

Public Notice

Education

State Board of Education

Notice of Receipt of Petition for Rulemaking

School Turnaround and Improvement

Definitions

Presentation of Countervailing Evidence

N.J.A.C. 6A:33-1.3 and 4.1

Petitioner: Marcella Simadiris.

Take notice that on July 23 and 26, 2021, the Department of Education (Department) received two petitions for rulemaking from the above petitioner, requesting the Department amend N.J.A.C. 6A:33-1.3 and 4.1(b)4, as proposed for readoption with amendments (see 53 N.J.R. 984(a)).

The petitioner specifically requests the Department adopt amendments to the definition of “interventions,” as proposed for amendment. As part of the readoption of N.J.A.C. 6A:33, the Department proposed to amend the existing definition for “interventions,” which means strategies identified in a SIP for implementation by a Priority or Focus School. The term, as proposed by the Department for amendment, means strategies in the annual school plan that address the root causes that hinder optimal student achievement. The definition, as proposed by the Department for amendment, also states that evidence-based interventions are implemented by a Comprehensive or Targeted School with support from the school district. The existing definition for “interventions” also includes eight possible interventions, including “[c]hanges to the climate and culture of the school to ensure a quality learning environment with a culture of

high expectations for every student.” The Department proposed to replace “[c]hanges to” with “[o]ngoing assessment of” because incorporating a process that evaluates the school’s climate and culture throughout the school year is consistent with the Department’s school improvement approach. The petitioner seeks to replace “every student” with “all elements.”

The petitioner’s request contends that making students from historically marginalized school districts the subject of the rules is oppressive and, rather, the institution should always be the subject. The petitioner also expressed a desire to shift the spotlight that the proposal has for high expectations from students to a culture of high expectations for everyone. The petitioner’s request stated that the suggested amendments will allow inclusiveness and are more ethically appropriate. The petition further stated that the Federal Every Student Succeeds Act provides states autonomy with the indicators for quality learning environments.

As proposed by the Department, new N.J.A.C. 6A:33-4.1(b)4 requires the Department to confirm that a Comprehensive School has successfully implemented its annual school plans during the period of identification. The Department’s proposed paragraph requires the evidence that allows the Department to confirm successful implementation of the annual school plans be provided through the Department’s online Annual School Planning System. The Department’s proposed paragraph also states that the evidence may include, but is not limited to, specific items listed at new N.J.A.C. 6A:33-4.1(b)4i through vii. The petitioner seeks to replace “may include” with “shall include.”

The petitioner’s request states that the petitioner’s requested amendment at N.J.A.C. 6A:33-4.1(b)4 will lift the voice of a student’s first line of defense -- their parents. The petitioner’s request also states that the Federal laws regulating education dictate that parents of

students in Title I schools are required to be involved in the assessing of needs and planning for improvement.

Full text of the requested amendments is as follows (the Department of Education’s proposed additions are indicated in boldface **thus** and deletions are indicated in brackets [thus]; the petitioner’s requested additions to proposal indicated in italicized boldface *thus*; deletions from proposal indicated in italicized cursive brackets {thus}):

Subchapter 1. General Provisions

6A:33-1.3 Definitions

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

...

“Interventions” means strategies [identified in a SIP for implementation] **in the annual school plan that address the root causes that hinder optimal student achievement. Interventions are implemented** by a [Priority] **Comprehensive** or [Focus] **Targeted** School[. Interventions] **with support from the school district and** may include, but are not limited to:

1. Implementation of [the Department’s model] curriculum [and unit assessments] aligned to the NJSLs, **including an ongoing process for revision linked to instructional and assessment data;**

[2. Redesign of instructional time to better meet student needs and increase teacher collaboration focused on improving teaching and learning;

3. Use of current data to design and implement specific classroom strategies to improve teaching and learning;

4. Required professional development focused on the eight turnaround principles for school leaders and educators;]

[5.] **2.** [Changes to] **Ongoing assessment of** the climate and culture of the school to ensure a quality learning environment with a culture of high expectations for *{every student}* **all elements;**

[6.] **3.** (No change in text.)

[7. Hiring or reassigning full-time professionals specialists (for example, culture-and-climate, data, literacy, and mathematics leaders) to be embedded in schools; or

8. Support from a qualified turnaround provider in any, or all, of the eight turnaround strategies.]

4. Implementation of diagnostic and common formative assessments and instructional units;

5. Job-embedded professional learning for instructional staff based on needs identified through the annual school plan, relevant academic assessment, instructional, and demographic data; and

6. Tiered, evidence-based academic strategies to address specific student needs.

...

Subchapter 4. Exit Criteria

6A:33-4.1 Exit criteria for Comprehensive Schools

(a) A Comprehensive School has the opportunity to be reviewed based on the exit criteria every three years and when the Department identifies a new cohort of schools.

(b) A Comprehensive School shall be eligible to no longer be identified as such if the school meets the following exit criteria:

- 1. Has a summative score above the fifth percentile for Title I schools;**
- 2. Demonstrates schoolwide improvement on an accountability indicator as compared to schoolwide performance at the time of the most recent identification as a Comprehensive School. In addition to the applicable accountability indicators, the Department will also consider the following to be indicative of notable schoolwide improvement:**
 - i. Increases in the percentages of students with scores on Statewide assessments that approached, met, or exceeded expectations;**
 - ii. Academic progress scores that met or exceeded the annual target;**
 - iii. Schoolwide proficiency rates that met annual targets; and**
 - iv. Schoolwide rates of chronic absenteeism that met the average for the respective grade configuration.**
- 3. If a high school, has a four-year graduation rate above 67 percent; and**
- 4. Successful implementation of its annual school plans during the period of identification, as confirmed by the Department. Evidence that allows the Department to confirm successful implementation shall be provided through the Department's online Annual School Planning System and {may} *shall* include, but is not limited to:**
 - i. Consistent, effective implementation of evidence-based interventions;**
 - ii. The timely expenditure of Federal school improvement funds;**
 - iii. A robust formative assessment system to monitor student progress throughout the school year;**
 - iv. Stakeholder engagement in the drafting and monitoring of the annual school plan;**

v. Principal evaluations;

vi. Active participation in regularly scheduled collaborative opportunities that facilitate professional learning and develop teacher leaders; and

vii. Job-embedded professional development that supports teachers' mastery of instructional best practices related to annual school plan goals.

(c) If the Department does not confirm that the Comprehensive School successfully implemented its annual school plans pursuant to (b)4 above, the school shall remain in status for one additional year and be eligible to cease to be identified as a Comprehensive School the following year if it meets the conditions set forth at (b) above.

(d) The Commissioner will notify a Comprehensive School by January 31 as to whether it has met the criteria at (b) above and is eligible to cease to be identified as a Comprehensive School effective June 30.

1. The school district shall submit a sustainability plan for an eligible Comprehensive School within 30 business days of the date of notification of eligibility by the Commissioner.

2. The sustainability plan shall:

i. Identify the strategies and initiatives directly linked to improvements in academic achievement;

ii. Demonstrate in the goals section how the school district will continue to provide support to the school to sustain noted improvements; and

iii. Demonstrate the equitable distribution of resources to support continued school improvement.

3. The Commissioner may determine that a school will cease to be identified as a

Comprehensive School upon approval by the Department of the school's sustainability plan. Department approval of a sustainability plan may require, but is not limited to, plan revisions, school visits, and/or interviews with school district and school leadership.

(e) Comprehensive Schools that do not meet the exit criteria will remain in status as Comprehensive II Schools. The Commissioner shall notify a Comprehensive School of its Comprehensive II status by January 31.

1. School districts with Comprehensive II Schools shall provide to the Department, no later than 45 business days after the date of notification of Comprehensive II status, a report describing how the school district will increase equity in resource distribution to the Comprehensive II School relative to previous years.

2. School districts with Comprehensive II Schools may be eligible for additional funding for new initiatives contingent upon a formal agreement of external program evaluation.

3. School districts with Comprehensive II Schools shall hire a leadership coach for building principals.

4. District board of education members of school districts with Comprehensive II Schools shall undergo additional training to strengthen governance and oversight.

5. Comprehensive II Schools shall be subject to the same exit criteria and exit process as Comprehensive Schools. Comprehensive II Schools that do not meet the exit criteria shall remain in Comprehensive II status. The Comprehensive II School status shall be re-examined every three years and when the Department identifies a new cohort of schools.

In accordance with N.J.A.C. 1:30-4.2, the Department shall subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.