

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

This comment and response form contains comments from the May 3, 2017, meeting of the State Board of Education when the draft regulations were considered at Second Discussion Level.

<b>Topic:</b>	Evaluation of the Performance of School Districts	<b>Meeting Date:</b>	June 7, 2017
<b>Code Citation:</b>	N.J.A.C. 6A:30	<b>Level:</b>	Proposal
<b>Division:</b>	Field Services	<b>Completed by:</b>	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 members of the public 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:

1. Jennifer Keyes-Maloney, Assistant Director of Government Relations  
New Jersey Principal and Supervisors Association
2. Lisa Bakanas  
New Jersey Association of School Librarians
3. John Burns  
New Jersey School Boards Association
4. Tonya Breland  
State Professional Learning Committee
5. Annette C. Giaquinto, Ed.D, Superintendent of Schools  
Galloway Township Public Schools
6. Dr. James Lynch, Superintendent of Schools  
East Greenwich School District
7. Sean Hadley  
New Jersey Education Association

**1. COMMENT:** The commenter supported the Department's goals of streamlining and clarifying State accountability for schools and the greater emphasis on professional learning in the District Performance Reviews (DPR). **(1)**

**RESPONSE:** The Department appreciates the comment.

**2. COMMENT:** The commenters expressed concern about ensuring consistent and fair monitoring in all 21 counties. The commenters stated that the training and guidance need to be tightly aligned and take into account feedback from colleagues and school district

personnel, as well as to provide support for improvement for school districts based on the results of monitoring. Additionally, the commenters stated that peer reviews among evaluators should occur and that rubrics for evaluators should be developed to enhance consistency. The commenters also stated that the Department's proposed timeline shows commitment to this goal. **(1, 6)**

**RESPONSE:** The Department agrees with the commenter and the implementation timeline is reflective of the goal for consistent and fair monitoring. The delayed implementation of the proposed DPRs will allow the Department to develop ongoing training plans for Department staff to prepare for a consistent monitoring process, which may include the development of rubrics and to prepare for supporting school districts identified as needing assistance or improvement through the New Jersey Quality Single Accountability System (NJQSAC) process. Additionally, the Department will work with professional stakeholders to provide the necessary supports to identified school districts. The Department has an ongoing communications plan with school districts and their community members to ensure a deep understanding of the NJQSAC indicators and to share the expectations of NJQSAC monitoring, which will contribute to a more consistent and equitable monitoring process.

3. **COMMENT:** The commenter asked the Department to clarify the breakdown between schoolwide versus subgroup performance scores in Instruction and Program Indicators 1 through 5 and 7. **(1)**

**RESPONSE:** The Department is aligning State accountability measures with the Federal accountability measures found in Every Student Succeeds Act (ESSA). The State accountability measures performance on a districtwide basis. The performance weighting for the total student population and the subgroup population are 50 percent each in Instruction and Program Indicators 1 through 5 and 7.

4. **COMMENT:** The commenter requested the Department to define Instruction and Program Indicators 9g and 9i through 15g and 15i, The commenter stated that previous communication from the Department asked school districts to incorporate Career Ready Practices in Standard 9 of the New Jersey Student Learning Standards (NJSLS) rather than 21<sup>st</sup> century skills, which appears to conflict the proposed DPRs. **(1, 4)**

**RESPONSE:** The Department agrees with the commenter that Instruction and Program Indicators 9 through 15, sub-indicator g and i in Appendix A need to be clarified. The integration of 21<sup>st</sup> century skills in sub-indicator g is required under N.J.A.C. 6A:8-3.1(c)2. Meeting sub-indicators g and i can be accomplished through the implementation of NJSLS 9. Likewise, the documentation of school district's compliance with the sub-indicators can be very similar to documented implementation of NJSLS 9. Therefore, the Department proposes at Instruction and Program Indicators 9 through 15, sub-indicator g to add "through NJSLS 9" after "Integration of 21<sup>st</sup> century skills." The Department also proposes at Instruction and Program Indicators 9 through 15, sub-indicator i to replace "[i]ntegration of the 21<sup>st</sup> Century Life and Career standards/career counseling" with "[c]areer education."

For consistency, the Department also proposed to amend proposed Instruction and Program Indicators 9 through 15, sub-indicators g and i in proposed Appendix B, which contains the DPRs for county special services school districts (CSSSDs). The amended proposed Instruction and Program indicators in proposed Appendices A and B are reflected below.

<p>9. English language arts curriculum and instruction are aligned to the New Jersey Student Learning Standards (NJSLS) in accordance with the Department’s curriculum implementation timeline and include the following: (N.J.A.C. 6A:8)</p> <ul style="list-style-type: none"> <li>g. Integration of 21<sup>st</sup> century skills <b>through NJSLS 9</b>;</li> <li>i. [[Integration of the 21<sup>st</sup> Century Life and Career standards/career counseling]] <b>Career education.</b></li> </ul>
<p>10. Mathematics curriculum and instruction are aligned to the NJSLS in accordance with the Department’s curriculum implementation timeline and include the following: (N.J.A.C. 6A:8)</p> <ul style="list-style-type: none"> <li>g. Integration of 21<sup>st</sup> century skills <b>through NJSLS 9</b>;</li> <li>i. [[Integration of the 21<sup>st</sup> Century Life and Career standards/career counseling]] <b>Career education.</b></li> </ul>
<p>11. Science curriculum and instruction are aligned to the NJSLS in accordance with the Department’s curriculum implementation timeline and include the following: (N.J.A.C. 6A:8)</p> <ul style="list-style-type: none"> <li>g. Integration of 21<sup>st</sup> century skills <b>through NJSLS 9</b>;</li> <li>i. [[Integration of the 21<sup>st</sup> Century Life and Career standards/career counseling]] <b>Career education.</b></li> </ul>
<p>12. Social Studies curriculum and instruction are aligned to the NJSLS in accordance with the Department’s curriculum implementation timeline and include the following: (N.J.A.C. 6A:8)</p> <ul style="list-style-type: none"> <li>g. Integration of 21<sup>st</sup> century skills <b>through NJSLS 9</b>;</li> <li>i. [[Integration of the 21<sup>st</sup> Century Life and Career standards/career counseling]] <b>Career education.</b></li> </ul>
<p>13. World languages curricula and instruction are aligned to the NJSLS in accordance with the Department’s curriculum implementation timeline and include the following: (N.J.A.C. 6A:8)</p> <ul style="list-style-type: none"> <li>g. Integration of 21<sup>st</sup> century skills <b>through NJSLS 9</b>;</li> <li>i. [[Integration of the 21<sup>st</sup> Century Life and Career standards/career counseling]] <b>Career education.</b></li> </ul>
<p>14. Comprehensive health and physical education curricula and instruction are aligned to the NJSLS in accordance with the Department’s curriculum implementation timeline and include the following: (N.J.A.C. 6A:8)</p> <ul style="list-style-type: none"> <li>g. Integration of 21<sup>st</sup> century skills <b>through NJSLS 9</b>;</li> <li>i. [[Integration of the 21<sup>st</sup> Century Life and Career standards/career counseling]] <b>Career education.</b></li> </ul>
<p>15. Visual and performing arts curricula and instruction are aligned to the NJSLS in accordance with the Department’s curriculum implementation timeline and include the following: (N.J.A.C. 6A:8)</p> <ul style="list-style-type: none"> <li>g. Integration of 21<sup>st</sup> century skills <b>through NJSLS 9</b>;</li> <li>i. [[Integration of the 21<sup>st</sup> Century Life and Career standards/career counseling]] <b>Career education.</b></li> </ul>

5. **COMMENT:** The commenter suggested amendments to proposed Appendix A Operations Indicators 2b and 3b for clarity. Specifically, the commenter suggested removing “For” as the first word in Operations Indicator 2b. In Operations Indicator 3b, the commenter suggested removing “the” before “data” and replacing “located on” with “via.” (1)

**RESPONSE:** The Department agrees with the commenter and will also change Operations Indicator 2b for clarity by aligning the indicator language with the stem of the indicator and will make the commenter’s suggested changes to Indicator 3b.

For consistency, the Department also is amending proposed Operations Indicators 2b and 3b in proposed Appendix B for CSSSDs. The proposed amendments to proposed Operations Indicators 2b and 3b in proposed Appendices A and B are reflected below.

2. The school district’s educational entity system data:
b. [[For School contacts have been]] <b>Have</b> accurately maintained <b>the school contacts</b> throughout the year and the school district has obtained Department approval for changes to all school configurations within five business days of the proposed changes.

3. The school district has a data management process that includes:
b. Submission of [[the]] data collection applications [[located on]] <b>via</b> the Department’s website by the established deadlines.

6. **COMMENT:** The commenter stated that the most important tasks of a school safety/school climate team are to develop a continuous cycle of climate improvement by developing school climate plans. To better emphasize the requirement, the commenter requested the Department to add “plans” before “policies” in Operations Indicator 71 in Appendix A. (1)

**RESPONSE:** The Department disagrees with the commenter because plans are not a required task of a school safety/school climate team according to the authorizing statute at N.J.S.A. 18A:37-21.

7. **COMMENT:** The commenters stated that in proposed Personnel Indicator 1d, the work of school improvement panels (ScIP) is not accurately reflected. The commenters requested the Department expand the scope of ScIP’s work to include responsibilities that are broader than evaluation, or to not include ScIPs in this indicator and make it a separate indicator. Additionally the commenters requested examples of what “other evaluation structures and processes” include. (1, 4)

**RESPONSE:** The Department agrees with the commenters that the ScIP deserves its own indicator to emphasize the critical importance of ScIPs, and to clarify that the scope of the ScIP’s duties extend beyond evaluation. The ScIP also informs high-quality professional development decisions. In response, the Department proposes new Personnel Indicator 1e. The new proposed indicator will address the ScIP’s role and functioning according to the TEACHNJ Act and regulations in N.J.A.C. 6A:9C-5.3 and 6A:10-2.3, 2.5, 3.1, and 3.2. Because the regulations governing the ScIP are predominantly found under N.J.A.C. 6A:10, Educator Effectiveness, the proposed indicator will be kept within Personnel Indicator 1, which also pertains to evaluation.

In proposed Personnel Indicator 1f, as fully described in Agency-initiated Change 7, “other evaluation structures and processes” include processes such as mid-year evaluations of teachers on a corrective action plan and co-observations for principal training. However, the Department will not be adding specific examples within the indicator language at this time to be flexible for revisions to statute and regulations.

For consistency, the Department also proposes the same indicator in proposed Appendix B for CSSSDs. Proposed Personnel Indicators 1e for proposed Appendices A and B are reflected below.

1. 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:	
e. School improvement panels have been established in each school and are functioning in accordance with the TEACHNJ Act (N.J.S.A. 18A:6-120) and regulations (N.J.A.C. 6A:9C-5.3 and 6A:10-2.3, 2.5, 3.1, and 3.2); and	<b>4</b>

8. **COMMENT:** The commenter requested that the Department add in proposed Personnel Indicator 2 “aligned to the New Jersey Professional Learning Standards” to clarify that the professional learning and development of teachers, educational services staff, and administrators must align to the standards governing professional learning. **(4)**

**RESPONSE:** The Department agrees and proposes to amend the stem of Personnel Indicator 2 to include “aligned to the New Jersey Professional Learning Standards,” because it clarifies what high-quality professional learning means. The components of professional development and the standards for professional learning provide the framework for high-quality professional development. The reference to the components was inadvertently left out of the proposed indicator so the Department proposes adding that language to the indicator as well.

For consistency, the Department also proposes to amend the stem of Personnel Indicator 2 in proposed Appendix B for CSSSDs. The amended Instruction and Program Indicators in proposed Appendices A and B are reflected below.

2. The school district demonstrates supportive conditions for high-quality professional learning and development for teachers, educational services staff, and administrators, <b>aligned to the components of professional development and the New Jersey standards for professional learning and</b> as indicated by the following: (N.J.A.C. 6A:9C and 6A:13-2)
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9. **COMMENT:** The commenters appreciated the reference to professional learning standards for teachers and school leaders in Personnel Indicator 2c. The commenters suggested the high-quality professional learning be aligned to the New Jersey Student Learning Standards. **(1, 4)**

**RESPONSE:** The Department agrees that one purpose of high-quality professional learning, pursuant to N.J.A.C. 6A:9C-1.2, is “to support improved student achievement of the New Jersey Student Learning Standards.” The Department proposes to amend Personnel Indicator 2c to replace “and/or” after “NJSLS” with “and” to clarify that the professional development plan (PDP) must address both the NJSLS and the professional standards for teachers and school leaders.

For consistency, the Department proposes to amend Personnel Indicator 2c in proposed Appendix B for CSSSDs. The amended Instruction and Program Indicators in proposed Appendices A and B are reflected below.

2.	The school district demonstrates supportive conditions for high-quality professional learning and development for teachers, educational services staff, and administrators, <b>aligned to the components of professional development and the New Jersey standards for professional learning and</b> as indicated by the following: (N.J.A.C. 6A:9C and 6A:13-2)
c.	The school district-level PDP: <ul style="list-style-type: none"> <li>• Details districtwide and school-level professional learning for active staff holding instructional teaching, educational services, and administrative certificates;</li> <li>• Incorporates professional learning that is sustained and job-embedded not exclusively one-time workshops; and</li> <li>• Addresses the NJSLS and [[/or]] the professional standards for teachers and school leaders (N.J.A.C. 6A:8 and 6A:9) and is based on a variety of sources and types of student, educator, and system evidence, including educator evaluation data and school-level PDPs. (N.J.A.C. 6A:9C-4.2).</li> </ul>

**10. COMMENT:** The commenter recommended that a sub-indicator be added to each Instruction and Program Indicator 9 through 15 in proposed Appendix A to hold school districts accountable to N.J.A.C. 6A:13-2.1(h), which requires school districts to provide school media services. (2,7)

**RESPONSE:** The Department agrees that media and library resources should be added to Appendices A. The Department proposes to add this requirement as new Governance Indicator 14, which will monitor that every district board of education ensures students have access to library media services in accordance with N.J.A.C. 6A:13-2.1(h). The proposed point value for this indicator is three. As a result of proposed new Governance Indicator 14, the Department proposes to reduce the point values for Governance Indicators 3, 5, and 10 to six, seven, and three, respectively.

For consistency, the Department also proposes to add the same indicator to proposed Appendix B for CSSSDs. The amended Instruction and Program Indicators in proposed Appendices A and B are reflected below.

<b>14.</b>	<b>The district board of education ensures that all students have access to library media services that are connected to classroom studies in each school building including access to computers; school district-approved instructional software; appropriate books, including novels, anthologies, and other reference materials; and supplemental materials that motivate students to read in and out of school and to conduct research. (N.J.A.C. 6A:13-2.1(h))</b>	<b>3</b>
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**11. COMMENT:** The commenter requested the addition of “media and school library resources” and “I&RS” to Instruction and Program Indicator 16. The commenter stated the latter recommendation would clarify the Department is referring to the intervention and referral services (I&RS) teams in every school. (7)

**RESPONSE:** The Department proposes to add media and school library resources to Instruction and Program Indicators 9 through 15, as described in the response to Comment 10.

The Department disagrees with adding “I&RS” because the proposed amendments align the indicator with the authorizing rules at N.J.A.C. 6A:16-8, which is the authorizing subchapter for I&RS. The subchapter requires policies and procedures to ensure a coordinated system for planning, delivering, and measuring outcomes and modification of I&RS 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. “I&RS” is an acronym for the multidisciplinary team that must be in each school and not the official title of the team. Additionally, the proposed indicator outlines the required elements for the coordinated system. The proposed indicator is a quality measure of I&RS for general education students as opposed to the current SOA, which verifies only the existence of multidisciplinary teams in each school building.

12. **COMMENT:** The commenter suggested that the Department amend Governance Indicator 1 in proposed Appendix A by replacing “law or statute” with “case law, regulation, or statute.” (3)

**RESPONSE:** The Department agrees that Governance Indicator 1 should include “case law” and “regulation” for clarification that the indicator’s requirements will change if case law, statute, or regulation change.

For consistency, the Department also proposes to amend Governance Indicator 1 in proposed Appendix B for CSSSDs. The amended Governance indicator in proposed Appendices A and B are reflected below.

1. At least annually, and more frequently if required by changes in **case law, regulation,** or statute, the district board of education or the advisory board, reviews, updates, and adopts, by resolution, policies, procedures, and by-laws reflective of current statutory and regulatory authority. (N.J.S.A. 18A:11)

13. **COMMENT:** The commenter suggested that the Department amend Governance Indicator 2a in proposed Appendix A by adding “and each member has received training on CSA evaluation. N.J.S.A. 18A:17-20.3,” at the end of the indicator. (3)

**RESPONSE:** The Department agrees that Governance Indicator 2(a) should include the proposed language to ensure that each district board of education member has received the statutory requirement for training on the CSA’s evaluation.

For consistency, the Department also proposes to amend Governance Indicator 2a in proposed Appendix B for CSSSDs. The amended Governance indicators in proposed Appendices A and B are reflected below.

2. The district board of education:

a. Establishes a policy and a contract with the CSA to annually evaluate him or her based on the adoption of goals and performance measurements that reflect the highest priority is given to student achievement and attention is given to subgroup achievement **and each member has received training on CSA evaluation. N.J.S.A. 18A:17-20.3.**

14. **COMMENT:** The commenter suggested that the Department amend Governance Indicator 8 in proposed Appendix A by adding “of students” after “families.” (3)

**RESPONSE:** As described in the response to Comment 14, the Department is proposing a new Governance Indicator 8 that will encompass the recommendation by requiring broader stakeholder engagement.

15. **COMMENT:** The commenter stated that ESSA requires meaningful school district engagement with parents, principals, supervisors, teachers, paraprofessionals, other appropriate school staff, and other members of the community. The commenter requested that proposed Governance Indicator 8 be amended to include this ESSA requirement. (7)

**RESPONSE:** The Department agrees that Governance Indicator 8 should be expanded to include all stakeholder engagement as required in all federally funded grant programs. Therefore, the Department proposes to replace proposed Governance Indicator 8, which would have monitored whether a district board of education gathers data/information from families at least annually to measure the school district’s system of communication with parents and the effectiveness of the school district’s programs and processes to support student learning, with a broader requirement for school district boards of education to engage all stakeholders including parents.

For consistency, the Department also proposes a new Governance Indicator 8 in proposed Appendix B for CSSSDs. The amended Governance indicators in proposed Appendices A and B are reflected below.

<p>8. The district board of education [[gathers data/information from families at least annually to measure the school district’s system of communication with parents and the effectiveness of the school district’s programs and processes to support student learning]] <b>ensures compliance with all stakeholder engagement requirements pursuant to the Federal grant programs for which the school district receives fund, which shall include but not be limited to grant programs under the Elementary and Secondary Act, the Individuals with Disabilities Education Act, and the Carl D. Perkins Career and Technical Education Act.</b></p>
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16. **COMMENT:** The commenter suggested that the Department amend Governance Indicator 13 in proposed Appendix A by deleting the statement that says the district board of education has not been found in violation of the School Ethics Act because it is impossible for the district board of education to be found in violation of the School Ethics Act and only individual school officials, including district board of education members, can be found in violation of the School Ethics Act. Further, the commenter stated that the Department may be discouraging the reporting of ethics violations to the School Ethics Commission because district board of education members will know that reporting has the potential to result in lower a school district’s NJQSAC score. (3)

**RESPONSE:** The Department agrees that Governance Indicator 13 should be clarified to show that individual school officials can be found in violation of the School Ethics Act and not the district board of education as a whole. Therefore, the Department proposed to replace “has not” with “no district board of education member or administrator has” after “School Ethics Act and.” Additionally, this requirement is not new and is in the current Statement of Assurance Governance Item 5. There has been no evidence on the



reduction of reporting of violations of the School Ethics Act by fellow board members as a result of the current requirement in NJQSAC.

For consistency, the Department also proposes to amend Governance Indicator 13 in proposed Appendix B for CSSSDs. The amended Governance indicators in proposed Appendices A and B are reflected below.

13. District board of education members and school administrators annually file a timely and properly completed financial and personal/relative disclosure statement The District board of education annually discusses the School Ethics Act and [[has not]] <b>no board member or administrator has</b> been found in violation of the School Ethics Act. (N.J.S.A. 18A:12-22 and 26)
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17. **COMMENT:** The commenter inquired about the Department adding requirements in the Operations indicators in proposed Appendix A for training in harassment, intimidation, and bullying (HIB) for district board of education members, employees, and contracted services providers. (3)

**RESPONSE:** The Department disagrees that a specific indicator for training in HIB to the Operations DPR is necessary. Personnel Indicator 2f monitors that school district staff have completed all State-mandated professional development topics required for their assignments, which would include HIB training.

18. **COMMENT:** The commenter suggested that the Department amend Operations Indicator 9 in proposed Appendix A by adding “The school district has…” at the beginning of the indicator. Additionally the commenter suggested deleting “There have been” at the end of the indicator. (3)

**RESPONSE:** The Department agrees that Operations Indicator 9 needs clarification. Therefore, the Department will replace “A comprehensive” in the beginning of the indicator with “The comprehensive” for clarity. It is implicit that the school district is responsible for the indicator’s requirements. Additionally, the Department proposes to delete “There have been” from the end of the indicator.

For consistency, the Department also proposes to amend Operations Indicator 9 in proposed Appendix B for CSSSDs. The amended Operations indicators in proposed Appendices A and B are reflected below.

9. [[A]] <b>The</b> comprehensive alcohol, tobacco, and other drug abuse program includes 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 and supports. [[There have been]] (N.J.S.A. 18A:40A and N.J.A.C. 6A:16-3 and 4)
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19. **COMMENT:** The commenter suggested the Department amend Personnel Indicator 4a in proposed Appendix A by adding “the start of,” before “prior to employment.” (3)

**RESPONSE:** The Department disagrees because the indicator, which monitors whether new school district employees have a successful criminal history record check prior to employment and are not disqualified for employment, mirrors N.J.S.A. 18A:39-19.1. The commenter’s suggestion would be redundant of language already in the indicator.

20. **COMMENT:** The commenter recommended that point values for Instruction and Programs Indicators 1 through 3 be distributed in consideration of school districts configured as grades seven through 12. (4)

**RESPONSE:** The Department has taken into account any possible grade configuration with regard to Instruction and Program Indicators 1 through 3. There are different point values for the Instruction and Program Indicators 1 through 7 based on a school district's grade configuration. A school district will receive points for each item up to the maximum points listed in the indicator according to the school district grade configuration (i.e., kindergarten through grade eight (K-8) or any span within K-8; kindergarten through grade 12 (K-12) or any span within K-12 that is not K-8 or grades nine through 12 (9-12); and grades 9-12 or any span within the high school grades). This grade configuration variation accounts for school districts that contain only high schools and, therefore, do not have student growth measures, and school districts that do not have high schools and, thus, lack graduation data. Specifically a grade seven through 12 school district would fall into the kindergarten through grade 12 category because that school district has both student growth measures and a graduation rate.

21. **COMMENT:** The commenter recommended that the Department amend sub-indicator e in Instruction and Program Indicators 9 through 15 to add "as defined in code" to the pacing guide. The commenter stated that, in the education field, pacing guides are often misused and impede an educator's ability to make decisions based on students' needs and data. The commenter also stated pacing guides have a negative connotation. (4)

**RESPONSE:** The Department disagrees because the pacing guide is in accordance with the N.J.A.C.6A:8-3.1. Instruction and Program Indicators 9 through 15 already contain the code citation in the stem of each indicator.

22. **COMMENT:** The commenter suggested lowering the point value of Personnel Indicator 2a and adding two points to Personnel Indicator 2b. The commenter stated that Personnel Indicator 2a, which refers to the requirement for individual PDPs, is less important than Personnel Indicator 2b, which requires that school schedules include time for collaboration. The commenter also stated that the State's emphasis should be on the importance of professional learning communities (PLCs), which is in Administrative Code. The commenter further stated that PLCs are critical and deliver a consistent message to schools about the PLCs' importance and recommended adding "adequate" before "consistent time" and "all teachers" and "committed to continuous improvement" to the indicator. (4)

**RESPONSE:** The Department agrees regarding the importance of including collaborative time for teachers in Personnel Indicator 2b to more accurately reflect the language in N.J.A.C. 6A:13-2.1(b)2 concerning "adequate and consistent time" for teachers to work together to address student learning needs. Additionally, the Department proposes to add "to work together" after "teacher" and "through" before "professional learning community time" for clarity.

The Department disagrees about lowering the point value of Personnel Indicator 2a because it is equally important. Through Personnel Indicator 2a, the Department will ensure that school districts address the professional learning needs of all educators in a coherent way through alignment to specific goals, as well as evaluation feedback.

For consistency, the Department also proposes to amend Personnel Indicator 2b in proposed Appendix B for CSSSDs. The amended Personnel indicators in proposed Appendices A and B are reflected below.

2. The school district demonstrates supportive conditions for high-quality professional learning and development for teachers, educational services staff, and administrators, <b>aligned to the components of professional development and the New Jersey standards for professional learning and</b> as indicated by the following: (N.J.A.C. 6A:9C and 6A:13-2)
a. School schedules that include <b>adequate and</b> consistent time for teachers <b>to work together</b> in and across content areas and grade levels to examine student results and to collaborate on addressing student learning needs, such as <b>through</b> professional learning community (PLC) time (N.J.A.C. 6A:9C-3.2 and 3-3 and 6A:13-2.1).

23. **COMMENT:** The commenter recommended adding the relevant functions of ScIPs to Personnel Indicator 2c in proposed Appendix A. The commenter stated including the ScIP functions will ensure that ScIPs meet frequently (at least five times per year) to oversee the mentoring of teachers (N.J.A.C. 6A:9C-5.3(a)2) and that ScIPs identify professional development opportunities for all teaching staff members, pursuant to N.J.A.C. 6A:9C-4.2. (4)

**RESPONSE:** The Department has proposed amendments to Personnel Indicator 1e that address the ScIP's role and function according to the TEACHNJ Act and N.J.A.C. 6A:9C-5.3 and 6A:10-2.3, 2.5, 3.1, and 3.2 in the response to Comment 7.

24. **COMMENT:** The commenter supported Personnel Indicator 2d in proposed Appendix A because it moves beyond State-mandated professional development topics to focus on professional and student learning. (4)

**RESPONSE:** The Department appreciates the support.

25. **COMMENT:** The commenter agreed that chronic absenteeism impedes student learning but expressed concern with how chronic absenteeism may be used to punish schools and school districts when there is confusion about reporting requirements and the efficacy of the school district-reported absenteeism data. The commenter stated that current Administrative Code defines an excused absence for Department reporting yet allows school district discretion for in-house reporting. The commenter also stated that it is unsettling that Take Your Child to Work Day is an excused absence for Department reporting yet the death of a child's parent or grandparent is not. (5)

**RESPONSE:** There are State reporting requirements described in the School Register and rules at N.J.A.C. 6A:16-7.7 that require school districts to develop attendance policies to meet the needs of their students, families, and communities. School district policies take into account expectations and consequences for absenteeism, a definition of unexcused absences that count toward truancy, and staff responses to absences. N.J.A.C. 6A:16-7.7 requires school districts to make attempts to remediate absenteeism issues. The Department understands that there is confusion and, therefore, has developed the [New Jersey Department of Education Guidance for Reporting Student Absences and Calculating Chronic Absenteeism](#) available on the Department's website. While Take your Child to Work Day and recognized religious holidays are mandated excused absences for reporting purposes in the School Register, a school district has discretion to

excuse any other absence in accordance with the district board of education approved attendance policy.

26. **COMMENT:** The commenter stated the use of “detailed expectations for staff evaluation” in the personnel section is unclear. (5)

**RESPONSE:** The commenter is referencing the NJQSAC PowerPoint presentation from the May 3, 2017, State Board of Education meeting. The purpose of the statement was to emphasize the importance of the evaluation requirements under the TEACHNJ Act by incorporating the requirements into the NJQSAC indicators.

27. **COMMENT:** The commenter opposed the emphasis on standardized tests by making them worth 60 percent of the Instruction and Program indicators. The commenter stated that standardized assessments provide important information, but information about teachers’ efforts to meet the diverse needs of student populations is what really matters. The commenter also stated tests alone cannot measure a school district’s efforts to meet students learning, social, emotional, and behavioral needs associated with a diverse student population. Lastly, the commenter stated that school districts work to close achievement gaps but there are factors beyond a school district’s control. (5)

**RESPONSE:** Sixty percent of the Instruction and Program indicators used to assess a school district’s performance include examining student growth from year to year, as well as graduation rates, additional indicator(s) of student success, and student proficiency in science, English language arts (ELA), and mathematics. The measures align to many of the federally required school indicators that the State must use to determine what schools are in need of significant support. The measures are also based on the expectation that all students can achieve New Jersey’s high academic standards. The proposed alignment will allow school districts, when assessing their students’ needs, to look at the same data points as their schools. Finally, the Department agrees with the commenter that standardized assessments serve a narrow, albeit important, role of identifying where students and particular groups of students are or are not making the necessary progress toward the NJSLS. Once the Department identifies where assistance is most needed, it will work with schools and school districts to enhance the supports needed for their unique student populations.

28. **COMMENT:** The commenter stated that there should be a fair, reasonable, and consistent process for appealing NJQSAC results rather than a paper review. The commenter suggested a panel of practicing educators to conduct a hearing if agreement and consensus cannot be reached after a paper review is conducted.

**RESPONSE:** The Department determines whether a school district has met all requirements of the DPRs. Using practicing educators would be viewed as a conflict of interest since they would not be Department employees and likely would work in school districts, which are monitored by the Department through NJQSAC. School districts may appeal only the initial evaluation score received after on-site NJQSAC monitoring and not the interim evaluation scores. The appeal is submitted to the Department’s NJQSAC coordinator who works with multiple professionals within various Department program offices who are experts in the areas for which the appeal was made. Further, once this process has been completed, the school district may appeal those results to the Commissioner through the Office of Controversies and Disputes.

29. **COMMENT:** The commenter stated that the Department should hire practicing professional educators as NJQSAC reviewers. The commenter further suggested that the review should not be conducted by State employees but rather with a “Middle States” panel model to make the process about growth or improvement rather than accountability.

**RESPONSE:** The Department hires many previously practicing professional educators as State employees to conduct the NJQSAC review. It would be a conflict of interest if the State allowed practicing educators to conduct NJQSAC monitoring. The Department disagrees that the proposed NJQSAC process focuses only on accountability. The delayed implementation of the proposed DPRs will allow the Department to develop ongoing training plans for Department staff to prepare for a consistent monitoring process, which may include the development of rubrics, and for supporting school districts identified as needing assistance or improvement through the NJQSAC process. Additionally, the Department will work with professional stakeholders to provide the necessary supports to identified school districts. The purpose of this rulemaking is to ensure a thorough and efficient education is provided to all New Jersey students. To this end, the Department must monitor school districts for compliance with measures that demonstrate the provision of a thorough and efficient education.

**COMMENT:** The commenter requested the Department work with the Legislature to slow down mandates and to provide funding when mandates are created. (5)

**RESPONSE:** The comment is beyond the scope of this rulemaking.

30. **COMMENT:** The commenter supports streamlining the NJQSAC accountability system with ESSA. (3)

**RESPONSE:** The Department appreciates the comment.

31. **COMMENT:** The commenter disagreed with the removal of monitoring preschool programs and requested the Department include an incentive for school districts to gain points in NJQSAC for implementing quality preschool programs. (3)

**RESPONSE:** The Department will not add an indicator to incentivize school districts to gain points in NJQSAC for implementing quality preschool programs. While preschool is valuable, it is not required by the State and not every school district has a preschool program. To allow school districts to earn points for having an optional preschool program would place school districts that do not have a preschool program at a disadvantage during monitoring. Additionally, the quality of preschool programs is already monitored by the Division of Early Childhood and adding the suggested indicator to NJQSAC would duplicate monitoring already conducted by the Department.

32. **COMMENT:** The commenter stated that the fiscal indicators appear to increase flexibility for the fiscal processes for school districts and requested that NJQSAC include accountability for results of the fiscal processes. For example, the commenter stated that the amendment to replace “at least monthly” with “on a regular basis” in Fiscal Indicator 13, which ensures that the fiscal-year cash flow management for all funds is prepared and analyzed on a regular basis, does not ensure accountability for possible issues on a monthly basis. (7)

**RESPONSE:** School districts regularly obtain the timeliness of payments for all funds as a result of bookkeeping changes to modern accounting systems and practices. Since NJQSAC is not designed to monitor for the results of a school district process but rather to ensure a school district has the required processes in place to provide a thorough and efficient education to all students, the Department declines to propose the commenter's suggested amendment.

33. **COMMENT:** The commenter requested increasing the weight for Fiscal Indicator 9, which monitors for annual health and safety reviews, or to separate the monitoring of this area from the NJQSAC process. The commenter stated that there are a substantial number of points for completing the Annual Facilities Checklist -- Health and Safety Evaluation of School Buildings irrespective of the outcome.

The commenter also requested improvements be made to the Annual Facilities Checklist -- Health and Safety Evaluation of School Buildings to address the current lack of rigor in assessing the impact on student learning. The commenter alternatively suggested the inclusion of a corrective action plan for school districts that score below 80 percent. (7)

**RESPONSE:** The Department will consider reviewing and revising the Annual Facilities Checklist -- Health and Safety Evaluation of School Buildings separate from this rulemaking. The Department will not be amending the point value for this indicator because it is currently worth 12 percent of the Fiscal Indicators with a maximum point value of 12. It is critical that the checklist be completed and the indicator point value reflects the importance of completion. When a school district scores below 80 percent in Fiscal, it is required to complete a district improvement plan that addresses any indicator that was not met. Therefore, a school district that scores below 80 percent and has not met the requirements of Fiscal Indicator 9a, 9b, and 9c would have to explain how the school district will meet the requirements in the Annual Facilities Checklist -- Health and Safety Evaluation of School Buildings. Incorporating a corrective action plan for the checklist is outside the scope and purpose of NJQSAC.

34. **COMMENT:** The commenter commended the addition in Fiscal Indicator 10 of language that includes input from all relevant programmatic staff for requirements and materials needed for teaching and student learning in the budget calendar development. The commenter also requested additional guidance to ensure that such input is meaningful. (7)

**RESPONSE:** The Department appreciates the comment. The delayed implementation of the proposed DPRs will allow the Department to develop ongoing training plans for Department staff to prepare for a consistent monitoring process, which may include the development of rubrics and to prepare for supporting school districts identified as needing assistance or improvement through the NJQSAC process. The acceptable documentation for this and every indicator will be determined during the ongoing trainings.

35. **COMMENT:** The commenter requested the Department to consider an indicator that recognizes the value of a strong nutrition program for the health and well-being of students. (7)

**RESPONSE:** The Department disagrees because an indicator that would recognize the value of a school nutrition program would not determine compliance with any rules of the

Department or the New Jersey Department of Agriculture. Additionally, recognizing the value of a school nutrition program is too broad to monitor and to document consistently.

- 36. COMMENT:** The commenter requested the Department maintain the current language in Operations Indicator 6 that ensures analysis of harassment, intimidation, and bullying (HIB) incidents. (7)

**RESPONSE:** The Department disagrees because the proposed indicator aligns more closely with the authorizing rules at N.J.A.C. 6A:16-5.3, which require 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. Requiring the analysis of the HIB data is beyond the scope of N.J.A.C. 6A:16-5.3.

- 37. COMMENT:** The commenter stated that Operations Indicator 9 is missing the inclusion of a student assistance coordinator (SAC) and should include the required dissemination of information on the policies, procedures, and programs for the school district comprehensive alcohol, tobacco, and other drug abuse program. (7)

**RESPONSE:** The Department disagrees because school districts and schools are not required to employ SACs. Additionally, there is no requirement in the authorizing rules at in the underlying rule at N.J.A.C. 6A:16-4 for the dissemination of information on the policies, procedures, and programs related to a school district’s comprehensive alcohol, tobacco, and other drug abuse program. Therefore, the request is beyond the scope of the current rulemaking.

- 38. COMMENT:** The commenter stated that Operations Indicator 13 should include language that requires one certified school nurse per building because the current requirements in N.J.A.C. 6A:16-2 that a school district must employ one certified school nurse per school district is an insufficient number to meet student health needs. (7)

**RESPONSE:** The Department disagrees because school districts are not required to employ more than one certified school nurse per school district, according to the authorizing rule at N.J.A.C. 6A:16-4-2.3(b). Therefore, the request is beyond the scope of the current rulemaking. However, a school district can employ more than one certified school nurse if it determines through the school nursing services plan that more than one certified school nurse is required to meet the student health needs.

- 39. COMMENT:** The commenter stated that it is unclear what is meant by “tiered supports” in Operations Indicator 18. (7)

**RESPONSE:** Proposed Operations Indicator 18 will verify that 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. In this context, “tiered supports” is a way in which school districts develop interventions and supports for individual students based on the cause of absence with a goal of returning the student to school with regular attendance, as required in N.J.A.C. 6A:16-7.6(a).

- 40. COMMENT:** The commenter stated that the specific requirement of an October 1 notification to all teaching staff members of the adopted evaluation policies and procedure, plus notification at the beginning of employment to individuals hired after October 1, and notification of amendments to the policy within 10 working days of

adoption should be included in Personnel Indicator 1 as the deadlines are often missed. The commenter suggested that the deadlines be included as sub-indicator 1e to emphasize the annual notification by October 1. (7)

**RESPONSE:** The Department agrees regarding the importance of school districts announcing their evaluation procedures and policies to staff members in a timely fashion. According to N.J.A.C. 6A:10-2.2, the chief school administrator is required to notify all teaching staff members of the adopted evaluation policies and procedures no later than October 1 of each year. Additionally, N.J.A.C. 6A:10-2.2 also specifies that if a staff member is hired after October 1, the district board of education must notify the staff member of the policies at the beginning of his or her employment; and that any amendments to evaluation policies or procedures must be announced within 10 working days of adoption. Accordingly, Personnel indicator 1d in proposed Appendices A and B, as described in Agency-initiated Change 9, directly references N.J.A.C. 6A:10-2.2. Therefore, the commenter's suggested amendment is not necessary.

41. **COMMENT:** The commenter stated that the proposed point value of Personnel Indicator 2e should be increased. The commenter stated that mentoring is critical for the development of teachers, yet experience shows that many school districts are not emphasizing mentoring plans. (7)

**RESPONSE:** The Department agrees with the commenter that mentoring is critical for the development of teachers. Personnel indicator 2e focuses on school district mentoring plans and there are three other proposed NJQSAC indicators that will be used to emphasize the importance of mentoring support. Proposed Personnel Indicator 2d will monitor the provision of resources for the mentoring plan; proposed Personnel Indicator 3 will monitor the requirements for provisional teachers, including the assignment of a mentor and the tracking of mentoring time; and proposed Personnel Indicator 1e, as described in the response to Comment 7, will focus on the responsibilities of the ScIP.

42. **COMMENT:** The commenter stated that proposed Personnel Indicator 3b needs additional language to clarify that school districts must enroll novice teachers in a provisional teacher program upon hiring and submit appropriate paperwork to the Department for standard certification. (7)

**RESPONSE:** The Department agrees that school districts must enroll novice teachers in the provisional teacher process (PTP) in a timely fashion, and must promptly submit to the Department the information necessary for provisional staff to obtain a standard certificate. As a result, the Department proposes multiple amendments at proposed Personnel Indicators 3a through 3d.

The Department proposes to amend the stem of Personnel Indicator 3, which states the district board of education has ensured the following staffing practices are followed for all provisional staff members, by replacing "provisional staff members" with "staff requiring provisional certification" to clarify the staff to which the indicator applies.

The Department also proposes to amend Personnel Indicator 3a, which monitors whether employees with a certificate of eligibility with advanced standing (CEAS), a certificate of eligibility (CE), or serving as a long-term substitute (for greater than 60 days) are registered in the provisional teacher process within 60 days of beginning employment. The Department proposes to replace "[e]mployees with" with "[a]ny administrator or



educational services staff employed under” and to add “or” after (CEAS)” and “has been registered in the appropriate residency program for his or her endorsement and the school district has applied to the Department’s certification office for a provisional certificate before the residency period began. Any teacher with a CEAS or a CE.” The Department also proposes to replace “are” with “has been.” The proposed amendments will clarify when the indicator applies to administrators and educational services staff, and when it applies to teachers. The proposed amendments also will clarify that administrators and educational services staff have been registered for a residency program.

The Department proposes amendments at Personnel Indicator 3b, which will monitor whether provisional teaching staff are assigned a mentor, required mentor hours are tracked, and evaluation is conducted, to delete “teaching” after “provisional” to clarify that this indicator applies to all staff under a provisional license and to add “and/or residency hours” after “mentor hours” to specify that some staff working under a provisional license are also responsible for completing residency hours. The amended Personnel Indicators 3, 3a, and 3b are reflected below.

The Department further proposes a new Personnel Indicator 3d to clarify that school districts must submit the appropriate information to the Department within 30 days. The Department also proposes to change the point value for Indicator 3a and 3c to three each and proposes point value for Indicator 3d of two.

For consistency, the Department also proposes to amend Personnel Indicator 3a through 3d in proposed Appendix B for CSSSDs. The amended Personnel indicators in proposed Appendices A and B are reflected below.

<p>3. The district board of education has ensured the following staffing practices are followed for all [[provisional]] staff [[members]] <b>requiring provisional certification:</b></p>	
<p>a. [[Employees with]] <b>Any administrator or educational services staff employed under</b> a certificate of eligibility with advanced standing (CEAS)[,] <b>or</b> a certificate of eligibility (CE)[,] <b>has been registered in the appropriate residency program for his or her endorsement and the school district has applied to the Department’s certification office for a provisional certificate before the residency period began. Any teacher with a CEAS or a CE</b> or serving as a long-term substitute (for greater than 60 days) [[are]] <b>has been</b> registered in the provisional teacher process within 60 days of beginning employment; (N.J.A.C. 6A:9B)</p>	<p>[[4]] <b>3</b></p>
<p>b. Provisional [[teaching]] staff are assigned a mentor, required mentor hours <b>and/or residency hours</b> are</p>	<p>3</p>

	tracked, and evaluation is conducted; and (N.J.A.C. 6A:9B-8.4, 6A:9C-5, and 6A:10)	
c.	Provisional 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. (N.J.A.C.6A:9A and 6A:9B)	[[4]] 3
d.	<b>All school district-provided information required for a provisional staff member to obtain a standard certificate is submitted to the Department within 30 days of the staff member becoming eligible for a standard license. (N.J.A.C. 6A:9B)</b>	2

43. **COMMENT:** The commenter stated that proposed Personnel Indicator 4c should include prior SOA language that a district board of education “[u]tilizes board-approved job descriptions” and that staff are “appropriately certified and credentialed” to ensure clarity. (7)

**RESPONSE:** The Department agrees and proposes to add language at the beginning of Personnel Indicator 4c to require that job descriptions are maintained for every staff member. Maintaining job descriptions is an important school district practice because it clarifies the duties, qualifications, and supervisor for each certificated staff member. Further, N.J.A.C. 6A:9B-5.5 establishes specifically how school districts must utilize detailed job descriptions when seeking Department-approval of unrecognized job titles. Unlike the prior SOA language, which required district board of education approval of job descriptions, the Department will now require only that the school district approves job descriptions in accordance with their policies.

The Department also proposes to replace “working in roles that are appropriate for their certification” and with “appropriately certified for their assignment.” In addition to reverting back to prior SOA language.

c.	<b>Approved job descriptions are maintained for every certificated staff member.</b> Certificated staff are [[working in roles that are appropriate for their certification]] <b>appropriately certified for their assignment</b> (N.J.A.C. 6A:9B); and
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44. **COMMENT:** The commenter stated that proposed Personnel Indicator 4d language is inappropriate, touches upon the collective bargaining process, and undercuts the State’s sick leave statute. The commenter stated it is appropriate to maintain accurate records, but using NJQSAC to inquire about the “reasons” for absence, examining “absence frequency patterns,” and the attendance implications are at odds with other State policies. (7)

**RESPONSE:** The Department’s intent in proposing Personnel Indicator 4d was for school districts to maintain accurate staff attendance records, and not to delve into staff-specific details regarding the rationale for an absence. The proposed indicator also would have required school districts to analyze patterns in attendance so they are better equipped to cohesively deliver instruction to students. The Department proposes to amend Personnel indicator 4d to replace “reason for absence, (e.g. personal day, sick day, extended leave, etc.)” with “type and date of absence,” and replace “absence frequency patterns in addition to the percentage of staff absent 10 days or more per school year” with “analysis of attendance patterns.” Additionally the Department proposes to add at the end “[A]ny issue(s) identified through the analysis of staff attendance has been addressed in accordance with the district board of education’s staff attendance policies” to ensure that the school district not only analyzes staff attendance patterns but also address any issue the school district has identified.

For consistency, the Department also proposes to amend Personnel Indicator 4d in proposed Appendix B for CSSSDs. The amended Personnel indicators in proposed Appendices A and B are reflected below.

4.	The district board of education has ensured the following staffing practices are followed:
d.	Accurate staff attendance records are maintained at school district and school levels. The records include the [[reason for absence, (e.g. personal day, sick day, extended leave, etc.)]] <b>type and date of absence</b> and [[absence frequency]] <b>an analysis of attendance</b> patterns [[in addition to the percentage of staff absent 10 days or more per school year.]] <b>Any issue(s) identified through the analysis of staff attendance has been addressed in accordance with the district board of education’s staff attendance policies.</b>

**45. COMMENT:** The commenter stated that proposed Personnel Indicator 6 is intended for supervisors and supervisory functions but the proposed language appears to duplicate prior indicators. The commenter suggested rewording of the indicator for clarity. (7)

**RESPONSE:** The Department agrees and proposes to amend Personnel Indicator 6, which will monitor whether teacher observation reports and classroom activities indicate that supervision 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 timely, targeted, and actionable. The Department proposes to replace “[t]eacher observation reports and classroom activities” with “[d]ocumentation and evaluation of school activities, as well as an audit of personnel files, including observation reports,” to clarify the method of evaluating the indicator as it applies to the supervision processes used with all staff, not only teachers. Supervision of principals provides a growth opportunity in many school districts, and supervisory practices and concomitant principal improvement can significantly influence outcomes for students. Therefore, the indicators will reflect the importance of principal supervision processes rather than focusing solely on teachers. The proposed language regarding school activities will provide flexibility for evaluation of processes in school districts, as needed.

Additionally, the Department proposes amendments at proposed Personnel Indicator 6a to replace “the district board of education-approved teacher observation instrument” with

“goal-setting procedures” to emphasize that goal-setting procedures, such as those for SGOs and administrator goals, can provide a useful measure of supervision processes. Goal setting has become an important part of an educator’s practice and will be reflected in the NJQSAC process. The Department also proposes to delete the reference to N.J.A.C. 6A:10-2.1 regarding evaluation of teaching staff members because the indicator is no longer about aligning feedback to the teacher practice instrument. The Department proposes to add references to N.J.A.C. 6A:10-4.2 and 5.2, which govern the student achievement components of evaluation for teachers and principals, to emphasize the importance of the components in goal-setting procedures.

Lastly, the Department proposes amendments at proposed Personnel Indicator 6b to delete “to teachers” after “[s]upervisory feedback” to clarify that the indicator applies to all staff. The Department also proposes to replace the reference to N.J.A.C. 6A:9C-4.4, which govern PDPs and more appropriately belongs in Personnel Indicator 2a, with a reference to N.J.A.C. 6A:10-5.4, which governs principal, assistant principal, and vice principal observations, to reflect that the indicator applies school leaders.

For consistency, the Department also proposes to amend Personnel Indicator 4d in proposed Appendix B for CSSSDs. The amended Personnel indicators in proposed Appendices A and B are reflected below.

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| <p>6. [[Teacher observation reports and classroom activities]] <b>Documentation and evaluation of school activities, as well as an audit of personnel files, including observation reports,</b> indicates that supervision processes are occurring in accordance with N.J.A.C. 6A:10 and result in:</p> <ul style="list-style-type: none"> <li>a. Professional practices aligned with [[the district board of education-approved teacher observation instrument]] <b>goal-setting procedures</b> (N.J.A.C. 6A:10-[[2.1]]<b>4.2 and 5.2</b>); and</li> <li>b. Supervisory feedback [[to teachers]] that is timely, targeted, and actionable (N.J.A.C. 6A:10-2.4, 2.5, [[and]] 4.4, and [[N.J.A.C. 6A:9C-4.4]] <b>5.4</b>).</li> </ul> |
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## AGENCY-INITIATED CHANGES

1. The Department proposes to amend Personnel Indicator 4a in proposed Appendices A and B by deleting the reference to N.J.S.A. 18A:6-4.13 because the statute applies only to nonpublic schools and this chapter applies only to school districts. The amended Personnel indicator is reflected below.

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| <p>4. The district board of education has ensured the following staffing practices are followed:</p> <ul style="list-style-type: none"> <li>a. New employees have a successful criminal history record check prior to employment and are not disqualified for employment; (N.J.S.A. 18A:6-[[4.13 and]] 7.1 and 18A:39-19.1)</li> </ul> |
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2. The Department proposes to amend Fiscal Indicator 5b in proposed Appendices A and B by replacing “grants” with “grant” for grammatical purposes. The amended Finance indicator is reflected below.

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| <p>5. Entitlement and discretionary grants are managed and overseen as required.</p> |
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Specifically, the school district:
b. Budgets grant funds according to the approved application and spends grant[[s]] funds as budgeted. Amendments and budget modifications are completed for charges that exceed the applicable threshold of 10 percent or for modifications that require opening new budget lines.

3. The Department proposes to amend the stem of Personnel Indicator 1 in proposed Appendices A and B by adding “and staff development” after “evaluation” to clarify the indicator is focused on growth and development of staff, in addition to evaluation. The amended Personnel indicator is reflected below.

1. An audit of staff personnel files and other relevant school district records demonstrates that evaluation <b>and staff development</b> processes have occurred in accordance with N.J.A.C. 6A:9C and 6A:10 in the following categories:
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4. The Department proposes to amend Personnel Indicators 1a through 1c in proposed Appendices A and B by replacing the point headings of “[a]ll staff files complete,” “[o]ne staff file incomplete,” and “[m]ore than one staff file incomplete” with “100 percent of audited files meets indicators,” “95 to 99 percent of audited files meets indicators,” and “[l]ess than 95 percent of audited files meets indicators” to clarify that school districts will earn points in the sub-indicators through an audit of files and not based on every file in the school district. A percentage of accuracy is also a more fair way to evaluate compliance with the sub-indicators. The amended Personnel indicator headings are reflected below.

1. An audit of staff personnel files and other relevant school district records demonstrates that evaluation <b>and staff development</b> processes have occurred in accordance with N.J.A.C. 6A:9C and 6A:10 in the following categories:			
	[[All staff files complete]] <b>100 percent of audited files meets indicators</b>	[[One staff file incomplete]] <b>95 to 99 percent of audited files meets indicators</b>	[[More than one staff file incomplete]] <b>Less than 95 percent of audited files meets indicators</b>

5. The Department proposes to amend Personnel Indicator 1a in Appendices A and B, which monitors whether teacher evaluation processes, including correct summative scores, evaluation training, observations, and post-observation conferences, and measures of student growth (SGO and mSGP) indicate evaluation processes have occurred, by replacing “, including” with “result in” and “evaluation training, observations and post-observation conferences” with “measures of teacher practice,” respectively. The proposed amendments will clarify that school districts complied with the sub-indicator’s requirement by demonstrating that they have accurate summative and component-level teacher evaluation data. Additionally the Department proposes to reduce the point values that school districts can earn by replacing “10” and “5” with “8” and “4,” respectively. The point values are being reduced to reflect the narrower scope of the sub-indicator, since it no longer focuses on evaluation processes like training, observations, and post-observation conferences. Lastly, the Department proposes to delete references to

N.J.A.C. 6A:10-2.2 and 2.5 because they are not relevant to the indicator and to add a reference to N.J.A.C. 6A:10-4.3. The amended Personnel indicator is reflected below.

1. An audit of staff personnel files and other relevant school district records demonstrates that evaluation <b>and staff development</b> processes have occurred in accordance with N.J.A.C. 6A:9C and 6A:10 in the following categories:			
	[[All staff files complete]] <b>100 percent of audited files meets indicators</b>	[[One staff file incomplete]] <b>95 to 99 percent of audited files meets indicators</b>	[[More than one staff file incomplete]] <b>Less than 95 percent of audited files meets indicators</b>
a. Teacher evaluation processes[, including] <b>result in</b> correct summative scores, [[evaluation training, observations and post-observation conferences]] <b>measures of teacher practice</b> , and measures of student growth (SGO and mSGP) (N.J.A.C. 6A:10-[[2.2,] 2.4, [[2.5,] 4.1, 4.2, <b>4.3</b> , and 4.4);	[[10]] <b>8</b>	[[5]] <b>4</b>	0

6. The Department proposes to amend Personnel Indicator 1b in Appendices A and B by replacing “, including” with “result in” and deleting “evaluation training.” The proposed amendments will clarify that school districts will meet the sub-indicator’s requirement by demonstrating that they have accurate summative and component-level principal evaluation data. Additionally, the Department proposes to reduce the point values that school districts can earn for the sub-indicator by replacing “8” and “4” with “6” and “3,” respectively. The point values are being lowered to reflect the narrower scope of this indicator, since it no longer focuses on evaluation processes like training, observations, and post-observation conferences. Lastly, the Department proposes to remove references to N.J.A.C. 6A:10-2.2 and 2.5 because they are no longer relevant in the sub-indicator. The amended Personnel indicator is reflected below.

1. An audit of staff personnel files and other relevant school district records demonstrates that evaluation <b>and staff development</b> processes have occurred in accordance with N.J.A.C. 6A:9C and 6A:10 in the following categories:			
	[[All staff files complete]] <b>100 percent of audited files meets indicators</b>	[[One staff file incomplete]] <b>95 to 99 percent of audited files meets indicators</b>	[[More than one staff file incomplete]] <b>Less than 95 percent of audited files meets indicators</b>

b. School leader evaluation processes[[, including]] <b>result in</b> correct summative scores, [[evaluation training,]] measures of principal practice, and measures of student growth (SGO, mSGP, administrator goals) (N.J.A.C. 6A:10-[[2.2,]] 2.4, [[2.5,]] 5.1, 5.2, 5.3, and 5.4);	[[8]] <b>6</b>	[[4]] <b>3</b>	0
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7. Department proposes to delete Personnel Indicator 1d in proposed Appendices A and B because its provisions have been relocated to proposed Personnel Indicator 1e and 1f. Proposed Personnel Indicator 1e is described in the response to Comment 7. Proposed Personnel Indicator 1f will ensure school districts conduct other evaluation structures and processes, including tenure charge proceedings according to the TEACHNJ Act. The Department proposes to assign the sub-indicator a point value of 2. The amended Personnel indicator is reflected below.

1. An audit of staff personnel files and other relevant school district records demonstrates that evaluation <b>and staff development</b> processes have occurred in accordance with N.J.A.C. 6A:9C and 6A:10 in the following categories:	
<b>f. Other evaluation structures and processes, including tenure charge proceedings conducted according to the TEACHNJ Act (N.J.S.A. 18A:6-11 and 17.3).</b>	<b>2</b>

8. The Department proposes a new Personnel Indicator 1d in proposed Appendices A and B to ensure that the evaluation processes for all certificated staff have occurred, including evaluation training and evaluation conferences. The proposed indicator will apply to all certificated staff and will clarify that school districts will meet the sub-indicator's requirement if they demonstrate the proper evaluation training and associated conferences have been conducted. The Department also proposes assigning the sub-indicator a point value of 4. The amended Personnel indicator is reflected below.

1. An audit of staff personnel files and other relevant school district records demonstrates that evaluation <b>and staff development</b> processes have occurred in accordance with N.J.A.C. 6A:9C and 6A:10 in the following categories:	
d. [[Other evaluation structures and processes, including school improvement panels (ScIPs) (N.J.A.C. 6A:10-2.3, 2.5, 3.1, and 3.2) and tenure charge proceedings conducted according to the TEACHNJ Act (N.J.S.A. 18A:6-11 and 17.3).]] <b>Evaluation processes for all certificated staff have occurred, including evaluation training and evaluation conferences. (N.J.A.C. 6A:10-2.2)</b>	[[6]] <b>4</b>

9. The Department proposes to amend Personnel Indicator 2a in proposed Appendices A and B, which monitors whether required individual PDPs or corrective action plans (CAPs) have been completed for all administrators and teaching staff and are linked to

school district, school, team, and/or individual goals and results from individual performance evaluations. The Department proposes to add “[a]n audit of personnel files indicates that” at the beginning to clarify the method of evaluating this indicator. The Department also proposes to add “are aligned to the professional standards for school leaders or teachers and” to indicate that all PDPs and CAPs must align to the appropriate professional standards. The Department also proposes to delete “all” before “administrators” because it is unnecessary and to replace “teaching staff” with “teachers” for clarification. The amended Personnel indicator is reflected below.

<p>2. The school district demonstrates supportive conditions for high-quality professional learning and development for teachers, educational services staff, and administrators, <b>aligned to the components of professional development and the New Jersey standards for professional learning and</b> as indicated by the following[[:]] (N.J.A.C. 6A:9C and 6A:13-2);</p>	
<p>a. [[Required]] <b>An audit of personnel files indicates that required</b> individual professional development plans (PDPs) or corrective action plans (CAPs) <b>are aligned to the professional standards for school leaders or teachers and</b> have been completed for [[all]] administrators and [[teaching staff]] <b>teachers</b> and are linked to (1) school district, school, team, and/or individual goals, and (2) results from individual performance evaluations. (N.J.A.C. 6A:9C and 6A:10-2.5);</p>	5



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

**Proposal Level**  
**June 7, 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. Pursuant to N.J.S.A. 52:14B-5.1, the chapter was scheduled to expire on June 24, 2017. As the Department filed this notice with the Office of Administrative Law prior to that date, the expiration date is extended 180 days to December 21, 2017, pursuant to N.J.S.A. 52:14B-5.1.c(2).

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 this rulemaking, the Department proposes to maintain, with no changes, N.J.A.C. 6A:30 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 N.J.A.C. 6A:30 Appendices A, B, and C with a delayed effective date of July 1, 2018. The Department also proposes new N.J.A.C. 6A:30 Appendix A (District Performance Review) and N.J.A.C. 6A:30 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 the proposed repeal and replacement of N.J.A.C. 6A:30 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 change.

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 that 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 explained above.

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 in 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 district 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 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 recodified N.J.A.C. 6A:30-4.1(a)2.

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 new 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 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 to 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 proposes an amendment at recodified N.J.A.C. 6A:30-5.6(c)2ii, which requires the six-month reviews of a school district, pursuant to Subchapter 5, to cease if the Commissioner determines the school district satisfies 80 to 100 percent of the weighted quality

performance indicators in each of the five components of school district effectiveness. The Department proposes to replace “pursuant to this subchapter” with “pursuant to (b) above” because the Department’s review every six months of a school district’s progress in implementing its district improvement plan is the subject of N.J.A.C. 6A:30-5.6(b) and not the entire subchapter.

The Department proposes 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 an 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)2 and 3, which allow 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” based on the deletion of existing paragraphs (b)1, 2, and 3.

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” based on the deletion of existing paragraphs (c)1, 2, and 3.

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

This section allows the Commissioner 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 developed 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 placing 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, ii, and 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 placing 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 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)" 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.

#### **N.J.A.C. 6A:30 Appendix A, District Performance Review (Delayed Repeal July 1, 2018)**

The Department proposes to readopt N.J.A.C. 6A:30 Appendix A without change. The Department proposes to repeal N.J.A.C. 6A:30 Appendix A with a delayed operative 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 the summary of N.J.A.C. 6A:30 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.

## **N.J.A.C. 6A:30 Appendix A, District Performance Review (Effective July 1, 2018)**

New N.J.A.C. 6A:30 Appendix A, is proposed with a delayed operative date of July 1, 2018, to coincide with the delayed operative date of the proposed repeal of existing N.J.A.C. 6A:30 Appendix A.

## **District Performance Review**

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 N.J.A.C. 6A:30 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 delete 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 delete 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 Indicators 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 (that is, 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 subgroups.

In accordance with Federal guidelines, 95 percent or more of eligible PARCC assessment takers will be included in proficiency rate calculations (that is, 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 relocate 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 (that is, 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 delete 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 delete 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 (that is, 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 12 points for the graduation rate indicator (.8 x 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 16 points for the graduation rate indicator (.8 x 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 delete 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 relocate 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 relocate 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, 21<sup>st</sup> century skills through Standard 9 of the NJSLS, and career education. 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 delete 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 relocate 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 delete 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 delete 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 N.J.A.C. 6A:30 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 rule 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 relocate 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 relocate 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's 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 relocate 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 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 relocate 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 to the indicator a point value of four.

The Department proposes to relocate 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 relocate 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 delete 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 relocate 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 relocate 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 relocate 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 relocate 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 relocate 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 relocate 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 delete 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 N.J.A.C. 6A: 30 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 districts no longer have uncertified educational facilities managers. The Department proposes to assign the indicator a point value of four.

The Department proposes to relocate 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 relocate 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 proposes to replace “law or statute” with “case law, regulation, or statute” to clarify the indicator’s requirements change if case law, statute, or regulation change. 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 rules. The Department proposes to assign the indicator a point value of eight.

The Department proposes to relocate 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 proposes to add language in Governance Indicator 2a to ensure that each board member has received training on CSA evaluation. 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 relocate 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 six.

The Department proposes to relocate 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 relocate 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, an 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 relocate 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 delete 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 relocate 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 (for example, 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 seven.

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 N.J.A.C. 6A:30 Appendix C as explained below.

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 delete 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 Senator Byron M. Baer Open Public Meetings Act. Therefore, the Department proposes a new Governance Indicator 10, to ensure the district board of education implements the Senator Byron M. Baer 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 three.

The Department proposes to relocate 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 a new Governance Indicator 14 to monitor that every district board of education ensures students have access to library media services in accordance with N.J.A.C. 6A:13-2.1(h). The Department proposes to assign the indicator a point value of three.

The Department proposes to relocate 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 relocate 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 relocate 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 ensure a district board of education engages in stakeholder engagement activities as required by any Federal grant program through which the school district receives funding. Stakeholder engagement on the most meaningful way to use grant funding in a school district to support student learning is a critical piece that informs school district decision making. ESSA, the Individuals with Disabilities Education Act (IDEA), and the Carl D. Perkins Career and Technical Education Act (Perkins) all require meaningful school district engagement with parents, principals, supervisors, teachers, paraprofessionals, other appropriate school staff, and other members of the community. 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 delete 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 proposes to repeal N.J.A.C. 6A:30 Appendix C.

The Department proposes to relocate 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 recordkeeping 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 accurately maintained the school contacts 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 is 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 to 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 to 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 data collection applications via 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 to 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 student achievement and progress, if required. The Department proposes to assign the indicator a point value of three.

The Department proposes to relocate 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 relocate 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 delete 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 rule, N.J.A.C. 6A:16-5.3. Additionally, the Department collects more than violence, vandalism, and substance abuse incidents 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 a 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 relocate 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 proposes 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 relocate 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. 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 relocate 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 relocate 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 relocate 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 relocate 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 regulation 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 regulation: “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 relocate 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 delete 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 from N.J.A.C. 6A:30 Appendix A because it only applied to CSSSDs. However, the statement will be included in proposed new N.J.A.C. 6A:30 Appendix B. The Department proposes to assign the indicator a point value of six.

The Department proposes to relocate 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:41-1. 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 relocate 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 relocate 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 proposes to repeal N.J.A.C. 6A:30 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 and staff development 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 result in correct summative scores, measures of teacher practice, and measures of student growth (student growth objectives (SGOs) and mSGP), which are required in the authorizing rules at N.J.A.C. 6A:10-2.4, 4.1, 4.2, 4.3, and 4.4. School districts that have 100 percent of the component of the indicator in the audited staff files will earn eight points. School districts that have 95 to 99 percent of audited staff files incomplete will earn four points and any school district that has less than 95 percent of audited staff files incomplete will earn zero points.

The Department proposes new Personnel Indicator 1b to verify the school leader evaluation processes result in correct summative scores, 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:10-2.4, 5.1, 5.2, 5.3, and 5.4. School districts that have 100 percent of the components of the indicator in the audited staff files will earn six points. School districts that have 95 to 99 percent of audited staff files incomplete will earn three points and any school district that has less than 95 percent of audited staff files 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 ensure that the evaluation processes for all certificated staff have occurred, including evaluation training and evaluation conferences. The Department proposes to assign the indicator a point value of four.

The Department proposes new Personnel Indicator 1e to ensure the school district uses the school improvement panels (ScIPs) in their role and functioning according to the TEACHNJ Act and rules at N.J.A.C. 6A:9C-5.3 and 6A:10-2.3, 2.5, 3.1, and 3.2. The indicator emphasizes the critical importance of ScIPs, and that the scope of the ScIP's duties extend beyond evaluation and inform high-quality professional development decisions. The Department proposes to assign the indicator a point value of four.

The Department proposes new Personnel Indicator 1f to ensure an audit of staff personnel files and school district records indicate other evaluation structures and processes, including tenure charge proceedings conducted according to the TEACHNJ Act, have occurred. The Department proposes to assign the indicator a point value of two.

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, aligned to the components of professional development and the New Jersey standards for professional learning and 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 an audit of personnel files indicating that required individual professional development plans (PDPs) or corrective action plans (CAPs) are aligned to the professional standards for school leaders or teachers and have been completed for administrators and teachers. The proposed indicator will also verify the PDPs or the CAPs are linked to school district, school, team, and/or individual goals, and results 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 adequate and consistent time for teachers to work together in and across content areas and grade levels 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 relocate 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, 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. The 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. 6A: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 relocate 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 staff requiring provisional certification:"

The Department proposes new Personnel Indicator 3a to verify a district board of education has ensured that administrators or educational services staff with a certificate of eligibility with advanced standing (CEAS) or certificate of eligibility (CE) are registered in the appropriate residency program for their endorsement and that the school district has applied to the Department's certification office for a provisional certificate before the residency period can begin. Additionally the indicator will ensure that a teacher with a CEAS or CE or serving as a long-term substitute is 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 three.

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 and/or residency 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 three.

The Department proposes a new Personnel Indicator 3d, to clarify that school districts must submit the information required for provisional staff to obtain a standard certificate submitted to the Department within 30 days of becoming eligible for a standard license. The point value for Indicator 3a is three, Indicator 3c is three and Indicator 3d is two.

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 relocate 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 relocate 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 a 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 relocate 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. The Department proposes to replace that requirement with “[j]ob descriptions, approved by the chief school administrator, are maintained for every certificated staff member.” 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 are maintained at the school district and school levels and that the school district analyzes and addresses any identified issue in accordance with district board of education-approved staff attendance policies. 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 relocate 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 will verify an audit of personnel files, including observation reports and other documentation, and evaluation of school activities, as needed, indicate supervision processes for all staff are occurring in accordance with N.J.A.C. 6A:10 and result in professional practices aligned to goal-setting procedures. The proposed indicator also will ensure all supervisory feedback is timely, targeted, and actionable. 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.

## **N.J.A.C. 6A:30 Appendix B, Delayed Repeal on July 1, 2018**

### **District Performance Review of County Special Services School Districts**

The Department proposes to readopt N.J.A.C. 6A:30 Appendix B without changes. The Department proposes to repeal N.J.A.C. 6A:30 Appendix B with a delayed operative 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 below of N.J.A.C. 6A:30 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 below of N.J.A.C. 6A:30 Appendix C.

## **N.J.A.C. 6A:30 Appendix B (Effective July 1, 2018)**

### **District Performance Review of County Special Services School Districts**

N.J.A.C. 6A:30 Appendix B is proposed with a delayed operative date of July 1, 2018, to coincide with the delayed operative date of the proposed repeal of existing N.J.A.C. 6A:30 Appendix B.

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, and 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 N.J.A.C. 6A:30 Appendix B align with proposed N.J.A.C. 6A:30 Appendix A. However, Indicators 1 through 7 in proposed N.J.A.C. 6A:30 Appendix A are not mirrored in proposed N.J.A.C. 6A:30 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 N.J.A.C. 6A:30 Appendix B indicators proposed for deletion or for relocation in proposed N.J.A.C. 6A:30 Appendix B.

The Department proposes to delete 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 detail below, will monitor whether CSSSDs analyze the individual student assessment results.

The Department proposes to delete Instruction and Program Indicators 2 and 3, which verify 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 below, 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 delete 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 below, 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 below at 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 relocate Instruction and Program Indicators 5 and 7, which verify 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 delete 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 CSSSDs 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 the Family Education Right to Privacy Act (FERPA) requirements.

The Department proposes to relocate 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 21<sup>st</sup> 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 relocate 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 relocate 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 above under N.J.A.C. 6A:30 Appendix A, Personnel.

The Department proposes to relocate 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 above of proposed N.J.A.C. 6A:30 Appendix A.

The Department proposes to relocate 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 monitor whether the curriculum and instruction integrate technology, 21<sup>st</sup> Century Skills in Standard 9 career education 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 delete 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 relocate 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 delete 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 delete 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 student's 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 delete 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 relocate 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 N.J.A.C. 6A:30 Appendix A.

The Department proposes to delete 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 delete Instruction and Program Indicator 20, which allocates points attained in the SOA by the CSSSD during the NJQSAC monitoring year, because the Department proposes to repeal N.J.A.C. 6A:30 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 LRF; 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 above for proposed N.J.A.C. 6A:30 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 N.J.A.C. 6A:30 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 192/193 for nonpublic school students.

The Department proposes the same amendments to the Operations DPR for CSSSDs as described in in the summary of proposed N.J.A.C. 6A:30 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 N.J.A.C. 6A:30 Appendix A.



## **N.J.A.C. 6A:30 Appendix C, Effective until July 1, 2018**

### **Statement of Assurance**

The Department proposes to readopt without change the existing 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 operative date of July 1, 2018. Once in effect any items from the SOA that 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 delete 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 delete 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 delete 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 delete 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 delete 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 delete 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 LRF 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 delete 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 delete SOA Fiscal Item 3, which verifies appropriations for capital projects are based on the school district's LRF and the comprehensive maintenance plan. The appropriations for capital projects are already incorporated into the reporting in the Department-provided budget software and LRF software and in the county office of education's review of the appropriations.

The Department proposes to delete 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 deletion 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 delete 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 delete 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 delete 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 delete 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 192/193 for nonpublic school students.

The Department proposes to delete 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 delete 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 delete 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 N.J.A.C. 6A:30 Appendix A and in proposed Indicators 9 to 14 in proposed N.J.A.C. 6A:30 Appendix B.

The Department proposes to delete 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 delete 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 delete 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 delete 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 delete 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 6A:10, Educator Effectiveness. 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 on 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, new rules, and repeals. 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 U.S.C. § 6311(c) and 34 CFR 200.12), therefore, a Federal standards analysis is not necessary.

## **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 Statement**

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, repeals, and new rules 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, repeals, 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**

## **TABLE OF CONTENTS**

### **SUBCHAPTER 1. PURPOSE, SCOPE, AND DEFINITIONS**

6A:30-1.1 Purpose and scope

6A:30-1.2 Definitions

### **SUBCHAPTER 2. NJQSAC COMPONENTS OF SCHOOL DISTRICT EFFECTIVENESS AND INDICATORS**

6A:30-2.1 Components of school district effectiveness

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

### **SUBCHAPTER 3. COMPREHENSIVE REVIEW OF [PUBLIC] SCHOOL DISTRICTS**

6A:30-3.1 General requirements

6A:30-3.2 District Performance Review

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

### **SUBCHAPTER 4. PERFORMANCE CONTINUUM**

6A:30-4.1 General requirements

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

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

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

6A:30-5.3 In-depth evaluation

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

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

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

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

## **SUBCHAPTER 6. INTERVENTION ACTIVITIES**

6A:30-6.1 Forms of State intervention

6A:30-6.2 Factors for initiating State intervention

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

6A:30-6.4 Partial State intervention plan

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

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

6A:30-6.7 Full State intervention plan

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

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

## **SUBCHAPTER 7. WITHDRAWAL FROM PARTIAL OR FULL STATE INTERVENTION**

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

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

6A:30-7.3 Components of the transition plan

6A:30-7.4 Implementation of the transition plan

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

6A:30-7.6 Completion of the transition process

## **[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



## 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 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] **vocational** 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 Review for county special services school districts consists of quality performance indicators in all the five key components of school district effectiveness. The District Performance Review 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 key** 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 [withdrawal] **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 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)] **(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. [The 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; and
  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 [areas] **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 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 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 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 [are] **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’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 [areas] **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 [areas] **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 [areas] **area(s)** of limited capacity within the [public] school district identified by the comprehensive review as [those] **the** [components] **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 [areas] **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 public 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] **document(s)**, data, or other written [materials] **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 [areas] **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 [extensions] **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 areas] **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 [extensions] **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 [areas] **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 items] **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 [areas] **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] **district 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] **district** 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)]**14.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] **vocational** 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)]**15.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)]**44.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/were** 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] **vocational** 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 **Commissioner-appointed** members [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 [areas] **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 [changes] **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)]**53.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.