of **district board of education** members.
1. Six months following the initial order for partial State intervention, the Commissioner shall determine whether [or not] the appointed district board **of education** members shall become voting members [of the district board of education].
 2. If the Commissioner determines [that] the appointed district board **of education** members shall become voting members, the district board of education may appeal [that] **the** determination to the Superior Court, Appellate Division.
- (d) The appointed district board members shall report to the Commissioner on the [activities of the] district board of education's **activities** and shall provide assistance to the district board of education on [such] matters [as] deemed appropriate by the Commissioner, including, but not limited to, the applicable laws and rules governing specific [school] **district board of education** action.
- (e) The appointed district board **of education** members shall be appointed for a term of two years.
1. The Commissioner shall obtain approval of the State Board for any extension of the [two year] **two-year** term.
 2. Any vacancy in the **Commissioner-appointed** membership appointed [by the Commissioner] shall be filled in the same manner as the original appointment.

6A:30-6.6 Procedure for initiating full State intervention

- (a) When a [public] school district [fails to satisfy at least 50 percent of the weighted performance indicators in each of the five components of school district effectiveness or

in a public school district which is under the direct oversight of a State fiscal monitor appointed by the Commissioner pursuant to N.J.S.A. 18:7A-55 et al. and which satisfies less than 50 percent of the weighted quality performance indicators in the instruction and program, operations, personnel and governance components of school district effectiveness and one of the factors set forth at] **qualifies for full State intervention pursuant to** N.J.A.C. 6A:30-6.2(b) [is present], the Commissioner may seek full State intervention in the [public] school district by issuing an Order to Show Cause why an administrative order to place the [public] school district under full State intervention should not be implemented.

- (b) At the time of **the Order to Show Cause's** service [of the Order to Show Cause], the Commissioner **also** shall [also] serve upon the [public] school district a proposed administrative order for full intervention [which] **that** shall contain and incorporate a full intervention plan[,] developed by the Department, [as set forth more fully] **pursuant to** N.J.A.C. 6A:30-6.7.
- (c) The Order to Show Cause shall be referred to the Office of Administrative Law, pursuant to N.J.S.A. 52:14B-1 et seq., for a plenary hearing conducted on an expedited basis. In this proceeding, the Department shall have the burden of showing [that] the recommended administrative order is not arbitrary, unreasonable, or capricious.
- (d) If [at the conclusion of the hearing process,] the Commissioner determines, [that] **at the hearing process' conclusion,** the [public] school district has failed to show cause why the actions proposed by the Department should not occur, the Commissioner shall recommend to the State Board [of Education] that it issue an order placing the [public] school district under full State intervention.
- (e) The State Board may place the [public] school district under full State intervention. The **State Board's** decision [by the State Board] shall be considered final and may be appealed to the Superior Court, Appellate Division.

6A:30-6.7 Full State intervention plan

- (a) The full State intervention plan shall incorporate and amend the [NJQSAC] district improvement plan and will be presented by the Commissioner as part of the proposed administrative order at the time the Department brings an Order to Show Cause seeking full State intervention in a [public] school district. The intervention plan [must] **shall** address, but need not be limited to, the following [elements]:
1. Whether the State Board, upon **the Commissioner's** recommendation [of the Commissioner], will appoint a State district superintendent.
 - i. If a State district superintendent is appointed, the intervention plan shall indicate [that] the person shall be appointed for an initial term not to exceed three years[,] and [that] the costs of his or her salary shall be an expense of the [public] school district; and
 - ii. [The intervention plan shall also provide that if] **If** the State Board chooses to appoint the existing district superintendent, [then] **the intervention plan shall indicate** he or she [must] **shall** agree to termination of his or her existing **employment** contract [of employment] with the [public] school district; and
 2. Whether highly skilled professionals will be appointed pursuant to N.J.S.A. 18A:7A-15[(c)].c to provide direct oversight in the [public] school district.
 - i. If so, the intervention plan will state the areas of school district operations the highly skilled professionals will oversee[,] and [will set forth in detail the] **their** powers, authority, and duties [of such individuals];
 - ii. The **intervention** plan **also** shall [also] establish a decision-making hierarchy [in the event that] **if** conflicts arise between [persons appointed

by the Commissioner] **highly skilled professionals** and [public] school district personnel; and

iii. The plan shall state that the costs of the highly skilled professional(s) will be divided equally between the State and the [public] school district;

3. Whether the positions of the [public] school district's [Chief School Administrator] **CSA** and [those] **the** executive administrators responsible for curriculum, business and finance, and personnel will be abolished. If any of [those] **the** positions are abolished, the provisions of N.J.S.A. 18A:7A-44[(a)].**a** with respect to notice, salary, tenure rights, etc., shall apply;
4. Whether a Capital Project Control Board shall be established in the [public] school district, with the functions and powers set forth in N.J.S.A. 18A:7A-46.1 et seq. If the plan does not require establishment of a Capital Project Control Board, then the plan will set forth a procedure for development and approval of capital projects in the [public] school district; and
5. Whether the Commissioner intends to exercise [his/her] **his or her** authority to appoint, with the State Board's approval, up to three additional members to the district board of education [of the public school district]. [If the additional school board members are appointed, they shall be subject to the requirements of N.J.A.C. 6A:30-6.8.]

6A:30-6.8 Operations of the district board of education under full State intervention

- (a) When a [public] school district enters full State intervention, the **current** district board of education [currently in place] shall continue in place[,] but [it] shall serve **only** in an advisory capacity [only] and shall have only [those] **the** rights, powers, and privileges of an advisory board.

- (b) The advisory **district** board of education shall meet at least once per month at [such] dates and times [as] determined by the State district superintendent.
- (c) Any advisory **district board of education** member seat [vacancies] **vacancy(ies)** shall be filled in the same manner as the [seats were initially] **seat(s) was** filled **initially**.
- (d) If the full intervention plan incorporated into the administrative order for full intervention provides for the Commissioner, with [the] **State Board** approval [of the State Board], to appoint up to three additional members to the district board of education, the following shall apply:
1. The Commissioner shall appoint at least one of the additional members from a list of three candidates provided by the [local] governing body of the municipality in which the [public] school district is located. If the [public] school district is a regional school district, one of [these] **the** additional members shall be selected by the Commissioner from a list containing three candidates from each constituent municipality provided by the governing bodies of the respective municipalities. If the [public] school district is a county vocational[-technical] school district or a **county** special services **school** district, the list of three candidates shall be provided by the governing body of the county in which the [public] school district is located;
 2. The Commissioner shall make every effort to appoint residents of the [public] school district; and
 3. The appointed district board **of education** members shall meet all the requirements of N.J.S.A. 18A:12-1 et seq. and [must] **shall** be registered voters in the State [of New Jersey], except [that] they shall not be required be residents of the [public] school district or registered to vote in the [public] school district.
- (e) The appointed district board **of education** members shall comply with the School Ethics Act, pursuant to N.J.S.A. 18A:12-21 et seq.

- (f) The appointed district board **of education** members shall be non-voting members of the district board **of education** and shall have all [the] other rights, obligations, powers, and privileges of **district board of education** members.
1. Six months following the initial order for full State intervention, the Commissioner shall determine whether [or not] the appointed district board members shall become voting members of the district board of education. If the members **Commissioner-appointed** [by the Commissioner] become voting members of the [school] **district board of education**, they shall have the same rights and privileges with respect to voting as other **district board of education** members [of the school board].
 2. If the Commissioner determines [that] the appointed district board **of education** members shall become voting members, the district board of education may appeal [that] **the** determination to the Superior Court, Appellate Division.
- (g) The appointed district board members shall report to the Commissioner on the **district board of education's** activities [of the district board of education] and shall provide assistance to the district board of education on [such] matters [as] deemed appropriate by the Commissioner, including, but not limited to, the applicable laws and rules governing specific [school] **district board of education** action.
- (h) The appointed district board **of education** members shall be appointed for a term of two years.
1. The Commissioner shall obtain **State Board** approval [of the State Board] for any extension of the two-year term.
 2. Any vacancy in the **Commissioner-appointed** membership [appointed by the Commissioner] shall be filled in the same manner as the original appointment.
- (i) The district board of education shall assess **on a regular basis** the **school district's** progress [of the public school district on a regular basis] and shall report on the progress

no less than twice per year to the State district superintendent, [to] the public, and [to] other persons [so] designated in the intervention plan. Copies of [this] **the** report shall be forwarded to the Commissioner and the State Board.

6A:30-6.9 Assessment activities during the period of intervention

- (a) During the period of partial or full State intervention:
 - 1. Comprehensive reviews pursuant to N.J.A.C.6A:30-3 shall be continued; and
 - 2. [Public school] **School** district monitoring at six-month intervals pursuant to N.J.A.C. 6A:30-5.6(b) shall be continued.

SUBCHAPTER 7. WITHDRAWAL FROM PARTIAL OR FULL STATE INTERVENTION

6A:30-7.1 Factors for initiating return to local control

- (a) A [public] school district in full **State** intervention shall remain in [that] status for no less than three years before the process of withdrawal from intervention can begin.
- (b) The Commissioner will consider the following factors in determining whether to initiate a full or partial withdrawal from intervention in a [public] school district:
 - 1. Evidence of sustained and substantial progress by the [public] school district, demonstrated by the [public] school district having satisfied 80 to 100 percent of the weighted quality performance indicators in one or more of the components of school district effectiveness under State intervention, as shown by the comprehensive reviews, [six month] **six-month Department** reviews, [by the Department] and/or other appropriate evidence; and

2. Substantial evidence [that] the [public] school district has adequate programs, policies, and personnel in place and in operation to ensure [that] the demonstrated progress, with respect to the components of school district effectiveness under intervention, will be sustained.

6A:30-7.2 Procedure for transition to partial State intervention or to local control

- (a) [When] **If** the Commissioner determines [that] a [public] school district **under State intervention** has satisfied the factors [delineated] at N.J.A.C. 6A:30-7.1(b) [with respect to] **for** one or more components of [public] school district effectiveness [under State intervention], the Commissioner shall recommend to the State Board that the process for withdrawal from intervention be initiated. [The State Board, based] **Based** on the Commissioner's recommendation, **the State Board** may grant approval for the Department to initiate the transition to local control in those components of [public] school district effectiveness **for which the school district satisfied 80 to 100 percent of the weighted quality performance indicators and shows evidence the progress will be sustained.**
 1. [The] **This section's** procedures [set forth in this subchapter] regarding transition to partial State intervention or to local control **also** shall [also] apply to [public] school districts that were State-operated prior to February 22, 2007.
- (b) [When] **If the State Board grants** approval [is granted by the State Board] to initiate the transition to withdrawal from State intervention, the Commissioner shall notify the [public] school district of [this] **the State Board's** decision.
- (c) As an initial step in the transition process, the Department **shall develop**, in collaboration with the [public] school district, [shall develop] a transition plan [which] **that** shall contain the components [set forth] at N.J.A.C. 6A:30-7.3 and shall address the transition

to local control of the [area or areas with respect to] **component(s) for** which the [public] school district has met the requirements of N.J.A.C. 6A:30-7.1(b).

6A:30-7.3 Components of the transition plan

- (a) The transition plan shall address, but need not be limited to, the following:
1. A timetable for the activities relating to and leading to the withdrawal from State intervention in the area(s) under transition;
 2. Provisions regarding the continued employment status of the State district superintendent appointed during the period of intervention, provided[, however, that] the State district superintendent shall continue to hold [that] **the** position until the [public] school district satisfies the factors [set forth] at N.J.A.C. 6A:30-7.1(b) with respect to governance and the component of governance is returned to local control;
 3. Provisions regarding the continued provision of technical assistance by highly skilled professionals;
 4. Provisions regarding the continued use of and any change(s) in the duties, authority, and responsibilities of highly skilled professionals appointed to provide direct oversight in the [public] school district. The **transition** plan **also** shall [also] establish a decision-making hierarchy [in the event that] **if** conflicts arise between persons appointed and school district personnel regarding [public] school district operations;
 5. Specific goals and benchmarks to assist the [public] school district in satisfying the factors [set forth] at N.J.A.C. 6A:30-7.1(b) with respect to the remaining areas of [public] school district [functioning] **effectiveness** under intervention;

6. When the governance component of school district effectiveness is being returned to local control, provisions regarding the status of [school] **Commissioner-appointed district board of education** members [appointed by the Commissioner];
7. Provisions regarding the receipt of **and payment for** technical assistance by the [public] school district[, and the payment for such services]; and
8. Provisions for discontinuance of the Capital Projects Control Board, if applicable.

6A:30-7.4 Implementation of the transition plan

- (a) Upon **Commissioner** approval [by the Commissioner], the transition plan shall be presented at a public **district board of education** meeting [of the district board of education] and officially noted in the minutes. The district board of education shall be immediately required to implement the [provisions of the] transition plan's **provisions**.
- (b) During the **transition** period, [of transition] the Department shall continue to monitor the [public] school district, pursuant to N.J.A.C. 6A:30-5.6, to ensure [that] progress is sustained and [that] the transition plan is being implemented.
- (c) The transition plan shall be updated and amended as the [public] school district achieves compliance with N.J.A.C. 6A:30-7.2(a) with respect to the other components or as other circumstances warrant.

6A:30-7.5 Transition process for the governance component of school district effectiveness for [public] school districts under full State intervention

- (a) A district board of education [that is] transitioning from full State intervention will continue to have the rights, powers, and duties of an advisory **district board of education**

notwithstanding [that] it may be placed in partial State intervention as part of the transition to local control, unless and until the component of governance has been returned to local control.

- (b) Despite the continuation of the district board of education as an advisory board, the State Board [of Education] **may return**, upon [the] **Commissioner** recommendation [of the Commissioner], [may return] some voting functions to the district board of education as part of and in furtherance of the process of transition to local control of the governance component of school district effectiveness. If some voting functions are returned to the district board of education, the Commissioner or his or her designee shall have the authority to veto any action by the district board of education in accordance with N.J.S.A. 18A:7A-53[(c)].**c.**
- (c) Not more than one year following the return of the component of governance to local control, the district board of education shall call a special election for purposes of placing the question of classification status, pursuant to N.J.S.A. 18A:9-1 et seq., before the **school district's** voters. [of the public school district, which] **The special** election shall be conducted in accordance with the provisions of Title 19 of the Revised Statutes concerning school elections.

6A:30-7.6 Completion of the transition process

- (a) Upon [complete satisfaction of all components] **successful implementation** of a full transition plan to local control, the Commissioner shall recommend to the State Board [that] the withdrawal from intervention be completed and [that] the [public] school district be [fully] returned **fully** to local control.
- (b) Upon **State Board** approval [by the State Board], the Commissioner shall make a determination regarding the [public] school district's placement on the performance

continuum, notify the [public] school district of [this action] **the placement**, and issue a letter to the [public] school district designating it as a “high performing” school district.

[SUBCHAPTER 8. (RESERVED)]

**SUBCHAPTER [9.] 8. OBSERVATION OF INSTRUCTIONAL PRACTICES AND
EVALUATION OF [PUBLIC] SCHOOL DISTRICT FACILITIES**

**6A:30-[9.1]8.1 Observation of instructional practices and evaluation of [public] school
district facilities**

Nothing in this chapter shall limit the **Department’s** ability [of the Department] to monitor [public] school district practices by, among other things, conducting on-site visits to observe instructional practices and school facilities, or to take other [such] action [as in the judgment of] the Commissioner or his or her designee[, may be warranted] **deems necessary** to ensure the satisfaction of any statutory or constitutional obligation.