

**STATE BOARD OF EDUCATION
ADMINISTRATIVE CODE
COMMENT/RESPONSE FORM**

This comment and response form contains comments from and since the November 7, 2018, meeting of the State Board of Education when the rulemaking was considered at Proposal Level.

Topic: Evaluation of the Performance of School Districts **Meeting Date:** April 17, 2019

Code Citation: N.J.A.C. 6A:30 **Level:** Adoption

Division: Field Services **Completed by:** Division of Field Services

Summary of 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 letter or number that corresponds to the following list:

1. John J. Burns, Counsel
New Jersey School Boards Association

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 Appendix A. **(1)**

RESPONSE: The Department thanks the commenter for the support. If adopted by the State Board, the effective 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. **(1)**

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. **(1)**

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. (1)

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. (1)

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. (1)

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



State of New Jersey

DEPARTMENT OF EDUCATION

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PHILIP D. MURPHY
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Lt. Governor

Adoption Level
April 17, 2019

LAMONT O. REPOLLET, Ed.D.
Commissioner

TO: Members, State Board of Education

FROM: Lamont O. Repollet, Ed.D.
Commissioner

SUBJECT: N.J.A.C. 6A:30, Evaluation of the Performance of School Districts

REASON
FOR ACTION: Amendments

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

SUNSET DATE: November 1, 2024

Summary

The Department of Education (Department) proposes amendments to Appendices A and B of N.J.A.C. 6A:30, Evaluation of the Performance of School Districts. The chapter implements a monitoring and evaluation system for school districts and county special services school districts entitled the New Jersey Quality Single Accountability Continuum (NJQSAC).

The NJQSAC monitoring and evaluation system for school districts establishes a comprehensive single accountability system. Under NJQSAC, school districts are evaluated in five key component areas of school district effectiveness — instruction and program, fiscal management, governance, personnel, and operations — to determine the extent to which a thorough and efficient education is being provided to students within the school district.

The Department proposes to amend N.J.A.C. 6A:30 Appendix A (NJQSAC District Performance Review) and Appendix B (NJQSAC District Performance Review for County Special Services School Districts) to specify that the review of a school district's social studies curriculum and instruction will monitor whether they include the Amistad Commission and Holocaust Commission mandates. The Department also proposes to amend operations indicator in the District Performance Reviews (DPRs) to ensure alignment with a current data collection.

The following summarizes the proposed amendments to the appendices.

Instruction and Program Indicators

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The Instruction and Program DPR indicators are used to assess a school district's performance and capacity in the area of instruction and student performance. The Instruction and Program DPR components include evaluating the proficiency and graduation rates of students based on State assessments; how well school districts analyze and use student achievement data; the alignment and implementation of the curriculum for each State standard, which includes the professional development for school leaders and teachers; lesson plan alignment; evaluations of teachers and administrators; and regular attendance of students.

The Department proposes to amend Instruction and Program Indicator 12 in both N.J.A.C. 6A:30 Appendix A and B. The current indicator is used to verify that a school district's social studies curriculum and instruction are aligned to the New Jersey Student Learning Standards (NJSLs) in accordance with the Department's curriculum implementation timeline and include the following:

- a. Curriculum designed and implemented to meet grade or grade-level expectations and graduation requirements;
- b. Integrated accommodations and modifications for special education students, English language learners, students at risk of school failure, gifted and talented students, and students with 504 plans;
- c. Assessments, including, formative, summative, benchmark, and alternative assessments;
- d. List of core instructional and supplemental materials, including various levels of texts at each grade level;
- e. Pacing guide;
- f. Interdisciplinary connections;
- g. Integration of 21st century skills through NJSLs 9;
- h. Integration of technology through the NJSLs; and
- i. Career education.

The Department proposes the new items j and k of Instruction and Program Indicator 12 as follows:

- j. Amistad Commission mandates* that curricula in kindergarten through grade 12 include the teaching of the African slave trade, slavery in America, the vestiges of slavery in this country, and the contributions of African Americans to this country; and
- k. Holocaust Commission mandates* that curricula in kindergarten through grade 12 address issues of bias, prejudice, and bigotry, including bullying, through the teaching of the Holocaust and genocide.

The Department also proposes to include the following footnote at the end of the indicator:

“* Mandates can be met in content areas other than Social Studies. Being out of compliance with either mandate results in the loss of all points for Social Studies.”

The Department is statutorily required to assist the Amistad Commission in the monitoring of school districts in the inclusion of the curricula in schools. School districts are also statutorily required to include instruction on the Holocaust and genocide in their curricula. While county offices of education staff examine school district curricula for evidence of the statutory Amistad Commission and Holocaust Commission requirements, inclusion of the proposed language in the DPR will further stress the curricula mandates.

Operations Indicators

The Operations DPR indicators are used to assess a school district's performance and capacity in implementing school district policies related to code of student conduct, attendance, alcohol, tobacco, and other drugs, and harassment, intimidation, and bullying (HIB); collecting data for NJSMART, incidents of violence, vandalism, substance abuse, and HIB, and school safety and security plans and procedures; developing and maintaining a positive school climate; implementing the education and law enforcement memorandum of agreement; providing school health services; reporting potentially missing and abused children; providing transportation services; and implementing career education and counseling services, guidance and academic counseling programs, and intervention and referral services.

The Department proposes in both N.J.A.C. 6A:30 Appendix A and B to amend the stem for Operations Indicator 2, which currently states "[t]he school district's educational entity system data;" to replace "educational entity system" with "County District School (CDS) Information System." The Department proposes this amendment for consistency with the name of the web application that school districts use to upload data to the Department to avoid confusion.

The Department proposes to amend Operations Indicator 2b, which monitors whether school districts have accurately maintained school contacts throughout the school year and the school district has obtained Department approval for changes to all school configurations within five business days of the proposed changes. The Department proposes to add "required" before "school contacts" and to replace "has obtained Department approval for changes to all school configurations within five business days of the proposed changes" with "submitted to the Department for approval any change requiring district board of education action within five business days of the action." The proposed amendments will clarify that the five-day deadline for submission of information is the responsibility of the school district.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Department anticipates that the proposed amendments will have a positive social impact on school district staff, students, and the community by expressly ensuring that students are learning about the African slave trade, slavery in America, the vestiges of slavery in this country, and the contributions of African Americans to this country and that the curricula addresses issues of bias, prejudice, and bigotry, including bullying, through the teaching of the Holocaust and genocide.

The Department does not anticipate the proposed amendments will have any additional social impact. The proposed amendments will continue to enable the Department to work with school districts to identify and remedy areas of deficient performance in school districts, which will have a salutary impact on affected students and parents.

Economic Impact

The Department does not anticipate the proposed amendments will have an economic impact on school districts because they have been required for years to implement the proposed provisions.

Federal Standards Statement

The proposed 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).

Jobs Impact

The Department does not anticipate that proposed amendments will result in the generation or loss of jobs.

Agriculture Industry Impact

The proposed amendments will have no impact on the agricultural industry in New Jersey.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined by the Regulatory Flexibility Act at N.J.S.A. 52:14B-16 et seq. The proposed amendments impact solely upon New Jersey public school districts.

Housing Affordability Impact Analysis

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the proposed amendments would evoke a change in the average costs associated with housing because the proposed amendments concern school district effectiveness.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth. There is an extreme unlikelihood the proposed amendments would evoke a change in housing production in Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments concern school district effectiveness.

Racial and Ethnic Community Criminal Justice and Public Safety Impact Statement

There is an extreme unlikelihood the proposed amendments would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the proposed amendments concern school district effectiveness.

Full text of the rules proposed for amendment follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):