

Public Notice

Education

State Board of Education

Notice of Action on Petition for Rulemaking

School Turnaround and Improvement

Definitions

Presentation of Countervailing Evidence

N.J.A.C. 6A:33-1.3 and 4.1

Petitioner: Marcella Simadiris.

Take notice that on July 23 and 26 and August 6, 2021, the Department of Education (Department) received three petitions for rulemaking from the above petitioner, requesting the Department amend N.J.A.C. 6A:33-1.3 and 4.1(b)4, as proposed for readoption with amendments and new rules.

The petitioner specifically requested that the Department adopt amendments to the definitions of “interventions” and “school performance reports,” as proposed for amendment, and at proposed new N.J.A.C. 6A:33-4.1(b)4. The Department’s proposed readoption of N.J.A.C. 6A:33 with amendments and new rules (see 53 N.J.R. 984(a)) has been adopted (see 53 N.J.R. 1915(a)).

As part of the readoption of N.J.A.C. 6A:33, the Department amended the definition for “interventions,” which meant strategies identified in a school improvement plan (SIP) for implementation by a Priority or Focus School. The previous definition for “interventions” also referenced eight possible interventions, including “[c]hanges to the climate and culture of the school to ensure a quality learning environment with a culture of high expectations for every student.” The term, as amended, now means strategies in the annual school plan that address the root causes that hinder optimal student achievement. The amended definition also now states that

evidence-based interventions are implemented by a Comprehensive or Targeted School with support from the school district. The Department also replaced “[c]hanges to” with “[o]ngoing assessment of” because incorporating a process that evaluates the school’s climate and culture throughout the school year is consistent with the Department’s school improvement approach. The petitioner sought to replace “every student” with “all elements.”

The petitioner’s request contended that making students from historically marginalized school districts the subject of the rules is oppressive and, rather, the institution should always be the subject. The petitioner also expressed a desire to shift the spotlight that the proposed readoption with amendments and new rules had for high expectations from students to a culture of high expectations for everyone. The petitioner’s request stated that the suggested amendments would allow inclusiveness and were more ethically appropriate. The petition further stated that the Federal Every Student Succeeds Act (ESSA) provides states autonomy with the indicators for quality learning environments.

The Department maintains that the petitioner’s requested amendments to the definition of “interventions” would result in policy that is misaligned with current academic research that indicates a strong correlation between high expectations for students and student achievement. The petitioner’s request to reference “all elements” in the definition could be subject to interpretation and diminish outcomes. The concept of student-centered learning environments requires collective efficacy. The concept also places, on adults, the primary responsibility to generate an atmosphere that is conducive to positive academic outcomes and to recognize and cultivate students’ realization of their highest potential. Therefore, the focus on adults having high expectations for students does not unduly burden students from historically marginalized school districts. The annual school planning process includes examination of multiple climate and culture metrics, including enrollment, student and staff attendance, and discipline. N.J.A.C.

6A:33, as readopted with amendments and new rules, does not preclude schools from examining additional climate and culture metrics that are germane to their specific circumstances.

As part of the readoption of N.J.A.C. 6A:33, the Department also amended the definition of “school performance reports.” The Department amended the definition to mean annual Department school reports that include a range of data on student achievement, progress toward annual targets, and additional college- and career-readiness data points in accordance with the school report cards required by the ESSA. The adopted amendments reflect the changes made in the Department’s school accountability system regarding the metrics and descriptors for identifying schools in need of support and improvement based on the ESSA’s requirements. The Department deleted the last sentence, which stated “[t]he reports support school districts’ and schools’ engagement in performance management by setting performance goals, identifying strengths and weaknesses, and developing local plans to focus on low-performance areas.”

The petitioner requested that the Department maintain the sentence. The Department contends that the deletion of the last sentence in the definition will not compromise the Department’s expectation of continuous, data-informed planning and implementation. N.J.A.C. 6A:33-3.1 sets forth the expectations for using multiple metrics to complete the comprehensive needs assessment, conduct a root cause analysis, and set goals. Furthermore, N.J.A.C. 6A:33-3.3 outlines the expectations for progress monitoring, including the multiple metrics that the annual school plan team must examine on an interim basis.

As adopted, new N.J.A.C. 6A:33-4.1(b)4 requires the Department to confirm that a Comprehensive School has successfully implemented its annual school plans during the period of identification. The paragraph also requires the evidence that allows the Department to confirm successful implementation of the annual school plans be provided through the Department’s online Annual School Planning System. The paragraph further states that the evidence may

include, but is not limited to, specific items listed at new N.J.A.C. 6A:33-4.1(b)4i through vii. The petitioner sought to replace “may include” with “shall include.”

The petitioner stated that the requested amendment at N.J.A.C. 6A:33-4.1(b)4 would lift the voice of a student’s first line of defense -- their parents. The petitioner’s request also stated that the Federal laws regulating education dictate that parents of students in Title I schools must be involved in the assessing of needs and planning for improvement.

The Department maintains that the petitioner’s requested amendment at N.J.A.C. 6A:33-4.1(b)4 would not address the petitioner’s stated purpose and would limit the Department’s flexibility in assessing annual school plan (ASP) implementation based on local conditions. The petitioner’s requested amendment also would not address parent involvement and, instead, would require the Department to examine specific artifacts when making exit considerations for Comprehensive Schools.

The chapter, as readopted with amendments and new rules, already address the petitioner’s concern. Consistent with the Department’s historical support for parent and family engagement in school improvement, and pursuant to the ESSA, N.J.A.C. 6A:33-3.1(a) requires a Comprehensive or Targeted School to form an annual school plan team and to include parents and families among its members. The annual school plan team is tasked with conducting an extensive data review as part of the comprehensive needs assessment and facilitating progress monitoring throughout the school year. Further, the Department’s annual review of Comprehensive School’s ASPs includes verification of participation requisite stakeholders, including parents.

Therefore, the petitioner’s three requests are hereby denied.