

## **Education**

### **State Board of Education**

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

#### **Adopted Amendments: N.J.A.C. 6A:30 Appendices A and B**

Proposed: December 17, 2018, at 50 N.J.R. 2477(a).

Adopted: April 23, 2019, by the New Jersey State Board of Education, Lamont O. Repollet, Ed.D., Commissioner, Department of Education, and Secretary, State Board of Education.

Filed: April 23, 2019, as R.2019 d.044, **without change**.

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

Effective Date: May 20, 2019.

Operative Date: July 1, 2019.

Expiration Date: November 1, 2024.

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

The following is a summary of the comments received from John J. Burns, Counsel, New Jersey School Boards Association, and the Department of Education's (Department) responses.

1. COMMENT: The commenter expressed support for the inclusion of the Amistad Commission and the Holocaust Commission curricula in the Instruction and Program Indicators of N.J.A.C.

6A:30 Appendix A.

RESPONSE: The Department thanks the commenter for the support. The operative date of the amendments will be July 1, 2019, as the New Jersey Quality Single Accountability Continuum (NJQSAC) monitoring is already well underway for the 2018-2019 school year.

2. COMMENT: The commenter stated the Legislature intended for the State to determine the broad goals of education and to monitor and evaluate school districts to determine whether they are making sufficient progress toward achieving the broad goals. The commenter also stated the

Legislature intended for school districts to set their own specific goals that are consistent with the State goals and with maximum public participation, as well as to be accountable for achieving the local goals.

RESPONSE: The Department's current rulemaking incorporates statutory mandates into the NJQSAC indicators in the District Performance Reviews (DPR), which provides the Department with the ability to monitor and evaluate school districts on the mandates, without prohibiting school districts from setting their own specific goals.

3. COMMENT: The commenter stated that students have the right to be educated in an environment free of discrimination and intimidation that promotes mutual respect and acceptance among students regardless of age, gender, race, ethnicity, religious belief, physical ability, and perceived difference.

RESPONSE: The Department agrees with the commenter and notes that the Amistad Commission's and Holocaust Commission's mandates, which the Department is adding to the NJQSAC DPR indicators in the current rulemaking, are consistent with the commenter's statements regarding students' rights to be educated in environments free of discrimination and intimidation.

4. COMMENT: The commenter recommended that the Amistad Commission and Holocaust Commission requirements also be included in the Charter School Performance Framework.

RESPONSE: The Charter School Performance Framework is outside the scope of the current rulemaking.

5. COMMENT: The commenter requested an amendment to Governance Indicator 12, which requires that "minutes of all meetings, including executive sessions, reflect all district board of

education actions,” to add “board” before “meetings” to clarify that the requirement does not apply to committee meetings and to be consistent with N.J.S.A. 18A:17-7.

RESPONSE: Governance Indicator 12 is outside the scope of the current rulemaking.

6. COMMENT: The commenter requested an amendment to Governance Indicator 13 to delete the provision that “no district board of education member or administrator has been found in violation of the School Ethics Act.” The commenter stated that the School Ethics Commission has authority to recommend sanctions for school officials who violate the School Ethics Act and, therefore, Governance Indicator 13 creates a “double penalty” because school districts will also lose points on NJQSAC for violations of the School Ethics Act.

RESPONSE: Governance Indicator 13 is outside the scope of the current rulemaking.

### **Federal Standards Statement**

The adopted amendments are consistent with, but do not exceed, Federal standards for school accountability under the Every Student Succeeds Act (ESSA) (20 U.S.C. § 6311(c) and 34 CFR 200.12).

**Full text** of the adoption follows:

TEXT