

N.J.A.C. 6A:33, School Turnaround and Improvement

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Chapter 33. School Turnaround and Improvement

Subchapter 1. General Provisions

6A:33-1.1 Purpose

- (a) The mission of the New Jersey Department of Education is to provide supports to schools, educators, and school districts to ensure that all of New Jersey's 1.4 million students have equitable access to a high-quality education and achieve academic excellence. To that end, these rules are promulgated pursuant to N.J.S.A. 18A:7F-34 to support the State's lowest performing schools identified as Comprehensive and Targeted Schools.
- (b) Pursuant to the authority at N.J.S.A. 18A:7F-6.b and 18A:7F-60, the Commissioner may take any action the Commissioner deems necessary and appropriate, whenever the Commissioner determines, through the results of Statewide assessments or during the course of an evaluation of school performance, that a school district or one or more of its schools is failing to achieve the New Jersey Student Learning Standards (NJSLS).
- (c) Based on the authority of N.J.S.A. 18A:7F-6.b and 18A:7F-60, in accordance with the Every Student Succeeds Act (ESSA) (20 U.S.C. §§ 6301 et seq.) and pursuant to this chapter, the Department will:
 - 1. Utilize a system of meaningful differentiation to identify Comprehensive and Targeted Schools;
 - 2. Provide differentiated support to Comprehensive and Targeted Schools based upon the reason for identification and the annual plans developed by the school and its school district; and
 - 3. Utilize exit criteria for Comprehensive and Targeted Schools to assess ongoing progress toward improved academic achievement and school success in the State.

6A:33-1.2 Scope

The rules shall apply to Comprehensive and Targeted Schools, as defined at N.J.A.C. 6A:33-1.3, and their school districts with the exception of any charter schools authorized pursuant to N.J.S.A. 18A:36A-1 et seq., or renaissance school projects that may be identified as Comprehensive or Targeted Schools.

6A:33-1.3 Definitions

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

“Accountability indicators” mean the areas that the Every Student Succeeds Act (ESSA) requires the State to utilize in measuring the performance of all schools for the purpose of identifying schools in need of support and improvement. The required accountability indicators for high schools are: academic achievement; graduation rate; progress toward achieving English language proficiency; and a measure of school quality or student success. The required accountability indicators for elementary and middle schools are: academic achievement; academic progress; progress toward achieving English language proficiency; and a measure of school quality or student success.

“Annual school plan” means a school-level plan to improve student outcomes for a Comprehensive or Targeted School.

“Comprehensive School” means a school that the Department identifies as in need of comprehensive support and improvement, in accordance with the criteria at N.J.A.C. 6A:33-2.1.

“Comprehensive II School” means a Comprehensive School that does not meet exit criteria, in accordance with N.J.A.C. 6A:33-4.1(b).

“English language proficiency test” means as defined at N.J.A.C. 6A:15-1.2.

“ESSA” means the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act, 20 U.S.C. § 6301 et seq.

“Evidence-based interventions” means strategies that are deemed effective based on research findings that indicate a positive, statistically significant impact on outcomes and, as such, are likely to result in comparable outcomes for Comprehensive or Targeted Schools when replicated under similar conditions, as described in the research.

“Field support team” means one of the Department’s field-based teams composed of experienced educators and specialists who are charged with providing on-site support focused on curriculum, instruction, assessment, professional learning, use of data, and cycles of continuous improvement to school districts that have one or more Comprehensive Schools, or three or more Targeted Schools.

“Interim target” means the metric in the accountability system that defines whether Comprehensive or Targeted Schools made progress toward long-term goals.

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

1. Implementation of curriculum aligned to the NJSLS, including an ongoing process for revision linked to instructional and assessment data;
2. Ongoing assessment of the climate and culture of the school to ensure a quality learning environment with a culture of high expectations for every student;
3. Development of new family- and community-engagement strategies specifically focused on academic achievement;

4. Implementation of diagnostic and common formative assessments and instructional units;
5. Job-embedded professional learning for instructional staff based on needs identified through the annual school plan, relevant academic assessment, instructional, and demographic data; and
6. Tiered, evidence-based academic strategies to address specific student needs.

“New Jersey Student Learning Standards” or “NJSLs” means the standards established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-4 and defined in N.J.A.C. 6A:8.

“School performance reports” means annual Department school reports that include a range of data on student achievement, progress toward annual targets, and additional college- and career-readiness data points in accordance with the school report cards required by ESSA.

“Student subgroup” means students who are grouped together for the collection of data required by ESSA and for the identification of schools in need of support and improvement. Section 1111(c)(2) of ESSA defines student subgroups, for accountability purposes, as specific racial and ethnic groups, economically disadvantaged students, students with disabilities, and multilingual learners (MLs).

“Targeted School” means a school that the Department identifies as in need of targeted improvement and support, in accordance with the criteria at N.J.A.C. 6A:33-2.2.

“Title I school” means a school that receives Federal funding pursuant to ESSA.

Subchapter 2. Identification Process

6A:33-2.1 Data utilized for identification

- (a) The Department will utilize the following data, if applicable, to measure a school’s performance

on the accountability indicators and to identify Comprehensive and Targeted Schools:

1. Academic achievement as measured by a school's proficiency rates on the State assessment;
2. Academic progress as measured by the school's student growth percentile;
3. The high school's graduation rate;
4. Progress of multilingual learners toward English language proficiency, as measured by the school's growth on the English language proficiency test; and
5. The school's chronic absenteeism rate.

6A:33-2.2 Identification of schools in need of comprehensive support and improvement

(a) The Department will identify a school meeting any of the following criteria as a Comprehensive School:

1. An aggregate score that is at or below the fifth percentile of performance for all Title I schools based on all applicable accountability indicators;
2. For Title I schools, identification as being in need of targeted support and improvement pursuant to N.J.A.C. 6A:33-2.3(a)1 for three or more consecutive years; or
3. For a high school, a four-year graduation rate at or below 67 percent.

6A:33-2.3 Identification of schools in need of targeted support and improvement

(a) The Department will identify a school meeting any of the following criteria as a Targeted School, unless the Department has already identified the school as a Comprehensive School in the same identification cycle:

1. At least one student subgroup has an aggregate score that is at or below the fifth percentile of performance for all Title I schools based on all applicable accountability indicators; or
2. The school has a student subgroup that is designated as consistently underperforming as follows:
 - i. For elementary and middle schools, data for two consecutive years demonstrate that at least one student subgroup missed its interim target in academic achievement, the academic progress indicator fell below a pre-determined level, and each accountability factor was below the State average for all students; or
 - ii. For high schools, data for two consecutive years demonstrate that at least one student subgroup missed its interim targets in academic achievement and graduation rate and each accountability indicator was below the State average for all students.

6A:33-2.4 Notification of identification

- (a) The Department will notify, in writing, any school district that operates a school newly identified as a Comprehensive or Targeted School, pursuant to N.J.A.C. 6A:33-2.2 and 2.3.
- (b) The written notification will include, at a minimum:
 1. The school district's identified school(s) and its corresponding status(es);
 2. A list of available support and technical assistance in understanding expectations for, and addressing the needs of, Comprehensive and Targeted Schools; and
 3. Information about Federal school improvement funds.

Subchapter 3. Supports and Interventions

6A:33-3.1 Annual school plan

- (a) Each year, a Comprehensive or Targeted School shall form an annual school plan team whose membership shall include, but not be limited to:
1. Parents and families;
 2. Community members;
 3. Teachers and other school staff; and
 4. Students, when appropriate.
- (b) The annual school plan team shall first conduct a comprehensive needs assessment to identify high-priority areas to address in the annual school plan. The comprehensive needs assessment shall include:
1. An in-depth analysis of quantitative academic achievement and climate and culture data; and
 2. A qualitative review of school-level practices based on a Department-provided rubric and supported by data determined to be relevant by the school district.
- (c) The annual school plan shall include the results of the comprehensive needs assessment and subsequent root cause analysis. The annual school plan shall also include measurable goals.
- (d) School districts with one or more Comprehensive School(s) or three or more Targeted Schools shall submit to the assigned field support team for approval, the proposed annual school plan for all schools identified as in need of support and improvement. The submission shall include written documentation demonstrating that the school district's superintendent and either the school business administrator or the Federal programs

administrator have approved the annual school plan and affirmed that the plan is aligned with the school district's strategic plan.

- (e) School districts that have no Comprehensive Schools and have less than three Targeted Schools shall review the annual school plan for the Targeted School(s). The plan shall include written documentation demonstrating that the school district's superintendent and either the school business administrator or the Federal programs administrator have approved the annual school plan and affirmed that the plan is aligned with the school district's strategic plan.

6A:33-3.2 Differentiated supports

- (a) The Department's field support teams will provide school districts with Comprehensive Schools or three or more Targeted Schools with differentiated support in the following areas:
 1. Developing the annual school plan(s), including the comprehensive needs assessment and goal-setting;
 2. Facilitating professional growth opportunities related to the annual school plan;
 3. Collaborating with school and school district leaders to analyze data and ensure that formative assessments are administered and aligned to curricula approved by the district board of education;
 4. Collaborating with school and school district leaders to identify and implement evidence-based instructional practices;
 5. Coaching school and school district leaders to build capacity to coach others and to foster autonomy and professional growth in content knowledge and pedagogy; and
 6. Facilitating progress monitoring of the annual school plan(s) in accordance with N.J.A.C. 6A:33-3.3 to promote growth mindset and continuous improvement.

- (b) The Department will offer the following differentiated support options to school districts that have no Comprehensive Schools and have less than three Targeted Schools:
1. Guidelines for developing the annual school plan, including the comprehensive needs assessment;
 2. Department-sponsored programs, targeted technical assistance, or other opportunities related to the needs of specific student subgroups; or
 3. Guidance on the use of Federal funds to purchase coaching, other professional development, and/or materials related to evidence-based practices designed to improve performance for specific student subgroups or to address specific indicators.

6A:33-3.3 Progress monitoring

- (a) The annual school plan team shall monitor its progress in implementing the annual school plan at the end of each instructional cycle or at least four times during the academic school year.
- (b) As part of the progress monitoring, the annual school plan team shall review:
1. Progress toward measurable goals included in the annual school plan;
 2. Student achievement data; and
 3. Climate and culture data, at the aggregate and student subgroup levels, including, but not limited to, in-school suspensions, out-of-school suspensions, chronic absenteeism, student attendance, faculty attendance, and incidents of violence, including harassment, intimidation, or bullying.
- (c) The annual school plan team shall share the data at (b) above with the assigned field support team throughout the school year.
- (d) School districts that have no Comprehensive Schools and have less than three Targeted Schools shall ensure that the annual school plan team monitors its progress in

implementing the annual school plan at the end of each instructional cycle or at least four times during the school year.

6A:33-3.4 Field support team interventions

- (a) To gather necessary information and facilitate implementation of an annual school plan and/or provide ongoing feedback on whether a Comprehensive or Targeted School is making progress under the annual school plan, the Department may take any or all of the following actions:
1. Attend regularly scheduled school and/or school district administrative meetings pertaining to the annual school plan and/or implementation;
 2. Survey and interview school and school district staff, students, and families;
 3. Develop a schedule and protocol for, and conduct classroom walkthroughs in conjunction with the school principal and school district leadership;
 4. Collect data, reports, and other documents deemed relevant to the Comprehensive or Targeted School's performance;
 5. Collaborate with the school and school district in developing and/or providing professional development opportunities; and
 6. Collaborate with the school and school district in the development of a communications plan to provide progress monitoring information to stakeholders.

Subchapter 4. Exit Criteria

6A:33-4.1 Exit criteria for Comprehensive Schools

- (a) A Comprehensive School has the opportunity to be reviewed based on the exit criteria every three years and when the Department identifies a new cohort of schools.
- (b) A Comprehensive School shall be eligible to no longer be identified as such if the school

meets the following exit criteria:

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

- vi. Active participation in regularly scheduled collaborative opportunities that facilitate professional learning and develop teacher leaders; and
 - vii. Job-embedded professional development that supports teachers' mastery of instructional best practices related to annual school plan goals.
- (c) If the Department does not confirm that the Comprehensive School successfully implemented its annual school plans pursuant to (b)4 above, the school shall remain in status for one additional year and be eligible to cease to be identified as a Comprehensive School the following year if it meets the conditions set forth at (b) above.
- (d) The Commissioner will notify a Comprehensive School by January 31 as to whether it has met the criteria at (b) above and is eligible to cease to be identified as a Comprehensive School effective June 30.
- 1. The chief school administrator shall submit a sustainability plan for an eligible Comprehensive School to the Department within 30 business days of the date of notification of eligibility by the Commissioner.
 - 2. The sustainability plan shall:
 - i. Identify the strategies and initiatives directly linked to improvements in academic achievement;
 - ii. Demonstrate in the goals section how the school district will continue to provide support to the school to sustain noted improvements; and
 - iii. Demonstrate the equitable distribution of resources to support continued school improvement.
 - 3. The Commissioner may determine that a school will cease to be identified as a Comprehensive School upon approval by the Department of the school's sustainability plan. Department approval of a sustainability plan may require, but

is not limited to, plan revisions, school visits, and/or interviews with school district and school leadership.

- (e) Comprehensive Schools that do not meet the exit criteria will remain in status as Comprehensive II Schools. The Commissioner shall notify a Comprehensive School of its Comprehensive II status by January 31.
1. Chief school administrators of Comprehensive II Schools shall provide to the Department, no later than 45 business days after the date of notification of Comprehensive II status, a report describing how the school district will increase equity in resource distribution to the Comprehensive II School relative to previous years.
 2. School districts with Comprehensive II Schools may be eligible for additional funding for new initiatives contingent upon a formal agreement of external program evaluation.
 3. School districts with Comprehensive II Schools shall hire a leadership coach for building principals.
 4. All district board of education members of school districts with Comprehensive II Schools shall undergo additional training to strengthen their knowledge and understanding of their governance and oversight responsibilities.
 5. Comprehensive II Schools shall be subject to the same exit criteria and exit process as Comprehensive Schools. Comprehensive II Schools that do not meet the exit criteria shall remain in Comprehensive II status. The Comprehensive II School status shall be re-examined every three years and when the Department identifies a new cohort of schools.

6A:33-4.2 Exit criteria for Targeted Schools with low performing student subgroup(s)

- (a) A Targeted School has the opportunity to be reviewed based upon the exit criteria every three years and when the Department identifies a new cohort of schools.
- (b) A school identified as a Targeted School pursuant to N.J.A.C. 6A:33-2.3(a)1 shall be eligible to no longer be identified as such if:
 - 1. The school does not have a student subgroup with a summative score at or below the fifth percentile for Title I schools; and
 - 2. The school demonstrates, for each student subgroup for which the school was identified as a Targeted School, improvement on an accountability indicator as compared to the subgroup's performance at the time of identification as a Targeted School. In addition to the applicable accountability indicators, the Department will also consider the following to be indicative of notable subgroup improvement:
 - i. Increase(s) in the percentages of students with scores on Statewide assessments that approached, met, or exceeded expectations;
 - ii. Subgroup academic progress scores that met or exceeded the annual target;
 - iii. Subgroup proficiency rates that met annual targets; and
 - iv. Subgroup rates for chronic absenteeism that met the average for the respective school configuration.
- (c) The Commissioner shall notify a school identified as a Targeted School pursuant to N.J.A.C. 6A:33-2.3(a)1 by January 31 as to whether it has met the criteria at (b) above and is eligible to cease to be identified as a Targeted School effective June 30.
- (d) If a school identified as a Targeted School pursuant to N.J.A.C. 6A:33-2.3(a)1 has met some, but not all, of the criteria at (b) above, the Department may place the school on a one-year probation.

After the one-year probation, the Targeted School shall be eligible to cease to be identified as a Targeted School if all of the criteria at (b) above has been met. If all of the criteria at (b) above are not met after the one-year probation, the school shall remain as a Targeted School.

- (e) A Title I school identified as a Targeted School pursuant to N.J.A.C. 6A:33-2.3(a)1 for three or more consecutive years shall be designated as a Comprehensive School.

6A:33-4.3 Exit criteria for Targeted Schools with consistently underperforming student subgroup(s)

- (a) A school identified as a Targeted School pursuant to N.J.A.C. 6A:33-2.3(a)2 has the opportunity to be reviewed based on the exit criteria every year.
- (b) A school identified as a Targeted School pursuant to N.J.A.C. 6A:33-2.3(a)2 shall be eligible to no longer be identified as such if the Department does not identify the school as having a consistently underperforming student subgroup(s) using the criteria at N.J.A.C. 6A:33-2.3(a)2.
- (c) The Commissioner shall notify a school identified as a Targeted School pursuant to N.J.A.C. 6A:33-2.3(a)2 by January 31 as to whether it has met the criteria listed at (b) above and is eligible to cease to be identified as a Targeted School effective June 30.

Subchapter 5. Appeal Process

6A:33-5.1 Presentation of countervailing evidence

- (a) A Comprehensive or Targeted School and/or its school district may dispute a Departmental finding or intervention made pursuant to this chapter by initiating a contested case before the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
- (b) The Department shall not be required to suspend its activities, including the disputed intervention(s), while evidence is being collected or presented by the school or school district, or while the Department considers and responds to the evidence.