

**Notice of Adoption Regarding Readoption with Amendments at N.J.A.C. 6A:30,  
Evaluation of the Performance of School Districts**

The following is the accessible version of the notice of adoption for the readoption with amendments at N.J.A.C. 6A:30. The notice of adoption document includes [comments and responses](#), as well as an [agency-initiated change](#).

## **Education**

### **State Board of Education**

#### **Evaluation of the Performance of School Districts**

##### **Readoption with Amendments: N.J.A.C. 6A:30**

Proposed: October 7, 2024, at 56 N.J.R. 1901(a).

Adopted: March 5, 2025, by the New Jersey State Board of Education, Kevin Dehmer,  
Commissioner, Department of Education, Secretary, State Board of Education.

Filed: March 10, 2025, as R.2025 d.041, **with non-substantial changes** not requiring  
additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: P.L. 2005, c. 235, and P.L. 2007, c. 16; and N.J.S.A. 18A:7A-1 et seq.

Effective Dates: March 10, 2025, Readoption;

April 7, 2025, Amendments.

Operative Date: July 1, 2025, as to the amendments at N.J.A.C. 6A:30 Appendices A and B.

Expiration Date: March 10, 2032.

##### **Summary of Public Comments and Agency Responses:**

The following is a summary of the comments received from members of the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Brian Latwis, Superintendent, Barnegat Township School District
2. Jessica Verdiglione, Director of Curriculum, Data, Testing, and Professional Development, Red Bank Regional High School
3. Marcella Simadiris
4. Eizabeth Frank, Ed.D., President, Bradley Beach Board of Education

5. Michael Heidelberg, Superintendent/Principal, Bradely Beach Elementary School
6. Luz Vasquez-Guzman, Parent
7. Lina Maria Caswell, Associate Director, Children and Youth Services, Church World Service
8. Joseph Isola, Superintendent, Howell Township Public Schools
9. Karin Grant, President, New Jersey Association of School Librarians
10. John Burns, Esq., Senior Legislative Counsel, New Jersey School Boards Association
11. Dr. Lisa Savoia, Superintendent, Keyport Public Schools
12. Stephanie Vislosky, School Library Media Specialist, Jefferson Township Public Schools
13. Laurie Floyd, School Library Media Specialist, Freehold Regional High School District
14. Lindsey Hintelmann, School Library Media Specialist
15. Beth Thomas, School Library Media Specialist
16. Tricina Strong-Beebe, Advocacy Chair, New Jersey Association of School Librarians
17. Amanda Tagmire, School Library Media Specialist
18. Steve Tetreault, School Library Media Specialist
19. Andrea Caporale, School Library Media Specialist
20. Kaitlyn E. Dunphy, Esq., Associate Director, Legal Services and Member Rights;  
Michael Flynn, Associate Director, Government Relations; Sean Hadley,  
Associate Director, Government Relations; Lou Randazzo, Field Representative,  
Region 2; and Elisabeth Yucis, Associate Director, Professional Development and  
Instructional Issues, New Jersey Education Association (NJEA)
21. Jean Public
22. Martha O. DeBlieu, Associate Director, Research Division, NJEA

1. Comment: The commenter expressed support for the proposed amendments at N.J.A.C. 6A:30 and the alignment of the New Jersey Quality Single Accountability Continuum (NJQSAC) performance indicators to the performance indicators in the State's Every Student Succeeds Act (ESSA) Plan. The commenter also stated that having accountability measures that are consistent across different frameworks is essential for providing clear and actionable feedback to school districts. (1)

Response: The Department appreciates the support.

2. Comment: The commenter expressed support for the proposed amendments at N.J.A.C. 6A:30 because they are responsive, a positive step forward, and a shift toward a more balanced evaluation system. The commenter also stated that the proposed amendments demonstrate the Department's willingness to consider the concerns raised by school districts and will maintain a system that adapts to the evolving needs of New Jersey's public schools. The commenter stated that existing N.J.A.C. 6A:30 has had a profound negative impact on the commenter's school district and that further adjustments at N.J.A.C. 6A:30 are necessary to ensure the Department's evaluation of a school district's effectiveness is fair, equitable, and a true reflection of the school district's performance. (1)

Response: The Department appreciates the commenter's support and remains committed to ensuring the proposed amendments are inclusive of stakeholder feedback. However, the Department disagrees with the commenter's assertion that further adjustments at N.J.A.C. 6A:30 are necessary at this time. The Department maintains that NJQSAC is designed to be a single, comprehensive accountability system that consolidates and incorporates the monitoring requirements of applicable State laws, rules, and regulations.

3. Comment: The commenter expressed support for holding school districts accountable for the success of multilingual learners (MLs) and for the use, at N.J.A.C. 6A:30 Appendices A and B, of metrics that are fair and equitable for school districts that educate MLs. (4)

Response: The Department appreciates the commenter's support.

4. Comment: The commenter inquired as to whether the NJQSAC measures career and technical education opportunities in school districts. (3)

Response: The NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. Not all school districts provide career and technical education opportunities; therefore, it cannot be monitored through the NJQSAC.

5. Comment: The commenter recommended that the Department amend N.J.A.C. 6A:30 to include a "provisional high-performing" status for school districts that fall short in one of the five key components of school district effectiveness. The commenter stated the provisional status would recognize a school district's achievement while providing the school district support. (11)

Response: The Department declines to make the commenter's recommended change because it would not align with the State law that governs the NJQSAC. N.J.S.A.

18A:7A-14 requires the Commissioner of the Department of Education (Commissioner) to designate a school district as high-performing if the school district satisfies 80 to 100 percent in all five areas of school district effectiveness. The statute also requires the Commissioner to place the school district on a performance continuum that will determine the type and level of oversight, technical assistance, and support the district receives to correct deficiencies in the key component areas in which a school district did

not meet 80 percent of the performance indicators. The statute does not provide for any other designations for school districts.

6. Comment: The commenter stated that all accountability systems should be streamlined through a lens of equity to provide all students with a thorough and efficient education. The commenter referenced the commenter's public testimony regarding N.J.A.C. 6A:30, dated August 7, 2024, and N.J.A.C. 6A:33, School Turnaround and Improvement, dated April 6, 2021, as an attempt to examine the New Jersey Administrative Code through a lens of equity. (3)

Response: The Department agrees with the commenter's assertion that all accountability systems should be streamlined through a lens of equity. The amendments at N.J.A.C. 6A:30 Appendices A and B will align the NJQSAC performance indicators more closely with those in the State ESSA Plan to ensure equity for all students within accountability measures for school districts.

7. Comment: The commenter suggested the Department use a report called "Fulfilling Brown's Promise: A State Policy Agenda" by the Southern Education Foundation to help with inequity issues and desegregation issues highlighted by a recent ruling. The commenter contended that the resource aligns with the State's ESSA plan and could be used to improve the NJQSAC. For example, the commenter stated that the report's Strategy 5B "Add Integration and Resource Equity to District Accountability Ratings" recommends making changes to school district accountability systems in partnership with school district leaders, students, and families. The commenter also stated that this suggestion should be extended to include teachers and union leaders because there is a lack of opportunity to ensure that curricular issues, both pedagogical and appropriateness, and the effect on evaluation tools are communicated when a school district is undergoing its NJQSAC review because the commenter contended that teachers and union leaders are

not included in the NJQSAC process at the school district level. (3)

Response: The commenter's recommendation to use the referenced report in relation to equity and desegregation issues is outside the scope of this rulemaking. The NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district as suggested by the commenter to change school district accountability systems in partnership with school district leaders, students, and families. When a school district is undergoing an NJQSAC review, teachers and union leaders are included in the process. N.J.A.C. 6A:30-3.2(b)1, 2, 3, and 4 require the chief school administrator (CSA) to convene a committee to assist in completing the District Performance Review (DPR) at N.J.A.C. 6A:30 Appendix A or B. The chief school administrator determines the total number of people who will serve on the committee, but the team must include the chief school administrator, one or more members of the school district's administrative staff, one or more teaching personnel, representative of different grade levels and/or schools in the school district, the business administrator and assistant superintendent for curriculum and instruction, other appropriate school district level personnel as determined by the chief school administrator, and one or more member representatives of the educational staff's local collective bargaining unit as selected by the local collective bargaining unit. The member representatives may include teaching personnel. N.J.A.C. 6A:30-3.2 also requires the chief school administrator to do the following: ensure that the process used by the committee in completing the DPR provides for participation and input by all committee members; consult with the committee in formulating a response to all quality performance indicators of each key component of school district effectiveness; ensure the

responses in the school district's DPR encompass and reflect circumstances that exist in the school district; and ensure that all responses to the DPR can be verified by data and supporting documentation.

8. Comment: The commenter suggested that the Department include, at N.J.A.C. 6A:30, measures to evaluate school districts based on the transparency of information. The commenter referenced the politicization of a district board of education and the corruption that the commenter contended occurs as a result of politicization. The commenter also referenced an incident at a renaissance school project and provided articles pertaining to the situation. The commenter requested that, as a measure of transparency, school districts should be required to maintain a website with the school district's curriculum documents, teacher evaluation policies, teacher transfer requests per school, involuntary transfers, various school district plans, assessment grades, and the school district's comprehensive equity plan. (3)

Response: State law, rules, and regulations do not require school districts to maintain a website. Therefore, requiring school districts to post documents on their websites cannot be evaluated in the NJQSAC because the DPRs contain only provisions that are established in State or Federal laws, rules, and regulations other than N.J.A.C. 6A:30.

9. Comment: The commenter asked whether a member of the public can access a school district's NJQSAC documents and if school districts are required to post the NJQSAC documents on the school district's website every three years. (3)

Response: Existing N.J.A.C. 6A:30-3.2(f) governs public access to a school district's NJQSAC documents by requiring a district board education to hold a public meeting to present, and have public discussion regarding, the school district's NJQSAC DPR



responses prior to submitting the DPR to the Department. The rule also requires the district board of education to post the proposed responses to the DPR and the declaration page on the school district's website at least five working days prior to the meeting date and to make the documents available for review at the district board of education office or other suitable location. The rule further requires the district board of education to provide the public with the opportunity to comment and be heard at the public meeting with respect to the proposed responses to the DPR. N.J.A.C. 6A:30-4.1(a)4 also requires the school district to report the Commissioner's final determination letter on the school district's performance and placement on the performance continuum at the next public district board of education meeting. School districts are not required to post the NJQSAC documents on the school district's website.

10. Comment: The commenters requested that the Department provide more transparency on the outcomes of school districts' NJQSAC reviews. The commenters stated that it is difficult to determine how school districts report school library media services for NJQSAC and how compliance is reported to the public. The commenters suggested the creation of a Statewide dashboard to share NJQSAC results to provide clearer and more consistent information on school district outcomes for the NJQSAC. (9, 12, 14, 15, 16, 17, 18, and 19)

Response: The Department declines to create a dashboard of NJQSAC results on the Department's website. Existing N.J.A.C. 6A:30-3.2(f) requires a district board of education to hold a public meeting to present, and have public discussion regarding, the school district's NJQSAC DPR responses prior to submitting the DPR to the Department. The rule also requires the district board of education to post the proposed responses to the DPR and the declaration page on the school district's website at least five working days prior to the

meeting date and to make the documents available for review at the district board of education office or other suitable location. The rule further requires the district board of education to provide the public with the opportunity to comment and be heard at the public meeting with respect to the proposed responses to the DPR. N.J.A.C. 6A:30-4.1(a)4 also requires the school district to report the Commissioner's final determination letter on the school district's performance and placement on the performance continuum at the next public district board of education meeting.

11. Comment: The commenter stated that the Legislature intended for the State to do the following: determine broad, commonly shared goals for all students that will enable them to function politically, socially, and economically in a democratic society; monitor and evaluate school districts to determine if they are making sufficient progress toward achieving the commonly shared goals developed by the State; and require all school districts to develop their own specific goals that are consistent with State goals, with maximum public participation. (10)

Response: The Department appreciates the commenter's perspective. Pursuant to N.J.S.A. 18A:7A-10, the goal of NJQSAC is to ensure that all school districts are operating at a high level of performance. NJQSAC is an assessment of the degree to which the thoroughness and efficiency standards established pursuant to N.J.S.A. 18A:7F-46 are implemented. N.J.S.A. 18A:7A-10 requires the Commissioner to assess a school district's capacity and effectiveness in five key components of school district effectiveness, and place the school district on a performance continuum that will determine the type and level of oversight, technical assistance, and support the school district receives. N.J.A.C. 6A:30 sets forth the steps the Department undertakes to implement N.J.S.A. 18A:7A-3 et seq., including a three-year evaluation process, goal setting, improvement and intervention activities, and periodic progress monitoring.

To ensure maximum public participation, existing N.J.A.C. 6A:30-3.2(f) requires a district board of education to hold a public meeting to present, and have public discussion regarding, the school district's NJQSAC DPR responses prior to submitting the DPR to the Department. The rule also requires the district board of education to post the proposed responses to the DPR and the declaration page on the school district's website at least five working days prior to the meeting date and to make the documents available for review at the district board of education office or other suitable location. The rule further requires the district board of education to provide the public with the opportunity to comment and be heard at the public meeting with respect to the proposed responses to the DPR. Additionally, N.J.A.C. 6A:30-4.1(a)4 requires the school district to report the Commissioner's final determination letter on the school district's performance and placement on the performance continuum at the next public district board of education meeting.

12. Comment: The commenter suggested that the Department propose a new section at N.J.A.C. 6A:30 to require a school district to distribute the DPR requirements to the majority representative and all employees. The commenter stated that the suggested requirement is important particularly for certification requirements, which, the commenter contended, too many school districts do not follow. (20)

Response: The Department declines to make the commenter's recommended change because it is not necessary. Existing N.J.A.C. 6A:30-3.2(f) requires public access to a school district's NJQSAC documents; therefore, any majority representative may review the documents.

13. Comment: The commenter requested the Department provide a presentation that compares the accountability systems used to evaluate school districts at N.J.A.C. 6A:30-3.3 and charter schools and renaissance school projects at N.J.A.C. 6A:11-2.3. (3)

Response: The request for a presentation is outside the scope of this rulemaking. The Department's website includes an overview of NJQSAC (<https://www.nj.gov/education/qsac/manual/index.shtml>), as well as the accountability system used to evaluate charter schools (<https://www.nj.gov/education/chartsch/accountability/>). Pursuant to N.J.S.A. 18A:36C-1 et seq., renaissance school projects are held accountable through the renewal of contracts by the school district of residence. An overview of the Urban Hope Act and renaissance school projects (<https://www.nj.gov/education/chartsch/renaissance/>) also is available on the Department's website.

14. Comment: The commenter recommended that the Department amend N.J.A.C. 6A:30-5.5 to include a form that requires the signature of the CSA and the local president of the majority representative organization with an opportunity for the local president to provide comments regarding whether the majority representative thinks that each indicator on the school district's DPR was met. (20)

Response: The Department declines to make the commenter's recommended change. Existing N.J.A.C. 6A:30-3.2(b)1v requires one or more member representatives of the educational staff's local collective bargaining unit, as selected by the local collective bargaining unit, to be on the committee convened by the CSA to complete the DPR. The individual selected by the majority representative organization to be on the committee can provide comments regarding the school district's DPR pursuant to N.J.A.C. 6A:30-3.2(b)3. Existing N.J.A.C. 6A:30-3.2(f) also requires a district board of education to hold a public meeting to present, and have public discussion regarding, the school district's NJQSAC DPR responses prior to submitting the DPR to the Department. This is an opportunity for anyone to comment on the DPR prior to submission. The rule further requires the district

board of education to provide the public with the opportunity to comment and be heard at the public meeting with respect to the proposed responses to the DPR.

15. Comment: The commenter asked how the Department will measure the progress of school districts that are implementing a district improvement plan (DIP) for scoring below 80 percent in Instruction and Program (I&P) during the previous NJQSAC cycle. (8)

Response: The Department will monitor school districts implementing DIPs in accordance with the provisions at N.J.A.C. 6A:30-5.6, including interim six-month reviews of the school district's progress implementing each item in the DIP and an on-site visit. The amendments at N.J.A.C. 6A:30 Appendices A and B will become effective July 1, 2025, and will be used to monitor and evaluate school districts implementing DIPs thereafter.

16. Comment: The commenter recommended that the Department engage with stakeholders to reflect and determine lessons learned during the previous 10 years under the current system for the State takeover of school districts. The commenter also recommended that the Department amend N.J.A.C. 6A:30-5.7 to replace "may" with "shall" to clarify the Department will provide technical assistance, personnel, and/or a highly skilled professional to assist school districts implementing DIPs. The commenter stated that it is unclear whether the support to school districts is guaranteed pursuant to the existing section. (20)

Response: The Department appreciates the commenter's recommendation regarding engagement with stakeholders. The amendments at N.J.A.C. 6A:30, including N.J.A.C. 6A:30-5.7 and 6A:30 Appendices A and B have been developed with extensive input from stakeholders to create a monitoring tool that focuses on teaching and learning and preparing students to be college and career ready.

The Department declines to make the commenter's recommended change at N.J.A.C.

6A:30-5.7(a) to replace “may” with “shall.” N.J.A.C. 6A:30-5.7(a)1 already requires the type of technical assistance provided to school districts to be delineated in the district improvement plan developed by the school district in collaboration with the Department. N.J.A.C. 6A:30-5.4(f) also provides the opportunity for the CSA to request that the Department provide the in-district team with technical assistance needed to develop the district improvement plan, at which time the Department shall determine the type of technical assistance to be provided in collaboration with the school district.

17. Comment: The commenter requested clarification of what the commenter contended are conflicts at N.J.A.C. 6A:30-5.7(d) and 7.3(a)4, regarding highly skilled professionals. The commenter recommended that the Department consider the following, which are essential questions related to charter schools: whether the academic program is a success, if the school is financially viable, and if the school is equitable and organizationally sound. (3)

Response: The Department disagrees with the commenter’s assertion that there is a conflict at N.J.A.C. 6A:30-5.7(d) and 7.3(a)4. N.J.A.C. 6A:30-5.7 relates to technical assistance provided to school districts through the district improvement plan process, while N.J.A.C. 6A:30-7.3 outlines components of the transition plan for withdrawal of State intervention. N.J.A.C. 6A:30-5.7(d) states that the Commissioner shall not appoint highly skilled professionals to a school district in any capacity that would create an actual or potential conflict of interest within the school district. N.J.A.C. 6A:30-7.3(a)4 requires the transition plan to address the continued use of and any change(s) in the duties, authority, and responsibilities of highly skilled professionals appointed to provide direct oversight in the school district. The transition plan also must establish a decision-making hierarchy if conflicts regarding school district operations arise between persons appointed and school district personnel.

The commenter's request for the Department to consider the essential questions that guide the evaluation of charter schools is outside of the scope of this rulemaking because N.J.A.C. 6A:30 does not apply to charter schools.

18. Comment: The commenter recommended the Department add, at N.J.A.C. 6A:30 Appendices A and B, performance indicators that hold leaders responsible for things they are uniquely able to control, including measures of resource equity and integration. The commenter also suggested that the Department use accountability systems that set clear expectations to enable the advancement of resource equity. The commenter further suggested that the NJQSAC should be amended to provide more points for school districts spending funds allocated to low-income students and cited a statement from the proposed State ESSA Plan in support of the commenter's suggestion. (3)

Response: The Department declines to make the commenter's recommendation to add performance indicators and allocated points at N.J.A.C. 6A:30 Appendices A and B. N.J.A.C. 6A:30 Appendices A and B, as readopted with amendments, include indicators that are in the control of the CSA, the district board of education, and school leaders, and promote resource equity and integration in alignment with applicable Federal and State requirements. The NJQSAC is designed to be a single, comprehensive accountability system that consolidates and incorporates the monitoring requirements of applicable State and Federal laws. Performance indicators are used to determine the extent to which school districts are providing a thorough and efficient education. The standards and criteria by which school districts are evaluated assess actual achievement, progress toward proficiency, local capacity to operate without State intervention, and the need for State support and assistance. Additionally, the NJQSAC is designed to evaluate school

districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. Not all school districts receive funds for students who are low-income, so the DPRs cannot include an indicator on a school district's allocation of the funds.

19. Comment: The commenter recommended that the Department amend N.J.A.C. 6A:30 Appendices A and B to allow school districts to offset minor deficiencies in one key component of school district effectiveness with a strong performance indicator in another component. The commenter stated that a school district's marked growth in student outcomes should be weighted more heavily than isolated programming metrics. (11)  
Response: The Department declines to make the commenter's recommended change because NJQSAC would not fulfill its purpose if school districts could replace low scores in one key component area of school district effectiveness with a strong performance indicator in another key component area. The commenter's requested change also would be inconsistent with N.J.S.A. 18A:7A-14. The performance indicators in each of the five key component areas of school district effectiveness are unique to the component area in which they are factored, monitored, and assessed. Further, N.J.A.C. 6A:30-5.4, as readopted with amendments, ensures school districts comply with State and Federal statutes, rules, and regulations and that students receive a thorough and efficient education. The NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics.
20. Comment: The commenter recommended that the Department amend N.J.A.C. 6A:30 Appendices A and B to include criteria that account for a school district's unique challenges and demographics. The commenter suggested that a school district with high



mobility rates may need different indicators of success. (11)

Response: The Department declines to make the commenter's recommended change because the NJQSAC is designed to evaluate school districts with the same metrics; therefore, each metric must be applicable to all school districts within the established grade bans. Therefore, the indicators cannot include criteria that account for unique challenges faced by a school district, such as high mobility rates, because every school district evaluated pursuant to the NJQSAC is not affected by high mobility rates.

21. Comment: The commenter asserted that NJQSAC does not adequately reflect the challenges and circumstances of school districts in New Jersey. The commenter stated that the NJQSAC rigid point system fails to consider the broader picture of school district performance and can disincentivize growth and innovation. The commenter also stated that NJQSAC is a one-size-fits-all evaluation that does not recognize school districts making great strides and preparing students for success in the future.

The commenter stated that existing NJQSAC performance indicators do not sufficiently account for school districts that show substantial progress. The commenter also stated that the commenter's school districts and others have demonstrated marked growth but are not certified as high performing due to narrowly defined metrics for I&P at N.J.A.C. 6A:30 Appendix A. The commenter further stated that in the commenter's school district's test scores and enrollment in advanced courses have increased, and programs to support historically underserved populations have flourished, but the school district is still not certified as high-performing due to challenges of the current framework that relies on a single metric to determine high-performing status. (11)

Response: The Department acknowledges that the NJQSAC does not reflect the unique

challenges and circumstances of each school district. The performance indicators and point values at N.J.A.C. 6A:30 Appendices A and B are appropriate and designed to evaluate school districts with the same grade bands using the same metrics; therefore, metrics cannot represent the unique circumstances and challenges of each school district. Pursuant to N.J.S.A. 18A:7A-14, the NJQSAC is designed to provide a comprehensive picture of a school district's performance and is utilized to determine the extent to which school districts are providing a thorough and efficient education. The NJQSAC is designed to be a single, comprehensive accountability system and is also intended to complement and, in part, implement Federal requirements.

The Department disagrees that the point values at N.J.A.C. 6A:30 Appendices A and B fail to consider the broader picture of school district performance and disincentivize growth and innovation. While the Department acknowledges that school districts may demonstrate marked growth in participation in advanced classes, support for underserved populations, and performance on State assessments, N.J.S.A. 18A:7A-14 requires a school district to meet 80 percent of the performance indicators in each of the five key components of school district effectiveness to be certified as high-performing.

Finally, the Department disagrees that a school district's performance on the I&P indicators at N.J.A.C. 6A:30 Appendix A is based on a single metric. As readopted with amendments, I&P at N.J.A.C. 6A:30 Appendix A consists of 19 performance indicators.

22. Comment: The commenter stated that the Department must utilize clear language and create clear expectations for all indicators at N.J.A.C. 6A:30 Appendices A and B to ensure that school districts have adequate time to prepare for NJQSAC evaluations. The commenter also stated the expectations for evidence a school district provides during the

NJQSAC verification process should be consistent across all county offices to eliminate any discrepancies in the evaluation process set forth at N.J.A.C. 6A:30. (1)

Response: The Department maintains that N.J.A.C. 6A:30 and 6A:30 Appendices A and B, as readopted with amendments, establish clear expectations that allow school districts to prepare for the comprehensive evaluation of a school district's effectiveness. In addition to N.J.A.C. 6A:30 Appendices A and B, the Department's NJQSAC user manual (<https://nj.gov/education/qsac/manual/>) provides guidance regarding the evidence a school district provides during an NJQSAC performance review. Other resources that provide additional guidance for each DPR are available on the Department's website (<https://nj.gov/education/qsac/index.shtml>). In accordance with N.J.A.C. 6A:30-3.2(c), the executive county superintendents (ECSs) provide technical assistance, as needed, to the chief school administrator and the school district's committee formed to complete the DPR. The Department affirms that staff in the county offices of education who are responsible for NJQSAC performance reviews receive annual training to eliminate any discrepancy in the evaluation of school district effectiveness pursuant to N.J.A.C. 6A:30-3.3.

23. Comment: The commenter stated that MLs represent a dynamic, yet vulnerable, student population and that the Department should reevaluate N.J.A.C. 6A:30 and 6A:30 Appendices A and B to address MLs' needs. The commenter stated that it is important that administrators provide MLs and their teachers with a fair opportunity to succeed by establishing a more accurate picture of MLs' success at the I&P indicators at N.J.A.C. 6A:30 Appendix A to ensure that MLs and the programs that serve them are not identified as a reason a school district is not successful. (4)

Response: The Department agrees with the commenter's assertion that MLs represent a

dynamic student population and that it is important that administrators provide MLs and their teachers with an opportunity to succeed. However, the Department declines to reevaluate N.J.A.C. 6A:30 and 6A:30 Appendices A and B as suggested. The inclusion of student group performance and integrated curricula accommodations and modifications for students with disabilities and MLs at the I&P indicators at N.J.A.C. 6A:30

Appendices A and B are appropriate measures to assess a school district's effectiveness in addressing the needs of MLs. The NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. The Department recognizes that all school districts that undergo comprehensive NJQSAC reviews do not educate MLs; therefore, N.J.A.C. 6A:30 Appendices A and B appropriately assess a school district's effectiveness in educating MLs when they are enrolled in the school district.

24. Comment: The commenter requested the Department to amend the I&P indicators at N.J.A.C. 6A:30 Appendix A to include progress in English language proficiency and Assessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS for ELLs) as a measuring tool to accurately assess the progress of MLs. (7)

Response: The Department declines to make the commenter's suggested change. The NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. ACCESS for ELLs is not administered in every school district and, therefore, cannot be monitored through the NJQSAC.

25. Comment: The commenter recommended that the Department amend N.J.A.C. 6A:30 Appendices A and B to include year-over-year growth and improvements in the areas of

curriculum alignment and instructional quality. The commenter stated that growth should count more than assessment scores. (11)

Response: The Department declines to make the commenter's recommended change.

Using the most recent or prior-year student performance data available is an appropriate way to evaluate whether a school district's academic programs are providing high-quality instruction and support for all students. The I&P indicators at N.J.A.C. 6A:30 Appendix A, as readopted with amendments, support the facilitation of data-driven discussions about student learning and performance that foster school district improvement. Further, the Department agrees that growth indicators should be weighted higher than achievement indicators; therefore, amendments at I&P Indicators 1 through 5 at N.J.A.C. 6A:30 Appendix A shift points from achievement indicators to growth indicators to foster and promote continuous improvement.

26. Comment: The commenter supported the Department's proposed amendments at N.J.A.C. 6A:30 Appendix A because they mark a shift toward a growth-oriented accountability system, specifically in the key components of school district effectiveness of I&P and Personnel. The commenter stated that the proposed amendments at N.J.A.C. 6A:30 Appendix A factor in incremental progress and consider the special challenges faced by student groups as any state accountability system should. The commenter also stated that the proposed amendments are a positive step in the right direction and rightfully recognize the need to give additional weight to academic progress indicators compared to academic achievement indicators that measure a student's performance at a snapshot in time. The commenter further stated that the proposed amendments foster equity and will capture a more complete picture of a school district's overall effectiveness. The commenter stated that the performance

indicators at existing N.J.A.C. 6A:30 Appendix A penalize school districts that educate economically disadvantaged student populations or that are highly diverse. The commenter recommended that the NJQSAC contain a mechanism whereby I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A factor in multiple achievement measures for school districts to meet the required 80 percent. (10)

Response: The Department appreciates the commenter's support of the amendments at the I&P indicators at N.J.A.C. 6A:30 Appendix A and Personnel Indicators at N.J.A.C. 6A:30 Appendices A and B. The Department declines to make the commenter's recommended change at I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A to factor multiple achievement measures for school districts that educate economically disadvantaged student populations or that are highly diverse to meet the required 80 percent. The Department maintains that the NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. Additionally, the amendments at I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A are intended to do the following: rebalance points to provide greater weight for indicators of more complexity and significance and to equitably apply the points regardless of a school district's grade configuration (for example, kindergarten through grade eight (K-8), kindergarten through grade 12 (K-12), and grades nine through 12 (9-12)); align NJQSAC performance indicators more closely with those in the State ESSA Plan; and shift points from achievement indicators to growth indicators to foster and promote continuous improvement.

The Department also disagrees that existing N.J.A.C. 6A:30 Appendix A penalizes school districts that educate economically disadvantaged or diverse student populations. The

inclusion of student group weighting at I&P Indicators 1 through 7 supports the Department's effort to align, to the greatest extent possible, NJQSAC with student performance indicators in the State Plan required pursuant to the Federal ESSA, P.L. 114-95. To ensure school district achievement gaps amongst student groups are not masked, the Department weights student group performance that factors economically disadvantaged or diverse student populations and the overall student performance equally when determining the points a school district earns at I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A.

27. Comment: The commenters requested the Department postpone NJQSAC comprehensive reviews and evaluations in the 2024-2025 school year to enable all school districts to be evaluated with the proposed amendments at N.J.A.C. 6A:30 Appendix A. The commenters stated that the postponement of NJQSAC evaluations in the 2024-2025 school year will foster a fairer Statewide process. The commenters requested that, absent a full postponement, the Department delay evaluating school districts using the I&P DPR until the 2025-2026 school year to prevent school districts from being evaluated by outdated criteria. The commenters also asserted that student performance on State assessments is strongly correlated with a school district's wealth, which, the commenters contended, raises concerns about the fairness of NJQSAC I&P indicators. The commenters stated that recent NJQSAC evaluations indicate that most school districts have faced challenges with existing I&P indicators because of student performance on State assessments. (1 and 8)

Response: The Department declines to postpone NJQSAC monitoring, either partially for I&P or in all key component areas, for the 2024-2025 school year. Pursuant to N.J.S.A. 18A:7A-10, the goal of the NJQSAC is to ensure that all school districts are operating at a high level of performance and evaluated every three years. Therefore, postponement of

NJQSAC reviews as suggested by the commenters would violate State law.

Additionally, the Department agrees that achievement can be correlated with socio-economic status; and recently, school districts have faced challenges with existing I&P Indicators 1, 2, and 3. The amendments at I&P Indicators 1, 2, and 3 at N.J.A.C. 6A:30 Appendix A will shift points from achievement indicators to growth indicators to foster and promote continuous improvement.

28. Comment: The commenter stated that year-to-year variability in student demographics significantly impacts assessment outcomes in a small school district. As an example, the commenter stated that fluctuations in student demographics, such as a sudden influx of MLs or economically disadvantaged students, can potentially lead to an unfair evaluation of a small school district's performance. The commenter also stated that school districts serving different grade configurations are unfairly compared using the same metrics despite significant differences in their student populations and the focus of their educational laws and regulations. (5)

Response: The Department acknowledges that year-to-year variability in student demographics may impact assessment outcomes in a school district regardless of its size. However, the Department disagrees with the commenter's assertion that a sudden influx of MLs or economically disadvantaged students can potentially lead to an unfair evaluation of a small school district's performance. The Department maintains that the NJQSAC is designed to be a single, comprehensive accountability system that consolidates and incorporates the monitoring requirements of applicable State and Federal laws and regulations. The standards and criteria by which school districts are evaluated assess actual achievement, progress toward proficiency, local capacity to



operate without State intervention, and the need for State support and assistance.

The Department also disagrees with the commenter's assertion that it is unfair to compare school districts serving different grade configurations with the same metrics despite variability in student populations and educational programs. The NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. The Department designates the points a school district can earn based on a school district's grade configuration for I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A. The Department's proposed amendments at I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A rebalance points to provide greater weight for indicators of more complexity and significance and to equitably apply the points regardless of a school district's grade configuration.

29. Comment: The commenter recommended that the Department amend the indicators at N.J.A.C. 6A:30 Appendices A and B to ensure they fairly represent the diverse contexts and unique circumstances of all school districts. The commenter stated that the proposed amendments at I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A assign 50 percent of the weight of student performance to include student group performance. The commenter also stated that, in a small school district, the number of students in each student group can be very low and barely surpass the minimum n-size requirement of 20 students. The commenter further stated that, due to the small sample size, each student group's performance can impact the school district's results regardless of whether a few students within any student group perform below the required standards. The commenter stated this disproportionately impacts the score of the commenter's school district and unfairly penalizes small school districts

where statistical anomalies are more likely to occur. The commenter also stated that, if there are not enough students in one student group, the weight of the remaining student groups increases and unfairly penalizes school districts that are small. The commenter stated that students in certain student groups may be counted multiple times, while other students may be counted only once in a student group, which, the commenter contended, leads to an inequitable evaluation of the school district's effectiveness. (5)

Response: The Department disagrees with the commenter's recommendation. The performance indicators at N.J.A.C. 6A:30 Appendices A and B are designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district.

Additionally, the Department disagrees with the commenter's assertion that the inclusion of student groups and n-size to determine the points a school district can earn for I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A unfairly penalizes small school districts. To ensure school district achievement gaps among student groups are not masked, the Department weights student group performance and overall student performance equally when determining the points a school district earns at I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A. Since 2017, the Department has utilized an n-size of 20 for school and school district accountability systems to maintain uniformity. In collaboration with stakeholders, the Department determined that an n-size of 20 creates the optimal balance between reliability and representativeness. The same n-size is utilized within New Jersey's educator evaluation system, as well as State and Federal accountability systems, thereby fostering an equitable evaluation of school district effectiveness.

30. Comment: The commenter stated that Statewide assessment scores do not have a place at the I&P indicators at N.J.A.C. 6A:30 Appendix A considering the income disparities within and across the State. The commenter contended that it appears N.J.A.C. 6A:30 was never intended to include Statewide assessments. The commenter stated that research has established that standardized assessment scores have little to no value as an indicator of school or teacher quality and that socioeconomic status has been shown to be the most reliable predictor of a student's standardized assessment score. (20)

Response: The Department agrees that achievement of Statewide assessments can be correlated with socio-economic status. However, the Department disagrees that Statewide assessment scores have no value as an indicator of school and teacher quality. Using the most recent or prior-year student performance data available is an appropriate way to evaluate whether a school district's academic programs and educators are providing high-quality instruction and support for all students. Additionally, Statewide assessment scores are included in educator evaluations in accordance with N.J.A.C. 6A:10. All public school students in New Jersey are held to the same proficiency standard, which makes proficiency on Statewide assessments an appropriate measure of school success. The I&P indicators at N.J.A.C. 6A:30 Appendix A, as readopted with amendments, support the facilitation of data-driven discussions about student learning and performance that foster school district improvement, regardless of a school district's enrollment, while aligning NJQSAC with State educator and Federal accountability systems in accordance with N.J.A.C. 6A:10 and 6A:33. The amendments at I&P Indicators 1, 2, and 3 at N.J.A.C. 6A:30 Appendix A will shift points from achievement indicators to growth indicators to foster and promote continuous improvement.

31. Comment: The commenter recommended that the Department use three-year aggregated student performance data at I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A because a single year of data can dramatically affect a school district's performance when a minor demographic change or event, such as a teacher on maternity leave, occurs. The commenter also stated that the performance of a single student in a small school district with 200 students can disproportionately impact the school district's overall performance at I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A. The commenter further stated this variability can lead to an inaccurate representation of a small school district's performance and capabilities, which, the commenter contended, could potentially misinform stakeholders about the school district's educational environment and achievement. (5)

Response: The Department acknowledges that a minor demographic change or event, such as a teacher's maternity leave, can impact a school district's performance at I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A, regardless of the size of the school district.

However, the Department declines to use three-year aggregated student performance data for I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A. The Department maintains using the most recent or prior-year student performance data available is an appropriate way to evaluate whether a school district's academic programs are providing high-quality instruction and support for all students. The I&P indicators at N.J.A.C. 6A:30 Appendix A, as readopted with amendments, support the facilitation of data-driven discussions about student learning and performance that foster school district improvement, regardless of a school district's enrollment. N.J.A.C. 6A:30-3.1(a)1 allows the Commissioner to assess the school district's performance in between each school district's three-year review to determine whether conditions exist in the school district that significantly and negatively impact the school

district's educational program or operations. Additionally, the Department maintains that the NJQSAC is designed to be a single, comprehensive accountability system that consolidates and incorporates the monitoring requirements of applicable State and Federal laws and regulations. The standards and criteria by which school districts are evaluated assess actual achievement, progress toward proficiency, local capacity to operate without State intervention, and the need for State support and assistance.

32. Comment: The commenter stated that existing I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A present a challenge for school districts that serve a considerable portion of MLs who are still acquiring English language proficiency. The commenter also stated that existing I&P Indicators 1, 2, and 3 at N.J.A.C. 6A:30 Appendix A place a heavy emphasis on the achievement of MLs who are still acquiring English language proficiency, such that it unfairly penalizes school districts by not recognizing the importance of growth as a more appropriate measure of success for MLs. The commenter cited data regarding MLs in the commenter's school district who performed at varied levels on the New Jersey Student Learning Assessment (NJSLA). The commenter asserted that the data suggest that the MLs are making progress that is not reflected in the commenter's school district's performance at I&P Indicators 1, 2, and 3 at N.J.A.C. 6A:30 Appendix A. The commenter recommended that the Department use growth measures, such as progress on the WIDA and ACCESS for ELLs assessments, at I&P Indicator 1 at N.J.A.C. 6A:30 Appendix A, instead of focusing primarily on MLs' achievement on the NJLSA-English language arts (ELA). The commenter stated that the WIDA and ACCESS for ELLs assessments better capture the efforts of educators and the progress of students who are learning English, thereby providing a more meaningful assessment of a school district's performance. (5)

Response: The Department declines to make the commenter's request to use growth measures, such as progress on the WIDA and ACCESS for ELLs, for I&P Indicator 1 at N.J.A.C. 6A:30 Appendix A. NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. ACCESS for ELLs and WIDA are not administered in every school district and, accordingly, cannot be monitored through NJQSAC. The Department further contends that all students are held to the same proficiency standard, regardless of their student group, thereby providing an equitable evaluation of a school district's effectiveness through I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A.

33. Comment: The commenter stated that the student group weighting system at existing N.J.A.C. 6A:30 discriminates against school districts with high levels of student diversity and significant ML populations. The commenter also stated that families in the commenter's school district deserve an accurate and fair representation of the school district's performance. (1)

Response: The Department agrees that families deserve an accurate and fair representation of a school district's performance. However, the Department disagrees that the student group weighting system discriminates against school districts with high levels of student diversity and significant ML populations. The NJQSAC is designed to provide a comprehensive picture of a school district's performance. The inclusion of student group weighting at I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A supports the Department's effort to align, to the greatest extent possible, NJQSAC with student performance indicators in the State ESSA Plan. To ensure school district achievement gaps among student groups are not masked, the Department weights student group

performance and overall student performance equally when determining the points a school district earns for I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A.

34. Comment: The commenter expressed support for holding school districts accountable for the success of MLs and for using metrics that are fair and equitable to MLs and the school districts that educate MLs. The commenter stated that several measures used in the existing NJQSAC structure are appropriate for MLs, while others do not actually capture MLs' dynamic nature. The commenter stated that assessing participation and progress on the NJSLA is a valid measurement of achievement and access to content and the New Jersey Student Learning Standards (NJSLS). The commenter also agreed that the inclusion, in the proficiency calculation, of MLs who formerly received English as a second language (ESL) services within a four-year period is also an equitable way to measure success of school districts and students because the MLs are nearly equivalent to native English speakers. However, the commenter contended that using the NJSLA-ELA as part of the NJQSAC results in several measures that do not measure success for MLs. The commenter requested that the Department replace the NJSLA-ELA with the ACCESS for ELLs assessment at I&P Indicator 1 at N.J.A.C. 6A:30 Appendix A for school districts that have a significant percentage of MLs. The commenter asserted that the ACCESS for ELLs assessment is a more equitable measurement of a school district's effectiveness in serving MLs and their achievement. (4)

Response: The Department declines to accept the commenter's request to replace the NJSLA-ELA with the ACCESS for ELLs in I&P Indicator 1 at N.J.A.C. 6A:30 Appendix A for school districts that have a significant percentage of MLs. The Department maintains the performance indicators at N.J.A.C. 6A:30 Appendices A and B are designed

to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. ACCESS for ELLs is administered to MLs to determine their English language proficiency and is not administered in all school districts; therefore, adding it as an indicator would be contrary to NJQSAC's enabling statute.

35. Comment: The commenter inquired why students who arrive with very limited English are provided a five-year window to attain the requisite score on the ACCESS for ELLs assessment to exit services in the ESSA State plan, but the same students are included in the algorithm to demonstrate achievement on the NJSLA at I&P Indicators 1 and 2 at N.J.A.C. 6A:30 Appendix A. The commenter stated that the students are included in multiple student group categories factored into the points a school district can receive at I&P Indicators 1 and 2. The commenter inquired how a school district with a significant ML population can receive a passing score at I&P Indicators 1 and 2. (4)

Response: The Department maintains the performance of all students who participated in the administration of the NJSLA is factored into the points a school district can earn for I&P Indicators 1 and 2 at N.J.A.C. 6A:30 Appendix A. Additionally, the performance of student groups is weighted in the calculations for I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A to align to the State ESSA Plan. To ensure that the NJQSAC does not mask school district achievement gaps amongst student groups, the Department weighs student group performance and overall student performance equally when determining a school district's performance for I&P Indicators 1 through 7 at N.J.A.C. 6A:30 Appendix A. Further, the Department contends that school districts that serve a significant ML population can improve the school district's score at I&P Indicators 1 and 2 by aligning



their curricula to the NJSLs and providing continued professional development to build teachers' capacity to instruct students.

36. Comment: The commenter stated that the existing I&P indicators at N.J.A.C. 6A:30 Appendix A are not attainable for the highest achieving school districts in the State. The commenter also stated that there is a scoring discrepancy that undermines the credibility of the process, which the commenter contended results in school districts being unfairly penalized despite their student's performance. The commenter further stated that it is impossible for a school district to receive full points for existing I&P Indicators 1 and 2 at N.J.A.C. 6A:30 Appendix A. The commenter compared the point values that a school district can receive for I&P Indicators 1 and 2 to administering a 100-point test where it is impossible to score 100 points, regardless of performance.

The commenter stated that, in 2018, the commenter's school district was evaluated pursuant to the NJQSAC and received an I&P score of 81 percent. The commenter also stated that, since 2018, the school district has made great strides in improving opportunities for children despite enormous challenges, such as the COVID-19 public health emergency, and provided data that the school district outperformed 70 percent of other school districts in mitigating learning loss in mathematics and 69 percent of other school districts in mitigating learning loss in ELA as a result. The commenter also stated that the school district outperformed its district factor group (DFG) peers in mitigating learning loss, after years of trailing; however, the school district's I&P scores are lower now than in 2018. The commenter noted that the I&P indicators at N.J.A.C. 6A:30 Appendix A focus on a narrow band of State testing and ignore many other metrics of a quality education. The commenter provided examples of the accomplishments of the school district's visual and performing

art programs and co-curricular activities that are not reflected in school districts' outcomes in the I&P indicators at N.J.A.C. 6A:30 Appendix A. The commenter recommended that a rigorous, yet fair, measure at I&P indicators be implemented to ensure that all school districts have a fair chance of succeeding. (1)

Response: The Department disagrees with the commenter's assertion that the I&P indicators at N.J.A.C. 6A:30 Appendix A focus on a narrow band of State testing, ignore many other metrics of a quality education, and that it is impossible for a school district to receive full points for existing I&P Indicators 1 and 2 at N.J.A.C. 6A:30 Appendix A. The purpose of NJQSAC is to ensure compliance with various State statutes, rules, and regulations and to ensure a school district's performance in the areas of curriculum, instruction, and student performance. Additionally, the Department maintains performance I&P indicators at N.J.A.C. 6A:30 Appendix A present opportunities for the Department to evaluate whether a school district's academic programs are providing high-quality instruction and support for all students. The Department further contends that I&P Indicators 1 and 2 at N.J.A.C. 6A:30 Appendix A hold all students to the same proficiency measure to foster a fair and equitable application of the Department's evaluation of a school district's effectiveness.

37. Comment: The commenter requested the Department redistribute points at I&P Indicators 1, 2, and 3 at N.J.A.C. 6A:30 Appendix A to allow a school district to earn 13 points at I&P Indicators 1 and 2 and four points at I&P Indicator 3. The commenter stated that the inclusion of the NJSLA-Science assessment for students in grades five and eight presents a challenge for the commenter's school district. The commenter also stated that only a third of the students in grades three through eight take the NJSLA-Science assessment, yet the

points a school district can earn at I&P Indicator 3 at N.J.A.C. 6A:30 Appendix A is the same as the points a school district can earn at I&P Indicators 1 and 2 at N.J.A.C. 6A:30 Appendix A. The commenter further stated that 77 percent of New Jersey students do not pass the NJSLA-Science assessment and, therefore, represents the flawed nature of the assessment and the disproportionate weight it carries at I&P Indicator 3 at N.J.A.C. 6A:30 Appendix A. The commenter also stated the NJSLA-Science assessment is not a reliable accountability measure and unsuitable for use in the I&P indicators at N.J.A.C. 6A:30 Appendix A because it does not provide growth data. (5)

Response: The Department declines to make the commenter's request to redistribute points at I&P Indicators 1, 2, and 3 at N.J.A.C. 6A:30 Appendix A. The adopted amendments will rebalance points to provide greater weight for indicators of more complexity and significance and equitably apply the points regardless of a school district's grade configuration. The Department disagrees with the commenter's assertion regarding the NJSLA-Science assessment and the weight it carries at I&P Indicator 3 at N.J.A.C. 6A:30 Appendix A. Lastly, the NJQSAC is designed to provide a comprehensive picture of a school district's performance; therefore, it is appropriate to include a science achievement indicator for all school districts, regardless of their grade configuration.

38. Comment: The commenter stated that MLs receive a one-year exemption in the NJSLA-ELA but are expected to take the NJSLA-Mathematics and NJSLA-Science in their first year. The commenter noted that NJSLA-Mathematics and NJSLA-Science assessments are available in Spanish, but not other languages. The commenter asserted that students from language backgrounds other than Spanish are a growing population of MLs and have educational gaps and low skill attainment in their primary language, yet are expected to

achieve proficiency on the NJSLA. The commenter further asserted that expecting proficiency is a disservice to MLs and the school districts that educate MLs. (4)

Response: The Department acknowledges the commenter's assertion that students from language backgrounds other than Spanish are a growing population of MLs; however, the Department disagrees that expecting proficiency is a disservice to MLs and the school districts that educate MLs. I&P Indicators 1, 2, and 3 at N.J.A.C. 6A:30 Appendix A provide a school district's achievement score that is comprised of the proficiency rate of all students in a school district that participated in the NJSLA and the proficiency rate of all student groups in a school district that participated in the NJSLA. To ensure school district achievement gaps amongst student groups are not masked, the Department weights student group performance and overall student performance equally when determining the points a school district earns at I&P Indicators 1, 2, and 3 at N.J.A.C. 6A:30 Appendix A.

39. Comment: The commenter stated that the point reductions at I&P Indicators 1, 2, and 3 at N.J.A.C. 6A:30 Appendix A are a good initial step to minimize the impact of State assessments on a school district's NJQSAC performance. The commenter also stated that raising point values at I&P Indicators 4 and 5 at N.J.A.C. 6A:30 Appendix A, which measure academic progress solely through median student growth percentiles (mSGP), contradict the point reductions at I&P Indicators 1, 2, and 3 at N.J.A.C. 6A:30 Appendix A. The commenter further stated that the proposed changes to the point values at I&P Indicators 1 through 5 at N.J.A.C. 6A:30 Appendix A are additionally concerning given the proposed lowering of the point values for Personnel Indicators 1d and recodified 2c, which concern the evaluation training for all certified staff and resources for educator professional learning and development, respectively. The commenter also stated that the

failure to incentivize and reward school districts that implement robust teacher training contradicts the increase of point values at the I&P indicators at N.J.A.C. 6A:30 Appendix A that factor student performance on Statewide assessments. (20)

Response: The Department disagrees that raising point values at I&P Indicators 4 and 5 at N.J.A.C. 6A:30 Appendix A contradict the amendments that reduce points at I&P Indicators 1, 2, and 3 at N.J.A.C. 6A:30 Appendix A. While measuring student proficiency or “achievement” in English language arts, mathematics, and science continues to be an important requirement for Federal accountability, the points a school district can earn on the DPR are based on the achievement of all students and student groups in the school district. The Department contends it is important to measure and report individual student progress or “academic growth” toward proficiency for all students. The amendments at I&P Indicators 1 through 5 at N.J.A.C. 6A:30 Appendix A are intended to align NJQSAC performance indicators more closely with the State ESSA Plan and to shift points from achievement indicators to growth indicators to foster and promote continuous improvement. The amendments to reduce the point values at Personnel Indicators 1d and recodified 2c are a part of the Department’s effort to increase the point values at performance indicators of more complexity and significance at N.J.A.C. 6A:30 Appendices A and B.

40. Comment: The commenter asserted that the NJQSAC manual allows school districts with an n-size of less than 20 students to be awarded full points for indicators and, as a result, K-8 school districts with more than 20 students are disproportionately harmed by the existing scoring system. (1)

Response: Since 2017, the Department has utilized an n-size of 20 for school and school

district accountability systems to maintain uniformity. In collaboration with stakeholders, the Department determined that an n-size of 20 creates the optimal balance between reliability and representativeness. The same n-size is utilized within New Jersey's educator evaluation system, as well as State and Federal accountability systems, thereby fostering an equitable evaluation of school district effectiveness. School districts with an n-size of less than 20 are not awarded maximum points for an indicator. For example, approximately eight school districts have n-sizes of less than 20 for science at I&P Indicator 3 at N.J.A.C. 6A:30 Appendix A and those school districts are not awarded any points for that indicator; instead, the maximum number of points is deducted from the total points possible for I&P and the school districts' scores are calculated based on the lower number of possible maximum points for I&P. The Department acknowledges that K-8 school districts with an n-size of 20 or more students may be impacted at I&P Indicator 3.

41. Comment: The commenter stated that focusing on student growth, as opposed to solely on achievement, addresses the faults in the current State science assessment of which one in four New Jersey students are passing. The commenter asserted that the current State science assessment disproportionately penalizes the commenter's K-8 school district and K-8 school districts that are similar because the emphasis on the flawed assessment does not portray an accurate representation of student progress and achievement. Furthermore, the commenter stated that shifting points from achievement indicators to growth indicators better reflects the progress being made by educators and students serving socio-economically disadvantaged student populations. (1)

Response: The Department agrees that shifting points from achievement to growth better reflects the progress being made by all educators and students regardless of their socio-

economic status. However, the Department disagrees that the State science assessment is flawed and that I&P Indicator 3 at N.J.A.C. 6A:30 Appendix A does not portray an accurate representation of student progress and achievement. The Department maintains the amendments at I&P Indicator 3 will rebalance points to equitably apply them regardless of a school district's grade configuration (for example, K-8, K-12, 9-12).

42. Comment: The commenter objected to the proposed amendment at I&P Indicator 3 to include the NJSLA-Science. The commenter stated that school districts with configurations of grades nine through 12 are at a disadvantage regarding I&P Indicator 3 due to the lack of a set science pathway in high school curricula. The commenter provided an example of different pathways students can take that lead to students being exposed to varied science courses that are not similar: one student taking biology, chemistry, and physics courses and another student taking biology, environmental science, and marine biology courses. The commenter also stated that not having a uniform pathway for science leads to an unfair judgment of science curriculum being taught at the high school level and is reflected in the science DPR scores. The commenter requested that the Department reassess the proposed point value at I&P Indicator 3 at N.J.A.C. 6A:30 Appendix A for school districts with a nine through 12 grade configuration until there is a set pathway for science education in high school. The commenters also stated that students should have science course options outside the set science pathway options to learn about varied topics of interest to assist them in deciding their future higher education path. (2)

Response: The Department declines to accept the commenter's recommendation because the NJQSAC is designed to provide a comprehensive picture of a school district's

performance and, therefore, it is appropriate to include a science achievement indicator for all school districts regardless of grade configuration. The NJSLA-Science 11 assessment became operational in 2018 after the chapter's last readoption; therefore, the inclusion of science achievement for school districts with a 9-12 grade configuration will ensure the Department's evaluation of a school district's effectiveness is equitable. The NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. The Department contends that the NJSLS-Science, which sets forth the expectations for what students should know and on what they are assessed in science, is the set pathway for science education in New Jersey's public high schools.

43. Comment: The commenter stated that K-8 school districts should be judged in the same manner as 9-12 and K-12 school districts. The commenter stated that the NJQSAC provides greater weight for science achievement I&P Indicator 3 at N.J.A.C. 6A:30 Appendix A for K-8 school districts and contended that this may disproportionately impact K-8 school districts. (10)

Response: The Department agrees and maintains that the amendments at I&P Indicators 3, 4, and 5 address the commenter's concerns. The amendments at I&P Indicator 3 at N.J.A.C. 6A:30 Appendix A include increasing -- to five points from zero -- the point value for school districts with a 9-12 grade configuration to ensure the Department's evaluation of a school district's effectiveness is equitable and inclusive of the same metrics regardless of the school district's grade configuration. For K-8 and K-12 school districts, the amendments decrease the point value of I&P Indicator 3 and increase the



point value of I&P Indicators 4 and 5 to shift points from achievement indicators to growth indicators to foster and promote continuous improvement.

44. Comment: The commenter expressed support for the Department's recognition of the importance of student growth and the proposed amendments at I&P Indicators 4 and 5. The commenter shared, based on professional experience, that prioritizing achievement has a negative impact on the State's most vulnerable students because the growth of students who score a one or two on State assessments is low. The commenter also stated that adding more weight to growth related to State assessments will clarify a school district's responsibility to ensure growth for their lowest performers and that growth is not a nominal measure of achievement. The commenter requested that the Department measure inputs rather than outputs to advance the lowest student performers and provide equity. (3)

Response: The Department appreciates the commenter's support of the amendments at I&P Indicators 4 and 5 at N.J.A.C. 6A:30 Appendix A, highlighting the importance of student growth. The Department agrees that it is important to measure inputs to advance the lowest student performers and provide equity. The I&P indicators at N.J.A.C. 6A:30 Appendix A present opportunities for the Department to evaluate whether a school district's academic programs are providing high-quality instruction and support for all students and, thereby, serve as the Department's measure of a school district's inputs.

45. Comment: The commenters stated that the proposed amendments at N.J.A.C. 6A:30 Appendix A that increase the emphasis on growth indicators could result in unintended consequences for high-performing school districts because their students typically have a high proficiency rate on State assessments. The commenters suggested that the Acting Commissioner could grant flexibility to school districts through the equivalency process

pursuant to N.J.A.C. 6A:5. (1 and 8)

Response: The Department disagrees that the amendments to increase the weight of student progress at Indicators 4 and 5 at N.J.A.C. 6A:30 Appendix A could result in unintended consequences for high-performing school districts because their students typically have a high proficiency rate on State assessments. I&P Indicators 4 and 5 at N.J.A.C. 6A:30 Appendix A are designed to measure school districts' successful implementation of strategies and interventions that foster an individual student's academic growth. Academic growth is measured at I&P Indicators 4 and 5 at N.J.A.C. 6A:30 Appendix A by using a school district's mSGPs. To calculate the mSGP, the student growth percentiles (SGP) for all students in a school district are ordered from lowest to highest, and the mSGP is the percentile in the middle of that list. SGP is a percentile ranking from 1 to 99, which explains a student's academic progress compared to their academic peers. A student's academic peers are all New Jersey students in the same grade level who took the same previous assessment in the last year or two and had similar scale scores on the assessment. Academic peers are based only on assessment scores and not based on demographic information; therefore, students who have high proficiency rates on State assessments are compared with their academic peers who also have high proficiency.

Further, N.J.A.C. 6A:5, Regulatory Equivalency and Waiver, provides the mechanism and criteria for school districts and other entities to seek Commissioner approval of an equivalency to, or a waiver of, the requirements of a specific rule at N.J.A.C. 6A, including the rules at N.J.A.C. 6A:30.

46. Comment: The commenter disagreed with the Department’s proposed amendment to reduce the point value at I&P Indicator 8 at N.J.A.C. 6A:30 Appendix A and stated that, instead, school districts should be provided additional incentives to ensure transparency. The commenter requested the Department amend I&P Indicator 8 to also require a school district to post Statewide assessment scores on the school district’s website after they are reported to the district board of education. The commenter stated that a school district’s Statewide assessment scores need to be shared with the public to ensure accountability, but N.J.A.C. 6A:8-4.3 requires results to be shared only with “educators, parents, and students.” (20)
- Response: The Department decreased the point value of I&P Indicator 8 to five from six to allocate points to I&P Indicator 18, which will monitor whether a school district’s curriculum includes all statutory curricular requirements that are not already incorporated into the NJSLS. The Department declines to propose the commenter’s suggested change at I&P Indicator 8 at N.J.A.C. 6A:30 Appendix A because indicators at N.J.A.C. 6A:30 Appendices A and B cannot impose requirements that are not found in existing State or Federal law, rule, or regulation. I&P Indicator 8 at N.J.A.C. 6A:30 Appendix A monitors school district compliance with N.J.A.C. 6A:8-4.3, which does not require Statewide assessment results be posted in school districts’ websites.
47. Comment: The commenter expressed support for the proposed amendments to include “decodable texts for emergent readers” at I&P Indicators 9d through 15d and at new I&P Indicators 16d and 17d at N.J.A.C. 6A:30 Appendix A. (20)
- Response: The Department appreciates the support.
48. Comment: The commenter expressed support for the proposed amendment at I&P Indicator 12 at N.J.A.C. 6A:30 Appendix A to include the Commission on Asian

American Heritage curricular mandates in the social studies indicator. (20)

Response: The Department appreciates the support.

49. Comment: The commenter supported the Department’s proposed amendments related to the interdisciplinary connection between ELA and social studies at I&P Indicator 12 at N.J.A.C. 6A:30 Appendix A. The commenter stated that the I&P Indicator 12, as proposed for amendment, is missing the addition of “and” that appears at I&P Indicator 9 at N.J.A.C. 6A:30 Appendix A. (20)

Response: The Department appreciates the commenter’s support. The Department added “and” at the end of I&P Indicators 9e, 10e, 11e, 13e, 14e, and 15e because they will be the second-to-last items on the lists of required items. As I&P Indicator 12 includes three additional items for the Commission curricular mandates, the Department included “and” at the end of recodified I&P Indicator 12h. Therefore, the suggested change at I&P Indicator 12 is unnecessary.

50. Comment: The commenter inquired if music, art, and comprehensive health and physical education courses are available to the most vulnerable students. (3)

Response: I&P Indicators 14 and 15 ensure a school district’s comprehensive health and physical education and visual and performing arts curricula and instruction are aligned to the NJSLS in accordance with N.J.A.C. 6A:8. The indicators also ensure that curriculum is designed and implemented to meet grade, grade-band, or grade-level expectations and graduation requirements, while ensuring integrated accommodations and modifications for students with disabilities, MLs, students at risk of school failure, gifted and talented students, and students with 504 plans.

51. Comment: The commenter supported proposed new I&P Indicator 16 at N.J.A.C. 6A:30 Appendix A to include career readiness as a separate indicator. The commenter requested that the Department amend new I&P Indicator 16 to include “integration of technology through the NJSLS” as included at I&P Indicators 9 through 15. (20)

Response: The Department declines to make the commenter’s suggested change because “[i]ntegration of technology through the NJSLS” is proposed for deletion at I&P Indicators 9 through 15. The requirement is now included in the NJSLS as computer science and design thinking, which is reflected in the proposed new I&P Indicator 16.

52. Comment: The commenter expressed support for the proposed new I&P Indicator 17 at N.J.A.C. 6A:30 Appendix A, which includes computer science and design thinking as a separate indicator. (20)

Response: The Department appreciates the support.

53. Comment: The commenter expressed support for the proposed new I&P Indicator 18 at N.J.A.C. 6A:30 Appendix A, which includes a separate indicator for statutory curricular requirements, including specific references to two statutes that have been implemented since N.J.A.C. 6A:30 was last adopted. (20)

Response: The Department appreciates the support.

54. Comment: The commenter inquired as to whether the NJQSAC measures the school district’s capacity to utilize Federal grants. (3)

Response: Fiscal Indicator 5 monitors that the school district’s entitlement and discretionary grants appropriately are managed and overseen. Governance Indicator 6 monitors whether the school district’s budgeting process and allocation of resources,

including grant funding, are aligned with instructional priorities and student needs to provide for a thorough and efficient education.

55. Comment: The commenter asked whether any NJQSAC indicator speaks to prohibiting entities from doing business with State-operated school districts if the entities disclosed political donations in prior years. The commenter also inquired if any NJQSAC indicator indicates possible corruption and nepotism. The commenter provided various reports that the commenter characterized as evidence of corruption at the New Jersey School Development Authority (SDA) and the impact of said corruption on the State's education system. (3)

Response: The NJQSAC is designed to monitor school districts using the same standard and, therefore, cannot contain indicators that apply to only State-operated school districts. The DPRs monitor for school district compliance with State and Federal laws, rules, and regulations. Governance Indicator 1 monitors whether the district board of education or the advisory district board of education reviews, updates, and adopts, by resolution, policies, procedures, and bylaws reflective of current statutory and regulatory authority at least annually, and more frequently if required by changes in case law, rule, or regulation. The policies referenced in the indicator would include the required nepotism policy.

56. Comment: The commenter asked if NJQSAC measures school district's efforts to engage stakeholders as required by the State's proposed ESSA Plan. (3)

Response: Governance Indicator 8 monitors the district board of education's compliance with all stakeholder engagement requirements that are part of Federal grant programs through which the school district receives funds. The Federal programs include, but are not limited to, grant programs pursuant to the Elementary and Secondary Education Act, the Individuals with Disabilities Education Act, and the Carl D. Perkins Career and

Technical Education Act. Any additional stakeholder engagement the school districts conduct falls outside the scope of NJQSAC monitoring.

57. Comment: The commenters expressed appreciation for the Department’s inclusion of school library media services as a separate indicator at Governance Indicator 14 at N.J.A.C. 6A:30 Appendices A and B. The commenters also expressed appreciation of the Department’s proposed amendment at Governance Indicator 14. (9, 12, 14, 15, 16, 17, 18, and 19)

Response: The Department appreciates the support.

58. Comment: The commenter expressed support for the proposed amendment at Governance Indicator 14 at N.J.A.C. 6A:30 Appendix A to add the requirement for each school district to provide library-media services under the direction of a certified school library media specialist (SLMS). The commenter stated that SLMSs play a crucial role in many aspects of student learning, and it is important that their expertise is fully utilized. (20)

Response: The Department appreciates the support.

59. Comment: The commenter stated that school libraries provide the ultimate connection between the academic disciplines embedded in the NJSLS and their implementation into a school district’s instructional programs and curricula. (9)

Response: The Department agrees with the commenter. Accordingly, the Department monitors whether school districts adhere to the requirements at N.J.A.C. 6A:13-2.1(h) through Governance Indicator 14 at N.J.A.C. 6A:30 Appendices A and B.

60. Comment: The commenter asserted that the use of “district” library media specialist leads school districts to assume they must employ only one SLMS for the school district. The commenter cited examples of schools that did not maintain a library facility or employ an

SLMS over multiple years or hired a full- or part-time SLMS only during the school year that the school district was undergoing NJQSAC monitoring. The commenter stated that the commenter hears annually, regarding school districts falsely reporting SLMS positions during NJQSAC reviews. The commenter also stated that individuals who contact the commenter's association often report feeling unsupported and unable to provide ample media services for students and staff in the school district. (16)

Response: The Department disagrees with the commenter's assertion that the use of "district" library media specialist leads school districts to assume they must employ only one certified SLMS for the school district. The Department monitors the requirement at N.J.A.C. 6A:13-2.1(h) through Governance Indicator 14 and Personnel Indicator 4c, the latter of which ensures job descriptions are maintained for every certificated staff member, including the SLMS, and that staff hold the appropriate certificate and endorsement for their assignment pursuant to N.J.A.C. 6A:9B. The county offices of education verify the evidence that library media services are being provided by an SLMS. While the Department appreciates the examples the commenter provided, N.J.A.C. 6A:13-2.1(h) does not require each school building to have a library facility or for each school in a school district to have an SLMS. Rather, the rule requires all school districts to provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books, including novels, anthologies, and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research under the direction of an SLMS.



61. Comment: The commenter stated that the use of “district” library media specialist leads school districts to assume they must employ only one certified SLMS for the school district. The commenter asserted that when the certified SLMS in the commenter’s school district retired, the school district did not hire a new SLMS. The commenter also stated that the school district’s students are being deprived of important educational resources, skills, and experiences because of the lack of a certified SLMS. (18)

Response: The Department disagrees with the commenter’s assertion that the use of “district” library media specialist leads school districts to assume they must employ only one certified SLMS for the school district. School districts that employ one certified SLMS are adhering to N.J.A.C. 6A:13-2.1(h), which does not require each school building to have a library facility or for each school in a school district to have an SLMS. Rather, the rule requires all school districts to provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books, including novels, anthologies, and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research under the direction of an SLMS. While the Department appreciates the commenter’s perspective, the amendment at Governance Indicator 14 at N.J.A.C. 6A:30 Appendices A and B will remind school districts of the requirement to employ a certified SLMS.

62. Comment: The commenter stated that students enter high school without the prerequisite library and media skills due to the absence of a certified SLMS at the elementary and/or middle school level. The commenter also stated that the role of the SLMS is more important now because students are being raised in a digital world. The commenter

further stated that equipping students with technology and digital resources without access to an educator who specializes in teaching others about the multifaceted world of information literacy is counterintuitive. The commenter also provided the example of one school district that has one certified SLMS for six high schools. (19)

Response: While the Department appreciates the commenter's perspective, N.J.A.C.

6A:13-2.1(h) does not require each school building to have a library facility and each school in a school district to have an SLMS. Rather, the rule requires all school districts to provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books, including novels, anthologies, and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research under the direction of an SLMS. The amendment at Governance Indicator 14 at N.J.A.C. 6A:30 Appendices A and B will remind school districts of the requirement to employ a certified SLMS.

63. Comment: The commenter requested that the State Board of Education (State Board) clarify the implementation of school library media services at Governance Indicator 14 at N.J.A.C. 6A:30 Appendices A and B. The commenter stated that the current state of public school libraries and their available materials is a disservice to the thousands of students who graduate each year. The commenter also stated that the commenter's school district and others need more certified school library media specialists and State funding to hire them, as well as for a circulation system and more books. The commenter further stated that without State funding, other teachers will be let go even if school districts are required to employ additional school library media specialists. (13)

Response: The Department appreciates the commenter's perspective, but disagrees that Governance Indicator 14 at N.J.A.C. 6A:30 Appendices A and B need to be amended beyond the proposed addition of language regarding the requirement for each school district to provide these library-media services under the direction of a certified school library media specialist. The commenter's statements regarding State funding and the impact on school districts are outside the scope of this rulemaking.

64. Comment: The commenter expressed concern that the commenter's child attends a school that does not employ a certified SLMS and, instead, receives programs and services from the high school's certified SLMS. The commenter stated that the commenter's professional responsibilities have shifted, and the commenter is now the only SLMS in the school district and provides SLMS in five schools to students in K-12, while also serving as the school district's gifted and talented coordinator. The commenter also expressed a desire to restore the school library services once offered in the school district and indicated that it has become increasingly difficult to perform the job of an SLMS with so little guidance from the school district and ambiguous language from the State Board. (17)

Response: The Department monitors the requirement at N.J.A.C. 6A:13-2.1(h) through Governance Indicator 14 and Personnel Indicator 4c. While the Department appreciates the examples the commenter provided, N.J.A.C. 6A:13-2.1(h) does not require each school building to have a library facility and each school in a school district to have an SLMS. Rather, the rule requires all school districts to provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books including novels,

anthologies, and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research under the direction of an SLMS. The amendments at Governance Indicator 14 at N.J.A.C. 6A:30 Appendices A and B will remind school districts of the requirement to employ a certified SLMS.

65. Comment: The commenters stated that many schools are not providing a thorough and efficient education in school library media services due to the lack of guidance on how school districts provide library media services that are connected to classroom studies in each school building, as required at N.J.A.C. 6A:13-2.1(h). The commenters stated that three dozen national studies have shown a direct correlation between strong school library programs and student achievement. The commenters requested clarification on the method utilized by school districts to provide evidence that required library media services are being provided by an SLMS as part of Governance Indicator 14.

The commenters also provided a list of ways in which school districts can provide evidence of library media services connected to classroom studies, the availability of school library resources, reading, research, and certified staff. The commenters stated that the suggested items were derived from the proposed DPRs, regulations related to SLMSs, and the functions of SLMSs as set forth at N.J.A.C. 6A:9B-14.14. The commenters stated that the inclusion of library media services in the NJQSAC will help demonstrate to school districts that the primary focus of school libraries is building capacity for critical engagement with information, with emphasis on the critical evaluation of sources and the investigation of diverse sources on information, all of which leads to the inquiry skills of asking, thinking, and creating. The commenters also provided additional links to resources found at the American Association of School Librarians website

(<https://www.ala.org/aasl>). (9, 12, 14, 15, 16, 17, and 19)

Response: The Department appreciates the commenters' perspective and agrees there is a correlation between school library programs and student achievement. To ensure that students receive a thorough and efficient education in library and media services, Governance Indicator 14 at N.J.A.C. 6A:30 Appendices A and B is designed to monitor whether school districts are fulfilling the requirement at N.J.A.C. 6A:13-2.1(h) to provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books, including novels, anthologies, and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research under the direction of a certified SLMS. The amendment at Governance Indicator 14 at N.J.A.C. 6A:30 Appendices A and B will emphasize the requirement for school districts to employ a certified SLMS. The Department appreciates the suggested list of items that school districts can provide as evidence and will consider the items when updating the NJQSAC User Manual

([https://www.nj.gov/education/qsac/manual/docs/NJQSAC\\_Manual.pdf](https://www.nj.gov/education/qsac/manual/docs/NJQSAC_Manual.pdf)).

66. Comment: The commenter recommended adding “to all district” before “employees” in the proposed new language at Operations Indicator 5 at N.J.A.C. 6A:30 Appendices A and B. The commenter stated that the suggested change would emphasize that all school district employees are provided with annual training on the code of student conduct and would mirror the relevant rules at N.J.A.C. 6A:16-7.1. The commenter also stated that it is critical for the training to be provided to paraprofessionals/teacher assistants, food service staff, bus drivers, and other educational support professionals. (22)

Response: The Department agrees and has added “all” before “employees” at Operations Indicator 5 at N.J.A.C. 6A:30 Appendices A and B to ensure that all employees of a school district receive annual training on the code of student conduct and its equitable application.

67. Comment: The commenter recommended that the Department not delete the citation for N.J.A.C. 6A:16-5.3 at Operations Indicator 6 at N.J.A.C. 6A:30 Appendices A and B, as proposed, because the section also cites the statutory reporting requirements. The commenter also recommended that the citation be inserted, instead, after the indicator’s first sentence so school district employees know where to locate the reporting requirements and their provisions. (22)

Response: The Department agrees that the citation belongs in the indicator and will maintain “N.J.A.C. 6A:16-5.3” at Operations Indicator 6 at N.J.A.C. 6A:30 Appendices A and B to ensure school districts adhere to all provisions related to incident reporting of violence, vandalism, alcohol, and other drug use. The Department also agrees to adopt the commenter’s recommendation that the citation be inserted after the indicator’s first sentence.

68. Comment: The commenter recommended that the Department amend the first sentence at Operations Indicator 10 at N.J.A.C. 6A:30 Appendices A and B to state that the policies and procedures provide, to school district bus and van drivers, annual training regarding student safety and discipline, including Motor Vehicle Commission (MVC) requirements for inspections by bus drivers and evacuation drills, rather than the existing language to ensure student safety by meeting the MVC requirements. The commenter also suggested that the Department amend the indicator’s second sentence to require the CSA to provide the district board of education with evidence of completion of “other relevant training” in addition to the already referenced emergency exit drills. The commenter stated that

school districts need to annually reinforce, with individuals who provide student transportation, the responsibilities related to safe driving, discipline, and safety checks when picking up or dropping off students before or after school or for student activities, field trips, or other school purposes. The commenter also stated that student safety cannot be left to chance, and it should be clear in the indicator that the school district bears responsibility for ensuring that transportation staff are routinely and thoroughly trained regarding the expectations. (22)

Response: The Department declines to make the commenter's recommended changes because N.J.A.C. 6A:27-11.1, 11.2, and 12, which are monitored through Operations Indicator 10, do not require annual training of individuals who provide student transportation beyond emergency exit drills twice per year in accordance with N.J.A.C. 6A:27-11.2. Therefore, it cannot be monitored through the indicator.

69. Comment: The commenter recommended that the Department amend Operations Indicator 13 at N.J.A.C. 6A:30 Appendices A and B to promote the school district's consideration of the number of students and staff whose health needs must be monitored and addressed daily to ensure there is an adequate number of certified school nurses per school district and not only the minimum required of one certified school nurse per school district. (22)

Response: The Department declines to make the commenter's recommended change because Operations Indicator 13 at N.J.A.C. 6A:30 Appendices A and B cannot impose requirements that exceed existing statute, rule, or regulation. N.J.S.A. 18A:40-3.3 does not require a school district to employ more than one certified school nurse per school district, regardless of the school district enrollment.

70. Comment: The commenter recommended that the Department amend Operations Indicator 14 at N.J.A.C. 6A:30 Appendices A and B, as proposed for amendment, to state that the instructor “is certified for the grade level and content” in addition to the already stated completion of the Department’s criminal history record check. The commenter stated that students should receive the same professional level of instructional services regardless of whether students attend school or receive instruction at home or in another temporary setting.

The commenter requested an additional change at Operations Indicator 14 at N.J.A.C. 6A:30 Appendix B, which applies only to county special services school districts, to state that the instructor also holds either the teacher of the handicapped endorsement or a teacher of students with disabilities endorsement. (22)

Response: The Department declines to make the commenter’s recommended changes because indicators at N.J.A.C. 6A:30 Appendices A and B cannot impose requirements that are not found in existing State or Federal law, rule, or regulation. N.J.A.C. 6A:16-10.1 requires a teacher providing home or out-of-school instruction to be certified but does not require the teacher to hold a specific grade level and/or content endorsement.

71. Comment: The commenter recommended that the Department amend Operations Indicator 15a at N.J.A.C. 6A:30 Appendices A and B, as proposed for amendment, to add “the majority representative(s) of school district employees” to the list of entities with which the school district must consult with regarding safety and security plans, procedures, and mechanisms. The commenter also suggested that “other” be deleted before “community members.” The commenter further suggested that the Department amend proposed Operations Indicator 15c to add “school staff and” before “local law enforcement authorities.” The commenter stated



that school staff, through their majority representative, should be involved in the review and revision of safety and security plans, as well as receive copies of related safety documents, including critical incident mapping data, to enable staff to understand all aspects of safety and security plans.

The commenter disagreed with the proposed reduction of points for Operations Indicator 15 because the safety and security of students and staff should be of paramount importance and scrutinized by State monitors. The commenter stated that proposed Operations Indicators 17 and 18, which the commenter supported, do not diminish the necessary focus on Operations Indicator 15.

The commenter also suggested that the proposed codification of Operations Indicator 15 “a” is new and, therefore, should be boldfaced. (22)

Response: The Department declines to make the commenter’s recommended substantial changes because they would exceed the related statutory and regulatory provisions at N.J.S.A. 18A:41-7.1 and N.J.A.C. 6A:16-5.1, respectively. Indicators at N.J.A.C. 6A:30 Appendices A and B cannot impose requirements that are not found in existing State or Federal law, rule, or regulation.

The Department reduced points at Operations Indicator 15 at N.J.A.C. 6A:30 Appendices A and B is a part of an effort to rebalance points because of new indicators that have been added to monitor new statutory requirements.

The Department thanks the commenter for bringing attention to the recodification of Operations Indicator 15a. The addition of “a” was corrected and bolded before publication of N.J.A.C. 6A:30 Appendix A, as proposed for amendment, in the New Jersey Register.

72. Comment: The commenter inquired as to whether the NJQSAC measures the completion of a school district's comprehensive equity plan. (3)
- Response: Yes, recodified Operations Indicator 19 monitors whether the school district has implemented its comprehensive equity plan and submitted the related annual statement of assurance to the Department.
73. Comment: The commenter requested a change to the first sentence at Operations Indicator 19 at N.J.A.C. 6A:30 Appendices A and B, as proposed for amendment, to replace "a Department-approved" comprehensive equity plan, with a reference to a plan "for which the executive county superintendent has issued a certificate of completion." The commenter stated that the requested changes will mirror the requirement at N.J.A.C. 6A:7-1.8. (22)
- Response: The Department agrees and has not adopted the addition of "Department-approved." Instead, the Department has added "and that has been issued a certificate of completion by the executive county superintendent" at the end of the first sentence to align the Operations Indicator 19 at N.J.A.C. 6A:30 Appendices A and B with N.J.A.C. 6A:7-1.8.
74. Comment: The commenter recommended that the Personnel indicators at N.J.A.C. 6A:30 Appendices A and B be amended throughout to include "and administrators" after "certified staff" for consistency with the indicators in the other key components of school district effectiveness. (20)
- Response: The Department declines to propose the commenter's recommended change because administrators are certified staff who are employed by a school district.
75. Comment: The commenter recommended that the Department amend Personnel Indicator 1d at N.J.A.C. 6A:30 Appendices A and B to require the school district to verify that all

mandated training or materials offered during the school year are provided to employees hired after the mandated training or materials have been provided to other employees. The commenter also stated that all employees should be provided mandatory training during the regular school day, regardless of the time of the year the employee is hired. (20)

Response: The Department declines to propose the commenter's recommended change because Personnel Indicator 1d at N.J.A.C. 6A:30 Appendices A and B cannot contain requirements not already set forth at N.J.A.C. 6A:10-2.2(b).

76. Comment: The commenter recommended the Department amend Personnel Indicator 1g at N.J.A.C. 6A:30 Appendices A and B to add language that will ensure standardized assessment results are not the predominant factor in a teacher's overall evaluation, in accordance with the Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) Act. The commenter stated that this component of the law should be monitored through the NJQSAC since it already monitors for other provisions. (20)

Response: The Department declines to propose the commenter's recommended change because Personnel Indicator 1g already ensures that school districts comply with the TEACHNJ Act's provisions regarding evaluation structures and processes, including that Statewide assessment results are not the predominant factor in a teacher's overall evaluation, in accordance with N.J.A.C. 6A:10-2.4.

77. Comment: The commenter asked if the NJQSAC measures incidents of educators teaching subjects that are outside of the scope of their instructional certificates and endorsements. The commenter cited a draft U.S. Department of Education performance review of New Jersey that noted instances of teachers working outside of their field. The commenter stated that, in the commenter's experience, educators teaching outside of their

area(s) of certification occurs when the administration is attempting to push the teacher out of a school or school district. (3)

Response: Personnel Indicator 4c monitors whether a school district maintains approved job descriptions for every certified staff member and that staff are appropriately certified for their assignment, pursuant to N.J.A.C. 6A:9B.

78. Comment: The commenter inquired if the removal of all gendered nouns and pronouns will be reflected in every education policy throughout Title 6A of the New Jersey Administrative Code and Title 18A of the New Jersey Statutes, or if they apply only to the proposed readoption with amendments at N.J.A.C. 6A:30. (6)

Response: As the Department readopts chapters at Title 6A of the New Jersey Administrative Code, all gendered nouns and pronouns are replaced with gender-neutral language. However, the amendments to eliminate gendered nouns and pronouns from the text at N.J.A.C. 6A:30 do not have any effect on the use of nouns and pronouns in school districts or by students, educators, or any other individuals. Furthermore, Title 18A of the New Jersey Statutes cannot be amended through the regulatory process and changes to State statute must be initiated by the New Jersey Legislature. Therefore, the Department cannot comment on whether Title 18A of the New Jersey Statutes will be similarly amended.

79. Comment: The commenter expressed disappointment that school districts are not required to employ a SLMS in every school building in a school district and that a SLMS may have to travel to multiple school buildings to provide the programs and services in a school district. The commenter stated that one school district has a certified SLMS who is not assigned to one school building and, instead, travels to four elementary schools, which the commenter indicated does not provide students with enough time to learn media literacy

skills. The commenter also stated that reading is shown to increase test scores and student enjoyment in school. The commenter asserted that not having a certified SLMS in each school building in a school district could harm impoverished communities. (12)

Response: While the Department appreciates the examples the commenter provided, provisions of other chapters in Title 6A of the New Jersey Administrative Code that are monitored pursuant to the NJQSAC cannot be altered as part of this rulemaking. N.J.A.C. 6A:13-2.1(h) does not require each school building to have a library facility or for each school in a school district to have an SLMS. Rather, the rule requires all school districts to provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books including novels, anthologies, and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research under the direction of an SLMS.

80. Comment: The commenter stated that the commenter's school district has an SLMS in four of its five schools and that the commenter visits the school without an SLMS to introduce students to research and library resources that they can access digitally. The commenter expressed concern that the school district is going to graduate students who have never used proper Modern Language Association (MLA) or American Psychological Association (APA) citation methods and who have never learned how to properly conduct research. The commenter also expressed concern about students learning to read for pleasure without access to adequate library media services. (14)

Response: The Department appreciates the commenter's concerns; however, N.J.A.C. 6A:13-2.1(h) does not require each school building to have a library facility or for each

school in a school district to have an SLMS. Rather, the rule requires all school districts to provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books, including novels, anthologies, and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research under the direction of an SLMS. Additionally, the NJSLS-ELA for grades nine through 12 require students to conduct research and use the proper MLA and APA citation methods. Specifically, W.SE.9–10.6 and W.SE.11–12.6 require that students gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the usefulness of each source in answering the research question; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism, and following a standard format for citation (MLA or APA Style Manuals).

81. Comment: The commenter requested that the Department update N.J.A.C. 6A:14, Special Education, to clarify the steps and personnel responsible for evaluating MLs and to ensure their families receive information in the primary language spoken at home. The commenter stated that the Department has not provided sufficient direction to school districts at N.J.A.C. 6A:14 with regard to MLs. The commenter contended that the lack of direction regarding MLs and their classifications poses several challenges that include: the need to have second language acquisition professionals or ESL and bilingual education teachers to provide input to child study teams on a ML's needs, the requirement to translate document for parents and families, and the requirement to define appropriate methods for determining a student's primary language for testing. The commenter provided an example of how the lack of direction caused a two-year delay in the consideration of a high school ML from

being considered eligible for special education. (7)

Response: The comments are outside of the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.

82. Comment: The commenter requested that the Department increase professional development and information sharing regarding the changes at readopted N.J.A.C. 6A:15, Bilingual Education, and also require school districts to report on compliance with N.J.A.C. 6A:14 and 6A:15. The commenter stated that the Department needs to provide, to school district employees, information about the amendments at N.J.A.C. 6A:14 adopted in 2024. The commenter also stated that the lack of sufficient information about N.J.A.C. 6A:14 has resulted in confusion in school districts regarding the timelines for implementation. The commenter contended that the confusion resulted in each school district interpreting existing guidelines without clear direction and MLs who are eligible for special education not being guaranteed a consistent educational experience that meets their unique needs. The commenter stated that the varied educational outcomes across school districts result in inequities and disparities for MLs who need services. The commenter provided examples that resulted in the commenter's organization having to provide support to families and, in some instances, training for school districts. The commenter stated that protections for MLs must increase. (7)

Response: The comments are outside the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.

83. Comment: The commenter stated that the original intent of No Child Left Behind (NCLB) and now ESSA was to hold school districts accountable for educating specialized populations of students, but the accountability system was flawed. The

commenter noted that to ensure equity, achievement must be validly evaluated and measured. The commenter further stated that the metrics used to hold school districts accountable in NCLB and ESSA consist of criteria that does not accurately measure the developmental process of English language acquisition. (4)

Response: The comments are outside of the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.

84. Comment: The commenter requested that the Department ensure that SLMSs provide the instruction related to the new information literacy standards because the functions for each certificate and endorsement at N.J.A.C. 6A:9B indicate that SLMSs are the most qualified to teach the subject matter. The commenter stated that the commenter's association wants to ensure that library media services are provided by certified SLMSs and not by other staff who lack the appropriate certificate or endorsement for the position. (9)

Response: The comments are out of the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.

85. Comment: The commenter asserted that the School Funding Reform Act and previous reductions in State aid has resulted in the commenter traveling to six high schools that span more than 200 square miles in the commenter's school district of employment. The commenter expressed frustration regarding the lack of adequate resources to perform the duties as an SLMS in the school district. The commenter stated the commenter's school district needs funds to hire additional SLMSs and that the school district's students deserve better than the library services they presently receive. (14)

Response: The comments are out of the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.



86. Comment: The commenter asked if the Department inquires why large school districts that are thought to suffer inequities do not apply for available grants that address inequities. (3)  
Response: The comment is outside the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.
87. Comment: The commenter asked where the annual disclosure statements are posted online. (3)  
Response: The comment is outside the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.
88. Comment: The commenter raised concerns about how much it costs to help students who have immigrated to the United States without documentation to speak English. The commenter contended that the United States should change the law so taxpayers do not have to pay for the education of students who are immigrants without documentation. The commenter also stated that it is unfair to hold school districts accountable for the assessments of students who immigrated to the United States without documentation. (21)  
Response: The comments are outside the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.
89. Comment: The commenter urged the Department to recognize and promote, to the New Jersey Legislature and school districts, the key role that certified school nurses play in protecting, assessing, and responding to emergency and ongoing student and staff health needs. (22)  
Response: The comment is outside the scope of the rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.

### **Summary of Agency-Initiated Changes:**

1. The Department proposed to reduce the point value for K-8 school districts at I&P Indicator 3 at N.J.A.C. 6A:30 Appendix A to five from the existing 10 points. The amendment was approved by the State Board at the proposal level, as indicated in the summary discussion of the indicator, but inadvertently omitted from N.J.A.C. 6A:30 Appendix A, as published in the New Jersey Register. Please see I&P Indicator 3 at N.J.A.C. 6A:30 Appendix A for the change.
2. The Department changed Fiscal Indicator 4d at N.J.A.C. 6A:30 Appendices A and B upon adoption to not delete the comma after “general fund.” The deletion was inadvertently added prior to publication in the New Jersey Register, but needs to be maintained for grammatical purposes. The Department will also move “(on the budgetary basis of accounting)” to after “over-expenditures” for clarity because the phrase applies to all fund types listed in the indicator.
3. The Department deleted the reference to N.J.S.A. 18A:6-4.13 at Operations Indicator 14 at N.J.A.C. 6A:30 Appendices A and B upon adoption because the statute applies to nonpublic schools.

### **Federal Standards Statement**

There are no Federal standards or requirements applicable to the rules readopted with amendments; therefore, a Federal standards analysis is not required.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 6A:30.

**Full text** of the adopted amendments follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks **\*[thus]\***):

(See separate documents for N.J.A.C. 6A:30 Appendices A and B)

#### Subchapter 4. Performance Continuum

##### 6A:30-4.1 General requirements

- (a) Following a school district's comprehensive review, or at another time designated by the Commissioner if the Commissioner has directed a school district to undergo an immediate comprehensive review pursuant to N.J.S.A. 18A:7A-11 and N.J.A.C. 6A:30-3.1(a), the Commissioner shall issue a final determination letter detailing each school district's performance and placement on the performance continuum, based on the comprehensive review, and shall notify the State Board at its next public meeting. The determination letter shall consist of the following:
  - 1. (No change.)
  - 2. For each school district that satisfies at least 80 percent of the quality performance indicators in each of the five key components of school district effectiveness, a designation as a **\*[“high performing”]\* \*high-performing\*** school district and a recommendation for the State Board to certify, for a period of three years, the school district as providing a thorough and efficient education;
  - 3.-5. (No change.)
- (b) (No change.)