

## Summary

The Commissioner of Education is proposing to amend the current regulations at N.J.A.C. 6A:30, Evaluation of the Performance of School Districts, that implement a monitoring and evaluation system for public school districts, county vocational school districts and county special services districts.

Public Law 2005, c.235 and Public Law 2007, c.16 amended N.J.S.A. 18A:7A-3 et seq. to establish the New Jersey Single Quality Accountability Continuum (NJQSAC), a new monitoring and evaluation system of public school districts. Pursuant to the authority granted in Public Law 2007, c.16, in February 2007, the Commissioner of Education adopted, immediately upon filing with the Office of Administrative Law, rules and regulations to implement NJQSAC. On March 11, 2008, the Commissioner readopted those rules with amendments. This rule proposal constitutes amendments of the rules currently in effect to implement the requirements for evaluating and monitoring the performance of public schools districts. Prior to the expiration of the chapter proposed for amendments here, the State Board of Education will adopt rules pursuant to N.J.S.A. 52:14B-1 et seq, as required by Public Law 2007, c.16, to continue the implementation of NJQSAC.

The rules proposed for amendment of N.J.A.C. 6A:30 reflect the addition of District Performance Reviews (DPRs) to evaluate and monitor county special services school districts. The need to develop District Performance Reviews (DPRs) to evaluate and monitor county special services school districts and to ensure the provision of a thorough and efficient education to students that attend county special services school districts in the State arose out of input from

the public and stakeholders working in county special services school districts. The chapter “Appendix” has been amended to include “Appendix A,” which includes the District Performance Reviews to monitor and evaluate all public school districts except county special services school districts and charter schools and “Appendix B,” which will be used to monitor and evaluate county special services school districts.

Amendments have been made to the former Appendix of this chapter (now referred to as Appendix A) in all of the five District Performance Reviews (DPRs): Instruction and Program, Fiscal Management, Operations, Governance and Personnel. Amendments reflect and incorporate recently adopted regulations and statutes (e.g., N.J.A.C. 6A:23A, Fiscal Accountability, Efficiency and Budgeting Procedure, and P.L. 2008 c. 38. and N.J.A.C. 6A: 8, Standards and Assessment). Additional amendments to the DPRs serve to reduce the duplication of indicators and measurements within and among the DPRs, clarify language and adjust the weighting of several indicators after public review and departmental consideration. As stated above, amendments to the Appendix include the addition of DPRs to be used exclusively by county special services school districts and will be referred to as “Appendix B.”

As the Commissioner has provided a 60-day comment period in this notice of proposal, this notice is exempted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5. The following summary provides a brief overview of the proposed amendments:

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

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

This section proposed for amendment reflects the addition of an appendix to the chapter therefore changing the term “Appendix” to “Appendices.” “Appendix B” has also been added to this section to reflect the creation of a District Performance Review for county special services districts.

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

### **N.J.A.C. 6A:30-2.2 Quality Performance Indicators of School District Effectiveness**

This section was amended to reflect that there are two appendices in the chapter of code.

## **SUBCHAPTER 3: COMPREHENSIVE REVIEW OF PUBLIC SCHOOL DISTRICTS**

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

This section was amended to reflect that there are two appendices in the chapter of code, Appendix A is designated for all public school districts with the exception of county special

services school districts and Appendix B, which is designated for county special services districts.

## **APPENDIX A– DISTRICT PERFORMANCE REVIEW (DPR)**

### **INSTRUCTION AND PROGRAM DPR**

#### **Instruction and Program DPR - Section B**

**B8:** This indicator was amended to reflect the changes to the newly adopted high school graduation requirements at N.J.A.C. 6A:8-5.1.

#### **Instruction and Program - Section F**

**F1b:** This indicator was added to conform to new Federal requirements.

**F5:** The indicator was amended to reflect revised high school graduation requirements and the adherence to the implementation schedule in accordance with N.J.A.C. 6A:8-5.1, which requires “District boards of education shall develop, adopt, and implement local graduation requirements, for a State-endorsed diploma, that prepare students for success in post-secondary degree programs, careers, and civic life in the 21st century according to N.J.A.C. 6A:8-3.1(c)2 ...”

**F6:** The indicator was amended to monitor compliance with new regulations at N.J.A.C. 6A:8-5.1, which requires “District boards of education shall develop, adopt, and implement local graduation requirements, for a State-endorsed diploma, that prepare students for success in post-secondary degree programs, careers, and civic life in the 21st century according to N.J.A.C. 6A:8-3.1(c)2 ...”

**FOOTER:** Date of DPR amended to reflect the current year.

### **GOVERNANCE DPR**

**FOOTER:** The date of DPR was amended to reflect the current year.

### **FISCAL MANAGEMENT DPR**

#### **Fiscal Management DPR – Section A**

**A1:** The amendment to this indicator includes a change in the point value of the indicator, from 6 to 3. Due to the addition and amendment of indicators in the Fiscal Management DPR, the Department apportioned different weights to this and other indicators.

**A2a and b:** The amendment combines the indicators A2a and b and changes the point value of the combined indicator from 2 to 1. Due to the addition and amendment of indicators in the

Fiscal Management DPR, the Department apportioned different weights to this and other indicators.

**A2c:** The amendment to this indicator revises the language to differentiate the indicator from B4b.

**A2e:** The amendment deletes the indicator to enable the department to add and apportion different weights to other indicators in the Fiscal Management DPR.

### **Fiscal Management DPR – Section B**

**B1a and B2:** The amendment combines indicators B1a and B2 and changes the point value of the combined indicator from 6 to 4. Due to the addition and amendment of indicators in the Fiscal Management DPR, the Department apportioned different weights to this and other indicators.

**B1b:** The amendment to this indicator includes a change in the point value of the indicator, from 6 to 4. Due to the addition and amendment of indicators in the Fiscal Management DPR, the Department apportioned different weights to this and other indicators.

**New B2:** The amendment changes B3 to B2 and revised the language to include the district has established “and follows” formal policies and procedures, and the amendment expands and updates the list of policies/procedures to reflect the recently issued accountability regulations.

The amendment also changes the point value of the indicator from 2 to 5 to reflect these revisions.

**New B3 and deletion of B4b:** The amendment moves indicator B4b to a separate new indicator B3, increases the point value from 1 to 4, and includes the new regulatory reference of the expanded and more specific requirements of a position control roster.

**B4d:** The amendment to this indicator increases the point value from 1 to 2 points to reflect comments received and the department's agreement to increase the indicator's relative weighting.

**B4h and i:** The amendment combines indicators B4h and i and changes the point value of the combined indicator from 2 to 1. Due to the addition and amendment of indicators in the Fiscal Management DPR, the Department apportioned different weights to this and other indicators.

**B5:** The amendment to this indicator expands the list of public school contracts law requirements and raises the point value of the indicator from 4 to 5.

**B6:** The amendment to this indicator includes a change in the point value of the indicator from 6 to 4. Due to the addition and amendment of indicators in the Fiscal Management DPR, the Department apportioned different weights to this and other indicators.

**B7:** The amendment to this indicator includes a change in the point value of the indicator from 2 to 1. Due to the addition and amendment of indicators in the Fiscal Management DPR, the Department apportioned different weights to this and other indicators.

**Fiscal Management DPR – Section D**

**D1:** The amendment to this indicator includes references to additional federal fiscal requirements and the federal funds providing under the American Recovery and Reinvestment Act, and increases the point value of the indicator from 3 to 5.

**D2:** The amendment to this indicator includes references to the American Recovery and Reinvestment Act.

**D3:** The amendment to this indicator expands the list of items for proper accounting and expenditure of restricted federal and state grants and aid, includes reference to federal funds providing under the American Recovery and Reinvestment Act, and increases the point value of the indicator from 3 to 7.

**D4:** The amendment to this indicator includes a change in the point value of the indicator from 3 to 2. Due to the addition and amendment of indicators in the Fiscal Management DPR, the Department apportioned difference weights to this and other indicators.

**FOOTER:** The date of DPR amended to reflect the current year.

## **OPERATIONS DPR**

### **Operations DPR – Section B**

#### **Section B**

**B2:** The indicator was split to recognize that there are four separate submissions and it was important to recognize the individual data quality in each one and divide the points accordingly.

### **Operations DPR – Section C**

**C2a:** The documentation was amended to provide items that directly address the indicator by moving the following sentence-“Board minutes approving the form which includes all offender, victim and incident detail contained in the department’s EVVR incident report form for reporting incidents of violence, vandalism and substance abuse (V&V)” to indicator C2b and replacing it with the following: “District procedures for the reporting of incidents of violence, vandalism and substance abuse that include the principal’s review for accuracy and forwarding to the Chief School Administrator” and “Documentation of data analysis and identification of activities to address the student behaviors reported.”

**C2b:** The indicator was amended to clarify that reports of incidents of violence, vandalism and substance abuse must be made to the Principal and that annual training must be conducted on reporting. The documentation was revised to more appropriately address this indicator. Specifically the following were added: “ Board minutes approving the form”, “Board approved

form including all offender victim and incident detail contained in the department's EVVR incident report form for reporting incidents of violence, vandalism and substance abuse (V&V", and "Documentation of staff training". A typographical error was also corrected.

**C2c:** The documentation was amended to clarify that it is the EVVRS Verification Fax-back form signed by the CSA that should be reviewed to address the indicator.

**C2d:** The indicator was amended to clarify that the CSA is required annually to report all acts of violence and vandalism and incidents of alcohol and other drug abuse that occurred during the previous school year to the board of education as well as holding an annual public meeting. The documentation was revised as the law no longer requires that a transcript of the hearing be made available and there is no longer a requirement for a submission of the Public Hearing Report. The documentation will be amended to read: "A summary report from the hearing", "Copy of signed and dated board minutes of the public hearing", Copy of the verified Annual District Report of Violence and Vandalism for the previous school year".

**C2e:** The documentation was amended to clarify that the purpose of the staff interviews and school visits is to verify that the corrective actions have been implemented.

**C3:** The indicator has been amended to clarify that the code of student conduct must contain all the required elements. The documentation has been amended to include the DOE Code of Student Conduct Compliance Checklist.

**C5a.** The documentation has been amended to include the DOE Checklist For Board-Approved Student Attendance Policies and Procedures. Additionally the documentation has been amended to clarify that the purpose of the record review is to determine whether actions have been taken to prevent and intervene in the cases of absences and truancy that include contacts with parents. The points have been reduced from 8 to 6 to allow for an increase in the indicator addressing harassment intimidation and bullying.

**Section 6:** The points for this section have been increased from 3 to 5.

**C6a:** This section has been divided into two indicators to highlight the importance of the development and dissemination of policies as well as the implementation of them. Specifically C6a will address policies with the following: “The district has developed polices prohibiting harassment, intimidation and bullying (HIB). The district has distributed the policy to students, parents and staff has posted the policy on its website and has notified students and parents that the policy is posted.” The documentation has been amended to more clearly address this indicator and separate the implementation documentation. The documentation was amended to add: “Board minutes approving the harassment, intimidation and bullying policy that includes all required components. (See the DOE checklist Review of District Policies and Procedures on Harassment Intimidation and Bullying.)” , “Appearance of the policy on the districts website and in any student handbook or other publication about student conduct” and “Documentation that incidents of harassment, intimidation and bullying were handled in accordance with the board-approved policy and the law.” Additionally the documentation has been amended to

clarify that the dissemination of the policy is to parents and staff. The score for this indicator has been increased from 3 points to 5 points.

**C6b:** This new indicator specifically addresses implementation of required policies and practices regarding HIB. The new language is: “The district has annually implemented staff training programs for the effective implementation of the HIB policies and procedures; annually discussed the HIB policies with students; and annually reviewed the extent and characteristics of HIB in the school buildings of the district.” The documentation has been amended to specifically address the issues of implementation and includes: “Attendance or sign-in sheets, agendas, recordings or evaluations from the staff trainings”, “Student or school schedules, agendas, recordings or notes from the student discussions”, “Reports of the annual review; results from instruments or methodology (e.g., survey findings, interview notes, focus group notes, board minutes, data sources) used to conduct the annual review; programs (e.g., curricula, purchase orders, lesson plans, agendas, scope and sequence) or services (e.g., job descriptions, case files, service agreements) implemented as a result of the review”.

**C8:** The indicator has been amended to include the requirements of appointing a school district liaison, and to provide training to school employees, volunteer and interns working in the schools.

**C10:** The amendment to this indicator includes a change in the point value of the indicator from 2 to 1. Due to the addition of an indicator in the Operations DPR, the Department apportioned different weights to this indicator.

**C11:** This indicator was added in order to ensure compliance with the statutory requirement.

## **Operations DPR – Section D**

### **Section D**

**D5:** The documentation has been amended to eliminate items unrelated to the indicator:

“Written, board-approved policies and procedures”, “Physician/Certified School Nurse reports”, “Student records” and to replace them with the following appropriate items: “Documentation of medical examinations completed by the school physician” and “Observation of school examination room”.

**D6:** The indicator has been divided into two separate indicators as they are unrelated. The documentation has been amended to address only immunizations.

**D7:** The indicator has been added to address required medical examinations. The following documentation has been added to address this indicator: “The examination report from the medical home or the school physician”, “The A45 Health History and Appraisal Form documenting required examinations” and “The Copy/documentation of school physician approval or denial for student participation on a sports team/squad”.

**FOOTER:** The date of DPR amended to reflect the current year.

## **PERSONNEL DPR**

### **Personnel DPR – Section A**

**A1d:** This indicator was amended to clarify the timeline in which new hires must complete a criminal history record check and therefore negates the purpose requiring districts to have less than 10% of emergent new employees.

**A4d:** The indicator was amended to clarify that the indicator only applies where applicable.

### **Personnel DPR – Section B**

**B5a:** This indicator was amended to clarify that districts are required to adopt written policies and procedures for the physical examination of employees that comply with the provisions at N.J.A.C. 6A:32-6.1 et seq.

**FOOTER:** The date of DPR amended to reflect the current year.

### **Social Impact**

The rules proposed for amendment of N.J.A.C. 6A:30 reflect the addition of District Performance Reviews for county special services school districts. Under NJQSAC, all public school districts will be evaluated by uniform, objective criteria in the areas of instruction and program, fiscal management, personnel, operations and governance. Based on these reviews by the Department, appropriate assistance and/or intervention activities will be initiated. In addition, where a public school district fails to develop or implement an improvement plan as required or other emergency circumstances warrant, the Department may seek partial or full intervention in the public school district to effect the changes necessary to build local capacity to provide a thorough and efficient education. Through this system, the Department will be able to work with public school districts to identify and remedy areas of deficient performance in public school districts, which will have a salutary impact on affected students and parents. Public school district communities will also benefit by receiving current, reliable information about their public school districts, thereby enabling these communities to hold their public school districts accountable.

### **Economic Impact**

The economic impact of the rules proposed for amendment on public school districts, including county special services school districts, will be limited as the amendments do not effect any significant substantive changes in the current monitoring system.

The Department will not incur any additional costs due to the amendments.

### **Jobs Impact**

These rules proposed for amendments will not result in the generation or loss of jobs in public and private schools, nor at the local or State level as the rules proposed for re adoption with amendments concern the implementation of a monitoring and evaluation system for public school districts, county vocational school districts and special services districts.

### **Federal Standards Statement**

The rules proposed for amendment are consistent with Federal standards for public school district accountability, 20 USC Sec. 6311(b)(2) and 34 CFR Sec. 200.12. There is no other Federal language or regulations that impact this proposal.

### **Agriculture Industry Impact**

The rules proposed for amendment will have no impact on the agricultural industry in New Jersey as the rules proposed for re adoption with amendments concern the implementation of a monitoring and evaluation system for public school districts, county vocational school districts and special services districts.

### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not required because the rules proposed for amendment 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. This chapter impacts solely upon New Jersey public school districts operated under the auspices of the New Jersey Department of Education.

### **Smart Growth Impact**

The rules proposed for amendment will have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan as the rules proposed for readoption with amendments concern the implementation of a monitoring and evaluation system for public school districts, county vocational school districts and special services districts.

### **Housing Affordability Impact**

The rules proposed for amendments will have no impact on the cost of housing or number of housing units as the rules proposed for readoption with amendments concern the implementation of a monitoring and evaluation system for public school districts, county vocational school districts and special services districts.

### **Smart Growth Development Impact**

The rules proposed for readoption with amendments would not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State

Development and Redevelopment Plan as the rules proposed for readoption with amendments concern the implementation of a monitoring and evaluation system for public school districts, county vocational school districts and special services districts.

**Full text** of the rules proposed for amendment follows:

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

“Comprehensive review” refers to the 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 [Appendix] Appendices.

“District Performance Review” or “DPR” consists of 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 the chapter Appendix A and is incorporated herein by reference and shall be used by all public school districts with the exception of county special services school districts. The District Performance Reviews for county special services school districts consists of quality performance indicators in all the five key components of school district effectiveness. The District Performance Reviews for county special services school districts shall be developed by the Department and shall be used by the Department to evaluate the performance of county special services school districts pursuant to the procedures set forth in this chapter. The District Performance Review for county special services districts is located in the chapter Appendix B and is incorporated herein by reference.

“Quality Performance Indicators” or “weighted quality performance indicators” are 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 a the chapter [Appendix] Appendices.

N.J.A.C. 6A:30-2.2

(a) (No change.)

(b) The weighted quality performance indicators are set forth in the District Performance Review incorporated in chapter as the chapter [Appendix] Appendices.

(c) (No change.)

N.J.A.C. 6A:30-3.2

(a) As part of the comprehensive review, unless N.J.A.C. 6A:30-3.1(d), -3.4 or -3.3 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

[Appendix] Appendices (Appendix A and Appendix B) and 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) - (h) (No change.)