

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

This comment and response form contains written testimony received from the public and comments from the May 3, 2006 State Board of Education meeting where draft regulations were considered at Discussion Level.

<b>Topic:</b> Evaluation of the Performance of School Districts	<b>Meeting Date:</b>	August 2, 2006
<b>Code Citation:</b> N.J.A.C. 6A:30	<b>Level:</b>	Proposal
<b>Division:</b> Chief of Staff	<b>Completed by:</b>	Office of Strategic Initiatives and Accountability

**Summary of Comments and Agency Responses:**

The following is a summary of the comments received by the State Board of Education members, written testimony from the public and the department responses. Each commenter is identified at the end of the comment by a number, which corresponds to the following list

1. Arcelio Aponte, Vice President  
State Board of Education
2. Debra Casha, Member  
State Board of Education
3. Maud Dahme, Member  
State Board of Education
4. Thelma Napoleon-Smith, Member  
State Board of Education
5. Edward Taylor, Member  
State Board of Education
6. Debbie Bradley  
New Jersey Principals and Supervisors Association
7. Barbara Horl  
New Jersey School Board Association
8. Paul Trachtenberg  
Rutgers Institute on Education Law and Policy

9. Michael Vrancik  
New Jersey School Board Association

**GENERAL COMMENTS:**

1. **COMMENT:** The commenter asked for clarification on Comment #10 from the Comment/Response Form from the April 19, 2006 State Board Work Session. Specifically, the commenter asked if the department intends to allow the public to provide input into the “Statement of Assurance” via the APA process. (2)

**RESPONSE:** The department does not intend to seek public input into the Statement of Assurances form through the APA process. The Statement of Assurance will simply be a statement at the end of each District Performance Review (DPR) attesting to the accuracy of the responses provided. Since the State Board of Education will review the DPR, it will also have the opportunity to review the Statement of Assurance appended to it. The department proposes amendments to the definition of “Statement of Assurance” to clarify this as follows:

**N.J.A.C. 6A:30-1.1 Definitions**

“Statement of Assurance” means [a] **the section of the District Performance Review** form prepared by the Department and submitted by each [chief school administrator] **Chief School Administrator** to the Department that verifies the accuracy of the responses on the district’s [self-assessment report] **District Performance Review**.

2. **COMMENT:** The commenter asked if school districts will be provided with immediate technical and/or targeted assistance or if the school district will have to wait until the annual review is completed. (5)

**RESPONSE:** Technical assistance associated with NJQSAC will be determined based on the NJQSAC monitoring. However, the department is always willing to assist districts on an on-going basis, as needed.

3. **COMMENT:** The commenter inquired about the possible impact of Senate Bill No. 1469 (S1469), which established the “School District Fiscal Accountability Act” and provides for the appointment of a State monitor in certain school districts and advance State aid payments to those school districts. The commenter asked if school districts with severe fiscal problems will have an external review per NJQSAC. (4)

**RESPONSE:** The department acknowledges the comment; however, the intervention described in S1469 will only be used in very limited circumstances and will not have a significant impact on NJQSAC.

4. **COMMENT:** The commenter asked for an update regarding the timelines for implementing NJQSAC. (3)

**RESPONSE:** The department intends to proceed with initiating amendments to P.L. 2005 c. 235. These amendments outlined in Senate Bill No. 2136 were introduced in July. The department anticipates passage of these amendments and plans to move the regulations forward to proposal level at the August 2006 State Board meeting. In terms of school district implementation, State-operated, Level II and Level III school districts will be transitioned to NJQSAC in the 2006-2007 school year. The remainder of the school districts will be phased into NJQSAC thereafter pursuant to a schedule established by the Commissioner.

5. **COMMENT:** The commenter expressed concerns with the timing of the actual implementation of NJQSAC since the current infrastructure of the department and some school districts may not support a new evaluation and monitoring system. The commenter recommends that the Quality Assurance Annual Report (QAAR) remain in place until New Jersey is prepared to implement the new law and that a targeted implementation strategy focused on school districts most in need of assistance be used. (6)

**RESPONSE:** The department will use an implementation strategy that will be gradual and focused on school districts that have been identified as being in most need of assistance. S. 2136 and the proposed regulations provide that school districts will continue to complete the QAAR until they are phased into the NJQSAC monitoring system.

6. **COMMENT:** The commenter asked about the status of the amendments to the NJQSAC law (P.L. 2005 c. 235). (3,6)

**RESPONSE:** The department is seeking changes to the law. These amendments are outlined in S 2136, which can be found at the following web address: [http://www.njleg.state.nj.us/2006/Bills/S2500/2136\\_I1.PDF](http://www.njleg.state.nj.us/2006/Bills/S2500/2136_I1.PDF). The regulations presented today at proposal level reflect the proposed amendments to the law.

7. **COMMENT:** The commenter inquired about the status of the NJQSAC pilot program. (3)

**RESPONSE:** There are thirteen districts participating in the field test/pilot program. The department met with the districts on May 2, 2006 to launch the pilot program, to review the District Performance Review and to also review the timelines. The pilot ended on June 29, 2006.

8. **COMMENT:** The commenter suggests that the department delay the implementation of NJQSAC until the statewide student database is operational. (6)

**RESPONSE:** The department disagrees. NJQSAC is needed immediately to evaluate and monitor school districts in this State. The fact that the student database is not yet available should not hamper the implementation of this important monitoring system.

9. **COMMENT:** The commenter recommends that the role of the County Superintendent's Office be clarified and staffing levels be reviewed in the regulations. (6)

**RESPONSE:** The department acknowledges the commenter’s recommendations. The role of the County Offices of Education will be addressed more specifically in guidance. In addition, the department will also address staffing levels to ensure the successful administration of this new monitoring and evaluation process.

**10. COMMENT:** The commenter suggested numerous stylistic and grammatical changes to the proposed code language. (8)

**RESPONSE:** The department agrees with some of the suggested changes and has amended the proposed language as noted below.

## **SUBCHAPTER 1**

**11. COMMENT:** The commenter recommended language changes to the provisions at N.J.A.C. 6A:30-1.1, Purpose and Scope. (8)

**RESPONSE:** The department agrees with some of the suggested changes and has proposed additional changes as follows:

### **N.J.A.C. 6A:30-1.1 Purpose and Scope**

(a) The purpose of this chapter is to establish rules **[for] 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 **[they] public school districts** are providing a thorough and efficient education. The standards and criteria by which school districts are evaluated **[are designed to]** will assess actual achievement, progress toward proficiency, local capacity to operate without State intervention, and the need for support and assistance provided by the State. Under NJQSAC, once a **public school** district is identified as requiring assistance in one or more of the five areas of school district effectiveness, the Department and the district will work collaboratively to improve district performance in those targeted areas. The measures used to achieve this goal include evaluations of the **public school** district by the Department, development of a district improvement plan, close monitoring of the implementation of the plan, and the provision of **[targeted and]** technical assistance as appropriate. NJQSAC also provides that in circumstances where a **public school** district fails to develop or implement an improvement plan as required, or other emergent circumstances warrant, the Department may seek partial or full intervention in the **public school** district to effect the changes necessary to build local capacity **[and ensure that the district provides] to provide** a thorough and efficient education.

**12. COMMENT:** The commenter stated that he supports the department’s proposed code language at N.J.A.C. 6A: 30-1.1 which exempts Charter Schools and Educational Services Commissions from the provisions of the proposed regulations. **(8)**

**RESPONSE:** The department thanks the commenter.

**13. COMMENT:** The commenter recommended that the department change the definition of “administrative order” in the proposed regulations to align with the definition in the law. **(8)**

**RESPONSE:** The department agrees with this comment and will use the definition of “administrative order” as prescribed in the law, and as described in response to Comment # 9 in the May 3, 2006 Comment/Response form.

**14. COMMENT:** The commenter recommended that the department define the term “District Performance Review”. **(8)**

**RESPONSE:** The department agrees with the commenter’s recommendation and proposes the following definition:

**N.J.A.C. 6A:30-1.1 Definitions**

**“District Performance Review” or “DPR” means the self-assessment report completed by public school districts on a three year basis pursuant to the procedures set forth in this chapter. The DPR shall be developed by the Department, and shall consist of quality performance indicators in all of the five key components of school district effectiveness.**

**15. COMMENT:** The commenter suggested that the definition of “Highly Skilled Professional” include language regarding the provision of direct oversight in one or more areas during partial- or full- state intervention. **(8)**

**RESPONSE:** The department agrees with the comment and will amend proposed code language as follows:

**N.J.A.C. 6A:30-1.1 Definitions**

“Highly Skilled Professional” or “HSP” means a designee of the Commissioner who has **[relevant]** skills and expertise based on education and/or experience **that is relevant to [in]** one or more of the five key components of school district effectiveness. HSPs will be so designated based on criteria to be determined by the Commissioner. Among other functions, HSPs may assist the Department in evaluating **public school** district performance, **[assist the districts in developing district improvement plans pursuant to this chapter] 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 **[annual] three year comprehensive** review, pursuant to the procedures set forth in this chapter.

**16. COMMENT:** The commenter stated that NJQSAC sets up a qualitative system for designating levels of performance. High-performing districts are those that show compliance with performance indicators in each of the five component areas between 80 and 100 percent. Moderate-performing districts are those that show compliance with all five performance areas in the aggregate, at a level between 50 and 79 percent. Because of the disparity in the statute’s definitions of high- and moderate-performing districts, the commenter recommended that a definition of moderate performing district be included in this section and a reference made in N.J.A.C. 6A:30-4.1, General Requirements. **(8)**

**RESPONSE:** The department acknowledges the commenter’s concern. However, the proposed legislative amendments eliminate the category of “moderate performing district” and therefore the Department will not be using that term in the proposed code language.

**17. COMMENT:** The commenter recommended that language be added to the definition of “Performance continuum” to include levels of performance such as “high-performing”, moderate-performing”, “in need of improvement”, “in partial intervention”, “in full intervention” and combinations thereof. **(8)**

**RESPONSE:** The department disagrees with the comment. These labels are not required by the statute or the proposed legislative amendments. The department believes that defining “performance continuum” as a measure of district performance in each of the five components is an effective way to describe the results of the comprehensive review.

**18. COMMENT:** The commenter recommended that the department define the term “school district capacity” or “local capacity”. **(8)**

**RESPONSE:** The department disagrees and does not believe a definition of either term is warranted.

**19. COMMENT:** The commenter recommended adding the modifier “quality” to the defined term “performance indicator” and eliminating the modifier “weighted,” used to describe the performance indicator. The commenter stated that eliminating “weighted” would give the department more flexibility in designing the performance indicators. **(8)**

**RESPONSE:** The department agrees that the term “quality performance indicator” should be defined. However, the department does not agree that the term “weighted” should be eliminated. The proposed regulations give the department the flexibility to weight indicators as deemed appropriate. The department will amend the proposed code language as follows:

**N.J.A.C. 6A:30 – 1.2 Definitions**

“**Quality** Performance Indicators” or weighted quality performance indicators” are the specific, objective criteria [of] **for** each component of school district effectiveness by which each public school district’s performance capacity and need for State support, assistance and intervention are measured.

**20. COMMENT:** The commenter recommended that the term “targeted assistance” be eliminated from the proposed regulations and that the eliminated language (“targeted assistance”) be incorporated into the definition of the term “technical assistance”. (8)

**RESPONSE:** The department agrees with the comment, which is also consistent with S. 2136, and proposes amended code language as follows:

**N.J.A.C. 6A:30 – 1.2 Definitions**

**[“Targeted assistance” means the assistance provided to a public school district in a specific area to support the teaching and learning process and overall school district effectiveness. Targeted assistance may be provided by Department personnel or other designees of the Commissioner.]**

“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.

**21. COMMENT:** The commenter asked that the department revisit comment #6 of the May 3, 2006 Comment/Response form to clarify the term “evaluation review team” to indicate how the Commissioner will select the team and the criteria for team eligibility. Since the term will not be clarified in code, the commenter also asked that the department follow the same procedure developed for the review and approval of the criteria selected for the HSP. The commenter stated that the language used in the amended proposed code at N.J.A.C. 6A:30-5.7 (b) would work well, simply substituting the term “evaluation review team members” for “highly skilled professionals” and “criteria and selection process” for “criteria.” (9)

**RESPONSE:** The department disagrees. The selection and composition of the evaluation team will depend upon the specific conditions existing in the school district. The proposed regulations provide the Commissioner with the flexibility to select persons appropriate to evaluate the school district given the unique circumstances that exist in that school district.

**22. COMMENT:** The commenters expressed concern about the qualifications, compensation and recommended levels of authority of the Highly Skilled Professional. One commenter recommended that the criteria and selection process for the Highly Skilled Professional (HSP) be subject to public review and comment. The commenter also recommended that the

selection process in addition to the criteria be reviewed and approved by the State Board of Education. (6, 9)

**RESPONSE:** The department acknowledges the comment and notes that appropriate changes have been made to the proposed regulations as described in response to comment #38 in the May 3, 2006 Comment/Response form.

**23. COMMENT:** The commenter stated that the definition of “in-depth evaluation” should be reviewed in light of the No Child Left Behind (NCLB) requirements related to district in need of improvement corrective action plan, the Abbott district corrective action plan and others. The commenter stated that the department’s response to Comment #8 from the Comment/Response Form from the May 3, 2006 State Board meeting states that “...department ...is currently reviewing methods to streamline all corrective action plans required of districts.” The commenter asked that the department advise what the review has yielded, and how will the intervention and corrective action plans be streamlined? (9)

**RESPONSE:** The proposed regulations require that “the public school district shall...ensure the [NJQSAC district improvement] plan is aligned with and incorporates or references the relevant provisions of all applicable State and federal plans.” N.J.A.C. 6A:30-5.4(d).

## **SUBCHAPTER 2**

**24. COMMENT:** The commenter recommended that proposed code language at N.J.A.C. 6A:30-2.1(b) provide that the department consider school district improvement and progress toward those measures when assessing district performance. (8)

**RESPONSE:** The department agrees with the comment and proposes the following amendments to the code language:

### **N.J.A.C. 6A:30 2.1 Components of School District Effectiveness**

(a) No change.

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

**25. COMMENT:** The commenter does not believe that mandated weighting is necessary for all quality performance indicators. (8)

**RESPONSE:** The department agrees that weighting is not necessary for all performance indicators. The department believes that the proposed regulations give the department the discretion to weight appropriate indicators.

**26. COMMENT:** The commenter recommended that the provisions at N.J.A.C. 6A:30-2.2 (b) be eliminated. Specifically, the proposed code language states that the initial quality performance indicators proposed by the department be submitted to and approved by the State Board of Education by resolution and that all subsequent proposed changes to the performance indicators shall likewise be submitted to the State Board for approval by resolution. **(8)**

**RESPONSE:** The department disagrees. The department believes that the public and State Board of Education should have the opportunity to provide comment on the quality performance indicators as delineated at N.J.A.C. 6A:30-2.2 (b).

**27. COMMENT:** The commenter recommended that the department include provisions at N.J.A.C. 6A:30-2.2 (c) to ensure the quality performance indicators are used to determine whether a district is high performing or moderate performing and whether a district improvement plan is warranted. **(8)**

**RESPONSE:** The department acknowledges the comment. However, the term “moderate performing” is proposed for elimination in the legislative amendments. In addition, the department believes that it is clear in the regulations that the quality performance indicators will be used, through the three year comprehensive review process, to determine whether an improvement plan is warranted.

### **SUBCHAPTER 3**

**28. COMMENT:** The commenter stated that he strongly believes that boards of education should play a greater role and may not always be the underlying cause of problems in the school district; in some instances the CSA may be a contributing factor. The CSA plays a prominent role in the District Performance Review process. The CSA selects most committee members, convenes the committee, complete the self assessment report and signs the statement of assurance. However, if the underlying cause or one of the underlying causes of problems in the school district is the CSA, the report issued by the District Performance Review Committee may not accurately reflect the performance of the school district and the board of education. Boards of education need an option. The commenter requests a provision in the code language in N.J.A.C. 6A:30-3.2 that boards of education may, where necessary and appropriate, petition the Commissioner for an order to appoint a person other than CSA to administer the District Performance Review process. **(9)**

**RESPONSE:** The department disagrees with the comment. The department believes that the DPR process provides for a sufficient role for the district board of education and ensures that the board of education will have adequate input.

**29. COMMENT:** The commenter stated that the draft regulations at N.J.A.C. 6A:30-3.2, District Performance Review, are too directive. The commenter recommended that the department allow school districts more flexibility regarding how to set up an internal process to complete the annual review. **(8)**

**RESPONSE:** The department disagrees with the commenter's concern. Based on comments from other stakeholders, the department believes it is critical to set forth the structure in the regulations to ensure uniformity across school districts for the committee process in completing the District Performance Review.

- 30. COMMENT:** The commenter stated that the seven-year certification process is not consistent with the annual review process in NJQSAC. The commenter recommended that the department seek statutory amendments regarding seven-year certification. **(6, 8)**

**RESPONSE:** The department acknowledges the comment and notes that the proposed legislative amendments provide for a three year review period and a three year certification period. Based on these proposed amendments, the department proposes the following amendments to the code language:

**SUBCHAPTER 3 –[ANNUAL] THREE YEAR COMPREHENSIVE REVIEW OF PUBLIC SCHOOL DISTRICTS**

**N.J.A.C. 6A:30-3.1 General requirements**

(a) Once the initial transition to the NJQSAC monitoring and evaluation system pursuant to N.J.A.C. 6A:30-8.1 et seq. has been completed, the Commissioner shall conduct **[an annual] a comprehensive review of [all] each public school [districts] 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 against a series of objective benchmarks to be determined by the Commissioner. Upon a determination that a public school district has failed to meet one or more of the benchmarks, 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 **[annual] three year comprehensive** review shall be based on **[a self-assessment report] the District Performance Review** completed by public school districts, unless N.J.A.C. 6A:30-3.1(d) applies, and verification of that report and review of other relevant data and information by the Department. It may also include one or more on-site visits to **public school** district facilities by Department staff.

(c) The Commissioner shall direct the County Superintendent and other appropriate Department staff to provide timely notification to each public school district of the procedures for the **[annual] three year comprehensive** review.

(d) A public school district shall not provide a **[self-assessment report] District Performance Review** as part of the **[annual] three year comprehensive** review with respect to those components of school district effectiveness for which the **public school** district is implementing a district improvement plan pursuant to N.J.A.C. 6A:30-5.4 to -5.5 and is subject to Department monitoring pursuant to N.J.A.C. 6A:30-5.6.

**31. COMMENT:** The commenter asked if the pilot districts were required to convene a committee as outlined in N.J.A.C. 6A:30-3.2. **(1)**

**RESPONSE:** The pilot districts were required to convene a modified committee, given the short time period for conducting the pilot.

**32. COMMENT:** The commenter expressed concern that given the strained resources and increased workload of the department the performance of yearly evaluation of districts, may be all but impossible. **(9)**

**RESPONSE:** The department acknowledges the commenter’s concern. S.2136 would provide for a three year, instead of an annual, evaluation of districts. The department proposes amended code language as set forth in response to comment #30.

**33. COMMENT:** The commenter expressed concern that the size of the local committee convened to conduct the district self assessment has the potential to become too large and therefore unworkable. **(6)**

**RESPONSE:** The department acknowledges the commenters concern. However, to ensure a comprehensive review of the district, the self assessment process should have broad representation. Moreover, the CSA shall have the flexibility to form smaller subcommittees.

**34. COMMENT:** The commenter expressed concern regarding the proposed code language at N.J.A.C. 6A:30-3.2(b) i that refers to “One or more representatives of the local collective bargaining unit of the educational staff...”. The commenter recommended that the word “representative” be replaced with the word “member” since the committee’s work would be far better served by persons who are true stakeholders in the school district. A union “representative” from outside the school community would not have the intimate knowledge of that school community, as would a staff member of the local bargaining unit. **(9)**

**RESPONSE:** The department acknowledges the commenter’s concern and has amended the provision as follows:

**N.J.A.C. 6A:30-3.2 District [self-assessment report] Performance Review**

(a) **As part of the three year comprehensive review, each** [Each] Chief School Administrator shall complete [an annual self-assessment report] **a District Performance Review, developed by the Department,** based on the weighted quality performance indicators [developed by the Department] **in all five areas of school district effectiveness.**

(b) In order to complete the [self-assessment report] **District Performance Review,** the Chief School Administrator shall take the following steps:

1. Convene a committee to assist in **[conducting a self-assessment report] completing the District Performance Review. The CSA shall determine the total number of people that will serve on the committee. The CSA shall appoint the following persons to the committee:** **[This committee shall include, but need not be limited to:]**

- i. Chief School Administrator;
- ii. One or more members of the administrative staff in the **public school** district;
- iii. **[A representative sample of teachers in the district] One or more teaching personnel, representative of different grade levels and/or schools in the public school ;**
- iv. Business administrator and assistant superintendent for curriculum and instruction, as well as other appropriate district level personnel as determined by the Chief School Administrator;
- v. **[One or more representatives of the local collective bargaining unit of the educational staff;]**  
**[vi.] One or more parents representing each municipality that the public school district serves; and**  
**[vii.] vi. One or more community representatives; [and]**  
**[viii. One or more members of the district board of education.]**

**In addition, the CSA shall include on the committee:**

- i. One or more member representatives of the local collective bargaining unit of the educational staff selected by the local collective bargaining unit; which may include the teaching personnel required under N.J.A.C. 6A:30-3.2(b)1iii; and**
- ii. One or more members of the district board of education selected by the district board of education.**

**In his/her discretion, the CSA may include other persons on the committee with the approval of the district board of education;**

2. Ensure that the process used by the committee in completing the **[self-assessment report] 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. **[Provide committee members with the opportunity to submit written comments and ensure that those comments are included as an addendum to the final self-assessment report that is submitted to the Department.]**  
**[5.] Ensure that the responses in the public school district's **[self-assessment report] District Performance Review** encompass and reflect the circumstances that exist in the district.**

[6.] **5.** Ensure that all responses to the [self-assessment report] **District Performance Review** can be verified by data and supporting documentation and provide this documentation to the Department upon request.

**35. COMMENT:** The commenter expressed concern regarding the inclusion of county or state union officials on the local committees. The commenter requested that the words “one or more representatives” be replaced with the words “one or more members,” since this will limit membership to those in the local collective bargaining unit. The commenter believes that those who know the school community, the local staff members, will better serve the DPR committee than “representatives” who may be from outside the community. While there is no language in the provision that requires the inclusion of county or state union officials, there is no language preventing it either. (9)

**RESPONSE:** The department acknowledges the commenter’s concern and will amend this provision as described in response to comment #34.

**36. COMMENT:** The commenter stated that criteria for the appointment of community representatives should be part of the regulations, and requests that the department review its expectation that “the CSA will select participants based on their knowledge and involvement with the school district.” The commenter expressed concern that CSAs may not follow this expectation and understands the department’s reluctance to include these criteria in code that the department alternatively consider that criteria for appointment of community representatives be submitted to and approved by the State Board of Education by resolution, similar to that for “highly skilled professionals”. (9)

**RESPONSE:** The department disagrees with the comment. The department expects that the CSAs will select participants based of their knowledge and involvement in the school district.

**37. COMMENT:** The commenter requested that the department amend the code language at N.J.A.C. 6A:30-3.2(b) to include the following language (underlined), in addition to the department’s amended code language as follows: “In his/her discretion, the CSA may include other persons on the committee **with the approval of the board of education for additional members.**” The additional language will put the authority for the decision with the district boards of education and would address the commenter’s deep concern about the efficacy of a particularly large committee, entrusted with the great responsibility of the District Performance Review Report. (9)

**RESPONSE:** The department acknowledges the commenter’s concern and will amend this provision as follows:

**N.J.A.C. 6A:30-3.2 District [self-assessment report] Performance Review**

(a) **As part of the three year comprehensive review, each** [Each] Chief School Administrator shall complete [an annual self-assessment report] **a District Performance Review, developed by the Department,** based on the weighted quality

performance indicators **[developed by the Department] in all five areas of school district effectiveness.**

(b) In order to complete the **[self-assessment report] District Performance Review**, the Chief School Administrator shall take the following steps:

1. Convene a committee to assist in **[conducting a self-assessment report] completing the District Performance Review. The CSA shall determine the total number of people that will serve on the committee. The CSA shall appoint the following persons to the committee:** [This committee shall include, but need not be limited to:]

i. Chief School Administrator;

ii. One or more members of the administrative staff in the **public school** district;

iii. **[A representative sample of teachers in the district] One or more teaching personnel, representative of different grade levels and/or schools in the public school ;**

iv. Business administrator and assistant superintendent for curriculum and instruction, as well as other appropriate district level personnel as determined by the Chief School Administrator;

v. **[One or more representatives of the local collective bargaining unit of the educational staff;]**

**[vi.] One or more parents representing each municipality that the public school district serves; and**

**[vii.] vi. One or more community representatives; [and]**

**[viii. One or more members of the district board of education.]**

**In addition, the CSA shall include on the committee:**

**i. One or member representatives of the local collective bargaining unit of the educational staff selected by the local collective bargaining unit; which may include the teaching personnel required under N.J.A.C. 6A:30-3.2(b)(1)(iii); and**

**ii. One or members of the district board of education selected by the district board of education.**

**In his/her discretion, the CSA may include other persons on the committee with the approval of the district board of education;**

2. Ensure that the process used by the committee in completing the **[self-assessment report] 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. **[Provide committee members with the opportunity to submit written comments and ensure that those comments are included as an addendum to the final self-assessment report that is submitted to the Department.]**

[5.] Ensure that the responses in the public school district's **[self-assessment report] District Performance Review** encompass and reflect the circumstances that exist in the district.

[6.] **5.** Ensure that all responses to the **[self-assessment report] District Performance Review** can be verified by data and supporting documentation and provide this documentation to the Department upon request.

**38. COMMENT:** The commenter requested that the department consider submitting the “Statement of Assurances” to the State Board of Education for review and adoption by resolution, similar to process through which the department will submit the criteria for the “highly skilled professional” set forth in revised proposal N.J.A.C. 6A:30-5.7. **(9)**

**RESPONSE:** A formal Statement of Assurances will not be developed. Instead, the department will add a statement to the DPR form, by which the CSA attests to the accuracy of the DPR responses to the best of his/her knowledge. The State Board of Education will approve the overall DPR document by resolution. In addition, the department proposes to amend the definition of “Statement of Assurance” as indicated in the response to comment #1.

**39. COMMENT:** The commenter suggested that the proposed regulations at N.J.A.C. 6A:30-3.2(c) be amended to reflect that technical assistance may be provided to school districts completing the District Performance Review on an as needed basis. **(8)**

**RESPONSE:** The department agrees with the comment and has amended the proposed code language as follows:

**N.J.A.C. 6A:30-3.2 District [self-assessment report] Performance Review**

(c) The County Superintendent shall provide technical assistance **as needed** to the Chief School Administrator and the committee utilized by the public school district to **[conduct the self-assessment process] complete the District Performance Review.**

**SUBCHAPTER 4**

**40. COMMENT:** The commenter recommended that the provisions at N.J.A.C. 6A:30 – 4.1 (b) be amended to eliminate the inclusion of an additional report of the district's performance under other applicable Federal and State laws in addition to the public school district profile. **(8)**

**RESPONSE:** The department agrees with this comment and has amended the proposed code language as follows:

**N.J.A.C. 6A:30-4.1 General Requirements**

(a) On or before January 30 of [each] the school year in which the public school district's three year comprehensive review occurs, the Commissioner shall issue a final determination of each public school district's performance and placement on the performance continuum, based on the [annual] three year comprehensive review. The Commissioner shall promptly notify public school districts of that determination and shall notify the State Board at its next public meeting.

(b) For each public school district, the Commissioner's determination regarding placement on the performance continuum shall be in the form of a district profile consisting of the reporting of the percentage of weighted quality performance indicators satisfied by the public school district in each of the five key components of school district effectiveness. [The profile shall also include a report of the district's performance under other applicable Federal and State laws.]

## SUBCHAPTER 5

**41. COMMENT:** The commenter recommended that proposed code language at N.J.A.C. 6A:30-5.1 (a) referencing continuous improvement in all areas of school district functioning be eliminated. (8)

**RESPONSE:** The department disagrees with this comment. The department believes it is important to emphasize that all districts must continually strive for improvement.

**42. COMMENT:** The commenter recommended language changes to the provisions at N.J.A.C. 6A:30-5.2 (a). Specifically, the commenter asked that school districts be "required to commence", not be "subject to" improvement activities, and that improvement activities "shall" not "may" include development and implementation of a district improvement plan. (8)

**RESPONSE:** The department agrees with the substance of the commenter's concern and proposes the following amended code language:

### **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.**

(a) [Districts] Public 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 [subject to] required to commence improvement activities as set forth at N.J.A.C. 6A:30-5.3 to -5.7. These improvement activities [may] shall include development and implementation of a NJOSAC 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. [Development and implementation of a NJQSAC district improvement plan, approved by the Commissioner, pursuant to N.J.A.C. 6A:30-5.4 to -5.6; and]

[3.] Receipt of technical assistance, [targeted assistance or both,] provided by Department staff or by one or more highly skilled professionals, pursuant to N.J.A.C. 6A:30-5.7.

**43. COMMENT:** The commenter recommended that the Commissioner, not the department, determine whether to conduct an in-depth evaluation of a public school district as specified in N.J.A.C. 6A:30-5.3, In Depth Evaluation. (8)

**RESPONSE:** The department agrees with the comment and has proposed amended code language that will also conform with S.2136 as follows:

### **N.J.A.C. 6A:30-5.3 In-Depth Evaluation**

(a) The [Department] **Commissioner** shall determine whether to conduct an in-depth evaluation of a public 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 [annual] **three year comprehensive** review;

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 [annual] **three year comprehensive** review.

In making this determination, the Commissioner shall consider:

i. Whether other evaluations of the district exist that address the areas of deficiency or limited capacity identified through this [annual] **three year comprehensive** review process, and that may 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 of deficiency or limited capacity identified through the [annual] **three year comprehensive** review process.

iii. Notwithstanding the provisions of N.J.A.C. 6A:30-5.3(a)(1) and (2), the Commissioner, in his/her discretion, may decide not to conduct an in-depth evaluation of a **public school** district where the Department conducted 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) [3.] The Commissioner will notify the **public school** district within 30 days of completion of the [annual] **three year comprehensive** review as to whether the Department will conduct an in-depth evaluation of the **public school** district.

**[(b)](c)** 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. 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 **[annual] three year comprehensive** review.

**[(c)] (d)** The evaluation **[review]** 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 or areas of limited capacity within the **public school** district identified by the **[annual] three year comprehensive** review as those components of school district effectiveness of which the district satisfied less than 80 percent of the weighted quality performance indicators.
2. Other deficiencies or areas of limited capacity in school district effectiveness related to those identified in N.J.A.C. 6A:30-5.3(c)(1);
3. Conditions in the community that may adversely affect the ability of students to learn.

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

**[(e)] (f)** 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 to discuss the scope of the review and the procedures to be followed.
2. **[An] On [on]-site [visit] visits** to the school district's central office, and, at the discretion of the evaluation team, on-site visits to one or more of the **public school** district's schools. The dates for such on-site visits shall be established by the team leader in advance, in consultation with the **[chief school administrator] Chief School Administrator** of the **public school** district.
3. A review of any documents or other written materials deemed relevant by the evaluation **[review]** team. The **[chief school administrator] Chief School Administrator** shall make such materials available to the evaluation team upon the team's request.
4. Interviews by the evaluation team with appropriate individuals as determined by the evaluation team, which may include members of the original team responsible for conducting the **public school** district's self-assessment, in order to obtain their perspectives regarding the circumstances that contributed to the areas of deficiency or limited capacity in the **public school** district and to receive input and suggestions.

5. A public meeting [~~shall be~~] arranged by the [~~chief school administrator~~] **Chief School Administrator**, whereby parents, school employees and community residents may meet with the evaluation [~~review~~] team to discuss **public school** district practices. The public meeting shall be duly advertised and [~~posted~~] **conducted** in accordance with N.J.S.A. 10:4-6 et seq.

**[6.] (g) The review of public school district practices conducted by the in-depth evaluation team shall be completed within 30 business days.**

[(~~f~~)](**h**) Within 45 days after conclusion of its review, the evaluation [~~review~~] 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 **NJOSAC** district improvement plan.

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

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

**44. COMMENT:** The commenter recommended that language be added to N.J.A.C. 6A:30-5.2 (a)3 to include the extent of the district's progress in identified areas of deficiency or limited capacity as one factor for the Commissioner to use in determining whether to conduct an in-depth evaluation. **(8)**

**RESPONSE:** The department disagrees with the comment. It will be difficult to discern the extent of the district's progress in identified areas of deficiency or limited capacity without having first conducted an objective evaluation.

**45. COMMENT:** The commenter recommended that language at N.J.A.C. 6A:30-5.2(c)2 be eliminated. Specifically, the commenter is unclear regarding the language which states that the evaluation include "other deficiencies or areas of limited capacity in school district effectiveness related to those identified in N.J.A.C. 6A:30-5.3 (c)1. **(8)**

**RESPONSE:** The department disagrees with the comment. The proposed language allows the evaluation team to explore areas related to or even possibly the cause of deficiencies initially identified through the DPR. This will enable the department to better ascertain what assistance to the district might be appropriate.

**46. COMMENT:** The commenter requested that the provisions at N.J.A.C. 6A:30-5.5, which state the Commissioner shall notify the district if it is determined that the district improvement plan requires revisions, include timelines. (8)

**RESPONSE:** The department agrees with the comment and has amended the proposed code language at N.J.A.C. 6A:30-5.5(d) (ii) as follows:

**N.J.A.C. 6A:30 5.5 Review and Approval Process for the NJQSAC District Improvement Plan**

(d) The Commissioner shall review the proposed NJQSAC district improvement plan and recommendation of Department staff within 30 days.

(i) Upon approval of the plan, the Commissioner shall provide 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.

(ii) If the Commissioner determines that the proposed NJQSAC district improvement plan needs revision, the Commissioner shall notify the public school district, and the public school district shall revise the plan in the manner and within the time specified by the Commissioner.

**47. COMMENT:** The commenter recommended that the provisions at N.J.A.C. 6A:30-5.6(b) (2)i be amended. Specifically, the commenter requested that the department replace “remains deficient” with “continues to need improvement.” (8)

**RESPONSE:** The department agrees with the comment and has amended the proposed code language as follows:

**N.J.A.C. 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 approval of the plan by the Commissioner.

(b) Every six months, [T]the Department shall review the progress of the public school district in implementing the NJQSAC district improvement plan [every six months]. As part of this review, the public school district shall submit a report of its progress in a format to be determined by the Department. Each six month review shall also include an on-site visit at which time the Department [staff] 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. Based on these six-month [assessments] reviews:

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 district as high performing;
  - ii. The six month **[assessments] reviews** of the **public school** district pursuant to this subchapter shall cease; and
  - iii. Payment for any technical **[and/or targeted]** 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:
  - i. The Commissioner shall issue a letter detailing the areas in which the district **[remains deficient] continues to need improvement;**
  - ii. The Commissioner shall ensure that the public school district continues to receive appropriate technical **[and/or targeted]** assistance, **if applicable;**
  - iii. The Commissioner shall continue to monitor the progress of the public school district.

**48. COMMENT:** The commenter stated that the department misunderstood its original comment submitted to the department and State Board of Education as reflected in comment # 41 in the Comment/Response Form from the May 3, 2006 State Board of Education meeting. The commenter asked that serious consideration be given to approaches to reconcile the conflict that exists between the NJQSAC requirements and the local school board's statutory obligation to negotiate over terms and conditions of employment. It is clear that NJQSAC improvement plans might require additional work loads, hours and responsibilities of employees within groups with which boards of education have collective bargaining agreements. Such requirements will absolutely trigger the reopening of negotiations of those agreements, and have the potential to significantly increase costs to school districts. Additional costs are particularly problematic in light of both the restrictions placed on boards of education by S-1701, and the continued flat funding of education. **(7,9)**

**RESPONSE:** The department acknowledges the commenters' concerns. The department will reexamine this issue after NJQSAC has been implemented, and it will consider appropriate amendments to the regulations if the problems foreseen by the commenters occur.

**49. COMMENT:** The commenter requested that the wording be changed to clarify that the department may provide technical assistance to districts in the proposed regulations at N.J.A.C. 6A:30-5.7(a). **(8)**

**RESPONSE:** The department agrees with this comment and has also added language describing how the assistance can be provided and to conform to language in S2136 as follows:

**N.J.A.C. 6A:30-5.7 Assistance Provided to Public School Districts Through the NJQSAC District Improvement Plan**

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

1. The type of assistance shall be delineated in the NJQSAC district improvement plan developed by the district in collaboration with the Department.

2. The Commissioner shall select and appoint appropriate Department personnel **[and/or highly skilled professionals]** to provide the assistance set forth in the NJQSAC district improvement plan, which may be coordinated and provided on a regional or State-wide basis.

**3. In consultation with the public school district, the Commissioner may select and appoint appropriate highly skilled professionals to provide the assistance set forth in the NJQSAC district improvement plan, which may be coordinated and provided on a regional or State-wide basis.**

**50. COMMENT:** The commenter stated that pursuant to N.J.A.C. 6A:30-5.6(b), if the Commissioner determines that that public school district satisfies 80 to 100 percent of the weighted quality performance indicators in each of the five components of school district effectiveness, “Payment for any technical and/or targeted assistance provided by highly skilled professionals shall become the sole responsibility of the public school district”. The commenter believes that great financial hardship to school districts will result unless the state meets its obligation to share the cost 50-50 of the “highly skilled professional” it requires. If the state requires an HSP, it should share in the cost. If the HSP is not required, but the school district independently determines to retain one, the school district should be responsible for the cost. **(9)**

**RESPONSE:** The state will assume 50 percent of the cost of a HSP only in instances where school districts satisfy less than 80 percent of the weighted Quality Performance Indicators in one or more components of district effectiveness, and technical assistance by an HSP is called for in the NJQSAC district improvement plan. HSPs are not required by the department when school districts are considered high performing because they satisfy 80 to 100 percent of the weighted quality indicators in each of the components of school district effectiveness. Therefore, if a high performing school district chooses to enlist the assistance of a HSP, those costs will not be shared with the State.

**51. COMMENT:** The commenter recommended that the department include in the proposed regulations the specific criteria to be used when selecting “highly skilled professionals”. **(8)**

**RESPONSE:** The department disagrees with the commenter. The department will develop criteria that will be adopted by the State Board of Education through resolution.

**52. COMMENT:** The commenter suggested that the term “compensation” replace the term “cost of the salaries” when referring to Highly Skilled Professionals in the regulations at N.J.A.C. 6A:30-5.7 (b) (3). **(8)**

**RESPONSE:** The department agrees with the comment and is amending and also proposing grammatical changes as follows:

**N.J.A.C. 6A:30-5.7 Assistance Provided to Public School Districts Through the NJQSAC District Improvement Plan**

(b) The Commissioner shall develop criteria to determine the eligibility of persons, not **currently** employed by the Department, to be designated as “highly skilled professionals” and to perform specific functions in public school districts. **The criteria proposed by the Department for determining the eligibility of persons to serve as highly skilled professionals shall be submitted to and approved by the State Board by resolution and all subsequent proposed changes to the criteria shall likewise be submitted to the State Board for approval by resolution.**

1. Highly skilled professionals may be assigned to **public school** districts by the Commissioner to perform designated functions, including but not limited to:
  - i. **[Participation] Participating** as a member of the in-depth evaluation team pursuant to N.J.A.C. 6A:30-5.3;
  - ii. **[Providing assistance to school districts toward the development of the NJQSAC district improvement plan;]**
  - [iii] ii.** Providing technical **[or targeted]** assistance as delineated in the NJQSAC district improvement plan approved by the Commissioner;
  - [iv.] iii.** Providing direct oversight of **public school** district functions during a period of partial or full State intervention pursuant to N.J.A.C. 6A:30-6.1 et seq.; and
  - [v.] iv. Participating [Participation]** as a member of the team formed to evaluate public school districts that were designated as State operated, Level II or Level III pursuant to N.J.A.C. 6A:30-8-1 et seq.
2. The Commissioner shall not appoint highly skilled professionals to a public school district in a capacity that would require the individual to serve in more than one role in a public school district or that would otherwise create a conflict of interest within the **public school** district.
3. The **[cost of the salaries] compensation** of highly skilled professionals appointed by the Commissioner pursuant to this subchapter shall be a shared expense of the public school district and the Department, with each assuming one-half of the costs **[of these salaries]**.

**SUBCHAPTER 6**

**53. COMMENT:** The commenter stated that draft regulations mandate that certain factors be present in order for intervention to occur. The commenter recommends giving the Commissioner discretion to consider any particular factor and requested that N.J.A.C. 6A:30-6.2 be revised accordingly. **(8)**

**RESPONSE:** The department believes that the current language gives the Commissioner sufficient discretion to determine when to seek partial intervention in a school district and disagrees that any change to the code language is necessary.

**54. COMMENT:** The commenter stated that the law is inconsistent regarding the procedure for initiating State intervention, referring in multiple places both to the Commissioner and to the State Board of Education issuing orders to show cause why the State should not intervene, and of intervention. The commenter also stated that the proposed regulations appear to emphasize the Commissioner’s power to issue such orders. The commenter recommended that since the State Board of Education is the entity that orders a district into intervention, the Commissioner should recommend entry of an order and that the State Board of Education will issue the order. Furthermore, the commenter suggested that the Department pursue statutory amendments to this section. **(8)**

**RESPONSE:** The department disagrees with the commenter and believes that the proposed code language is consistent with the statute and the proposed legislative amendments.

**55. COMMENT:** The commenter recommended that the department add specific language to N.J.A.C. 6A:30-6.3 (e) which states that the State Board of Education may place the public school district under partial intervention. **(8)**

**RESPONSE:** The department agrees with the comment and has amended the proposed code language as follows:

**N.J.A.C. 6A:30-6.3 Procedure for Initiating Partial State Intervention**

(e) **The State Board may place the public school district under partial intervention.** The decision by the State **[b]**Board shall be considered final and may be appealed to the Superior Court, Appellate Division.

**56. COMMENT:** The commenter recommended the elimination of language requiring that one of the factors set forth in N.J.A.C. 6A:30-6.2 (b) must be present in order for the Commissioner to recommend full State intervention. **(8)**

**RESPONSE:** The department believes that the current language gives the Commissioner sufficient discretion to determine when to seek full intervention in a school district and disagrees that any change to the code language is necessary.

**57. COMMENT:** The commenter suggested grammatical changes referencing to appointed board members in school districts under partial or full State intervention and suggested that the appointed members of a district board under partial and full State intervention have other “obligations” in addition to the other rights, powers and privileges of board members. **(8)**

**RESPONSE:** The department agrees with the commenter and has amended the proposed code language as follows:

**N.J.A.C. 6A:30-6.5 Structure of the District Board of Education Under Partial State Intervention**

(c) **The appointed district board** [Board] members [appointed by the Commissioner] shall be non-voting members of the board and shall have all other rights, **obligations,** powers and privileges of board members.

1. Six months following the initial order for partial State intervention, the Commissioner shall determine whether or not the **appointed district** board members [s/he has appointed] shall become voting members of the district board of education.
2. If the Commissioner determines that the **appointed** district board members [s/he has appointed] shall become voting members, the district board of education shall have 30 days to appeal that determination to the State Board of Education.

(d) **The appointed district board** [Board] members [appointed by the Commissioner] shall report to the Commissioner on the activities of the board of education and shall provide assistance to the board of education on such matters as deemed appropriate by the Commissioner, including but not limited to the applicable laws and regulations governing specific school board action.

(e) [District board] **The appointed district board** members appointed by the Commissioner 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 term.
2. Any vacancy in the membership appointed by the Commissioner shall be filled in the same manner as the original appointment.

**N.J.A.C. 6A:30-6.8 Operations of the District Board of Education Under Full State Control**

(f) **The appointed district board** [Board] members [appointed by the Commissioner] shall be non-voting members of the **district** board and shall have all the other rights, **obligations,** powers and privileges of board members.

1. Six months following the initial order for full State intervention, the Commissioner shall determine whether or not the **appointed district** board members [s/he has appointed] shall become voting members of the district board of education. If the members appointed by the Commissioner become voting members of the board, they shall have the same rights and privileges with respect to voting as other members of the board.

2. If the Commissioner determines that the **appointed** district board members [s/he has appointed] shall become voting members, the district board of education shall have 30 days to appeal that determination to the State Board of Education.

(g) **The appointed district board [Board]** members [appointed by the Commissioner] shall report to the Commissioner on the activities of the board of education and shall provide assistance to the board of education on such matters as deemed appropriate by the Commissioner, including but not limited to the applicable laws and regulations governing specific school board action.

(h) **The appointed district [District]** board members [appointed by the Commissioner] 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 term.
2. Any vacancy in the membership appointed by the Commissioner shall be filled in the same manner as the original appointment.

**58. COMMENT:** The commenter recommended that the department specify that the State Board may place the district under full State intervention in the proposed regulations at N.J.A.C. 6A:30-6.6(e). **(8)**

**RESPONSE:** The department agrees with the comment and will amend the proposed code language as follows:

**N.J.A.C. 6A:30-6.6 Procedure for Initiating Full State Intervention**

(e) **The State Board may place the public school district under full State intervention.** The decision by the State [b]Board shall be considered final and may be appealed to the Superior Court, Appellate Division.

**59. COMMENT:** The commenter believes that it is necessary for the department to have statutory authority to consider provisions that prohibit negotiations over the impact of personnel decisions necessary in school districts in partial/full state intervention, as well as the NJQSAC district improvement plan as delineated in N.J.A.C. 6A:30-6.7. **(9)**

**RESPONSE:** The department acknowledges the commenter's concerns but respectfully declines to pursue this at this time. The department will reexamine this issue after NJQSAC is implemented, and will consider pursuing appropriate statutory or regulatory amendments if the problems foreseen by the commenter occur.

**60. COMMENT:** The commenter requested that the proposed regulations at N.J.A.C 6A:30-6.8(i) be amended to include the public when the district board reports on the school district's progress towards implementing the improvement plan. **(8)**

**RESPONSE:** The department agrees with the comment and has amended the proposed code language as follows:

**N.J.A.C. 6A:30-6.8 Operations of the District Board of Education Under Full State Intervention.**

(i) The **district** board of education shall assess the 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 report shall be forwarded to the Commissioner and the State Board.

**SUBCHAPTER 7**

**61. COMMENT:** The commenter opposed the provisions at N.J.A.C. 6A:30-7.1, Factors for Initiating Return to Local Control, which require public school districts to satisfy 80-100 percent of the weighted quality performance indicators in order to be considered for a full or partial withdrawal from intervention. The commenter suggested that public school districts satisfy at least 50 percent of the weighted quality performance indicators instead of 80-100 percent. (8)

**RESPONSE:** The department disagrees with the comment. The department believes that satisfying 80 percent of the weighted quality indicators demonstrates sufficient progress to justify withdrawal from State intervention.

**62. COMMENT:** The commenter stated that the Department created a transition period that is designed to ease districts out of intervention into local control. The commenter stated that requiring a formal transition period and plan adds unnecessary bureaucracy. The commenter recommended that if a school district satisfies the performance criteria in any or all of the five areas of effectiveness, then local control should be restored in those areas where the criteria are satisfied, without a transition period. (8)

**RESPONSE:** The department disagrees. The department believes that a transition plan will ensure a more orderly and efficient transition and reestablishment of local control.

**63. COMMENT:** The commenter recommended that proposed regulations at N.J.A.C. 6A:30-7.2 be amended to include language that would direct the Commissioner to issue a letter to a public school district designating the public school district as “high or moderate performing” once approval is granted to withdraw from partial- or full- State intervention. (8)

**RESPONSE:** The department disagrees that an amendment to N.J.A.C. 6A:30-7.2 is necessary. Districts subject to the provisions of this chapter will receive a letter as part of the overall evaluation process where appropriate. Furthermore, the term “moderate

performing” has been deleted from proposed code language to conform to the proposed amendments outlined in S.2136.

**64. COMMENT:** The commenter recommended that the department include provisions to address the following: the appeals process; the special election to determine public school district classification; and continuing employment of the superintendent. **(8)**

**RESPONSE:** The department believes that there is no need to clarify the appeals process, as that is set forth in the statute. The remaining issues raised by the commenter are addressed through proposed amendments to N.J.A.C. 6A:30-7.3(a)2 and N.J.A.C. 6A:30-7.5(b) and (c) as follows:

**N.J.A.C. 6A:30-7.3(a)**

(a) The transition plan shall address, but need not be limited, to the following:

1. No change
2. Provisions regarding the continued employment status of the State district superintendent **[and/or other persons(s)]** appointed **[by the Commissioner]** during the period of intervention, **provided, however, that the State district superintendent shall continue to hold that 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;**

**N.J.A.C. 6A:30-7.5(b) and (c)**

(b) Despite the continuation of this board of education as an advisory board, the State Board of Education, upon the recommendation of the Commissioner, may return some voting functions to the district board as part of and in furtherance of the process of transition to local control **of the governance component of school district effectiveness.**

**(c) Not more than one year following the return of the component of governance to local control, the district board shall call a special election for purposes of placing the question of classification status before the voters of the public school district, which election shall be conducted in accordance with the provisions of Title 19 of the Revised Statutes concerning school elections.**

## **SUBCHAPTER 8**

**65. COMMENT:** The statute requires that State-operated school districts, Level I and Level II school districts be evaluated within 45 days of the promulgation of regulations, with the Commissioner recommending placement on the continuum within an additional 15 days. The commenter believes that these time periods are extremely tight and requested that the department seek statutory amendments. **(8)**

**RESPONSE:** The department agrees and notes that these concerns would be addressed by the proposed legislative amendments. The department proposes amending N.J.A.C. 6A:30-8.3(a) through (f) to conform to S. 2136 as follows:

**N.J.A.C. 6A:30-8.3 Public School Districts Certified as Level II, Level III and State Operated Public School Districts**

(a) **[Within 45 days of the effective date of this chapter,] Within the time periods provided at N.J.S.A. 18A-7A-53(b),** the Commissioner shall conduct an evaluation of public school districts designated pursuant to P.L. 1996 c.138 as Level I, Level II and State-operated.

(b) The Commissioner shall convene an evaluation team consisting **at a minimum** of highly skilled professionals to conduct the evaluation of Level II, Level III and State-operated districts. At the discretion of the Commissioner, the evaluation team may also include Department personnel **[., public school district representatives and other The evaluation team shall include]** individuals with expertise in the areas of curriculum and instruction, fiscal management, district operations, human resources and organizational dynamics and governance. The Commissioner shall designate a team leader to **[ensure the coordination of] coordinate** the evaluation and completion of the final report.

(c) The evaluation team shall assess **public school** district performance and capacity in each of the five key components of school district effectiveness, as measured by the weighted quality performance indicators.

(d) The 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] Chief School Administrator** to discuss the scope of the review and the procedures to be followed;
2. **[An on]On-site visits** to the **public** school district's central office, and, in 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 by the team leader in advance, in consultation with the **[chief school administrator] Chief School Administrator** of the district;
3. A review of any documents or other written materials deemed relevant by the evaluation team. The **[chief school administrator] Chief School Administrator** shall make such materials available to the evaluation team upon the team's request;
4. Interviews by the evaluation team with appropriate **public school** district staff and their collective bargaining representatives in order to obtain their perspectives regarding the performance of the **public school** district;
5. A public meeting arranged by the **[chief school administrator] Chief School Administrator**, whereby parents, school employees and community residents may meet with the evaluation team to discuss **public school** district practices. The public

meeting shall be duly advertised and **[posted] conducted** in accordance with N.J.S.A. 10:4-6 et. seq.

(e) Within **[ten days after conclusion of its review] the time period allotted for the evaluation pursuant to N.J.S.A. 18A:7A-53(b)**, the evaluation team shall submit a report to the Commissioner. The report shall make recommended findings and conclusions with respect to the **public school** district's performance in each of the five key components of school district effectiveness.

(f) Within **[five days of his/her receipt of the evaluation team's draft report] the time period allotted pursuant to N.J.S.A. 18A:7A-53(b)**, the Commissioner shall review the findings, conclusions and recommendations of the evaluation team and shall produce a final report containing his/her determination with respect to the **public school** district's placement on the performance continuum. That report shall be provided to the **public school** district's **[chief school administrator] Chief School Administrator** and board of education.

## **AGENCY INITIATED CHANGES**

### **General Provisions**

1. The department proposes to replace the term "Annual review" at proposal level with "Three-year comprehensive review" throughout the proposed regulations to conform to S.2136.
2. The department proposes to replace the term "district" or "school district" with "public school district" throughout the proposed regulations.
3. The department proposes to replace the term "chief school administrator" at proposal level with "Chief School Administrator" throughout the proposed regulations.
4. The department proposes to replace the term "District Improvement Plan" at proposal level with "NJQSAC District Improvement Plan" throughout the proposed regulations.
5. The department proposes to replace the term "self-assessment" at proposal level with "District Performance Review" throughout the proposed regulations.
6. The department proposes to replace the term "State board" at proposal level with "State Board" throughout the proposed regulations.
7. The department proposes to recodify provisions when deletions or additions are proposed throughout the proposed regulations.

## SUBCHAPTER 1

8. The department proposes to make numerous stylistic and grammatical changes to the proposed code language including the following: “public school district” will replace “district”; “district board” will replace “board”; “Chief School Administrator” will replace “chief school administrator throughout the chapter.
9. The department proposes to amend at proposal level the provision at N.J.A.C. 6A:30-1.1(b), regarding mandates the evaluation and monitoring schedule, to conform with the bill (S.2136) which replaces the annual review with a three-year review.

(b) This chapter sets forth the steps the Department will undertake to implement N.J.S.A. 18A:7A-3 et seq., which include **[an annual] a three year** evaluation process, placement of the **public school** district on a performance continuum, improvement and intervention activities and the periodic monitoring of progress.

10. The department proposes to delete at proposal level the previously proposed definition to “Annual review” to conform to S. 2136 which proposes to amend the annual review with a three-year comprehensive review.

**["Annual review" refers to the yearly evaluation process conducted by the Department to determine each public school district's performance. The annual review shall be based on the annual self-assessment reports provided by school districts, and the verification of the self-assessment reports and consideration of other relevant data and information by Department staff.]**

11. The department proposes to delete at proposal level “review” from the term “Evaluation review team” to conform for clarity and consistency.

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

12. The department proposes to amend the definition of “Highly skilled professional” to conform to the language used in S.2136.

“Highly Skilled Professional” or “HSP” means a designee of the Commissioner who has [relevant] skills and expertise based on education and/or experience **that is relevant to [in]** one or more of the five key components of school district effectiveness. HSPs will be so designated based on criteria to be determined by the Commissioner. Among other functions, HSPs may assist the Department in evaluating **public school** district performance, **[assist the districts in developing district improvement plans pursuant to this chapter] 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 **[annual] three year comprehensive** review, pursuant to the procedures set forth in this chapter.

13. The department proposes to amend the definition of “In-depth evaluation” to conform to the language used in S.2136.

“In-depth evaluation” means a process that may be authorized by the Commissioner 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 **[annual] three year comprehensive** review. In-depth evaluations shall be conducted by a team of individuals which may include Department employees and/or highly skilled professionals.

14. The department proposes to amend the definition of “NJQSAC district improvement plan” to conform to the language used in S.2136.

“NJQSAC 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, and that addresses critical areas of need identified through the **[annual] three year comprehensive** review.

15. The department proposes to delete the term “Targeted assistance” to conform to the language used in S.2136.

**[“Targeted assistance” means the assistance provided to a public school district in a specific area to support the teaching and learning process and overall school district effectiveness. Targeted assistance may be provided by Department personnel or other designees of the Commissioner.]**

16. The department proposes to amend the term “Technical assistance” to conform to the language used in S. 2136.

“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.

17. The department proposes to add and define the term “Three year comprehensive review” to conform to the language used in S. 2136.

**“Three year comprehensive review” refers to the evaluation process conducted by the Department of each public school district every three years to measure each public school district’s performance. The three year comprehensive review shall be based on the District Performance Review completed by school districts, and the verification of**

**the District Performance Reviews and consideration of other relevant data and information by Department staff.**

**SUBCHAPTER 2**

18. The department proposes to amend proposed code language at N.J.A.C. 6A:30-2.2(b) to ensure an opportunity for public input is made available during the development and subsequent revisions of the quality performance indicators based on prior comments and upon further consideration. The department believes that this change will ensure full public input regarding the quality performance indicators. The department proposes the following language:

(b) The initial quality performance indicators proposed by the Department shall be submitted to and approved by the State **[b]Board** by resolution and all subsequent proposed changes to the performance indicators shall likewise be submitted to the State **[b]Board** for approval by resolution. **The State Board shall ensure that the public has an opportunity to comment on the initial quality performance indicators and any changes thereto prior to their approval by resolution.**

**SUBCHAPTER 3**

19. The department proposes amendments to the provisions at N.J.A.C. 6A:30-3.2(f) regarding the review and approval of the District Performance review and at N.J.A.C. 6A:30-3.2 (g) to clarify the inclusion of a Statement of Assurance in the District Performance Review.

(f) The **[self-assessment report] District Performance Review** and the statement of assurance shall be approved by the district board of education by resolution. **The District Performance Review, statement of assurance and the minutes of all district board of education meetings at which the District Performance Review was discussed shall [and] be submitted to the appropriate County Superintendent's office by November 15 of [each] that year. In the event that the district board of education does not approve the District Performance Review as submitted by the CSA, the district board of education may require that the CSA and the committee reevaluate and/or revise the responses on the District Performance Review. Under such circumstances, the district board of education may request that the Department grant a reasonable extension of time for submission of the District Performance Review.**

(g) Failure by a **public school** district to conduct or submit a **[completed self-assessment report] District Performance Review including [and]** a statement of assurance approved by the **[local] district** board of education in accordance with the requirements set forth at N.J.A.C 6A:30-3.2 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

20. The department proposes amendments to the provisions at N.J.A.C. 6A:30-3.3(a) to clarify the District Performance review and verification process.

**N.J.A.C. 6A:30-3.3 Review and Evaluation of [Public School Districts' Self-Assessment Reports] District Performance Reviews**

(a) Upon receipt of a public school district's [self-assessment report] District Performance Review and statement of assurance, the County Superintendent shall confirm the receipt of the documents and conduct a review, which shall include:.]

**[(b) The initial review conducted by the County Superintendent shall include:]**

1. Reviewing the [self-assessment report] District Performance Review and Statement of Assurance for completeness;
2. Confirming the use of a committee, composed of representatives as required by N.J.A.C. 6A:30-3.2(b)1, to complete the [self-assessment report] District Performance Review as demonstrated by the Statement of Assurance; and
3. Verifying the responses of the [self-assessment report] District Performance Review using relevant data, reports, facts audit results, documents and/or other information. In connection with the review of the [self-assessment report] District Performance Review, the County Superintendent's staff may require that the public school district submit documentation substantiating its responses or other information.

**[(c)](b)** Upon completion of the initial review, the County Superintendent shall notify the Chief School Administrator of any areas of the [self-assessment report] District Performance Review that require 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; and/or
2. Initiate one or more on-site visits to district facilities.

**[(d)](c)** Appropriate County Superintendent staff shall compile and analyze the results of each public school district's [self-assessment report, desk audit,] District Performance Review and any additional review conducted by Department staff and shall develop 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. The Commissioner shall review this recommendation as well as any other data, facts, reports, audit results, documents and/or [documents] other information that may inform a well-reasoned final decision in determining the public school district's placement on the performance continuum.

**SUBCHAPTER 4**

21. The department proposes to add the provisions at N.J.A.C. 6A:30-4.1 (c) in response to feedback regarding school districts' need to demonstrate that they have valid certification to operate.

(c) At the time of issuing his/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 three year comprehensive review set forth at N.J.A.C. 6A:30-3.1 et seq. 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.

## SUBCHAPTER 5

22. The department proposes to amend the provisions at N.J.A.C. 6A:30-5.4(c) for clarification and to conform to the proposed amendments in S2136 regarding the content of the NJQSC district improvement plan.

(c) A NJQSAC district improvement plan shall consist of district-wide goals[,]  
**and measurable** objectives [**and measurable targets**] that describe the structural, policy, programmatic or organizational changes to be implemented. It shall identify the individual(s) responsible for addressing each area and shall specify timelines for 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 [**annual review**] **three year comprehensive review**; and
3. Identification of the assistance required to implement improvement strategies **with budgetary considerations identified**.

23. The department proposes to amend the provisions at N.J.A.C. 6A:30-5.4(e) to clarify the appropriate term (“member representative”) and to conform to the proposed amendments in S.2136.

(e) The NJQSAC district improvement plan shall be developed by an in-district team established by the Chief School Administrator. 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 district, instructional staff, **member** representatives of the local collective bargaining unit of the educational staff, parents, and community members. [**The in-district team may also include one or more highly skilled professionals, as determined by the Commissioner.**]

24. The department proposes to amend the provisions at N.J.A.C. 6A:30-5.4(g) to conform to the proposed amendments in S.2136 related to assistance available to public school districts.

(g) The Department, in collaboration with the **public school** district, shall determine the type of technical **[and/or targeted]** assistance to be provided to the **public school** district through the NJQSAC district improvement plan.

25. The department proposes to amend the provision at N.J.A.C. 6A:30-5.5(c) for grammatical and clarification purposes and to clarify components of the NJQSAC district improvement plan to conform to the proposed amendments in S.2136.

(c) The Department staff shall review the **proposed** NJQSAC district improvement plan to ensure **that** it addresses all areas identified in the **[annual] three year comprehensive** review and the in-depth evaluation, if applicable. The Department **[staff's review of the NJQSAC district improvement plan]** 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 of deficiency. The Department staff shall make a recommendation to the Commissioner **proposing revisions to or approval of the proposed plan. [with respect to proposed revisions of the plan or approval.]**

## SUBCHAPTER 6

26. The department proposes to amend the provision at N.J.A.C. 6A:30-6.1(b) and (c) to conform to the proposed amendments in S.2136 related to the appointment of a State district superintendent.

(b) Under partial State intervention, the Department will intervene in one or more **[components of school district effectiveness] areas of public school district functioning.** Partial State intervention may include:

1. Appointment by the **[Commissioner] State Board, upon the recommendation of the Commissioner** of a **[State]** district superintendent if the position is vacant;
2. Appointment **[by the Commissioner] 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 board of education.

(c) Under full State intervention, the Department will intervene in each of the five areas of school district functioning. Full State intervention may include:

1. Appointment by the **State Board, upon recommendation of the Commissioner,** of a State district superintendent **[or other person]** to direct the administrative functions of the **public school** district;

2. Appointment **[by the Commissioner] 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 board of education.

27. The department proposes to amend provisions at N.J.A.C. 6A:30-6.2 to clarify State intervention and to conform to proposed amendments in S.2136.

### **N.J.A.C. 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 the public school district satisfies less than 50 percent of the weighted quality performance indicators in four or fewer of the five components of school district effectiveness, and one of the following factors is present:

1. The public school district has failed to submit its **[annual self-assessment report] District Performance Review** and Statement of Assurance and/or failed to provide other documentation in connection with the **[annual] three year 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~~], despite the provision of assistance coordinated by the Department,~~ 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~~], despite the provision of assistance coordinated by the Department,~~ to implement the NJQSAC 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 **[distinct] district** will provide a thorough and efficient education to the students in the 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 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 school district satisfies less than 50 percent of the weighted quality performance indicators in each of the five components of school district effectiveness and one of the following factors is present:

1. The public school district has failed to submit its **[annual self-assessment report] District Performance Review** and Statement of Assurance and/or failed to provide other documentation in connection with the **[annual] three year 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 [, **despite the provision of assistance coordinated by the Department,**] 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[, **despite the provision of assistance coordinated by the Department,**] to implement the NJQSAC 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 [**distinct**] **district** will provide a thorough and efficient education to the students in the 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 unwillingness or inability on the part of the **public school** district to develop such local capacity without State intervention.

28. The department proposes to amend provisions at N.J.A.C. 6A:30-6.4(a)1 and 2 regarding the content of the Partial State Intervention Plan to conform to proposed amendments in S2136.

#### **N.J.A.C. 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 address, but need not be limited to, the following:

1. Whether the State Board, upon the recommendation of the Commissioner, will appoint a district superintendent in the event that 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/her salary shall be an expense of the **public** school district.
2. Whether [**the Commissioner intends to appoint**] highly skilled professionals **will be appointed pursuant to N.J.S.A. 18A:7A-14** to provide **direct** oversight [**and/or control**] in the public school district. If so, the intervention plan will state the key components in which the highly skilled professionals will have authority, and will set forth in detail the powers, authority and duties of such individuals. [**The plan will describe the scope and extent of authority of each highly skilled professional appointed with respect to the hiring, firing, promotion and retention of school district personnel, the authority to expend funds and to obligate the school district financially and the authority to make changes within the district.**] The plan shall also establish a decision-making hierarchy in the event that conflicts arise between persons appointed by the Commissioner and **public** school district personnel. The plan shall state [**how**] **that** the costs of the highly skilled professional(s) will be **divided equally** [**allocated**] between the State and the **public school** district; and

29. The department proposes to amend the provisions at N.J.A.C. 6A:30-6.5(a)1 through 3 to clarify the response to comment # 47 of the May 3, 2006 State Board Meeting Comment/Response Form in which commenters requested regulatory language specifying that district board members appointed in public school districts under State intervention be registered voters in the State of New Jersey. The department also proposes language clarifying the selection of appointed district board members from regional school districts.

1. The Commissioner shall appoint at least one of these additional members from a list of three candidates provided by the local governing body of the municipality in which the school district is located. **If the public school district is [In the event of] a regional school district, one of these additional members shall be selected by the Commissioner from a list containing three candidates from each constituent municipality [encompassed by the school district] provided by the governing bodies of the respective municipalities. If the public school district is a county vocational-technical school district or a special services district, the list of 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.

3. The appointed district board members shall meet all the requirements of N.J.S.A. 18A:12-1 et seq., **and must 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.

30. The department proposes to amend provisions at N.J.A.C. 6A:30-6.7(a) regarding the content of the Full State Intervention Plan to conform to proposed amendments in S.2136.

#### **N.J.A.C. 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 address but need not be limited to the following elements:

1. Whether the State Board, **upon 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/her salary shall be an expense of the **public** school district.

ii. The intervention plan shall also provide that if the State Board chooses to appoint the existing district superintendent, then he or she must agree to termination of his/her existing contract with the **public** school district.

2. Whether **[the Commissioner intends to appoint]** highly skilled professionals **will be appointed pursuant to N.J.S.A. 18A:7A-15** **[or other persons]** 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 **[or other persons]** will oversee, and will set forth in detail the powers, authority and duties of such individuals.
  - ii. **[The plan will describe the scope of authority of each person so appointed with respect to the hiring, firing, promotion and retention of school district personnel, the authority to expend funds and to obligate the school district financially and the authority to make changes within the district.]**
  - [iii.] ii.** The plan shall also establish a decision-making hierarchy in the event that conflicts arise between persons appointed by the Commissioner and **public** school district personnel.
  - [iv.] iii.** The plan shall state **[how]** **that** the costs of the highly skilled professional(s) **[or other persons]** will be **[allocated]** **divided equally** between the State and the **public school** district.
3. **[Allocation of duties, responsibilities, and authority between a State district superintendent and other persons designated by the Commissioner to exercise control over the functions of the district. The plan will delineate which person shall have the following functions and duties:**
  - i. Make, amend and repeal district rules, policies and guidelines, not inconsistent with law for the proper conduct, maintenance and supervision of the schools in the district;
  - ii. Ensure that the district is in compliance with all Federal and State laws, rules and regulations relating to equal employment opportunities, affirmative action and minority business opportunities;
  - iii. Enforce the rules of the State board;
  - iv. Perform all acts and do all things, consistent with law and the rules of the State board, necessary for the lawful and proper conduct, equipment and maintenance of the public schools of the district;
  - v. Sue in the district's corporate name and likewise submit to arbitration and determination disputes and controversies in the manner provided by law;
  - vi. Cause a report of the condition of the public schools and the public school property and an itemized account of the condition of the finances of the district to be printed and published as soon as practicable after the close of each school year;
  - vii. Cause an exact census to be taken annually of all children residing in the district between the ages of five and 18 years, and appoint, for the purpose of taking that census, as many suitable persons as may be necessary to act as enumerators and fix their compensation, which compensation shall be paid as a current expense;
  - viii. Authorize all warrants for claims or expenditures approvable by a district board of education or any action required of a district board of education pursuant to Chapter 19 of Title 18A of the New Jersey Statutes;

- ix. Exercise authority for the implementation of any provision of N.J.S.A 18A-20 relative to the acquisition and disposition of property which requires action by a district board of education;
  - x. Exercise authority vested in boards of education by Chapter 21 of Title 18A of the New Jersey Statutes;
  - xi. Render determinations that may be required of a district board of education pursuant to Chapter 18A of Title 18A of the New Jersey Statutes;
  - xii. Appoint, transfer and remove clerks, pursuant to the provisions of Title 11A of the New Jersey Statutes and the provisions of N.J.S.A. 18A:17-1 et seq.;
  - xiii Subject to the approval of the Commissioner, appoint and set the salaries of such State assistant superintendents and assign to them their duties and responsibilities. The plan shall provide that no State assistant superintendent shall acquire tenure, notwithstanding any other provision of law;
  - xiv. Subject to the approval of the Commissioner or his/her designee, make all personnel determinations relative to employment, transfer and removal of all officers and employees, professional and nonprofessional, except that the services of the district auditor or auditors and attorney or attorneys shall be immediately terminated;
  - xv. Delegate to subordinate officers or employees in the district any of his/her powers and duties as s/he may deem desirable to be exercised under his/her supervision and direction;
  - xvi. Prepare, within 180 days of establishing a public school district under full state intervention, a reorganization of the district's central administrative and supervisory staff and evaluate all individuals employed in central administrative and supervisory staff positions;
  - xvii. Dismiss any tenured building principal or vice-principal for inefficiency, incapacity, unbecoming conduct or other just cause as defined by the criteria for principal or vice-principal performance and pursuant to applicable law;
  - xviii. Develop a budget for the district, submit it to the district board, and comply with the procedures set forth at N.J.S.A. 18A:7A-50, -51 and -52; and
  - xix. Any other functions, powers and duties that the Commissioner deems necessary for the proper conduct, maintenance and supervision of the schools in the district.
4. Whether the Commissioner will establish an internal audit team to monitor the business functions of the district.
- i. If such a team is established, the plan shall set forth the composition of the team, the scope of the team's duties and responsibilities and shall provide that the team shall report its findings to the Commissioner and any district personnel deemed appropriate by the Commissioner.
  - ii. The cost of providing this internal audit shall be borne by the State.
5. Designate the person with authority to make personnel decisions regarding officers, employees and consultants, professional and nonprofessional, certified and non-certified personnel.

- i. The plan may establish criteria for such personnel decisions.**
- ii. The plan shall provide that any person serving under tenure or permanent civil service status shall retain all tenure rights and may continue to serve in the district.**
- iii. The plan shall delineate the duties such persons can perform and for which they may be appropriately certified. ]**

**[6.]** Whether the positions of the public school district’s Chief School Administrator and those executive administrators responsible for curriculum, business and finance, and personnel will be abolished. If those positions are abolished, the provisions of N.J.S.A. 18A:7A-44(a) with respect to notice, salary, tenure rights, etc., shall apply.

**[7. Whether the positions of the central administrative and supervisory staff, instructional and non-instructional will be abolished. If those positions are abolished, the provisions of N.J.S.A. 18A:7A-44(c) with respect to notice, salary, tenure rights, etc., shall apply.**

**8. Whether an assessment unit will be created for the evaluation of principals and vice-principals.**

- i. If such an assessment unit will be created, the plan shall designate the person authorized to establish it.**
- ii. Evaluations by the assessment unit shall be conducted in accordance with criteria promulgated by the Commissioner and pursuant to N.J.S.A. 18A:7A-45(b).**
- iii. If an assessment unit is not created pursuant to this subsection, the plan shall designate the person responsible for evaluating principals and vice-principals in the district.**
- iv. The plan shall designate the person authorized to dismiss tenured building principals or vice-principals pursuant to N.J.S.A. 18A:7A-45(c) and the person to act as the board of education with respect to the procedures set forth in N.J.S.A 18A:6-10, 11, 13, 14, 16 and 17.]**

**[9.] 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.

- [i. If a Capital Project Control Board is established, the plan shall designate a person to handle all matters relating to the board, including serving as chairperson of the board pursuant to N.J.S.A. 18A:7A-46.1 et seq.**
- ii.] 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.**

**[10.] 5.** Whether the Commissioner intends to exercise his/her authority to appoint, with the State [b]Board’s approval, up to three additional members to the board of education of the public school district.

- [i. The plan shall designate either the State district superintendent or other person to meet with the board, determine the board agenda, report to the board on all actions taken and on pending actions and handle all other matters relating to the board set forth in N.J.S.A. 18A:7A-47.**
- ii.] If the additional board members are appointed, they shall be subject to the requirements of N.J.A.C. 6A:30-6.5.**

31. The department proposes to amend the provisions at N.J.A.C. 6A:30-6.8(a) and (b) to clarify the role of the district board of education.

#### **N.J.A.C. 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 district board of education currently in place shall continue in place, but it **shall serve in an advisory capacity only and** shall have only those rights, powers and privileges of an advisory board.

(b) The advisory board of education shall meet at least once per month at such dates and times as determined by the State district superintendent **[or other person so designated in the intervention plan pursuant to N.J.A.C. 6A:30-6.7].**

32. The department proposes to amend the provisions at N.J.A.C. 6A:30-6.8(d)1 through (3) based on comment # 47 of the May 3, 2006 State Board Meeting Comment/Response Form in which commenters requested regulatory language specifying that district board members appointed in public school districts under State intervention be registered voters in the State of New Jersey. The department also proposes language clarifying the selection of appointed district board members from regional school districts.

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. **[In the event of] If the public school district is** a regional school district, one of these additional members shall be selected by the Commissioner from a list containing three candidates from each **constituent** municipality **[encompassed by the school district] provided by the governing bodies of the respective municipalities.** **If the public school district is a county vocational-technical school district or a special services district, the list of 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.

3. The appointed district board members shall meet all the requirements of N.J.S.A. 18A:12-1 et seq.[,] **and must 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.

#### **SUBCHAPTER 7**

33. The department proposes to amend the provisions at N.J.A.C. 6A:30-7.1(a) to ensure the school district remains in State intervention for a designated time frame.

#### **N.J.A.C. 6A:30-7.1 Factors for Initiating Return to Local Control**

(a) A **public school** district in full intervention [**must**] **shall** remain in that status for no less than three years before the process of withdrawal from intervention can begin.

34. The department proposes to amend the provisions at N.J.A.C. 6A:30- 7.1(b)1 to conform to amendments in S.2136.

(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 [**annual**] **three year comprehensive** reviews, six month [**assessments**] **reviews** by the Department and/or other appropriate evidence; and

35. The department proposes to amend the provisions at N.J.A.C. 6A:30-7.2(a) to clarify the school districts affected by this provision.

#### **N.J.A.C. 6A:30-7.2 Procedure for Transition to Partial State Intervention or to Local Control**

(a) When the Commissioner determines that a **public school** district has satisfied the factors delineated at N.J.A.C. 6A:30-7.1(b) with respect to one or more areas of **public school** district functioning under State intervention, the Commissioner shall recommend to the State Board that the process for withdrawal from intervention be initiated. The State Board, based on the Commissioner's recommendation, may grant approval for the Department to initiate the transition to local control in those areas of **public school** district functioning. The procedures set forth in this subchapter regarding transition to partial State intervention or to local control shall also apply to **public school districts that were State-operated prior to the effective date of this chapter and [State-operated districts]** that are determined to be eligible to begin the transition process pursuant to N.J.A.C. 6A:30-8.1 et seq.

36. The department proposes to amend the provisions at N.J.A.C. 6A:30- 7.3(a) to clarify the components of the transition plan and to conform to amendments in S.2136.

#### **N.J.A.C. 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 under transition;

2. Provisions regarding the continued employment status of the State district superintendent [**and/or other persons(s)**] appointed [**by the Commissioner**] during the period of intervention, **provided, however, that the State district**

**superintendent shall continue to hold that 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 [use] **provision of technical assistance by [of] highly skilled professionals; [designated and/]or [appointed by the Commissioner during the period of intervention]**

4. Provisions regarding **the continued use of and** any changes in the duties, authority and responsibilities of **highly skilled professionals [persons ]appointed [by the Commissioner]** to provide direct oversight in the **public school** district. The plan shall also establish a decision-making hierarchy in the event that conflicts arise between persons appointed **[by the Commissioner]** and **public school** district personnel regarding 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 with respect to the remaining areas of **public school** district functioning under intervention;

6. When the governance component of school district effectives is being returned to local control, provisions regarding the status of board members appointed by the Commissioner;

7. Provisions regarding the receipt of **[targeted and/or]** technical assistance by the **public school** district, and the payment for such services;

8. Provisions for discontinuance of the Capital Projects Control Board, if applicable.

37. The department proposes to amend the provision at N.J.A.C. 6A:30-7.4 to clarify the transition process of school districts receiving State intervention returning to local control.

#### **N.J.A.C. 6A:30-7.4 Implementation of the Transition Plan**

(a) **[The district’s proposed transition plan shall be subject to review and approval by the Commissioner.]**

[(b)] Upon approval by the Commissioner, the **transition plan shall be presented at a public meeting of the** district board of education **and officially noted in the minutes. The district board of education** **[shall be notified and]** shall be immediately required to implement the provisions of the transition plan.

[(c) **The district board of education shall notify the public of this action at a regular or special meeting. The public meeting shall be duly advertised and posted pursuant to N.J.S.A 10:4-6 et seq.]**

[(d)](b) During the 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.

~~[(e)]~~(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.

38. The department proposes to amend the provisions at N.J.A.C. 6A:30-7.5 (b) and (c) to clarify the requirements of the district boards of education returning to local control and to conform to amendments in S.2136.

(b) Despite the continuation of this board of education as an advisory board, the State Board of Education, upon the recommendation of the Commissioner, may return some voting functions to the district board as part of and in furtherance of the process of transition to local control **of the governance component of school district effectiveness.**

**(c) Not more than one year following the return of the component of governance to local control, the district board shall call a special election for purposes of placing the question of classification status before the voters of the public school district, which election shall be conducted in accordance with the provisions of Title 19 of the Revised Statutes concerning school elections.**

## SUBCHAPTER 8

39. The department proposes to amend the provisions N.J.A.C. 6A:30-8.2 to identify the timelines for the work of the evaluation team, conform to amendments in S.2136, clarify the establishment of a phase-in schedule for the transition of Level I school districts to NJQSAC, to clarify the composition of the evaluation team and for grammatical purposes.

### N.J.A.C. 6A:30-8.2 Level I **Public School** Districts

(a) Public school districts certified as Level I by the State Board of Education prior to the effective date of these regulations shall be **phased into the NJQSAC three year comprehensive review process and** evaluated by the Department in accordance with a schedule established by the Commissioner. **In establishing this schedule, the Commissioner shall take into account the time period that has elapsed since the last on-site monitoring of the public school district by the county superintendent pursuant to the former rules in effect prior to the effective date of this chapter. During the phase-in of the NJQSAC monitoring process, public school districts that have not yet undergone a three year comprehensive review shall continue to complete and submit a Quality Assurance Annual Report (QAAR) pursuant to N.J.A.C. 6A:32-12.1.**

(b) Based on the **public** school district's satisfaction of the weighted quality performance indicators in each of the five components of school district effectiveness, as determined by the Department's review of all relevant information and data, the Commissioner shall assess **public school** district performance and capacity and shall place each **public school district** on a performance continuum, pursuant to the procedures set forth at N.J.A.C. 6A:30-3 and -4.

40. The department proposes to amend the provisions N.J.A.C. 6A:30-8.3(b) though (f) to conform to amendments in S.2136, clarify the establishment of a phase-in schedule for the transition of Level II, Level III and State-operated school districts to NJQSAC and for grammatical purposes.

(b) The Commissioner shall convene an evaluation team consisting at a minimum of highly skilled professionals to conduct the evaluation of Level II, Level III and State-operated public school districts. At the discretion of the Commissioner, the evaluation team may also include Department personnel[.], public school district representatives and other [The evaluation team shall include] individuals with expertise in the areas of curriculum and instruction, fiscal management, [district] operations, human resources and organizational dynamics and governance. The Commissioner shall designate a team leader to [ensure the coordination of] coordinate the evaluation and completion of the final report.

(c) The evaluation team shall assess public school district performance and capacity in each of the five key components of school district effectiveness, as measured by the weighted quality performance indicators.

(d) The 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] Chief School Administrator to discuss the scope of the review and the procedures to be followed;
2. [An] On [on]-site visits to the public school district's central office, and, in 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 by the team leader in advance, in consultation with the [chief school administrator] Chief School Administrator of the public school district;
3. A review of any documents or other written materials deemed relevant by the evaluation team. The [chief school administrator] Chief School Administrator shall make such materials available to the evaluation team upon the team's request;
4. Interviews by the evaluation team with appropriate public school district staff and their collective bargaining representatives in order to obtain their perspectives regarding the performance of the public school district;
5. A public meeting arranged by the [chief school administrator] Chief School Administrator, whereby parents, school employees and community residents may meet with the evaluation team to discuss public school district practices. The public meeting shall be duly advertised and [posted] conducted in accordance with N.J.S.A. 10:4-6 et. seq.

(e) Within [ten days after conclusion of its review] the time period allotted for the evaluation pursuant to N.J.S.A. 18A:7A-53(b), the evaluation team shall submit a report to the Commissioner. The report shall make recommended findings and

conclusions with respect to the **public school** district's performance in each of the five key components of school district effectiveness.

(f) Within **[five days of his/her receipt of the evaluation team's draft report] the time period allotted pursuant to N.J.S.A. 18A:7A-53(b)**, the Commissioner shall review the findings, conclusions and recommendations of the evaluation team and shall produce a final report containing his/her determination with respect to the **public school** district's placement on the performance continuum. That report shall be provided to the **public school** district's **[chief school administrator] Chief School Administrator** and board of education.

41. The department proposes to amend the provisions at N.J.A.C. 6A:30-8.3(h)3 through 5 for clarification and grammatical purposes.

3. If the Commissioner determines that the Level II or Level III **public school** district satisfies less than 50 percent of the weighted quality performance indicators in one or more of the components of school district effectiveness, that at least one of the factors set forth at N.J.A.C. 6A:30-6.2 is present and that the **public school** district should be placed under partial or full State intervention, the Commissioner may seek intervention by issuing an Order to Show Cause why an administrative order for partial or full intervention, as appropriate, should not be implemented pursuant to the procedures set forth at N.J.A.C. 6A:30-6.3.

4. If the Commissioner determines that a State-operated **public school** district meets the factors for initiating return of one or more components of school district effectiveness to local control pursuant to N.J.A.C. 6A:30-7.1, the Commissioner shall recommend to the State **[b]Board** that the process for initiating transition to local control of those components of **public school** district functioning be initiated pursuant to N.J.A.C. 6A:30-7.2, **and that the public school district be placed under partial State intervention with respect to the remaining components of district functioning.**

5. If the Commissioner determines that a State-operated **public school** district does not meet the factors for initiating return of **[one or more] any** components of school district effectiveness to local control pursuant to N.J.A.C. 6A:30-7.1, the Commissioner shall recommend to the State **[b]Board** that the **public school** district shall operate under full State intervention.

## SUBCHAPTER 9

42. The department proposes to amend the provisions at N.J.A.C. 6A:30-9.1 to clarify the department's monitoring process.

### N.J.A.C. 6A:30-9.1 General Requirements

(a) Nothing in this chapter shall limit the 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.

**Proposal Level  
August 2, 2006**

TO: Members, State Board of Education

FROM: Lucille E. Davy  
Acting Commissioner

SUBJECT: Evaluation of the Performance of School Districts

REASON  
FOR ACTION: Proposed Repeal and Adoption of New Rules at N.J.A.C. 6A:30

SUNSET DATE: May 2007

PROJECTED  
SUNSET DATE: May 2011

**Summary**

The Department of Education is proposing to repeal the current regulations at N.J.A.C. 6A:30, Evaluation of the Performance of School Districts, and adopt new rules to implement a new monitoring and evaluation system for public school districts and county vocational school districts.

Public Law 2005, c.235 amended N.J.S.A. 18A:7A to establish a new monitoring and evaluation system of public school districts. This chapter sets forth the rules for implementing Public Law 2005, c.235. The existing rules will expire in May 2007 and these new rules are needed to implement the new requirements for evaluating and monitoring the performance of public schools districts.

The new monitoring and evaluation system for public school districts, entitled the New Jersey Single Quality Accountability Continuum (NJQSAC), establishes a comprehensive single accountability system. 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 they are providing a thorough and efficient education. The standards and criteria by which school districts are evaluated will to assess both actual achievement and progress toward proficiency, local capacity to operate without State intervention, and the need for support and assistance provided by the State. Under NJQSAC, once a public school district is identified as requiring assistance in one or more of the five areas of school district effectiveness, the Department and the district will

work collaboratively to improve district performance in those targeted areas. The measures used to achieve this goal include evaluations of the district by the Department, development of a district improvement plan, close monitoring of the implementation of the plan, and the provision of technical assistance as appropriate. NJQSAC also provides that in circumstances where a 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 district to effect the changes necessary to build local capacity to provide a thorough and efficient education.

On July 1, 2006, Senator Ronald Rice introduced S.2136, which revises various provisions of Public Law 2005 c. 235 (NJQSAC). The bill amends several areas of NJQSAC including the following: the timing of the evaluation process and initial evaluation of State-operated, Level II and Level III school districts; categories of performance; and the provisions regarding school districts entering and withdrawing from State intervention. The proposed regulations incorporate the changes that would be effected if S.2136 is enacted into law.

As the Department 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 repeal and new chapter:

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

### **N.J.A.C. 6A:30-1.1 Purpose and Scope**

The proposed new rule at NJAC 6A:30-1.1 states the purpose and scope of the rules contained in the chapter. These new rules establish the New Jersey Quality Single Accountability Continuum (NJQSAC) system 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.

The rules in this chapter shall apply to public school districts in New Jersey, including county vocational school districts and county special services school districts.

### **6A:30-1.2 Definitions**

Proposed new N.J.A.C. 6A:30-1.2 sets forth definitions to ensure clarity of these rules.

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

### **N.J.A.C. 6A:30-2.1 Components of School District Effectiveness**

Proposed new N.J.A.C. 6A:30-2.1 establishes the five key components of school district effectiveness to be instruction and program, personnel, fiscal management, operations and governance. This section provides that in assessing district performance and capacity in these

component areas, the Department shall use objective measures and shall consider public school district improvement and growth.

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

Proposed new N.J.A.C. 6A:30-2.2 states that the Department shall establish quality performance indicators for each of the five components of school district effectiveness as the criteria by which school district performance shall be evaluated. The quality performance indicators may be weighted as determined by the Department. This section also states that the initial indicators and any amendments thereto shall be submitted to the State board for approval by resolution.

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

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

Proposed new N.J.A.C. 6A:30-3.1 provides that the Commissioner shall conduct a comprehensive review of all public school districts every three years. In the intervening years between each district's three year review, the Commissioner shall assess the district's performance against a series of objective benchmarks to be determined by the Commissioner, and districts that fail to meet one or more of the benchmarks may be subject to an immediate comprehensive review. The three year comprehensive review shall be based on the District Performance Review completed by the public school districts, and review and verification of the District Performance Review and of other relevant data and information by the Department. The review can also include on-site visits by the Department.

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

Proposed new N.J.A.C. 6A:30-3.2 specifies the process for completing the District Performance Review based on the weighted quality performance indicators. Each CSA shall be required to convene a committee to complete the District Performance Review which shall include representation as prescribed in this section. The completed District Performance Review shall be approved by the district's board of education and submitted to the County Superintendent by November 15 of the school year in which the review takes place.

This section further provides that the failure by a district to complete and submit the District Performance Review as required could result in the withholding of State aid, or in appropriate circumstances, the initiation of intervention activities pursuant to N.J.A.C. 6A:30-6.2.

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

Proposed new N.J.A.C. 6A:30-3.3 codifies the process used by the Department to review and evaluate the completed District Performance Review. It provides that the County Superintendent shall confirm receipt and review the findings of the District Performance Review submitted by the district. Upon completion of the initial review, the County Superintendent may request

additional documentation, information or materials and/or may initiate on-site visits to district facilities.

When the County Superintendent has reviewed all relevant data, a final recommendation shall be prepared and submitted to the Commissioner. The Commissioner shall review the recommendation, as well as any other facts, data and/or information, and shall issue a final determination of the district's placement on the performance continuum.

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

##### **N.J.A.C. 6A:30 – 4.1 General requirements**

Proposed new N.J.A.C. 6A:30-4.1 establishes that the Commissioner shall issue the final determination of each public school district's performance and placement on the performance continuum by January 30 of the school year in which the district's three year comprehensive review occurs. For each district, the determination shall be in the form of a district profile consisting of the reporting of the percentage of the weighted performance indicators satisfied by the district in each of the five key components of school district effectiveness. Districts that satisfy 80 to 100 percent of the weighted performance indicators in each of the five components of school district effectiveness will be designated as "high performing" districts. At the time of issuing his/her determination regarding each 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 three year comprehensive review a letter certifying the district's continued operation as a public school district in the State of New Jersey for a period of three years.

#### **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**

Proposed new N.J.A.C. 6A:30-5.1 provides that public school districts will continuously strive for improvement in all areas of school district functioning in order to enhance student achievement and to ensure that they provide a thorough and efficient education to all students.

##### **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**

Proposed new N.J.A.C. 6A:30-5.2 outlines the improvement activities that are required of school districts that do not satisfy at least 80 percent of the weighted performance indicators in one or more the five components of school district effectiveness. It states that these activities shall include development and implementation of a district improvement plan, approved by the Commissioner, and may include an in-depth evaluation of the district and/or receipt of technical assistance.

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

Proposed new N.J.A.C. 6A:30-5.3 describes when and how an in-depth evaluation shall be conducted. An in-depth evaluation shall be required whenever a district satisfies less than 50 percent of the weighted performance indicators in one or more of the key components, and may be required whenever a district satisfies between 50 and 79 percent of the weighted performance indicators in one or more of the key components. The section sets forth the factors to be considered by the Commissioner in determining whether to conduct an in-depth evaluation for districts that satisfy between 50 and 79 percent of the weighted performance indicators in one or more of the key components.

This section further provides that the in-depth evaluation will be conducted by an evaluation team, which will be determined by the Commissioner. The individual team members shall be selected based on the needs of the district, as identified by the three year comprehensive review, and shall be qualified by training and experience to examine specific conditions within the district.

This section also describes the process for conducting the in-depth evaluation, which will result in a report to the Commissioner. The Commissioner will review the report and issue a final report that may be used by the Commissioner to reevaluate the district's placement on the performance continuum and to develop the district's improvement plan.

### **N.J.A.C. 6A:30-5.4 New Jersey Quality Single Accountability Continuum District Improvement Plan**

Proposed new N.J.A.C. 6A:30-5.4 requires that each district that satisfies less than 80 percent of the weighted performance indicators in one or more of the key components of school district effectiveness must develop a district improvement plan that is data driven and result oriented. The plan shall outline evidence based strategies for improving district performance in those components in which the district does not satisfy at least 80 percent of the weighted performance indicators.

This section requires that the district improvement plan be developed by a district team as set forth in the proposed regulation. When requested by the CSA, the Department may provide assistance to the district in developing the district improvement plan.

This section describes the necessary components of the district improvement plan, and provides that the Department, in collaboration with the district, shall determine the type of technical assistance to be provided through the plan.

### **N.J.A.C. 6A:30-5.5 Review and approval process for the NJQSAC District Improvement Plan**

This proposed new section at N.J.A.C. 6A:30-5.5 establishes the review and approval process of the new district improvement plan.

The NJQSAC district improvement plan must be approved by the district board of education and submitted to appropriate Department staff for review within 45 days of the district's receipt of the in-depth evaluation report. If the Department does not conduct an in-depth evaluation of the district, the district improvement plan must be submitted to the Department within 45 days of the district's receipt of notification that no in-depth evaluation will be conducted. The Department shall review the completed plan to ensure that it addresses all critical areas identified in the comprehensive review and the in-depth evaluation, if applicable, and presents realistic strategies for achieving improvement in the identified areas. If the plan satisfies these criteria, the Commissioner shall approve the plan for implementation and will ensure that sufficient resources are allocated within the district's budget to implement the plan. In his/her discretion, the commissioner may grant reasonable extensions of time for the submission of the board-approved NJQSAC district improvement plan. If the Commissioner determines that the proposed plan needs revision, the Commissioner shall notify the district, and the district shall revise the plan in the manner and within the time specified by the Commissioner. The proposed rule further provides that if the public school district fails to submit a board-approved NJQSAC district improvement plan in accordance with these requirements, it may result in the withholding of State aid or the initiation of intervention activities as set forth at N.J.A.C. 6A:30-6.2.

#### **N.J.A.C. 6A:30-5.6 Implementation and Monitoring of an approved NJQSAC District Improvement Plan**

Proposed new N.J.A.C. 6A:30-5.6 sets forth the requirements for implementation and evaluation of the approved NJQSAC district improvement plan. The district shall be required to implement the plan immediately upon approval by the Commissioner. The Department staff shall assess district progress at six month intervals after approval of the plan, which assessments shall include on-site visits. As part of this review, the district shall submit a report of progress in a format to be determined by the Department.

This section also addresses amendments to the district improvement plan. It further provides that monitoring by the Department pursuant to this section shall continue until the district satisfies 80 to 100 percent of the weighted quality performance indicators in each of the components of school district effectiveness.

#### **N.J.A.C. 6A:30 – 5.7 Assistance Provided to Public School Districts Through the NJQSAC District Improvement Plan**

Proposed new N.J.A.C. 6A:30-5.7 states that school districts shall receive technical assistance to improve performance and increase local capacity in areas of need as identified in the three year comprehensive review and/or the in-depth evaluation. This technical assistance shall be provided by Department personnel and/or by one or more highly skilled professionals.

This section further outlines the roles and responsibilities of highly skilled professionals as the individuals selected and approved by the Department to conduct an array of activities that can include participation on the evaluation team, provision of assistance to districts in the implementation of the district improvement plan, provision of technical assistance, and provision of direct oversight of district functions. The section specifies that highly skilled professionals

cannot serve in more than one role in a district or otherwise serve in a capacity that would create a conflict of interest. The costs associated with highly skilled professionals appointed to provide assistance to the district pursuant to the district improvement plan shall be an equally shared expense for the Department and the school district.

This section further provides that the Commissioner shall develop criteria to determine the eligibility of persons to be designated as “highly skilled professionals” and that this criteria, and any subsequent changes thereto, shall be submitted to and approved by the State board by resolution.

## **SUBCHAPTER 6—INTERVENTION ACTIVITIES**

### **N.J.A.C. 6A:30-6.1 Forms of state intervention**

Proposed new N.J.A.C. 6A:30-6.1 describes the different types of State intervention. Under partial intervention, the Department will intervene in the one or more areas in which the district satisfied less than 50 percent of the weighted performance indicators. The intervention may take the form of the appointment by the State board upon the recommendation of the Commissioner of a district superintendent of schools if the position is vacant at the time of the intervention and/or the appointment of one or more highly skilled professionals to provide direct oversight in the areas in which the district satisfied less than 50 percent of the weighted performance indicators. The Commissioner, with the approval of the State board, may also appoint up to three additional members to the district board of education. Under full intervention, the Department will intervene in each of the five areas of school district functioning. Full intervention may include the appointment by the State board upon recommendation of the Commissioner of a State District Superintendent and/or appointment of highly skilled professionals to direct activities in the district. In addition, the Commissioner, with the approval of the State board, may also appoint up to three additional members to the district board of education

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

Proposed new N.J.A.C. 6A:30-6.2 sets forth the circumstances under which the Commissioner may seek to place a public school district under partial or full State intervention. The Commissioner may seek partial intervention in a public school district when the district satisfies less than 50 percent of the weighted performance indicators in four or fewer of the key components of school district effectiveness and one of the following factors is present:

- The public school district has failed to submit its annual District Performance Review and/or to provide other documentation requested by the Department for the three year comprehensive review in a timely manner;
- The public school district has failed to develop a satisfactory improvement plan that can be approved by the Commissioner;

- The public school district has failed to satisfactorily implement the district improvement plan; or
- Other circumstances exist such that immediate action by the Department is necessary to ensure that the public school district will provide a thorough and efficient education to the students in the district.
- 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 unwillingness or inability on the part of the public school district to develop such local capacity without State intervention.

The Commissioner may seek full intervention in a district when the public school district satisfies less than 50 percent of the weighted performance indicators in each of the five key components of school district effectiveness and one of the following factors is present:

- The public school district has failed to submit its annual District Performance Review and/or to provide other documentation requested by the Department for the three year comprehensive review in a timely manner;
- The public school district has failed to develop a satisfactory improvement plan that can be approved by the Commissioner;
- The public school district has failed to satisfactorily implement the district improvement plan; or
- Other circumstances exist such that immediate action by the Department is necessary to ensure that the public school district will provide a thorough and efficient education to the students in the public school district.
- 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 unwillingness or inability on the part of the public school district to develop such local capacity without State intervention.

### **N.J.A.C. 6A:30-6.3 Procedure for Initiating Partial State Intervention**

Proposed new N.J.A.C. 6A:30-6.3 delineates the process for initiating partial State intervention in appropriate public school districts.

If a public school district fails to satisfy at least 50 percent of the weighted performance indicators in one to four components of school district effectiveness and one of the factors set forth at N.J.A.C. 6A:30-6.2 is present, the Commissioner may initiate appropriate proceedings at the Office of Administrative Law by way of an Order to Show Cause. The proposed administrative order shall incorporate an intervention plan, the components of which are described at N.J.A.C. 6A:30-6.4. If the district board fails to show cause why the actions

proposed by the Commissioner shall not occur, the Commissioner shall recommend to the State Board of Education that it issue an order placing the district under partial intervention. The decision by the State Board shall be considered final and may be appealed to the Superior Court, Appellate Division.

#### **N.J.A.C. 6A:30-6.4 Partial State Intervention Plan**

Proposed new N.J.A.C. 6A:30-6.4 delineates the components of the partial intervention plan that will be presented by the Commissioner at the time the Department seeks partial intervention in a district. The intervention plan shall incorporate and amend the district improvement plan developed pursuant to N.J.A.C. 6A:30-5.4. In addition, the partial intervention plan must address, at a minimum, the following areas:

- Appointment of district superintendent
- Appointment of highly skilled professionals
- Appointments to the board of education.

#### **N.J.A.C. 6A:30-6.5 Structure of the District Board of Education Under Partial State Intervention**

Proposed new N.J.A.C. 6A:30-6.5 describes the structure of the district board of education in a district under partial intervention. If, pursuant to the intervention plan, the Commissioner, with the approval of the State board, appoints up to three additional district board members, this section sets out the eligibility requirements for those appointed board members. It also provides that board members appointed by the Commissioner with the approval of the State board shall be nonvoting members of the board, shall have all the other rights, powers and privileges of members of the board, and that six months following entry of the order for partial intervention, the Commissioner shall determine whether or not the appointed district board members shall become voting members of the district board of education.

#### **N.J.A.C. 6A:30-6.6 Process for Initiating Full State Intervention**

Proposed new N.J.A.C. 6A:30-6.6 delineates the process for initiating full State intervention in appropriate districts.

If a district satisfies less than 50 percent of the performance indicators in each of the five components of school district effectiveness and one of the factors listed in N.J.A.C. 6A:30-6.2 is present, the Commissioner may initiate appropriate proceedings at the Office of Administrative Law by way of an Order to Show Cause. The proposed administrative order shall incorporate an intervention plan, the components of which are described at N.J.A.C. 6A:30-6.7. If the district board fails to show cause why the actions proposed by the Commissioner shall not occur, the Commissioner shall recommend to the State Board of Education that it issue an order placing the district under full intervention. The decision by the State Board shall be considered final and may be appealed to the Superior Court, Appellate Division.

### **N.J.A.C. 6A:30-6.7 Full State Intervention Plan**

Proposed new N.J.A.C. 6A:30-6.7 delineates the components of the full intervention plan that will be presented by the Commissioner at the time the Department seeks full intervention in a district. The intervention plan shall incorporate and amend the district improvement plan developed pursuant to N.J.A.C. 6A:30-5.4. In addition, the full intervention plan must address, at a minimum, the following areas:

- Appointment of State district superintendent
- Appointment of highly skilled professionals
- Abolition of central office personnel
- Capital Project Control Board
- Appointment of additional board members to the district board of education

### **N.J.A.C. 6A:30-6.8 Operations of the District Board of Education Under Full State Intervention**

Proposed new N.J.A.C. 6A:30-6.8 describes the operations of the board of education in a district under full intervention. It provides that the members of a board of education of a district under full intervention shall continue to serve after intervention occurs, but the board shall have only those rights, powers and privileges of an advisory board. The board shall meet at least once per month at such dates and times as determined by the State district superintendent. Advisory board member vacancies shall be filled in the same manner as the seats were initially filled. If the plan for full intervention includes the appointment by the Commissioner, with the State board's approval, of additional board members, this section sets out the eligibility requirements for those appointed board members. It also provides that board members appointed by the Commissioner with the State board's approval shall be nonvoting members of the board, and that six months following entry of the order for full intervention, the Commissioner shall determine whether or not the board members s/he has appointed shall become voting members of the board of education. If the appointed members are made voting members of the board, they shall have the same rights and privileges with respect to voting as other members of the board.

### **N.J.A.C. 6A:30-6.9 Assessment Activities During the Period of Intervention**

Proposed new N.J.A.C. 6A:30-6.9 sets forth the monitoring activities that will take place while a district is in partial or full intervention. It states that the three year comprehensive reviews pursuant to N.J.A.C. 6A:30-3 shall be continued and that the district shall continue to be monitored pursuant to N.J.A.C. 6A:30-5.6(b) at six month intervals.

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

### **N.J.A.C. 6A:30-7.1 Factors for Initiating Return to Local Control**

Proposed new N.J.A.C. 6A:30-7.1 sets forth the procedures for withdrawing from partial or full intervention and returning a school district to local control when the district has achieved sufficient progress. A district in full intervention must remain in that status for no less than three years before the process of withdrawal from intervention can begin.

The section further provides that the Commissioner will consider the following factors in determining whether it is appropriate to withdraw from intervention in a district in one or more of the key component areas:

1. Evidence of sustained and substantial progress by the district in that the district has satisfied 80 to 100 percent of the weighted performance indicators in one or more of the areas under intervention, as shown by the three year comprehensive review, six month reviews by the Department and 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 will be maintained.

#### **N.J.A.C. 6A:30-7.2 Procedure for Transition to Partial State Intervention or Local Control**

Proposed new N.J.A.C. 6A:30-7.2 sets forth the procedure for initiating withdrawal in one or more areas of State intervention. It provides that once the Commissioner determines that a public school district has satisfied the factors delineated at N.J.A.C. 6A:30-7.1(b) with respect to one or more areas of district functioning under intervention, the commissioner shall recommend to the State board that the process for withdrawal from intervention be initiated, and the State board may thereupon grant approval for the Department to initiate the transition to local control in those areas of district functioning. The procedures set forth in this section also apply to State-operated districts that are determined to be eligible to begin the transition process pursuant to N.J.A.C. 6A:30-8.2 et seq.

Upon State board approval of initiation of transition activities, the Department, in collaboration with the district, shall develop a transition plan. The plan 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 which the district has met the requirements of N.J.A.C. 6A:30-7.1. The plan shall also establish specific goals and benchmarks to assist the district in satisfying the factors set forth at N.J.A.C. 6A:30-7.1 with respect to the remaining components under intervention.

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

Proposed new N.J.A.C. 6A:30-7.3 describes the components of the transition plan. It provides that the transition plan may address, but need not be limited to the following:

- A timetable for the activities relating and leading to the withdrawal from State intervention in the areas under transition;
- Provisions regarding the continued employment status of the State district superintendent;

- Provisions regarding the continued provision of technical assistance;
- Provisions regarding the continued use of and any changes in the duties, authority and responsibilities of highly skilled professionals appointed by the Commissioner to provide direct oversight in the district;
- Specific goals and benchmarks to assist the district in satisfying the factors set forth at N.J.A.C. 6A:30-7.1 with respect to the remaining areas of district functioning under intervention;
- When the area of governance is being returned to local control, provisions regarding the status of board members appointed by the Commissioner;
- The continued provision of technical assistance to the district, and the payment for such services;
- Provisions for discontinuance of the Capital Projects Control Board, if applicable.

#### **N.J.A.C. 6A:30-7.4 Implementation of the Transition Plan**

Proposed new N.J.A.C. 6A:30-7.4 provides that once approved by the Commissioner, the transition plan shall be implemented immediately. It further provides that during the period of transition, the Department will continue to monitor the district at six month intervals to ensure that the plan is implemented appropriately. The transition plan shall be amended as the district achieves compliance with N.J.A.C. 6A:30-7.1 with respect to 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 Public School Districts Under Full State Intervention**

Proposed new N.J.A.C. 6A:30-7.5 describes the process for returning the functions of governance to local control in a district that is under full State intervention.

It provides that the board of a district transitioning from full intervention will continue to have the rights, powers, and duties of an advisory board, notwithstanding that it may be placed in partial State intervention as part of the transition to full local control, unless and until the component of governance has been transitioned to local control. Despite its continuation as an advisory board, the State Board of Education, upon the recommendation of the Commissioner, may return some voting functions to the district board as part of and in furtherance of the process of transition to local control. In addition, not more than one year following the return of the component of governance to local control, the district board shall call a special election for purposes of placing the question of classification status before the voters of the public school district.

#### **N.J.A.C. 6A:30-7.6 Completion of the Transition Process**

Proposed new N.J.A.C. 6A:30-7.6 provides that upon the satisfaction, by the public school district, of all requirements of a full transition plan to local control, as amended if applicable, the Commissioner will recommend to the State board that the withdrawal from intervention be completed and that the public school district be fully returned to local control. Upon approval by the State board, the Commissioner shall make a determination regarding the district's placement on the performance continuum, notify the district of this action, and issue a letter to the district designating it as a "high performing" district.

## **SUBCHAPTER 8 – TRANSITION OF ALL PUBLIC SCHOOL DISTRICTS TO THE NJQSAC MONITORING AND EVALUATION SYSTEM**

### **N.J.A.C. 6A:30-8.1 General Requirements**

Proposed new N.J.A.C. 6A:30-8.1 states that all public school districts shall be initially evaluated and placed on the performance continuum pursuant to the procedures set forth in this subchapter.

### **N.J.A.C. 6A:30-8.2 Level I Public School Districts**

Proposed new N.J.A.C. 6A:30-8.2 states that school districts certified as Level I prior to the effective date of these regulations shall be phased into the NJQSAC three year comprehensive review process by the Department pursuant to a schedule established by the Commissioner. In establishing this schedule, the Commissioner shall take into account the time period that has elapsed since the last on-site monitoring of the district by the county superintendent pursuant to the former rules. During the phase-in of the NJQSAC monitoring process, districts that have not yet undergone a three year comprehensive review shall continue to complete and submit a Quality Assurance Annual Report (QAAR) pursuant to N.J.A.C. 6A:32-12.1. The Commissioner will assess district performance and capacity and shall place each district on a performance continuum pursuant to the procedures set forth at N.J.A.C. 6A:30-3 and -4.

### **N.J.A.C. 6A:30-8.3 Public School Districts Certified as Level II and Level III and State-Operated Public School Districts**

Proposed new N.J.A.C. 6A:30-8.3 provides that the Commissioner shall conduct an evaluation of public school districts designated as Level II, Level III and State-operated within the time period provided at N.J.S.A. 18A:7A-53(b). The evaluations will be conducted by evaluation teams composed as prescribed in the regulation. The section sets forth the procedure for conducting these evaluations. Based on the evaluations the Commissioner shall produce final reports containing his/her determinations with respect to each district's placement on the performance continuum. The Department and each district shall initiate all appropriate improvement and intervention activities based on the district's placement on the performance continuum, as set forth in these rules. With respect to State-operated districts, the section provides that the Commissioner will determine whether each district satisfies the factors set forth at N.J.A.C. 6A:30-7.1 with respect to one or more of the areas of school district effectiveness. If, based on these evaluations, a district qualifies for initiation of transition activities, the Commissioner, with the approval of the State board, shall initiate the transition process set forth at N.J.A.C. 6A:30-

7.2. If a district does not satisfy the factors for initiation of transition activities, the Commissioner shall recommend to the State board that the district operate under full intervention.

## **SUBCHAPTER 9 OBSERVATION OF INSTRUCTIONAL PRACTICES AND EVALUATION OF PUBLIC SCHOOL DISTRICT FACILITIES**

### **N.J.A.C. 6A:30-9.1 General requirements**

This section states that nothing in this chapter shall limit the ability of the Department to monitor district practices by, among other things, conducting on-site observations of district and school functions.

## **SUBCHAPTER 10 APPEALS**

### **N.J.A.C. 6A:30-10.1 Appeal Process**

This section states that the right to appeal decisions to the State Board of Education pursuant to this chapter shall be governed by N.J.A.C. 6A:4-1.1 et seq.

### **Social Impact**

The proposed new rules at N.J.A.C. 6A:30 implement a new system for the evaluation and monitoring of public 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 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 districts to identify and remedy areas of deficient performance in districts, which will have a salutary impact on affected students and parents. School district communities will also benefit by receiving current, reliable information about their districts, thereby enabling these communities to hold their districts accountable.

### **Economic Impact**

The economic impact of these rules on public school districts will vary, depending on each district's need to take corrective action as a result of the Department's three year comprehensive review. Public 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 implementation of these regulations. However, there will likely be an economic impact on public

school districts that are required to develop and implement district improvement plans. The amount of these increased costs to the districts will depend on the specific improvement activities required and whether highly skilled professionals will be used.

The Department will also incur additional costs for in-depth evaluations and the provision of technical assistance to districts. The Department may also experience the need for increased staff in order to effectuate the monitoring and evaluation requirements imposed by NJQSAC.

### **Jobs Impact**

These rules proposed for adoption may result in the creation of jobs for highly skilled professionals appointed to perform various functions in districts. The rules may also impact staffing levels in districts due to structural changes required under district improvement plans or through State intervention. The Department may also need to hire additional staff to fulfill its obligations under these regulations.

### **Federal Standards Statement**

The rules proposed for adoption are consistent with Federal standards for school district accountability.

### **Agriculture Industry Impact**

The rules proposed for adoption will have no impact on the agricultural industry.

### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not required because the rules proposed for adoption 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**

These rules will have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

**Full text** of the proposed repeal may be found at N.J.A.C. 6A:30.

**Full text** of the proposed new rules follows:

## **N.J.A.C. 6A: 30 - Evaluation of the Performance of School Districts**

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

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

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

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

**N.J.A.C. 6A:30-2.1 Components of School District Effectiveness**

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

### **SUBCHAPTER 3 –[ANNUAL] THREE YEAR COMPREHENSIVE REVIEW OF PUBLIC SCHOOL DISTRICTS**

**N.J.A.C. 6A:30-3.1 General requirements**

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

**N.J.A.C. 6A:30-3.3 Review and Evaluation Of [Public School] District[s]’ Self-Assessment Reports] Performance [Review] Reviews**

### **SUBCHAPTER 4 PERFORMANCE CONTINUUM**

**N.J.A.C. 6A:30–4.1 General Requirements**

### **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**

**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**

**N.J.A.C. 6A:30-5.3 In-Depth Evaluation**

**N.J.A.C. 6A:30–5.4 New Jersey Quality Single Accountability Continuum District Improvement Plan**

**N.J.A.C. 6A:30 5.5 Review and Approval Process for the NJQSAC District Improvement Plan**

**N.J.A.C. 6A:30 5.6 Implementation and Monitoring of an Approved NJQSAC District Improvement Plan**

**N.J.A.C. 6A:30-5.7 Assistance Provided to Public School Districts Through the NJQSAC District Improvement Plan**

### **SUBCHAPTER 6 – INTERVENTION ACTIVITIES**

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

**N.J.A.C. 6A:30-6.2 Factors for Initiating State Intervention**

- N.J.A.C. 6A:30-6.3 Procedure for Initiating Partial State Intervention**
- N.J.A.C. 6A:30-6.4 Partial State Intervention Plan**
- N.J.A.C. 6A:30-6.5 Structure of the District Board of Education Under Partial State Intervention**
- N.J.A.C. 6A:30-6.6 Procedure for Initiating Full State Intervention**
- N.J.A.C. 6A:30-6.7 Full State Intervention Plan**
- N.J.A.C. 6A:30-6.8 Operations of the District Board of Education Under Full State Intervention**
- N.J.A.C. 6A:30-6.9 Assessment Activities During the Period of Intervention**

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

- N.J.A.C. 6A:30-7.1 Factors for Initiating Return to Local Control**
- N.J.A.C. 6A:30-7.2 Procedure for Transition to Partial State Intervention or to Local Control**
- N.J.A.C. 6A:30-7.3 Components of the Transition Plan**
- N.J.A.C. 6A:30-7.4 Implementation of the Transition Plan**
- N.J.A.C. 6A:30-7.5 Transition Process for the Governance Component of School District Effectiveness for Public School Districts Under Full State Intervention**
- N.J.A.C. 6A:30-7.6 Completion of the Transition Process**

**SUBCHAPTER 8 – TRANSITION OF ALL PUBLIC SCHOOL DISTRICTS TO THE NJQSAC MONITORING AND EVALUATION SYSTEM**

- N.J.A.C. 6A:30-8.1 General Requirements**
- N.J.A.C. 6A:30-8.2 Level I Public School Districts**
- N.J.A.C. 6A:30-8.3 Public School Districts Certified as Level II and Level III and State Operated Public School Districts**

**SUBCHAPTER 9 OBSERVATION OF INSTRUCTIONAL PRACTICES AN EVALUATION OF PUBLIC SCHOOL DISTRICT FACILITIES**

- N.J.A.C. 6A:30-9.1 General Requirements**

**SUBCHAPTER 10 APPEALS**

- N.J.A.C. 6A:30-10.1 Appeal Process**

**N.J.A.C. 6A: 30 - Evaluation of the Performance of School Districts**

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

### **N.J.A.C. 6A:30-1.1 Purpose and Scope**

(a) The purpose of this chapter is to establish rules **[for] 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 **[they] public school districts** are providing a thorough and efficient education. The standards and criteria by which school districts are evaluated **[are designed to]** will assess actual achievement, progress toward proficiency, local capacity to operate without State intervention, and the need for support and assistance provided by the State. Under NJQSAC, once a **public school** district is identified 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 targeted areas. The measures used to achieve this goal include evaluations of the **public school** district by the Department, development of a district improvement plan, close monitoring of the implementation of the plan, and the provision of **[targeted and]** technical assistance as appropriate. NJQSAC also provides that in circumstances where a **public school** district fails to develop or implement an improvement plan as required, or other emergent circumstances warrant, the Department may seek partial or full intervention in the **public school** district to

effect the changes necessary to build local capacity [**and ensure that the district provides**] **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 [**an annual**] **a three year** evaluation process, placement of the **public school** district on a performance continuum, improvement and intervention activities and the periodic monitoring of progress.

(c) These rules shall apply to **all** public [**schools**] **school districts** in the State of New Jersey as defined in N.J.S.A. 18A:8-1 et seq. and N.J.S.A. 18A:13-1 et seq., **with the exception of Charter Schools and Education Services Commissions** and shall include county vocational-**technical** school districts established pursuant to N.J.S.A. 18A:54-1 et seq. **and county special services school districts established pursuant to N.J.S.A. 18A:46-29 et seq.**

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

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

**[“Abbott school district” means those districts as defined in N.J.S.A. 18A:7F-3.]**

“Administrative order” means a [**final decision of the Commissioner that may be appealed to the State Board of Education pursuant to these rules**] **written directive ordering specific**

**corrective action by a district which has shown insufficient compliance with the quality performance indicators.**

**[“Annual review” refers to the yearly evaluation process conducted by the Department to determine each public school district’s performance. The annual review shall be based on the annual self-assessment reports provided by school districts, and the verification of the self-assessment reports and consideration of other relevant data and information by Department staff.]**

“Assistant Commissioner” means an Assistant Commissioner or designee, in the Department of Education.

“Chief School Administrator” or “CSA” means the superintendent of a public school district or vocational school 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.

“Department” means the New Jersey Department of Education.

**“District Performance Review” or “DPR” means the self-assessment report completed by public school districts on a three year basis pursuant to the procedures set forth in this chapter. The DPR shall be developed by the Department, and shall consist of quality performance indicators in all of the five key components of school district effectiveness.**

“Evaluation [review] team” means a 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 school district” is 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 designee of the Commissioner who has [relevant] skills and expertise based on education and/or experience **that is relevant to [in]** one or more of the five key components of school district effectiveness. HSPs will be so designated based on criteria to be determined by the Commissioner. Among other functions, HSPs may assist the Department in evaluating **public school** district performance, **[assist the districts in developing district improvement plans pursuant to this chapter] 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 **[annual] three year comprehensive** review, pursuant to the procedures set forth in this chapter.

“In-depth evaluation” means a process that may be authorized by the Commissioner 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 **[annual] three year comprehensive** review. In-depth evaluations shall be conducted by a team of individuals which may include Department employees and/or highly skilled professionals.

“NJQSAC 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, and that addresses critical areas of need identified through the **[annual] three year comprehensive** review.

“Performance continuum” is a measure which 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 the specific, objective criteria **[of] 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.

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

“Statement of Assurance” means [a] **the section of the District Performance Review** form prepared by the Department and submitted by each [chief school administrator] **Chief School Administrator** to the Department that verifies the accuracy of the responses on the district’s [self-assessment report] **District Performance Review**.

[“Targeted assistance” means the assistance provided to a public school district in a specific area to support the teaching and learning process and overall school district effectiveness. Targeted assistance may be provided by Department personnel or other designees of the Commissioner.]

“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.

**“Three year comprehensive review” refers to the evaluation process conducted by the Department of each public school district every three years to measure each public school district’s performance. The three year comprehensive review shall be based on the District**

Performance Review completed by school districts, and the verification of the District Performance Reviews and consideration of other relevant data and information by Department staff.

SUBCHAPTER 2 NJQSAC COMPONENTS OF SCHOOL DISTRICT EFFECTIVENESS AND INDICATORS

**N.J.A.C. 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 component areas, the Department shall use objective measures [**that recognize**] **and shall consider** public school district improvement and growth.

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

(a) The Department shall establish quality performance indicators to measure **public school** district performance and capacity in each of the five key components of school district effectiveness. The quality performance indicators may be weighted as determined appropriate by the Department.

(b) The initial quality performance indicators proposed by the Department shall be submitted to and approved by the State **[b]Board** by resolution and all subsequent proposed changes to the performance indicators shall likewise be submitted to the State **[b]Board** for approval by resolution. **The State Board shall ensure that the public has an opportunity to comment on the initial quality performance indicators and any changes thereto prior to their approval by resolution.**

(c) The weighted quality performance indicators shall be used by the Commissioner to assess school district performance and capacity during **[annual] the three year comprehensive** reviews pursuant to N.J.A.C. 6A:30-3.1, 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 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, withdrawal from intervention pursuant to N.J.A.C. 6A:30-7.1, and initial placement of Level II, Level III and State-Operated School Districts on the performance continuum pursuant to N.J.A.C. 6A:30-8.3.

**SUBCHAPTER 3 –[ANNUAL] THREE YEAR COMPREHENSIVE REVIEW OF PUBLIC SCHOOL DISTRICTS**

**N.J.A.C. 6A:30-3.1 General requirements**

(a) Once the initial transition to the NJQSAC monitoring and evaluation system pursuant to N.J.A.C. 6A:30-8.1 et seq. has been completed, the Commissioner shall conduct **[an annual] a comprehensive review of [all] each public school [districts] 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 against a series of objective benchmarks to be determined by the Commissioner. Upon a determination that a public school district has failed to meet one or more of the benchmarks, 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 **[annual] three year comprehensive** review shall be based on **[a self-assessment report] the District Performance Review** completed by public school districts, unless N.J.A.C. 6A:30-3.1(d) applies, and verification of that report and review of other relevant data and information by the Department. It may also include one or more on-site visits to **public school** district facilities by Department staff.

(c) The Commissioner shall direct the County Superintendent and other appropriate Department staff to provide timely notification to each public school district of the procedures for the **[annual] three year comprehensive** review.

(d) A public school district shall not provide a **[self-assessment report] District Performance Review** as part of the **[annual] three year comprehensive** review with respect to those components of school district effectiveness for which the **public school** district is implementing a district improvement plan pursuant to N.J.A.C. 6A:30-5.4 to -5.5 and is subject to Department monitoring pursuant to N.J.A.C. 6A:30-5.6.

#### **N.J.A.C. 6A:30-3.2 District [self-assessment report] Performance Review**

(a) **[Each] As part of the three year comprehensive review, each** Chief School Administrator shall complete **[an annual self-assessment report] a District Performance Review, developed by the Department,** based on the weighted quality performance indicators **[developed by the Department] in all five areas of school district effectiveness.**

(b) In order to complete the **[self-assessment report] District Performance Review,** the Chief School Administrator shall take the following steps:

1. Convene a committee to assist in **[conducting a self-assessment report] completing the District Performance Review. The CSA shall determine the total number of people that will serve on the committee. The CSA shall appoint the following**

**persons to the committee:** [This committee shall include, but need not be limited to:]

- i. Chief School Administrator;
- ii. One or more members of the administrative staff in the **public school** district;
- iii. [A representative sample of teachers in the district] **One or more teaching**

**personnel, representative of different grade levels and/or schools in the public school district;**

- iv. 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;

- v. [One or more representatives of the local collective bargaining unit of the educational staff;]

[vi.] One or more parents representing each municipality that the **public school** district serves; **and**

[vii.] **vi.** One or more community representatives; [and]

[viii. One or more members of the district board of education.]

**In addition, the CSA shall include on the committee:**

**i. One or more member representatives of the local collective bargaining unit of the educational staff selected by the local collective bargaining unit; which may include the teaching personnel required under N.J.A.C. 6A:30-3.2(b)(1)(iii); and**

**ii. One or more members of the district board of education selected by the district board of education.**

**In his/her discretion, the CSA may include other persons on the committee with the approval of the district board of education;**

2. Ensure that the process used by the committee in completing the [self-assessment report] **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. [Provide committee members with the opportunity to submit written comments and ensure that those comments are included as an addendum to the final self-assessment report that is submitted to the Department.]

[5.] Ensure that the responses in the public school district's [self-assessment report] **District Performance Review** encompass and reflect the circumstances that exist in the district.

[6.] **5.** Ensure that all responses to the [self-assessment report] **District Performance Review** can be verified by data and supporting documentation and provide this documentation to the Department upon request.

(c) The County Superintendent shall provide technical assistance **as needed** to the Chief School Administrator and the committee utilized by the public school district to [conduct the self-assessment process] **complete the District Performance Review.**

(d) The district board of education may establish a subcommittee of the board of education to monitor the progress of, and assist in, the [self-assessment process] **completion of the District**

**Performance Review. The district board of education may also establish the process and procedures for the operation of the committee completing the District Performance Review which may include periodic reporting to the district board.**

(e) Upon completion of the [self-assessment report] **District Performance Review**, the CSA shall sign a statement of assurance attesting to the accuracy of the responses in the report **to the best of his or her knowledge**. Each member of the committee shall [sign the statement of assurance to attest to his or her participation in the self-assessment process] **be given the opportunity to sign the statement of assurance to attest to his or her participation in completion of the District Performance Review. If a member of the committee refuses to sign the statement of assurance the name of such member shall be written on the form, with the notation “refused to sign.”**

(f) The [self-assessment report] **District Performance Review** and the statement of assurance shall be approved by the district board of education by resolution. **The District Performance Review, statement of assurance and the minutes of all district board of education meetings at which the District Performance Review was discussed shall [and] be** submitted to the appropriate County Superintendent’s office by November 15 of [each] **that** year. **In the event that the district board of education does not approve the District Performance Review as submitted by the CSA, the district board of education may require that the CSA and the committee reevaluate and/or revise the responses on the District Performance Review. Under such circumstances, the district board of education may request that the**

**Department grant a reasonable extension of time for submission of the District Performance Review.**

(g) Failure by a **public school** district to conduct or submit a **[completed self-assessment report] District Performance Review including [and]** a statement of assurance approved by the **[local] district** board of education in accordance with the requirements set forth at N.J.A.C 6A:30-3.2 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

**N.J.A.C. 6A:30-3.3 Review and Evaluation of [Public School Districts' Self-Assessment Reports] District Performance Reviews**

(a) Upon receipt of a public school district's **[self-assessment report] District Performance Review** and statement of assurance, the County Superintendent shall confirm the receipt of the documents and conduct a review, **which shall include:.**

**[(b) The initial review conducted by the County Superintendent shall include:]**

1. Reviewing the **[self-assessment report] District Performance Review** and Statement of Assurance for completeness;
2. Confirming the use of a committee, composed of representatives as required by N.J.A.C. 6A:30-3.2(b)(1), to complete the **[self-assessment report] District Performance Review** as demonstrated by the Statement of Assurance; and

3. Verifying the responses of the [self-assessment report] **District Performance Review** using relevant data, **reports, facts audit results, documents** and/or other information. In connection with the review of the [self-assessment report] **District Performance Review**, the County Superintendent's staff may require that the district submit documentation substantiating its responses or other information.

[(c)](b) Upon completion of the initial review, the County Superintendent shall notify the Chief School Administrator of any areas of the [self-assessment report] **District Performance Review** that require 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; and/or
2. Initiate one or more on-site visits to district facilities.

[(d)](c) Appropriate County Superintendent staff shall compile and analyze the results of each public school district's [self-assessment report, desk audit,] **District Performance Review** and any additional review conducted by Department staff and shall develop 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. The Commissioner shall review this recommendation as well as any other data, facts, **reports, audit results, documents** and/or [documents] **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**

### **N.J.A.C. 6A:30 – 4.1 General Requirements**

(a) On or before January 30 of [each] **the school year in which the public school district's three year comprehensive review occurs**, the Commissioner shall issue a final determination of each public school district's performance and placement on the performance continuum, based on the [annual] **three year comprehensive** review. The Commissioner shall promptly notify public school districts of that determination **and shall notify the State Board at its next public meeting**.

(b) For each public school district, the Commissioner's determination regarding placement on the performance continuum shall be in the form of a district profile consisting of the reporting of the percentage of weighted quality performance indicators satisfied by the **public school** district in each of the five key components of school district effectiveness. **[The profile shall also include a report of the district's performance under other applicable Federal and State laws.]**

(c) **At the time of issuing his/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 three year comprehensive review set forth at N.J.A.C. 6A:30-3.1 et seq. 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)** Each public school district that satisfies between 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 **[them] it** as **a** “high performing” **[districts]** **district.**

**[(d)] (e)** Each public school district shall be required to report its placement on the performance continuum, as determined by the Commissioner, at the next public meeting of the district board of education.

## **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**

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

### **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.**

(a) **Public school [Districts] 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 **[subject to] required to commence** improvement activities as set forth at N.J.A.C. 6A:30-5.3 to -5.7. These improvement activities **[may] 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. **[Development and implementation of a NJQSAC district improvement plan, approved by the Commissioner, pursuant to N.J.A.C. 6A:30-5.4 to -5.6; and]**
- [3.]** Receipt of technical assistance, **[targeted assistance or both,]** provided by Department staff or by one or more highly skilled professionals, pursuant to N.J.A.C. 6A:30-5.7.

**N.J.A.C 6A:30 – 5.3 In-Depth Evaluation**

(a) The **[Department] Commissioner** shall determine whether to conduct an in-depth evaluation of a public 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 **[annual] three year comprehensive** review;

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 **[annual] three year comprehensive** review. In making this determination, the Commissioner shall consider:

i. Whether other evaluations of the **public school** district exist that address the areas of deficiency or limited capacity identified through this **[annual] three year comprehensive** review process, and that may 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 of deficiency or limited capacity identified through the **[annual] three year comprehensive** review process.

iii. Notwithstanding the provisions of N.J.A.C. 6A:30-5.3(a)(1) and (2), the Commissioner, in his/her discretion, may decide not to conduct an in-depth evaluation of a **public school** district where the Department conducted 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)[3.]** The Commissioner will notify the **public school** district within 30 days of completion of the **[annual] three year comprehensive** review as to whether the Department will conduct an in-depth evaluation of the **public school** district.

**[(b)](c)** 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. 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 **[annual] three year comprehensive** review.

**[(c)](d)** The evaluation **[review]** 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 or areas of limited capacity within the **public school** district identified by the **[annual] three year comprehensive** review as those components of school district effectiveness of which the district satisfied less than 80 percent of the weighted quality performance indicators.
2. Other deficiencies or areas of limited capacity in school district effectiveness related to those identified in N.J.A.C. 6A:30-5.3(c)(1);
3. Conditions in the community that may adversely affect the ability of students to learn.

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

**[(e)](f)** 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 to discuss the scope of the review and the procedures to be followed.
2. **[An] On [on]-site [visit] visits** to the school district's central office, and, at the discretion of the evaluation team, on-site visits to one or more of the **public school** district's schools. The dates for such on-site visits shall be established by the team leader in advance, in consultation with the **[chief school administrator] Chief School Administrator** of the **public school** district.
3. A review of any documents or other written materials deemed relevant by the evaluation **[review]** team. The **[chief school administrator] Chief School Administrator** shall make such materials available to the evaluation team upon the team's request.
4. Interviews by the evaluation team with appropriate individuals as determined by the evaluation team, which may include members of the original team responsible for conducting the **public school** district's self-assessment, in order to obtain their perspectives regarding the circumstances that contributed to the areas of deficiency or limited capacity in the **public school** district and to receive input and suggestions.

5. A public meeting [**shall be**] arranged by the [**chief school administrator**] **Chief School Administrator**, whereby parents, school employees and community residents may meet with the evaluation [**review**] team to discuss **public school** district practices. The public meeting shall be duly advertised and [**posted**] **conducted** in accordance with N.J.S.A. 10:4-6 et seq.

**[6.](g) The review of public school district practices conducted by the in-depth evaluation team shall be completed within 30 business days.**

**[(f)](h)** Within 45 days after conclusion of its review, the evaluation [**review**] 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 **NJOSAC** district improvement plan.

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

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

**N.J.A.C. 6A:30-5.4 New Jersey Quality Single Accountability Continuum 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 of deficiency and limited capacity identified through the **[annual] three year comprehensive** review and in-depth evaluation, if applicable.

(b) The NJQSAC district improvement plan **[is] shall be** data driven, results oriented, and **shall outline [outlines] strategies for building capacity of the public school district and its schools to improve learning and teaching.** **[continuous improvement of the district. The improvement plan shall provide the broad parameters for building capacity of the district and its schools to improve learning and teaching.]** The 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 shall incorporate the content **and requirements** of improvement or corrective action plans required by other State or federal programs. The improvement plan shall be informed by data generated by the department, school district and **any** individual school improvement planning processes **that may have occurred.**

(c) A NJQSAC district improvement plan shall consist of district-wide goals[,] **and measurable** objectives **[and measurable targets]** that describe the structural, policy, programmatic or

organizational changes to be implemented. It shall identify the individual(s) responsible for addressing each area and shall specify timelines for 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 [annual review] **three year 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 school district shall also ensure the 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. 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 district, instructional staff, **member** representatives of the local collective bargaining unit of the educational staff, parents, and community members. **[The in-district team may also include one or more highly skilled professionals, as determined by the Commissioner.]**

(f) When requested by the Chief School Administrator, the Department may provide the 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 [**and/or targeted**] assistance to be provided to the public school district through the NJQSAC district improvement plan.

#### **N.J.A.C. 6A:30 5.5 Review and Approval Process for the NJQSAC District Improvement Plan**

(a) Within 45 days of the public school district's receipt of the in-depth evaluation report, the [**chief school administrator**] Chief School Administrator shall obtain the approval of the district's board of education for the proposed NJQSAC district improvement plan and shall submit the proposed NJQSAC district improvement plan, as approved by the board of education, to the Department. If the Department did not conduct an in-depth evaluation of the district, the board-approved proposed NJQSAC public school district improvement plan must be submitted to the Department within 45 days of the district's receipt of notification that no in-depth evaluation will be conducted. In his/her discretion, the Commissioner may grant reasonable extensions of time for the submission of the board-approved NJQSAC district improvement plan.

(b) Failure by a public school district to submit a board-approved NJQSAC district improvement plan in accordance with the requirements set forth at N.J.A.C. 6A:30-5.4 and -5.5(a) 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 **[annual] three year comprehensive** review and the in-depth evaluation, if applicable. The Department **[staff's review of the NJQSAC district improvement plan]** 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 of deficiency.

The Department staff shall make a recommendation to the Commissioner **proposing revisions to or approval of the proposed plan.** **[with respect to proposed revisions of the plan or approval.]**

(d) The Commissioner shall review the **proposed NJQSAC district improvement** plan and recommendation of Department staff **within 30 days.**

**(i)** Upon approval **of the NJQSAC district improvement plan,** the Commissioner shall provide 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.

**(ii) If the Commissioner determines that the proposed NJQSAC district improvement plan needs revision, the Commissioner shall notify the public school**

**district, and the public school district shall revise the plan in the manner and within the time specified by the Commissioner.**

**N.J.A.C. 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 approval of the plan by the Commissioner.

(b) **Every six months, [T]**the Department shall review the progress of the public school district in implementing the NJQSAC **district** improvement plan **every six months**. As part of this review, the public school district shall submit a report of its progress in a format to be determined by the Department. Each six month review shall also include an on-site visit at which time **the** Department **[staff]** 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. Based on these six-month **[assessments] reviews**:

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 district as high performing;
- ii. The six month **[assessments] reviews** of the **public school** district pursuant to this subchapter shall cease; and

iii. Payment for any technical **[and/or targeted]** 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:

i. The Commissioner shall issue a letter detailing the areas in which the district **[remains deficient] continues to need improvement**;

ii. The Commissioner shall ensure that the public school district continues to receive appropriate technical **[and/or targeted]** assistance, **if applicable**;

iii. The Commissioner shall continue to monitor the progress of the public school district.

(c) Subject to the approval of the Commissioner, a public school district's NJQSAC 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 whether the **public school** district's NJQSAC improvement plan should be amended to address insufficient progress by the **public school** district in satisfying the weighted performance indicators in one or more areas of school district effectiveness.

1. If the Commissioner determines that the NJQSAC improvement plan should 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(f) 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 district is making sufficient progress in all areas, the school district shall continue to implement the current NJQSAC district improvement plan without amendments.

**N.J.A.C. 6A:30-5.7 Assistance Provided to Public School Districts Through the NJQSAC District Improvement Plan**

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

1. The type of assistance shall be delineated in the NJQSAC district improvement plan developed by the district in collaboration with the Department.

2. The Commissioner shall select and appoint appropriate Department personnel [and/or highly skilled professionals] to provide the assistance set forth in the NJQSAC district improvement plan, which may be coordinated and provided on a regional or State-wide basis.

**3. In consultation with the public school district, the Commissioner may select and appoint appropriate highly skilled professionals to provide the assistance set forth in**

**the NJQSAC district improvement plan, which may be coordinated and provided on a regional or State-wide basis.**

(b) The Commissioner shall develop criteria to determine the eligibility of persons, not **currently** employed by the Department, to be designated as “highly skilled professionals” and to perform specific functions in public school districts. **The criteria proposed by the Department for determining the eligibility of persons to serve as highly skilled professionals shall be submitted to and approved by the State Board by resolution and all subsequent proposed changes to the criteria shall likewise be submitted to the State Board for approval by resolution.**

1. Highly skilled professionals may be assigned to **public school** districts by the Commissioner to perform designated functions, including but not limited to:

i. **[Participation] Participating** as a member of the in-depth evaluation team pursuant to N.J.A.C. 6A:30-5.3;

ii. **[Providing assistance to school districts toward the development of the NJQSAC district improvement plan;]**

**[iii] ii.** Providing technical **[or targeted]** assistance as delineated in the NJQSAC district improvement plan approved by the Commissioner;

**[iv.] iii.** Providing direct oversight of **public school** district functions during a period of partial or full State intervention pursuant to N.J.A.C. 6A:30-6.1 et seq.;

and

[v.] **iv. Participating [Participation]** as a member of the team formed to evaluate public school districts that were designated as State operated, Level II or Level III, pursuant to N.J.A.C. 6A:30-8-1 et seq.

2. The Commissioner shall not appoint highly skilled professionals to a public school district in a capacity that would require the individual to serve in more than one role in a public school district or that would otherwise create a conflict of interest within the **public school** district.

3. The **[cost of the salaries] compensation** of highly skilled professionals appointed by the Commissioner pursuant to this subchapter shall be a shared expense of the public school district and the Department, with each assuming one-half of the costs **[of these salaries]**.

## **SUBCHAPTER 6 – INTERVENTION ACTIVITIES**

### **N.J.A.C. 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 **[components of school district effectiveness] areas of public school district functioning**. Partial State intervention may include:

1. Appointment by the [Commissioner] **State Board, upon the recommendation of the Commissioner** of a [State] district superintendent if the position is vacant;
2. Appointment [by the Commissioner] **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. Full State intervention may include:

1. Appointment by the **State Board, upon recommendation of the** Commissioner, of a State district superintendent [or other person] to direct the administrative functions of the **public school** district;
2. Appointment [by the Commissioner] **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.

#### **N.J.A.C. 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 the public school district satisfies less than 50 percent of the weighted quality performance indicators in four or fewer of the five components of school district effectiveness, and one of the following factors is present:

1. The public school district has failed to submit its **[annual self-assessment report]** **District Performance Review** and Statement of Assurance and/or failed to provide other documentation in connection with the **[annual] three year 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[, **despite the provision of assistance coordinated by the Department,**] 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[, **despite the provision of assistance coordinated by the Department,**] to implement the NJQSAC 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 **[distinct] district** will provide a thorough and efficient education to the students in the 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 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 school district satisfies less than 50 percent of the weighted quality performance indicators in each of the five components of school district effectiveness and one of the following factors is present:

1. The public school district has failed to submit its **[annual self-assessment report]** **District Performance Review** and Statement of Assurance and/or failed to provide other documentation in connection with the **[annual] three year 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[, **despite the provision of assistance coordinated by the Department,**] 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[, **despite the provision of assistance coordinated by the Department,**] to implement the NJQSAC 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 **[distinct] district** will provide a thorough and efficient education to the students in the 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

unwillingness or inability on the part of the **public school** district to develop such local capacity without State intervention.

### **N.J.A.C. 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 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 time of service of the Order to Show Cause, the Commissioner 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** 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 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 decision by the State [b]Board shall be considered final and may be appealed to the Superior Court, Appellate Division.

#### **N.J.A.C. 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 address, but need not be limited to, the following:

1. Whether the State Board upon the recommendation of the Commissioner, will appoint a district superintendent in the event that 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/her salary shall be an expense of the **public** school district.

2. Whether **[the Commissioner intends to appoint]** highly skilled professionals **will be appointed pursuant to N.J.S.A. 18A:7A-14** to provide **direct** oversight **[and/or control]** in the public school district. If so, the intervention plan will state the key components in which the highly skilled professionals will have authority, and will set forth in detail the powers, authority and duties of such individuals. **[The plan will describe the scope and extent of authority of each highly skilled professional appointed with respect to the hiring, firing, promotion and retention of school district personnel, the authority to expend funds and to obligate the school district financially and the authority to make changes within the district.]** The plan shall also establish a decision-making hierarchy in the event that conflicts arise between persons appointed by the Commissioner and **public** school district personnel. The plan shall state **[how] that** the costs of the highly skilled professional(s) will be **divided equally** **[allocated]** between the State and the **public school** district; and
3. Whether the Commissioner intends to exercise his/her authority to appoint, with the State **[b]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.

### **N.J.A.C. 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 approval of the State **[b]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 additional members from a list of three candidates provided by the local governing body of the municipality in which the school district is located. **If the public school district is [In the event of] a regional school district, one of these additional members shall be selected by the Commissioner from a list containing three candidates from each constituent municipality [encompassed by the school district] provided by the governing bodies of the respective municipalities. If the public school district is a county vocational-technical school district or a special services district, the list of 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.

3. The appointed district board members shall meet all the requirements of N.J.S.A. 18A:12-1 et seq., **and must 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 members shall comply with the School Ethics Act, N.J.S.A. 18A:12-21 et seq.

(c) **The appointed district board** [Board] members [appointed by the Commissioner] shall be non-voting members of the **district** board and shall have all other rights, **obligations**, powers and privileges of board members.

1. Six months following the initial order for partial State intervention, the Commissioner shall determine whether or not the **appointed district** board members [s/he has appointed] shall become voting members of the district board of education.

2. If the Commissioner determines that the **appointed** district board members [s/he has appointed] shall become voting members, the district board of education shall have 30 days to appeal that determination to the State Board of Education.

(d) **The appointed district board** [Board] members [appointed by the Commissioner] shall report to the Commissioner on the activities of the district board of education and shall provide assistance to the board of education on such matters as deemed appropriate by the Commissioner, including but not limited to the applicable laws and regulations governing specific school board action.

(e) [District board] **The appointed district board** members [appointed by the Commissioner] 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 term.

2. Any vacancy in the membership appointed by the Commissioner shall be filled in the same manner as the original appointment.

### **N.J.A.C. 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 and one of the factors set forth at 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 service of the Order to Show Cause, the Commissioner shall also serve upon the **public school** district a proposed administrative order for full intervention which shall contain and incorporate a full intervention plan, developed by the Department, as set forth more fully 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 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 decision by the State [b]Board shall be considered final and may be appealed to the Superior Court, Appellate Division.

### **N.J.A.C. 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 address but need not be limited to the following elements:

1. Whether the State Board, **upon 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/her salary shall be an expense of the **public** school district.

ii. The intervention plan shall also provide that if the State Board chooses to appoint the existing district superintendent, then he or she must agree to termination of his/her existing contract with the **public** school district.

2. Whether **[the Commissioner intends to appoint]** highly skilled professionals **will be appointed pursuant to N.J.S.A. 18A:7A-15** **[or other persons]** 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 **[or other persons]** will oversee, and will set forth in detail the powers, authority and duties of such individuals.

ii. **[The plan will describe the scope of authority of each person so appointed with respect to the hiring, firing, promotion and retention of school district personnel, the authority to expend funds and to obligate the school district financially and the authority to make changes within the district.]**

**[iii.] ii.** The plan shall also establish a decision-making hierarchy in the event that conflicts arise between persons appointed by the Commissioner and **public** school district personnel.

**[iv.] iii.** The plan shall state **[how]** **that** the costs of the highly skilled professional(s) **[or other persons]** will be **[allocated]** **divided equally** between the State and the **public school** district.

3. **[Allocation of duties, responsibilities, and authority between a State district superintendent and other persons designated by the Commissioner to exercise control over the functions of the district. The plan will delineate which person shall have the following functions and duties:**

i. **Make, amend and repeal district rules, policies and guidelines, not inconsistent with law for the proper conduct, maintenance and supervision of the schools in the district;**

- ii. Ensure that the district is in compliance with all Federal and State laws, rules and regulations relating to equal employment opportunities, affirmative action and minority business opportunities;**
- iii. Enforce the rules of the State board;**
- iv. Perform all acts and do all things, consistent with law and the rules of the State board, necessary for the lawful and proper conduct, equipment and maintenance of the public schools of the district;**
- v. Sue in the district's corporate name and likewise submit to arbitration and determination disputes and controversies in the manner provided by law;**
- vi. Cause a report of the condition of the public schools and the public school property and an itemized account of the condition of the finances of the district to be printed and published as soon as practicable after the close of each school year;**
- vii. Cause an exact census to be taken annually of all children residing in the district between the ages of five and 18 years, and appoint, for the purpose of taking that census, as many suitable persons as may be necessary to act as enumerators and fix their compensation, which compensation shall be paid as a current expense;**
- viii. Authorize all warrants for claims or expenditures approvable by a district board of education or any action required of a district board of education pursuant to Chapter 19 of Title 18A of the New Jersey Statutes;**

- ix. Exercise authority for the implementation of any provision of N.J.S.A 18A-20 relative to the acquisition and disposition of property which requires action by a district board of education;**
- x. Exercise authority vested in boards of education by Chapter 21 of Title 18A of the New Jersey Statutes;**
- xi. Render determinations that may be required of a district board of education pursuant to Chapter 18A of Title 18A of the New Jersey Statutes;**
- xii. Appoint, transfer and remove clerks, pursuant to the provisions of Title 11A of the New Jersey Statutes and the provisions of N.J.S.A. 18A:17-1 et seq.;**
- xiii Subject to the approval of the Commissioner, appoint and set the salaries of such State assistant superintendents and assign to them their duties and responsibilities. The plan shall provide that no State assistant superintendent shall acquire tenure, notwithstanding any other provision of law;**
- xiv. Subject to the approval of the Commissioner or his/her designee, make all personnel determinations relative to employment, transfer and removal of all officers and employees, professional and nonprofessional, except that the services of the district auditor or auditors and attorney or attorneys shall be immediately terminated;**
- xv. Delegate to subordinate officers or employees in the district any of his/her powers and duties as s/he may deem desirable to be exercised under his/her supervision and direction;**

xvi. Prepare, within 180 days of establishing a public school district under full state intervention, a reorganization of the district's central administrative and supervisory staff and evaluate all individuals employed in central administrative and supervisory staff positions;

xvii. Dismiss any tenured building principal or vice-principal for inefficiency, incapacity, unbecoming conduct or other just cause as defined by the criteria for principal or vice-principal performance and pursuant to applicable law;

xviii. Develop a budget for the district, submit it to the district board, and comply with the procedures set forth at N.J.S.A. 18A:7A-50, -51 and -52; and

xix. Any other functions, powers and duties that the Commissioner deems necessary for the proper conduct, maintenance and supervision of the schools in the district.

4. Whether the Commissioner will establish an internal audit team to monitor the business functions of the district.

i. If such a team is established, the plan shall set forth the composition of the team, the scope of the team's duties and responsibilities and shall provide that the team shall report its findings to the Commissioner and any district personnel deemed appropriate by the Commissioner.

ii. The cost of providing this internal audit shall be borne by the State.

5. Designate the person with authority to make personnel decisions regarding officers, employees and consultants, professional and nonprofessional, certified and non-certified personnel.

- i. The plan may establish criteria for such personnel decisions.**
- ii. The plan shall provide that any person serving under tenure or permanent civil service status shall retain all tenure rights and may continue to serve in the district.**
- iii. The plan shall delineate the duties such persons can perform and for which they may be appropriately certified. ]**

**[6.] Whether the positions of the public school district's Chief School Administrator and those executive administrators responsible for curriculum, business and finance, and personnel will be abolished. If those positions are abolished, the provisions of N.J.S.A. 18A:7A-44(a) with respect to notice, salary, tenure rights, etc., shall apply.**

**[7. Whether the positions of the central administrative and supervisory staff, instructional and non-instructional will be abolished. If those positions are abolished, the provisions of N.J.S.A. 18A:7A-44(c) with respect to notice, salary, tenure rights, etc., shall apply.**

**8. Whether an assessment unit will be created for the evaluation of principals and vice-principals.**

- i. If such an assessment unit will be created, the plan shall designate the person authorized to establish it.**
- ii. Evaluations by the assessment unit shall be conducted in accordance with criteria promulgated by the Commissioner and pursuant to N.J.S.A. 18A:7A-45(b).**

iii. **If an assessment unit is not created pursuant to this subsection, the plan shall designate the person responsible for evaluating principals and vice-principals in the district.**

iv. **The plan shall designate the person authorized to dismiss tenured building principals or vice-principals pursuant to N.J.S.A. 18A:7A-45(c) and the person to act as the board of education with respect to the procedures set forth in N.J.S.A 18A:6-10, 11, 13, 14, 16 and 17.]**

[9.] **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.

**[i. If a Capital Project Control Board is established, the plan shall designate a person to handle all matters relating to the board, including serving as chairperson of the board pursuant to N.J.S.A. 18A:7A-46.1 et seq.**

**ii.] 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.**

[10.] **5.** Whether the Commissioner intends to exercise his/her authority to appoint, with the State **[b]Board's** approval, up to three additional members to the board of education of the public school district.

**[i. The plan shall designate either the State district superintendent or other person to meet with the board, determine the board agenda, report to the board on all actions taken and on pending actions and handle all other matters relating to the board set forth in N.J.S.A. 18A:7A-47.**

ii.] If the additional board members are appointed, they shall be subject to the requirements of N.J.A.C. 6A:30-6.5.

**N.J.A.C. 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 district board of education currently in place shall continue in place, but it **shall serve in an advisory capacity only and** shall have only those rights, powers and privileges of an advisory board.

(b) The advisory board of education shall meet at least once per month at such dates and times as determined by the State district superintendent [**or other person so designated in the intervention plan pursuant to N.J.A.C. 6A:30-6.7**].

(c) Any advisory board member seat vacancies shall be filled in the same manner as the seats were initially filled.

(d) If the full intervention plan incorporated into the administrative order for full intervention provides for the Commissioner, with the approval of the State **[b]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. **[In the event of] If the public school district is** a regional school district, one of these additional members shall be selected by the Commissioner from a list containing three candidates from each **constituent** municipality **[encompassed by the school district] provided by the governing bodies of the respective municipalities.** **If the public school district is a county vocational-technical school district or a special services district, the list of 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.

3. The appointed district board members shall meet all the requirements of N.J.S.A. 18A:12-1 et seq.[,] **and must 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.

(e) The appointed district board members shall comply with the School Ethics Act, pursuant to N.J.S.A. 18A:12-21 et seq.

(f) **The appointed district board** **[Board]** members **[appointed by the Commissioner]** shall be non-voting members of the **district** board and shall have all the other rights, **obligations,** powers and privileges of board members.

1. Six months following the initial order for full State intervention, the Commissioner shall determine whether or not the **appointed district** board members **[s/he has appointed]** shall become voting members of the district board of education. If the members appointed by the Commissioner become voting members of the board, they shall have the same rights and privileges with respect to voting as other members of the board.

2. If the Commissioner determines that the **appointed** district board members **[s/he has appointed]** shall become voting members, the district board of education shall have 30 days to appeal that determination to the State Board of Education.

(g) **The appointed district board [Board]** members **[appointed by the Commissioner]** shall report to the Commissioner on the activities of the 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 regulations governing specific school board action.

(h) **The appointed district [District]** board members **[appointed by the Commissioner]** 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 term.

2. Any vacancy in the membership appointed by the Commissioner shall be filled in the same manner as the original appointment.

(i) The **district** board of education shall assess the 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 report shall be forwarded to the Commissioner and the State Board.

#### **N.J.A.C. 6A:30-6.9 Assessment Activities During the Period of Intervention**

(a) During the period of partial or full State intervention:

1. [Annual] **Three year comprehensive** reviews pursuant to N.J.A.C.6A:30-3 shall be continued; and
2. [District] **public 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**

#### **N.J.A.C. 6A:30-7.1 Factors for Initiating Return to Local Control**

(a) A **public school** district in full intervention **[must] 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 [annual] **three year comprehensive** reviews, six month [assessments] **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.

**N.J.A.C. 6A:30-7.2 Procedure for Transition to Partial State Intervention or to Local Control**

(a) When the Commissioner determines that a **public school** district has satisfied the factors delineated at N.J.A.C. 6A:30-7.1(b) with respect to one or more areas of **public school** district functioning under State intervention, the Commissioner shall recommend to the State Board that the process for withdrawal from intervention be initiated. The State Board, based on the Commissioner's recommendation, may grant approval for the Department to initiate the transition to local control in those areas of **public school** district functioning. The procedures

set forth in this subchapter regarding transition to partial State intervention or to local control shall also apply to **public school districts that were State-operated prior to the effective date of this chapter and** [State-operated districts] that are determined to be eligible to begin the transition process pursuant to N.J.A.C. 6A:30-8.1 et seq.

(b) When 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 decision.

(c) As an initial step in the transition process, the Department, in collaboration with the district, shall develop a transition plan which 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 which the **public school** district has met the requirements of N.J.A.C. 6A:30-7.1.

#### **N.J.A.C. 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 under transition;
2. Provisions regarding the continued employment status of the State district superintendent [and/or other persons(s)] appointed [by the Commissioner] during the period of intervention, **provided, however, that the State district superintendent shall continue to hold that 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 [use] **provision of technical assistance by** [of] highly skilled professionals; [**designated and/**]or [**appointed by the Commissioner during the period of intervention**]

4. Provisions regarding **the continued use of and** any changes in the duties, authority and responsibilities of **highly skilled professionals** [persons] appointed [**by the Commissioner**] to provide direct oversight in the **public school** district. The plan shall also establish a decision-making hierarchy in the event that conflicts arise between persons appointed [**by the Commissioner**] and 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 with respect to the remaining areas of **public school** district functioning under intervention;

6. When the governance component of school district effectiveness is being returned to local control, provisions regarding the status of board members appointed by the Commissioner;

7. Provisions regarding the receipt of [**targeted and/or**] technical assistance by the **public school** district, and the payment for such services;

8. Provisions for discontinuance of the Capital Projects Control Board, if applicable.

#### **N.J.A.C. 6A:30-7.4 Implementation of the Transition Plan**

(a) [The district's proposed transition plan shall be subject to review and approval by the Commissioner.]

[(b)] Upon approval by the Commissioner, the transition plan shall be presented at a public meeting of the district board of education and officially noted in the minutes. The district board of education [shall be notified and] shall be immediately required to implement the provisions of the transition plan.

[(c)] The district board of education shall notify the public of this action at a regular or special meeting. The public meeting shall be duly advertised and posted pursuant to N.J.S.A 10:4-6 et seq. ]

[(d)](b) During the 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.

[(e)](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.

**N.J.A.C. 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 board 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 this district board of education as an advisory board, the State Board of Education, upon the recommendation of the Commissioner, may return some voting functions to the district board as part of and in furtherance of the process of transition to local control **of the governance component of school district effectiveness.**

**(c) Not more than one year following the return of the component of governance to local control, the district board shall call a special election for purposes of placing the question of classification status before the voters of the public school district, which election shall 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**

(a) Upon complete satisfaction of all components 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 to local control.

(b) Upon 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, and issue a letter to the district designating it as a "high performing" district.

## **SUBCHAPTER 8 – TRANSITION OF ALL PUBLIC SCHOOL DISTRICTS TO THE NJQSAC MONITORING AND EVALUATION SYSTEM**

### **N.J.A.C. 6A:30-8.1 General requirements**

(a) Upon promulgation of these regulations, public school districts shall be initially evaluated and placed on the performance continuum pursuant to the procedures set forth in this subchapter.

### **N.J.A.C. 6A:30-8.2 Level I Public School Districts**

(a) Public school districts certified as Level I by the State Board of Education prior to the effective date of these regulations shall be **phased into the NJQSAC three year comprehensive review process and** evaluated by the Department in accordance with a schedule established by the Commissioner. **In establishing this schedule, the Commissioner shall take into account the time period that has elapsed since the last on-site monitoring of the public school district by the county superintendent pursuant to the former rules in effect prior to the effective date of this chapter. During the phase-in of the NJQSAC monitoring process, public school districts that have not yet undergone a three year comprehensive review shall**

**continue to complete and submit a Quality Assurance Annual Report (QAAR) pursuant to N.J.A.C. 6A:32-12.1.**

**(b)** Based on the **public** school district's satisfaction of the weighted quality performance indicators in each of the five components of school district effectiveness, as determined by the Department's review of all relevant information and data, the Commissioner shall assess **public school** district performance and capacity and shall place each **public school** district on a performance continuum, pursuant to the procedures set forth at N.J.A.C. 6A:30-3 and -4.

**N.J.A.C. 6A:30-8.3 Public School Districts Certified as Level II and Level III and State Operated Public School Districts**

(a) Within **[45 days of the effective date of this chapter]** **the time period provided at N.J.S.A. 18A:7A-53(b)**, the Commissioner shall conduct an evaluation of public school districts designated pursuant to P.L.1996 c.138 as Level II, Level III and State-operated.

(b) The Commissioner shall convene an evaluation team consisting **at a minimum** of highly skilled professionals to conduct the evaluation of Level II, Level III and State-operated **public school** districts. At the discretion of the Commissioner, the evaluation team may also include Department personnel[.], **public school district representatives and other** **[The evaluation team shall include]** individuals with expertise in the areas of curriculum and instruction, fiscal management, **[district]** operations, human resources and organizational

dynamics and governance. The Commissioner shall designate a team leader to **[ensure the coordination of] coordinate** the evaluation and completion of the final report.

(c) The evaluation team shall assess **public school** district performance and capacity in each of the five key components of school district effectiveness, as measured by the weighted quality performance indicators.

(d) The 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] Chief School Administrator** to discuss the scope of the review and the procedures to be followed;

2. **[An] On [on]-site visits** to the **public** school district's central office, and, in 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 by the team leader in advance, in consultation with the **[chief school administrator] Chief School Administrator** of the **public school** district;

3. A review of any documents or other written materials deemed relevant by the evaluation team. The **[chief school administrator] Chief School Administrator** shall make such materials available to the evaluation team upon the team's request;

4. Interviews by the evaluation team with appropriate **public school** district staff and their collective bargaining representatives in order to obtain their perspectives regarding the performance of the **public school** district;

5. A public meeting arranged by the [chief school administrator] **Chief School Administrator**, whereby parents, school employees and community residents may meet with the evaluation team to discuss **public school** district practices. The public meeting shall be duly advertised and [posted] **conducted** in accordance with N.J.S.A. 10:4-6 et. seq.

(e) Within [ten days after conclusion of its review] **the time period allotted for the evaluation pursuant to N.J.S.A. 18A:7A-53(b)**, the evaluation team shall submit a report to the Commissioner. The report shall make recommended findings and conclusions with respect to the **public school** district's performance in each of the five key components of school district effectiveness.

(f) Within [five days of his/her receipt of the evaluation team's draft report] **the time period allotted pursuant to N.J.S.A. 18A:7A-53(b)**, the Commissioner shall review the findings, conclusions and recommendations of the evaluation team and shall produce a final report containing his/her determination with respect to the **public school** district's placement on the performance continuum. That report shall be provided to the **public school** district's [chief school administrator] **Chief School Administrator** and board of education.

(g) The **public school** district shall have 30 days from the date of receipt of the Commissioner's report to appeal the placement decision to the State Board.

(h) The Department and the **public school** district shall initiate all appropriate improvement and intervention activities based on the **public school** district's placement on the performance continuum, as determined by the Commissioner.

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 key components of school district effectiveness, the Commissioner shall send the district a letter designating it as a "high performing" district pursuant to N.J.A.C. 6A:30-4.1(c).

2. If the Commissioner determines that the **public school** district satisfies less than 80 percent of the weighted quality performance indicators in one or more of the components of school district effectiveness, the Department and the **public school** district will engage in the improvement activities delineated at N.J.A.C. 6A:30-5.1 et seq.

3. If the Commissioner determines that the Level II or Level III **public school** district satisfies less than 50 percent of the weighted quality performance indicators in one or more of the components of school district effectiveness, that at least one of the factors set forth at N.J.A.C. 6A:30-6.2 is present and that the **public school** district should be placed under partial or full State intervention, the Commissioner may seek intervention by issuing an Order to Show Cause why an administrative order for partial or full intervention, as appropriate, should not be implemented pursuant to the procedures set forth at N.J.A.C. 6A:30-6.3.

4. If the Commissioner determines that a State-operated **public school** district meets the factors for initiating return of one or more components of school district effectiveness to local control pursuant to N.J.A.C. 6A:30-7.1, the Commissioner shall recommend to the

State [b]Board that the process for initiating transition to local control of those components of public school district functioning be initiated pursuant to N.J.A.C. 6A:30-7.2, and that the public school district be placed under partial State intervention with respect to the remaining components of public school district functioning.

5. If the Commissioner determines that a State-operated public school district does not meet the factors for initiating return of [one or more] any components of school district effectiveness to local control pursuant to N.J.A.C. 6A:30-7.1, the Commissioner shall recommend to the State [b]Board that the public school district shall operate under full State intervention.

## SUBCHAPTER 9 OBSERVATION OF INSTRUCTIONAL PRACTICES AND EVALUATION OF PUBLIC SCHOOL DISTRICT FACILITIES

### **N.J.A.C. 6A:30-9.1 General Requirements**

(a) Nothing in this chapter shall limit the 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.

## SUBCHAPTER 10 APPEALS

### **N.J.A.C. 6A:30-10.1 Appeal Process**

(a) A public school district may appeal decisions of the Commissioner to the State Board pursuant to the provisions set forth at N.J.A.C. 6A:4-1.1.