

# **N.J.A.C. 6A:30, Evaluation of The Performance of School Districts**

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## Chapter 30. Evaluation of The Performance of School Districts

### Subchapter 1. Purpose, Scope, and Definitions

#### 6A:30-1.1 Purpose and scope

- (a) The chapter's purpose is to establish rules to implement the New Jersey Quality Single Accountability Continuum (NJQSAC) system, as required by N.J.S.A. 18A:7A-3 et seq., for evaluating and monitoring all school districts in the State. NJQSAC is designed to be a single, comprehensive accountability system that consolidates and incorporates the monitoring requirements of applicable State and Federal programs. NJQSAC is also intended to complement, and serve in part to implement, Federal requirements. Under NJQSAC, school districts are evaluated in five key component areas of school district effectiveness — instruction and program, personnel, fiscal management, operations, and governance — to determine the extent to which school districts are providing a thorough and efficient education. The standards and criteria by which school districts are evaluated will assess actual achievement, progress toward proficiency, local capacity to operate without State intervention, and the need for State support and assistance. Once a school district is identified under NJQSAC as requiring assistance in one or more of the five areas of school district effectiveness, the Department and the school district will work collaboratively to improve school district performance in the targeted areas. The measures used to achieve this goal include Department evaluations of the school district, development of a district improvement plan, close monitoring of the implementation of the district improvement plan, and the provision of technical assistance, as appropriate. If a school district fails to develop or implement a district improvement plan as required, or other emergent circumstances warrant, NJQSAC allows the Department to seek partial or full intervention in the school district to effect the change(s) necessary to build school district capacity to provide a thorough and efficient education.

- (b) This chapter sets forth the steps the Department will undertake to implement N.J.S.A. 18A:7A-3 et seq., which include a three-year evaluation process, placement of the school district on a performance continuum, improvement and intervention activities, and periodic progress monitoring.
- (c) The rules shall apply to all school districts in the State as defined in N.J.S.A. 18A:8-1 et seq. and 18A:13-1 et seq., with the exception of charter schools and educational services commissions, and shall include county vocational school districts established pursuant to N.J.S.A. 18A:54-1 et seq., with the exception of county vocational school districts that provide only shared-time services, and county special services school districts established pursuant to N.J.S.A. 18A:46-29 et seq.

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

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

“Administrative order” means a written directive ordering specific corrective action by a school district that has shown insufficient compliance with the quality performance indicators.

“Assistant commissioner” means an assistant commissioner, or designee, in the Department.

“Chief school administrator” or “CSA” means the superintendent of a school district or county vocational school district or, if there is no superintendent, the administrative principal.

“Components of school district effectiveness” means the areas in which school districts will be evaluated under NJQSAC. They are:

1. Instruction and program;
2. Operations;
3. Fiscal management;

4. Personnel; and
5. Governance.

“Comprehensive review” refers to the Department’s evaluation process to measure each school district’s performance, capacity, and need for State support, assistance, or intervention. The comprehensive review shall be based on the weighted quality performance indicators developed by the Department and set forth in the District Performance Review, incorporated in this chapter as the chapter Appendices.

“Declaration page” means the section of the District Performance Review that verifies the accuracy of the responses on the school district’s District Performance Review.

“District improvement plan” means a plan developed in collaboration with the Department by a school district that fails to satisfy at least 80 percent of the weighted quality performance indicators in any of the five key components of school district effectiveness. The district improvement plan addresses critical areas of need identified through the comprehensive review.

“District Performance Review” or “DPR” means the Department-developed self-assessment tool that measures a school district’s compliance with the quality performance indicators in all of the five key components of school district effectiveness.

“Evaluation team” means a Commissioner-designated team qualified by training and experience to examine specific conditions existing in a school district.

“Evidence based” means a program or service that has demonstrated success based on research, best practices, or other forms of evidence.

“High-performing school district” means a designation assigned to a school district that satisfies at least 80 percent of the weighted performance indicators in each of the five key components of school district effectiveness.

“Highly skilled professional” or “HSP” means a Commissioner designee who has skills and expertise based on education and/or experience that is relevant to one or more of the five key components of school district effectiveness.

“In-depth evaluation” means a process the Commissioner can authorize to evaluate school districts that satisfy less than 80 percent of the weighted quality performance indicators in one or more of the five key components of school district effectiveness as determined by the Department based on the comprehensive review.

“NJQSAC” means the New Jersey Quality Single Accountability Continuum.

“Performance continuum” means a measure that identifies a school district’s performance with respect to each of the five components of school district effectiveness.

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

“Technical assistance” means guidance and support provided to a school district to enable the school district to meet State and Federal policy and regulatory requirements and to ensure the provision of a thorough and efficient education.

## **Subchapter 2. NJQSAC Components of School District Effectiveness and Indicators**

### **6A:30-2.1 Components of school district effectiveness**

- (a) The Department shall evaluate and monitor school districts’ performance and capacity in five key components of school district effectiveness. They are:
1. Instruction and program;
  2. Personnel;
  3. Fiscal management;

4. Operations; and
  5. Governance.
- (b) In assessing school district performance and capacity in the five key component areas, the Department shall use objective measures and shall consider school district improvement and growth.

### **6A:30-2.2 Quality performance indicators of school district effectiveness**

- (a) The Department shall establish weighted quality performance indicators to measure school district performance and capacity in each of the five key components of school district effectiveness.
- (b) The weighted quality performance indicators are set forth in the District Performance Review, incorporated in this chapter as the chapter Appendices.
- (c) The Commissioner shall use the weighted quality performance indicators to assess school district performance and capacity during the comprehensive reviews pursuant to N.J.A.C. 6A:30-3.1 through 3.3, the in-depth evaluations pursuant to N.J.A.C. 6A:30-5.3, and monitoring pursuant to N.J.A.C. 6A:30-5.6. The Commissioner also shall use the weighted quality performance indicators in determining whether to initiate intervention activities pursuant to N.J.A.C. 6A:30-6.2 and to withdraw from intervention pursuant to N.J.A.C. 6A:30-7.1.

## **Subchapter 3. Comprehensive Review of School Districts**

### **6A:30-3.1 General requirements**

- (a) The Commissioner shall conduct a comprehensive review of each school district every three years. In the intervening years between each school district's three-year review, the Commissioner shall assess the school district's performance to determine whether conditions exist in the school district that significantly and negatively impact the school district's educational program or operations. Upon a determination that conditions exist

in a school district, the Commissioner may direct the Department immediately conduct a comprehensive review of the school district as set forth in this section.

- (b) The comprehensive review shall be based on the Department-developed weighted quality performance indicators. Unless (d) below applies, the comprehensive review shall commence with the completion of the District Performance Review by each school district, followed by its verification and review of other relevant data and information by the Department. The comprehensive review also may include one or more on-site visits to school district facilities by Department staff.
- (c) The Commissioner shall direct the executive county superintendent and other appropriate Department staff to provide timely notification to each school district of the comprehensive review procedures.
- (d) The Commissioner may determine a school district does not need to provide a District Performance Review as part of the comprehensive review with respect to components of school district effectiveness for which the school district is implementing a district improvement plan, pursuant to N.J.A.C. 6A:30-5.4 and 5.5, and is subject to Department monitoring, pursuant to N.J.A.C. 6A:30-5.6.

### **6A:30-3.2 District Performance Review**

- (a) As part of the comprehensive review, unless N.J.A.C. 6A:30-3.1(d) applies, each school district shall complete a District Performance Review. The District Performance Review is incorporated in this chapter as the chapter Appendices (Appendix A and Appendix B), which is the form that school districts shall use in completing the self-assessment. All school districts, with the exception of county special services school districts, shall use Appendix A to complete the self-assessment. All county specials services school districts shall use Appendix B to complete the self-assessment.
- (b) To complete the District Performance Review, the CSA shall take the following steps



1. Convene a committee to assist in completing the District Performance Review.  
The CSA shall determine the total number of people that will serve on the committee. The CSA shall appoint to the committee the following persons and may include other persons with approval of the district board of education:
  - i. CSA;
  - ii. One or more members of the school district's administrative staff;
  - iii. One or more teaching personnel, representative of different grade levels and/or schools in the school district;
  - iv. The business administrator and assistant superintendent for curriculum and instruction, as well as other appropriate school district level personnel as determined by the CSA;
  - v. 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 the teaching personnel required under (b)1iii above; and
  - vi. One or more members of the district board of education selected by the district board of education.
2. Ensure the process used by the committee in completing the District Performance Review provides for participation and input by all committee members;
3. Consult with the committee in formulating a response to all weighted quality performance indicators of each component of school district effectiveness;
4. Ensure the responses in the school district's District Performance Review encompass and reflect circumstances that exist in the school district; and
5. Ensure all responses to the District Performance Review can be verified by data and supporting documentation, or otherwise. The CSA shall provide the verification to the Department upon request.

- (c) The executive county superintendent shall provide technical assistance, as needed, to the CSA and the school district's committee formed to complete the District Performance Review.
- (d) The district board of education may establish a district board of education subcommittee to consult with the committee formed to complete the District Performance Review. The district board of education also may monitor the progress of the committee completing the District Performance Review by requiring periodic reporting to the district board of education at public meetings.
- (e) Upon completion of the proposed responses to the District Performance Review, the CSA shall sign a declaration page attesting to the accuracy of the responses in the report to the best of his or her knowledge. Each member of the committee shall be given the opportunity to sign the declaration page to attest to his or her participation in completion of the District Performance Review. If a member of the committee refuses to sign the declaration page, the member's name shall be written on the form with the notation "refused to sign."
- (f) Upon completion of the proposed responses to the District Performance Review, the district board of education shall fix a date, place, and time for the holding of a public meeting, which may be a regularly scheduled district board of education meeting, to review the proposed responses to the District Performance Review and declaration page for approval by resolution. The district board of education shall do the following with respect to the meeting:
  - 1. Post the proposed responses to the District Performance Review and declaration page on the school district's Internet site at least five working days prior to the meeting date. The district board of education also shall make the proposed responses and declaration page available for examination by the public at the district board of education offices or another reasonable location;
  - 2. Cause notice of the meeting to be published, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. The notice shall inform the public that the District Performance Review and declaration page will be discussed at the

meeting and of the times and manner in which members of the public may view the proposed responses to the District Performance Review; and

3. Provide, at the public meeting, the public with the opportunity to comment and be heard with respect to the proposed responses to the District Performance Review. The district board of education also shall provide the public with the opportunity to submit written comments prior to the meeting.
- (g) The District Performance Review, the declaration page, and the district board of education resolution approving the District Performance Review shall be submitted to the appropriate executive county superintendent's office by November 15 or at another time designated by the Commissioner if he or she 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).
1. If the district board of education does not approve all sections of the District Performance Review as submitted by the CSA, the district board of education may adopt a resolution indicating the District Performance Review sections approved and the sections with which the district board of education takes exception.
- (h) Upon a showing of good cause, the district board of education may request from the Department a reasonable time extension for submission of the District Performance Review.
- (i) Failure by a school district to conduct or submit a District Performance Review, including a declaration page approved by the district board of education pursuant to this section, may result in the withholding of State aid, pursuant to N.J.S.A. 18A:55-2, or, under appropriate circumstances, the initiation of intervention activities as set forth at N.J.A.C. 6A:30-6.2.

### **6A:30-3.3 Review and evaluation of District Performance Reviews**

- (a) The Department shall confirm receipt of a school district's District Performance Review, district board of education resolution, and declaration page and shall do the following:

1. Review the District Performance Review, district board of education resolution, and declaration page for completeness;
  2. Confirm the use of a committee, composed of representatives required by N.J.A.C. 6A:30-3.2(b)1, to complete the District Performance Review as demonstrated by the declaration page; and
  3. Verify through a desk audit the District Performance Review responses using relevant data, reports, facts, audit results, documents, and/or other information.  
  
The Department may require the school district to submit documentation substantiating its responses or other information.
- (b) Upon completion of the initial review, the Department shall notify the CSA of any area(s) of the District Performance Review that requires additional clarification. When notification is warranted, the Department shall:
1. Issue a written request for any additional information, documentation, or materials from the CSA; and/or
  2. Initiate one or more on-site visits to schools and/or other facilities, as needed to verify the accuracy of District Performance Review responses.
- (c) The Department shall compile and analyze the results of each school district's District Performance Review and any additional review conducted by Department staff and shall develop for the Commissioner a recommendation for the school district's placement on the performance continuum.
- (d) The Commissioner shall review the recommendation made pursuant to (c) above, as well as any other data, facts, reports, audit results, documents, and/or other information that may inform a well-reasoned final decision in determining the school district's placement on the performance continuum.

## 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 he or she 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. The percentage of weighted quality performance indicators satisfied by the school district in each of the five key components of school district effectiveness;
  2. For each school district that satisfies at least 80 percent of the weighted quality performance indicators in each of the five key components of school district effectiveness, a designation as a "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. For school districts satisfying less than 80 percent in one or more of the weighted quality performance indicators in each of the five key components of school district effectiveness, notification the school district has not met the comprehensive review's requirements and shall be directed to begin improvement activities, pursuant to N.J.A.C. 6A:30-5.2;
  4. The requirement for each school district to report its Commissioner-determined placement on the performance continuum at the next public district board of education meeting; and

5. Notification the school district may seek reconsideration of the Commissioner's placement of the school district on the performance continuum within seven days of receiving the determination letter.
- (b) In its request for reconsideration, the school district shall specifically delineate each District Performance Review indicator the school district claims was scored incorrectly by the Commissioner and the basis for the claim.
1. During the reconsideration review, the Commissioner shall provide the school district with the opportunity to present evidence supporting the school district's claim that its score on one or more indicators of the District Performance Review was erroneous and should be changed.
  2. If warranted by the evidence and arguments presented by the school district, the Commissioner may amend the school district's placement on the performance continuum. At the conclusion of the reconsideration, the Commissioner shall notify, in writing, the CSA and the State Board of the determination.
- (c) Upon the State Board's approval of the Commissioner's recommendation made pursuant to (a)2 above, the Department will notify a high-performing school district that it is certified, for a period of three years, as providing a thorough and efficient education.

## **Subchapter 5. Improvement Activities to Support Student Achievement in School Districts**

### **6A:30-5.1 School district obligations for continual improvement**

Each school district shall continuously strive for improvement in all areas of school district effectiveness to enhance student achievement and to ensure the school district provides a thorough and efficient education to all students.

**6A:30-5.2 Improvement activities for school districts that satisfy less than 80 percent of the weighted quality performance indicators in one or more components of school district effectiveness**

School districts that satisfy less than 80 percent of the weighted quality performance indicators in one or more of the key components of school district effectiveness shall commence improvement activities as set forth at N.J.A.C. 6A:30-5.3 through 5.7.

**6A:30-5.3 In-depth evaluation**

- (a) Upon completion of the comprehensive review, the Commissioner will notify the school district as to whether the Department will conduct an in-depth evaluation of the school district pursuant to the following:
1. The Department shall conduct an in-depth evaluation of school districts that satisfy less than 50 percent of the weighted quality performance indicators in one or more of the five key components of school district effectiveness, as determined by the comprehensive review, unless the Commissioner determines a comprehensive evaluation of the school district by the Department or directed by it has occurred within the last year;
  2. The Department may conduct an in-depth evaluation for school districts that satisfy between 50 and 79 percent of the weighted quality performance indicators in one or more of the five key components of school district effectiveness, as determined by the comprehensive review. In making this determination, the Commissioner shall consider:
    - i. Whether other evaluations of the school district address the area(s) of deficiency or limited capacity identified through the comprehensive review process and whether the other evaluations obviate the need for an additional in-depth evaluation; or

- ii. Whether the school district can demonstrate, through documentation or other data, it is engaged in efforts to address the area(s) of deficiency or limited capacity identified through the comprehensive review process; and
  3. Notwithstanding the provisions of (a)1 and 2 above, the Commissioner may decide not to conduct an in-depth evaluation of a school district if the Department conducted in a prior year an in-depth evaluation that was the basis for a district improvement plan currently in operation in the school district.
- (b) The Commissioner shall designate, secure, or appoint appropriate persons or entities to conduct the in-depth evaluation. The evaluation team may consist of Department personnel, highly skilled professionals, or other appropriate persons as determined by the Commissioner, who also shall appoint a team leader. In all instances, the members of the evaluation team shall be qualified by training and experience to examine the specific conditions within the school district identified through the comprehensive review.
- (c) The evaluation team, in consultation with Department staff, shall determine the scope of the in-depth evaluation. The evaluation may include, but need not be limited to:
1. The deficiency(ies) or area(s) of limited capacity within the school district identified by the comprehensive review as the component(s) of school district effectiveness for which the school district satisfied less than 80 percent of the weighted quality performance indicators;
  2. Other deficiency(ies) or area(s) of limited capacity in school district effectiveness related to the deficiency(ies) or area(s) identified in (d)1 above; and/or
  3. Conditions in the community that may adversely affect the students' ability to learn.
- (d) The evaluation team leader, in consultation with the Commissioner and upon notice to the school district, may amend the evaluation's scope during the course of the evaluation if warranted based on the evaluation team's preliminary findings.
- (e) The in-depth evaluation shall include, but need not be limited to, the following:



1. A pre-evaluation conference by the evaluation team with the CSA to discuss the review's scope and the procedures to be followed;
  2. On-site visits to the public school district's central office and, at the discretion of the evaluation team, to one or more of the school district's schools. The dates for on-site visits shall be established in advance by the team leader in consultation with the school district's CSA;
  3. A review of any document(s), data, or other written material(s) deemed relevant by the evaluation team. The CSA shall make available to the evaluation team, upon request, the relevant document(s), data, or other written material(s);
  4. Interviews with individuals as determined appropriate by the evaluation team, including members of the school district committee responsible for completing the school district's District Performance Review, to obtain the individuals' perspectives regarding the circumstances that contributed to the area(s) of deficiency or limited capacity in the school district and to receive input and suggestions; and
  5. Provision by the evaluation team for public input regarding the evaluation process.
- (f) The review of school district practices conducted by the in-depth evaluation team shall be completed within 30 business days. The Commissioner may grant a reasonable extension(s) of time for completion of the in-depth evaluation.
- (g) Within 45 days after conclusion of its review, the evaluation team shall submit a report to the Commissioner. The report shall include findings, conclusions, and recommendations for the school district to use in developing and implementing a district improvement plan.
- (h) The Commissioner shall review the evaluation team's findings, conclusions, and recommendations. The Commissioner shall prepare a final report and shall transmit it to the CSA and the district board of education. The Commissioner may use his or her final report to re-evaluate the school district's placement on the performance continuum. The

school district and the Department shall use the Commissioner's final report in developing the district improvement plan, pursuant to N.J.A.C. 6A:30-5.4.

- (i) Within 30 days of the issuance of the Commissioner's final report, the district board of education shall report the findings at a regular or special meeting.

#### **6A:30-5.4 District improvement plan**

- (a) Each school district that satisfies less than 80 percent of the weighted quality performance indicators in one or more of the five components of school district effectiveness shall be required to develop and submit a district improvement plan to address the area(s) of deficiency and limited capacity identified through the comprehensive review and in-depth evaluation, if applicable.
- (b) The district improvement plan shall be data driven and results oriented, and shall outline strategies for building capacity of the school district and its schools to improve learning and teaching. The district improvement plan shall identify specific areas of strength and weakness in addressing all methods employed by the school district to improve student achievement, increase school district capacity, and improve performance in each applicable component of school district effectiveness. The district improvement plan also shall incorporate the content and requirements of improvement or corrective action plans required by other State or Federal programs. The district improvement plan shall be informed by data generated by the Department, the school district, and any individual school improvement planning process that may have occurred.
- (c) A district improvement plan shall consist of districtwide goals and measurable objectives that describe the structural, policy, programmatic, or organizational changes to be implemented. The district improvement plan shall identify the individual(s) responsible for addressing each area and shall specify timelines for each goal's completion. The district improvement plan shall include, but not be limited to, the following elements:

1. School-level planning objectives toward ensuring a thorough and efficient education;
  2. Evidence-based strategies for improvement to address all critical areas of need for the school district identified by the findings of the in-depth evaluation report, if applicable, and the comprehensive review; and
  3. Identification of the assistance required to implement improvement strategies with budgetary considerations identified.
- (d) The school district also shall ensure the district improvement plan is aligned with and incorporates or references the relevant provisions of all applicable State and Federal plans.
- (e) The district improvement plan shall be developed by an in-district team established by the CSA. This in-district team shall, at a minimum, consist of school district administrators; school district or school personnel with experience in one or more of the areas of school district effectiveness; school administrative personnel from a representative sample of the schools in the school district; instructional staff; member representatives of the local collective bargaining unit of the educational staff selected by the local collective bargaining unit; and one or more representatives of the district board of education selected by the district board of education.
- (f) When requested by the CSA, the Department may provide the in-district team with technical assistance needed to develop the district improvement plan. The Department shall determine the type of technical assistance to be provided in collaboration with the school district.

#### **6A:30-5.5 Review and approval process for the district improvement plan**

- (a) Within 60 days of the school district's receipt of the in-depth evaluation report, the CSA shall obtain district board of education approval for the proposed district improvement plan. The CSA shall submit to the Department the proposed district improvement plan, as approved by the district board of education. If the Department did not conduct an in-depth evaluation of the school district, the CSA shall submit to the Department the

proposed district improvement plan, as approved by the district board of education, within 60 days of the final determination of the school district's placement on the performance continuum, as set forth at N.J.A.C. 6A:30-4.1(f).

1. If the district board of education does not approve the district improvement plan, the district board of education may require the CSA and the in-district team to reevaluate and/or revise the plan. If requested by the district board of education, the Commissioner may grant a reasonable extension(s) of time for submission of the district improvement plan approved by the district board of education.
- (b) Failure by a school district to submit a district improvement plan in accordance with N.J.A.C. 6A:30-5.4 and (a) above may result in the withholding of State aid, pursuant to N.J.S.A. 18A:55-2, or, in appropriate circumstances, the initiation of intervention activities as set forth at N.J.A.C. 6A:30-6.2.
- (c) The Department staff shall review the proposed district improvement plan to ensure it addresses all areas identified in the comprehensive review and the in-depth evaluation, if applicable. The Department shall ensure the plan contains measurable and attainable evidence-based objectives and strategies for achieving improvement, developing local capacity, and improving school district effectiveness in each identified area(s) of deficiency. The Department staff shall make a recommendation to the Commissioner proposing revisions to or approval of the proposed district improvement plan.
- (d) The Commissioner shall review the proposed district improvement plan and the Department staff's recommendation within 30 days of receipt.
1. Upon approval of the district improvement plan, the Commissioner shall notify in writing the school district and shall ensure sufficient resources are allocated within the school district budget to implement the plan.

2. If the Commissioner determines the proposed district improvement plan needs revision, he or she shall notify the school district. The school district shall revise the plan in the manner and within the time specified by the Commissioner.

#### **6A:30-5.6 Implementation and monitoring of an approved district improvement plan**

- (a) A school district shall implement its district improvement plan promptly upon Commissioner approval of the plan.
- (b) Every six months, the Department shall review the school district's progress in implementing the district improvement plan. As part of this review, the school district shall submit in a Department-determined format a report of its progress in implementing each item(s) in the district improvement plan and in satisfying the weighted performance indicators of the component(s) of school district effectiveness that are the subject of the district improvement plan. Each six-month review also shall include an on-site visit at which time the Department may receive input from members of the in-district team responsible for developing the district improvement plan and others as determined appropriate by Department staff.
- (c) Based on the six-month review pursuant to (b) above:
  1. If the Commissioner determines the school district satisfies 80 to 100 percent of the weighted quality performance indicators in each of the five components of school district effectiveness:
    - i. The Commissioner shall issue a letter of recognition designating the school district as high performing;
    - ii. The six-month reviews of the school district, pursuant to (b) above, shall cease; and
    - iii. Payment for any technical assistance provided by highly skilled professionals shall become the sole responsibility of the school district.

2. If the Commissioner determines the school district does not satisfy at least 80 percent of the weighted quality performance indicators in each of the five components of school district effectiveness, the Commissioner shall:
  - i. Issue a letter detailing the area(s) in which the school district continues to need improvement;
  - ii. Ensure the school district continues to receive appropriate technical assistance, if applicable; and
  - iii. Continue to monitor the school district's progress at the six-month review pursuant to (b) above.
- (d) Upon Commissioner approval, a school district may amend its district improvement plan as circumstances warrant. Two years after the implementation of the initial district improvement plan, and every two years thereafter, the Department shall assess specifically whether to amend the district improvement plan to address insufficient progress by the school district in satisfying the weighted performance indicators in one or more areas of school district effectiveness.
  1. If the Commissioner determines the district improvement plan needs to be amended, the Department shall work collaboratively with the in-district team to develop amendments to the plan, which shall be subject to approval as set forth at N.J.A.C. 6A:30-5.5.
  2. If the Commissioner determines the school district is making sufficient progress in all areas, the school district shall continue to implement the current district improvement plan without amendment.

**6A:30-5.7 Assistance provided to school districts through the district improvement plan**

- (a) The Department may provide school districts with technical assistance to improve performance and increase local capacity in areas of need as identified in the comprehensive review and/or the in-depth evaluation.
  - 1. The type of assistance shall be delineated in the district improvement plan developed by the school district in collaboration with the Department.
  - 2. The Commissioner may select and appoint appropriate Department personnel to provide the technical assistance set forth in the district improvement plan.
  - 3. In consultation with the school district, the Commissioner may select and appoint other appropriate highly skilled professionals who are not Department personnel to provide the assistance set forth in the district improvement plan.
  - 4. The technical assistance may be coordinated and provided on a regional or Statewide basis.
- (b) The Commissioner shall determine the eligibility of persons to be designated as “highly skilled professionals” to perform specific functions in school districts. Highly skilled professionals may be Department employees and shall be selected considering the needs of the particular school district and the following criteria:
  - 1. Relevant education and training;
  - 2. Relevant professional experience;
  - 3. Expertise in the field in which technical assistance is needed; and
  - 4. Experience working with school districts.
- (c) The Commissioner may assign highly skilled professionals to school districts to perform designated functions, including, but not limited to:
  - 1. Participating as a member of the in-depth evaluation team, pursuant to N.J.A.C. 6A:30-5.3;
  - 2. Providing technical assistance as delineated in the Commissioner-approved district improvement plan; and

3. Providing direct oversight of school district functions during a period of partial or full State intervention, pursuant to N.J.A.C. 6A:30-6.
- (d) 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.
  - (e) The compensation of highly skilled professionals appointed by the Commissioner pursuant to (c)2 and 3 above shall be a shared expense of the school district and the Department, with each assuming one-half of the costs. The Department shall assume the total cost of compensation for technical assistance, pursuant to (c)2 above, provided by Department employees.

## **Subchapter 6. Intervention Activities**

### **6A:30-6.1 Forms of State intervention**

- (a) Where appropriate, pursuant to N.J.A.C. 6A:30-6.2, the Commissioner may seek partial or full State intervention in a school district.
- (b) Under partial State intervention, the Department will intervene in one or more areas of school district effectiveness. Partial State intervention may include elements set forth in N.J.A.C. 6A:30-6.4 and 6.5.
- (c) Under full State intervention, the Department will intervene in each of the five areas of school district effectiveness. Full State intervention may include elements set forth in N.J.A.C. 6A:30-6.7 and 6.8.

### **6A:30-6.2 Factors for initiating State intervention**

- (a) The Commissioner may seek to initiate partial State intervention in a school district if the school district satisfies less than 50 percent of the weighted quality performance indicators in one to four of the five components of school district effectiveness, and at least one of the following factors is present:



1. The school district has failed to submit its District Performance Review and/or failed to provide other documentation requested by the Department in connection with the comprehensive review within the established timeframe, pursuant to N.J.A.C. 6A:30-3;
2. The school district has failed to develop a district improvement plan that can be approved by the Commissioner, pursuant to N.J.A.C. 6A:30-5.4;
3. The school district has failed to implement the Commissioner-approved district improvement plan, pursuant to N.J.A.C. 6A:30-5.6;
4. Other circumstances warrant immediate action by the Commissioner to ensure the school district will provide a thorough and efficient education to its students; or
5. Other circumstances indicate insufficient local capacity to ensure the school district will provide a thorough and efficient education to its students and the school district's unwillingness or inability to develop local capacity without State intervention.

(b) The Commissioner may seek to initiate full State intervention in a school district when the school district: satisfies less than 50 percent of the weighted quality performance indicators in each of the five components of school district effectiveness; or the school district is under the direct oversight of a State fiscal monitor, appointed by the Commissioner pursuant to N.J.S.A. 18:7A-55 et seq., and satisfies less than 50 percent of the weighted quality performance indicators in the instruction and program, operations, personnel, and governance components of school district effectiveness. At least one of the following factors also must be present:

1. The school district has failed to submit its District Performance Review and/or to provide other documentation requested by the Department in connection with the comprehensive review within the established timeframe, pursuant to N.J.A.C. 6A:30-3;
2. The school district has failed to develop a district improvement plan that can be approved by the Commissioner, pursuant to N.J.A.C. 6A:30-5.4;

3. The school district has failed to implement the Commissioner-approved district improvement plan, pursuant to N.J.A.C. 6A:30-5.6;
4. Other circumstances warrant immediate action by the Department to ensure the school district will provide a thorough and efficient education to its students; or
5. Other circumstances indicate insufficient local capacity to ensure the school district will provide a thorough and efficient education to its students and the school district's unwillingness or inability to develop local capacity without State intervention.

### **6A:30-6.3 Procedure for initiating partial State intervention**

- (a) When a school district qualifies for partial State intervention pursuant to N.J.A.C. 6A:30-6.2(a), the Commissioner may seek partial State intervention in the school district by issuing an Order to Show Cause why an administrative order to place the identified components under partial State intervention should not be implemented.
- (b) At the Order to Show Cause's time of service, the Commissioner also shall serve upon the school district a proposed administrative order for partial intervention, which shall contain and incorporate a partial intervention plan developed by Department staff, pursuant to N.J.A.C. 6A:30-6.4.
- (c) The Order to Show Cause shall be referred to the Office of Administrative Law, pursuant to N.J.S.A. 52:14B-1 et seq., for a plenary hearing conducted on an expedited basis. In this proceeding, the Department shall have the burden of showing the recommended administrative order is not arbitrary, unreasonable, or capricious.
- (d) If the Commissioner determines, at the hearing process' conclusion, the school district has failed to show cause why the actions proposed should not occur, the Commissioner shall recommend to the State Board that it issue an order placing the school district under partial State intervention.

- (e) The State Board may place the school district under partial intervention. The State Board's decision shall be considered final and may be appealed to the Superior Court, Appellate Division.

**6A:30-6.4 Partial State intervention plan**

- (a) The partial State intervention plan shall incorporate and amend the district improvement plan and will be presented by the Commissioner as part of the proposed administrative order when the Department brings an Order to Show Cause seeking partial intervention in a school district. The intervention plan shall address, but need not be limited to, the following:
  1. Whether the State Board, upon the Commissioner's recommendation, will appoint a school district superintendent if a vacancy occurs during the period of partial intervention. If a district superintendent is appointed during the period of partial intervention, the intervention plan shall indicate the person shall be appointed for an initial term not to exceed two years and the costs of his or her salary shall be an expense of the school district;
  2. Whether highly skilled professionals will be appointed, pursuant to N.J.S.A. 18A:7A-14.c(5) to provide direct oversight in the school district.
    - i. If so, the intervention plan will state the key components over which the highly skilled professionals will have authority and their powers, authority, and duties;
    - ii. The intervention plan also shall establish a decision-making hierarchy to address conflicts that arise between persons appointed by the Commissioner and school district personnel;
    - iii. The intervention plan shall state the costs of the highly skilled professional(s) will be divided equally between the State and the school district; and

3. Whether the intervention plan shall state the Commissioner intends to exercise his or her authority to appoint, with the State Board's approval, up to three additional members to the district board of education.

**6A:30-6.5 Structure of the district board of education under partial State intervention**

- (a) If the partial intervention plan incorporated into the administrative order for partial intervention provides for the Commissioner, with State Board approval, to appoint up to three additional members to the district board of education, the following shall apply:
  1. The Commissioner shall appoint at least one of the additional members from a list of three candidates provided by the governing body of the municipality in which the school district is located. If the school district is a regional school district, one of the additional members shall be selected by the Commissioner from a list containing three candidates from each constituent municipality provided by the governing bodies of the respective municipalities. If the school district is a county vocational school district or a county special services school district, the list of three candidates shall be provided by the governing body of the county in which the school district is located.
  2. The Commissioner shall make every effort to appoint residents of the school district; and
  3. The appointed district board members shall meet all requirements of N.J.S.A. 18A:12-1 et seq., and shall be registered voters in the State, except they shall not be required to be residents of the school district or be registered to vote in the school district.
- (b) The appointed district board of education members shall comply with the School Ethics Act, N.J.S.A. 18A:12-21 et seq.
- (c) The appointed district board of education members shall be non-voting members of the district board of education and shall have all other rights, obligations, powers, and privileges of district board of education members.

1. Six months following the initial order for partial State intervention, the Commissioner shall determine whether the appointed district board of education members shall become voting members.
  2. If the Commissioner determines the appointed district board of education members shall become voting members, the district board of education may appeal the determination to the Superior Court, Appellate Division.
- (d) The appointed district board members shall report to the Commissioner on the district board of education's activities and shall provide assistance to the district board of education on matters deemed appropriate by the Commissioner, including, but not limited to, the applicable laws and rules governing specific district board of education action.
- (e) The appointed district board of education members shall be appointed for a term of two years.
1. The Commissioner shall obtain approval of the State Board for any extension of the two-year term.
  2. Any vacancy in the Commissioner-appointed membership appointed shall be filled in the same manner as the original appointment.

#### **6A:30-6.6 Procedure for initiating full State intervention**

- (a) When a school district qualifies for full State intervention pursuant to N.J.A.C. 6A:30-6.2(b), the Commissioner may seek full State intervention in the school district by issuing an Order to Show Cause why an administrative order to place the school district under full State intervention should not be implemented.
- (b) At the time of the Order to Show Cause's service, the Commissioner also shall serve upon the school district a proposed administrative order for full intervention that shall contain and incorporate a full intervention plan developed by the Department, pursuant to N.J.A.C. 6A:30-6.7.

- (c) The Order to Show Cause shall be referred to the Office of Administrative Law, pursuant to N.J.S.A. 52:14B-1 et seq., for a plenary hearing conducted on an expedited basis. In this proceeding, the Department shall have the burden of showing the recommended administrative order is not arbitrary, unreasonable, or capricious.
- (d) If the Commissioner determines, at the hearing process' conclusion, the school district has failed to show cause why the actions proposed by the Department should not occur, the Commissioner shall recommend to the State Board that it issue an order placing the school district under full State intervention.
- (e) The State Board may place the school district under full State intervention. The State Board's decision shall be considered final and may be appealed to the Superior Court, Appellate Division.

**6A:30-6.7 Full State intervention plan**

- (a) The full State intervention plan shall incorporate and amend the district improvement plan and will be presented by the Commissioner as part of the proposed administrative order at the time the Department brings an Order to Show Cause seeking full State intervention in a school district. The intervention plan shall address, but need not be limited to, the following:
  - 1. Whether the State Board, upon the Commissioner's recommendation, will appoint a State district superintendent.
    - i. If a State district superintendent is appointed, the intervention plan shall indicate the person shall be appointed for an initial term not to exceed three years and the costs of his or her salary shall be an expense of the school district; and
    - ii. If the State Board chooses to appoint the existing district superintendent, the intervention plan shall indicate he or she shall agree to termination of his or her existing employment contract with the school district; and

2. Whether highly skilled professionals will be appointed pursuant to N.J.S.A. 18A:7A-15.c to provide direct oversight in the school district.
  - i. If so, the intervention plan will state the areas of school district operations the highly skilled professionals will oversee and their powers, authority, and duties;
  - ii. The intervention plan also shall establish a decision-making hierarchy if conflicts arise between highly skilled professionals and school district personnel; and
  - iii. The plan shall state that the costs of the highly skilled professional(s) will be divided equally between the State and the school district;
3. Whether the positions of the school district's CSA and the executive administrators responsible for curriculum, business and finance, and personnel will be abolished. If any of the positions are abolished, the provisions of N.J.S.A. 18A:7A-44.a with respect to notice, salary, tenure rights, etc., shall apply;
4. Whether a Capital Project Control Board shall be established in the school district, with the functions and powers set forth in N.J.S.A. 18A:7A-46.1 et seq. If the plan does not require establishment of a Capital Project Control Board, then the plan will set forth a procedure for development and approval of capital projects in the school district; and
5. Whether the Commissioner intends to exercise his or her authority to appoint, with the State Board's approval, up to three additional members to the district board of education.

#### **6A:30-6.8 Operations of the district board of education under full State intervention**

- (a) When a school district enters full State intervention, the current district board of education shall continue in place but shall serve only in an advisory capacity and shall have only the rights, powers, and privileges of an advisory board.

- (b) The advisory district board of education shall meet at least once per month at dates and times determined by the State district superintendent.
- (c) Any advisory district board of education member seat vacancy(ies) shall be filled in the same manner as the seat(s) was/were filled initially.
- (d) If the full intervention plan incorporated into the administrative order for full intervention provides for the Commissioner, with State Board approval, to appoint up to three additional members to the district board of education, the following shall apply:
  - 1. The Commissioner shall appoint at least one of the additional members from a list of three candidates provided by the governing body of the municipality in which the school district is located. If the school district is a regional school district, one of the additional members shall be selected by the Commissioner from a list containing three candidates from each constituent municipality provided by the governing bodies of the respective municipalities. If the school district is a county vocational school district or a county special services school district, the list of three candidates shall be provided by the governing body of the county in which the school district is located;
  - 2. The Commissioner shall make every effort to appoint residents of the school district; and
  - 3. The appointed district board of education members shall meet all the requirements of N.J.S.A. 18A:12-1 et seq. and shall be registered voters in the State, except they shall not be required be residents of the school district or registered to vote in the school district.
- (e) The appointed district board of education members shall comply with the School Ethics Act, pursuant to N.J.S.A. 18A:12-21 et seq.
- (f) The appointed district board of education members shall be non-voting members of the district board of education and shall have all other rights, obligations, powers, and privileges of district board of education members.



1. Six months following the initial order for full State intervention, the Commissioner shall determine whether the appointed district board members shall become voting members of the district board of education. If the Commissioner-appointed members become voting members of the district board of education, they shall have the same rights and privileges with respect to voting as other district board of education members.
  2. If the Commissioner determines the appointed district board of education members shall become voting members, the district board of education may appeal the determination to the Superior Court, Appellate Division.
- (g) The appointed district board members shall report to the Commissioner on the district board of education's activities and shall provide assistance to the district board of education on matters deemed appropriate by the Commissioner, including, but not limited to, the applicable laws and rules governing specific district board of education action.
- (h) The appointed district board of education members shall be appointed for a term of two years.
1. The Commissioner shall obtain State Board approval for any extension of the two-year term.
  2. Any vacancy in the Commissioner-appointed membership shall be filled in the same manner as the original appointment.
- (i) The district board of education shall assess on a regular basis the school district's progress and shall report on the progress no less than twice per year to the State district superintendent, the public, and other persons designated in the intervention plan. Copies of the report shall be forwarded to the Commissioner and the State Board.

**6A:30-6.9 Assessment activities during the period of intervention**

- (a) During the period of partial or full State intervention:
1. Comprehensive reviews pursuant to N.J.A.C.6A:30-3 shall be continued; and

2. School district monitoring at six-month intervals pursuant to N.J.A.C. 6A:30-5.6(b) shall be continued.

## **Subchapter 7. Withdrawal from Partial or Full State Intervention**

### **6A:30-7.1 Factors for initiating return to local control**

- (a) A school district in full State intervention shall remain in status for no less than three years before the process of withdrawal from intervention can begin.
- (b) The Commissioner will consider the following factors in determining whether to initiate a full or partial withdrawal from intervention in a school district:
  1. Evidence of sustained and substantial progress by the school district, demonstrated by the school district having satisfied 80 to 100 percent of the weighted quality performance indicators in one or more of the components of school district effectiveness under State intervention, as shown by the comprehensive reviews, six-month Department reviews, and/or other appropriate evidence; and
  2. Substantial evidence the school district has adequate programs, policies, and personnel in place and in operation to ensure the demonstrated progress, with respect to the components of school district effectiveness under intervention, will be sustained.

### **6A:30-7.2 Procedure for transition to partial State intervention or to local control**

- (a) If the Commissioner determines a school district under State intervention has satisfied the factors at N.J.A.C. 6A:30-7.1(b) for one or more components of school district effectiveness, the Commissioner shall recommend to the State Board that the process for withdrawal from intervention be initiated. Based on the Commissioner's recommendation, the State Board may grant approval for the Department to initiate the transition to local control in those components of school district effectiveness for which

the school district satisfied 80 to 100 percent of the weighted quality performance indicators and shows evidence the progress will be sustained.

1. This section's procedures regarding transition to partial State intervention or to local control also shall apply to school districts that were State-operated prior to February 22, 2007.
- (b) If the State Board grants approval to initiate the transition to withdrawal from State intervention, the Commissioner shall notify the school district of the State Board's decision.
- (c) As an initial step in the transition process, the Department shall develop, in collaboration with the school district, a transition plan that shall contain the components at N.J.A.C. 6A:30-7.3 and shall address the transition to local control of the component(s) for which the school district has met the requirements of N.J.A.C. 6A:30-7.1(b).

#### **6A:30-7.3 Components of the transition plan**

- (a) The transition plan shall address, but need not be limited to, the following:
1. A timetable for the activities relating to and leading to the withdrawal from State intervention in the area(s) under transition;
  2. Provisions regarding the continued employment status of the State district superintendent appointed during the period of intervention, provided the State district superintendent shall continue to hold the position until the school district satisfies the factors at N.J.A.C. 6A:30-7.1(b) with respect to governance and the component of governance is returned to local control;
  3. Provisions regarding the continued provision of technical assistance by highly skilled professionals;
  4. Provisions regarding 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 shall establish a

- decision-making hierarchy if conflicts arise between persons appointed and school district personnel regarding school district operations;
5. Specific goals and benchmarks to assist the school district in satisfying the factors at N.J.A.C. 6A:30-7.1(b) with respect to the remaining areas of school district effectiveness under intervention;
  6. When the governance component of school district effectiveness is being returned to local control, provisions regarding the status of Commissioner-appointed district board of education members;
  7. Provisions regarding the receipt of and payment for technical assistance by the school district; and
  8. Provisions for discontinuance of the Capital Projects Control Board, if applicable.

#### **6A:30-7.4 Implementation of the transition plan**

- (a) Upon Commissioner approval, the transition plan shall be presented at a public district board of education meeting and officially noted in the minutes. The district board of education shall be immediately required to implement the transition plan's provisions.
- (b) During the transition period, the Department shall continue to monitor the school district, pursuant to N.J.A.C. 6A:30-5.6, to ensure progress is sustained and the transition plan is being implemented.
- (c) The transition plan shall be updated and amended as the school district achieves compliance with N.J.A.C. 6A:30-7.2(a) with respect to the other components or as other circumstances warrant.

**6A:30-7.5 Transition process for the governance component of school district effectiveness for school districts under full State intervention**

- (a) A district board of education transitioning from full State intervention will continue to have the rights, powers, and duties of an advisory district board of education notwithstanding it may be placed in partial State intervention as part of the transition to local control, unless and until the component of governance has been returned to local control.
- (b) Despite the continuation of the district board of education as an advisory board, the State Board may return, upon Commissioner recommendation, some voting functions to the district board of education as part of and in furtherance of the process of transition to local control of the governance component of school district effectiveness. If some voting functions are returned to the district board of education, the Commissioner or his or her designee shall have the authority to veto any action by the district board of education in accordance with N.J.S.A. 18A:7A-53.c.
- (c) Not more than one year following the return of the component of governance to local control, the district board of education shall call a special election for purposes of placing the question of classification status, pursuant to N.J.S.A. 18A:9-1 et seq., before the school district's voters. The special election shall be conducted in accordance with the provisions of Title 19 of the Revised Statutes concerning school elections.

**6A:30-7.6 Completion of the transition process**

- (a) Upon successful implementation of a full transition plan to local control, the Commissioner shall recommend to the State Board the withdrawal from intervention be completed and the school district be returned fully to local control.
- (b) Upon State Board approval, the Commissioner shall make a determination regarding the school district's placement on the performance continuum, notify the school district of the placement, and issue a letter to the school district designating it as a "high performing" school district.

## **Subchapter 8. Observation of Instructional Practices and Evaluation of School District Facilities**

### **6A:30-8.1 Observation of instructional practices and evaluation of school district facilities**

aNothing in this chapter shall limit the Department's ability to monitor school district practices by, among other things, conducting on-site visits to observe instructional practices and school facilities, or to take other action the Commissioner or his or her designee deems necessary to ensure the satisfaction of any statutory or constitutional obligation.