

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

The following is the accessible version of the proposed readoption with amendments at N.J.A.C. 6A:30. The second discussion level document includes three sections – [comments and responses, summary](#) and [rules proposed for readoption and proposed amendments](#), including [Appendix A](#) and [Appendix B](#).

**State Board of Education  
Administrative Code  
Comment/Response Form**

This comment and response form contains comments from the July 10, 2024, meeting of the State Board of Education when the rulemaking was considered at First Discussion Level.

**Topic:** Evaluation of the Performance of School Districts

**Meeting Date:** August 7, 2024

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

**Level:** Second Discussion

**Division:**Field Support and Services

**Completed by:** County Offices of Education

**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 number that corresponds to the following list:

No comments were received.



*State of New Jersey*  
DEPARTMENT OF EDUCATION  
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TRENTON, NJ 08625-0500

**Second Discussion Level**  
**August 7, 2024**

PHILIP D. MURPHY  
*Governor*

TAHESHA L. WAY  
*Lt. Governor*

KEVIN DEHMER  
*Acting Commissioner*

**To:** Members, State Board of Education

**From:** Kevin Dehmer, Acting Commissioner

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

**Reason for Action:** Readoption with 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 to readopt with amendments N.J.A.C. 6A:30, Evaluation of the Performance of School Districts, which implements a monitoring and evaluation system for school districts and county special services school districts.

P. L. 2005, c. 235 and P. L. 2007, c. 16 amended N.J.S.A. 18A:7A-1 et seq. to establish a new monitoring and evaluation system of school districts, entitled the New Jersey Quality Single Accountability Continuum (NJQSAC). P.L. 2007, c. 16 set forth the procedures for the Commissioner of Education (Commissioner) to promulgate rules to implement the monitoring system for 36 months following enactment on January 24, 2007. The law also provided for the State Board of Education (State Board) to approve all subsequent readoptions, amendments, or repeals. In February 2007, the Commissioner adopted initial rules implementing NJQSAC. The Commissioner readopted the rules with amendments in March 2008, amended the rules in January 2009, amended the rules and adopted new rules in January 2010. The State Board readopted the rules with amendments in June 2010 and adopted amendments, repeals, and new rules in March 2012 and November 2017. Pursuant to N.J.S.A. 52:14B-5.1, the chapter is scheduled to expire on November 1, 2024.

NJQSAC establishes a comprehensive single accountability system for monitoring and evaluating school districts. 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 standards and criteria used to evaluate school districts assess both student achievement and progress toward proficiency, as measured by State assessments, school district 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 key components of school district effectiveness, the Department and the school district work collaboratively to improve school district performance in the identified targeted area(s). The measures used to achieve this goal include

Department evaluations of the school district, collaborative development of a district improvement plan, close monitoring of the plan's implementation, and the provision of technical assistance, as appropriate. If a school district fails to develop or implement an improvement plan as required, or other emergent circumstances warrant, State law allows the Department to seek full or partial intervention in the school district to effect the changes necessary to build local capacity to provide a thorough and efficient education.

As part of the current readoption of N.J.A.C. 6A:30, the Department proposes amendments to streamline and clarify rules, procedures, and operations, update terminology and rules to align to provisions throughout Title 6A of the New Jersey Administrative Code and Title 18A of the New Jersey Statutes, and remove gendered nouns and pronouns throughout the chapter.

The Department also proposes amendments at Appendix A, which is the District Performance Review (DPR) for school districts other than county special services school districts (CSSSDs), and Appendix B, which is the DPR for CSSSDs. The DPRs are used to document a school district's self-assessment evaluation in five key components of school district effectiveness, and the county offices of education's validation of the self-assessment score based on a review of the documentation provided by the school district. The proposed amendments at Appendices A and B will align NJQSAC with the State's plan under the Federal Every Student Succeeds Act (ESSA) and ensure that the Department's evaluation of performance of a school district reflects current provisions at Title 6A of the New Jersey Administrative Code and Title 18A of the New Jersey Statutes.

Proposed amendments at Appendices A and B will redistribute points to equitably apply the Department's evaluation of the performance of all school districts to which the chapter applies, regardless of configuration. Other proposed amendments at Appendices A and B will redistribute points to provide greater weight for indicators of more significance across the five key component areas of school district effectiveness. The proposed amendments at Appendices A and B have been developed with extensive input from stakeholders to create a monitoring tool that focuses on teaching and learning and preparing students to be college and career ready.

The Department proposes to delay the effective date of the proposed amendments to Appendices A and B until July 1, 2025. Therefore, the Department will use the existing DPRs through the 2024-2025 school year. The delayed effective date of the proposed amendments at Appendices A and B will ensure that the amendments do not go into effect in the middle of an evaluation cycle. The delayed effective date also will provide school districts and stakeholders ample time to become familiar with the new DPRs before they are used to monitor school district effectiveness.

The following is a summary of the rules proposed for readoption and the proposed amendments.

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

### **N.J.A.C. 6A:30-1.1 Purpose and scope**

This section establishes the chapter's purpose, which is to implement NJQSAC, including the steps the Department undertakes to implement the three-year evaluation process, placement of the school district on a performance continuum, improvement and intervention activities, and periodic progress monitoring. The section also establishes the chapter's scope as it applies to all school districts in the State. The chapter does not apply to county vocational school districts that provide only shared-time services but applies to all other county vocational school districts. The chapter also does not apply to charter schools, renaissance school projects, and educational services commissions.

The Department proposes an amendment at N.J.A.C. 6A:30-1.1(a) to clarify that the achievement evaluated is in the five component areas of school district effectiveness. The existing reference to “actual achievement” could be misunderstood as applying only to student achievement. Additionally, the Department proposes to replace “local” with “school district” to clarify that the reference is to school district capacity. The Department proposes the same amendment throughout the chapter, where necessary.

The Department also proposes an amendment at N.J.A.C. 6A:30-1.1(a) to replace “Department evaluations” with “the Department’s comprehensive review” to clarify the Department’s evaluation consists of a comprehensive review of school district performance in five component areas to determine the extent to which school districts are providing a thorough and efficient education. The Department proposes the same amendment throughout the chapter, where necessary.

The Department proposes amendments at N.J.A.C. 6A:30-1.1(c) to clarify the entities to which the chapter applies.

### **N.J.A.C. 6A:30-1.2 Definitions**

This section provides definitions of terms used throughout the chapter.

The Department proposes to amend the term “components of school district effectiveness” to add “key” at the beginning, which will align the term with the authorizing statute. The Department also proposes to amend the definition of “comprehensive review” to delete “developed by the Department and set forth in the District Performance Review incorporated in this chapter as the chapter Appendices” because the same information will be included in the definitions of “District Performance Review” and “quality performance indicators,” as proposed for amendment. The Department also proposes to correct all references to the components to match the defined term, as proposed for amendment.

The Department proposes to amend the definition of “district improvement plan” to delete “in collaboration with the Department” to clarify that school districts develop district improvement plans, which are approved by the Commissioner, pursuant to N.J.A.C. 6A:30-5.5.

The Department proposes to amend the definition of “District Performance Review” to add “The District Performance Reviews are incorporated in this chapter as Appendix A and Appendix B” to specify where the DPRs are located within the chapter. The Department also proposes throughout the chapter to delete all references to the DPRs being incorporated in the chapter as Appendix A and Appendix B.

The Department proposes to amend the definition of “quality performance indicators” to delete “or weighted quality performance indicators” and, instead, add a sentence to specify that the quality performance indicators are weighted. The Department proposes to delete “weighted” before “quality performance indicators” throughout the chapter, where necessary.

The Department proposes a definition for “shared-time services” to mean educational services provided to students who attend and receive instruction for half of the school day at a county vocational school district, pursuant to N.J.S.A. 18A:54-3, and attend and receive instruction at another school or receive equivalent instruction elsewhere than at school for half of the school day. The Department’s proposed term, which is used at existing N.J.A.C. 6A:30-1.1(c), will clarify that the rules at N.J.A.C. 6A:30, do not apply to county vocational school districts that provide only shared-time services.

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

### **N.J.A.C. 6A:30-2.1 Components of school district effectiveness**

This section requires the Department to evaluate and monitor school district performance and capacity in the five key components of school district effectiveness and to use objective measures and consider school district improvement and growth in its evaluation.

### **N.J.A.C. 6A:30-2.2 Quality performance indicators of school district effectiveness**

This section requires the Department to establish weighted quality performance indicators to measure school district performance and capacity in each of the five key components of school district effectiveness. The section also establishes that the weighted quality performance indicators are set forth in the DPR incorporated as the chapter Appendices. The section further requires the Commissioner to use the weighted quality performance indicators to assess school district performance and capacity during the comprehensive reviews, in-depth evaluations, and monitoring. The section also requires the Commissioner to use the weighted quality performance indicators in determining whether to initiate intervention activities or to withdrawal from intervention.

The Department proposes to amend the section heading to remove “of school district effectiveness” because the definition of “quality performance indicators” explains that they are the indicators that measure the key components of school district effectiveness, therefore the phrase is unnecessary.

The Department proposes to repeal N.J.A.C. 6A:30-2.2(b) because the definition of “quality performance indicators” at N.J.A.C. 6A:30-1.2, as proposed for amendment, states that they are set forth in the District Performance Review, incorporated in this chapter as the chapter Appendices.

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

### **N.J.A.C. 6A:30-3.1 General requirements**

This section requires the Commissioner to conduct a comprehensive review of each school district every three years using the weighted quality performance indicators and establishes procedures for the three-year review and for intervening years.

The Department proposes an amendment at N.J.A.C. 6A:30-3.1(b) to delete, “Unless (d) below applies,” because the Department is proposing to repeal N.J.A.C. 6A:30-3.1(d).

The Department proposes to repeal N.J.A.C. 6A:30-3.1(d) because school districts implementing district improvement plans undergo a comprehensive review every three years and must provide a DPR regardless of a plan’s implementation.

### **N.J.A.C. 6A:30-3.2 District Performance Review**

This section establishes the DPR as the self-assessment tool to measure a school district’s compliance with the weighted quality performance indicators in all five key components of school district effectiveness. Additionally, the section identifies the specific steps to be taken by the chief school administrator (CSA) when completing the DPR, which includes presenting and obtaining approval for submission by the district board of education at a public meeting and submission to the executive county superintendent (ECS) by November 15. The section also allows the Department to grant an extension for submission of the DPR for good cause.

The Department proposes to amend N.J.A.C. 6A:30-3.2(a) by deleting the first sentence because N.J.A.C. 6A:30-3.1(d) is proposed for deletion. The Department also proposes to delete the second sentence because the Department is proposing in two places to add clarifying language that will make the sentence repetitive.

The Department proposes an amendment at N.J.A.C. 6A:30-3.2(f)2 to add “Senator Byron M. Baer” to correct the name of the Open Public Meetings Act at N.J.S.A. 10:4-6 et seq.

The Department proposes to amend N.J.A.C. 6A:30-3.2(g) to replace “appropriate executive county superintendent’s office” with “Department’s electronic data submission system” because the DPR is submitted through NJ Homeroom, which is the Department’s current electronic data submission system, and is no longer submitted to the executive county superintendent’s office.

### **N.J.A.C. 6A:30-3.3 Review and evaluation of District Performance Reviews**

This section requires the ECS to confirm receipt of a school district’s DPR and declaration page and to conduct a review using the documents. The ECS’ review includes providing clarification and feedback, verifying school district responses to the DPR, analyzing the responses, and making a recommendation to the Commissioner for a final decision.

## **Subchapter 4. Performance Continuum**

### **N.J.A.C. 6A:30-4.1 General requirements**

This section requires the Commissioner to issue a final determination letter detailing the school district’s performance and placement on the performance continuum based on the school district’s comprehensive review. The section also requires the Commissioner’s determination letter to consist of the percentage of weighted quality performance indicators satisfied by the school district in each of the five key components of school district effectiveness. For each school district that satisfies at least 80 percent of the quality performance indicators in each of the five key components of school district effectiveness, the letter must include 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. The section also requires school districts that satisfy less than 80 percent of the quality performance indicators in the five key components of school district effectiveness, the letter must notify the school district that it has not met the comprehensive review’s requirements and is be directed to begin improvement activities. The section also requires a school district to report the placement on the performance continuum at the next public meeting of the district board of education. Lastly, the section allows a school district to seek reconsideration of the Commissioner’s initial placement decision within seven days of its receipt, as well as the requirements for filing a request for reconsideration.

The Department proposes an amendment at N.J.A.C. 6A:30-4.1(b) to replace “District Performance Review” with “quality performance” to clarify that a DPR consists of quality performance indicators used to assess school district effectiveness.

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

### **N.J.A.C. 6A:30-5.1 School district obligations for continual improvement**

This section requires each school district to continually 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.

**N.J.A.C. 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**

This section requires 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 to commence improvement activities set forth in the remainder of the subchapter.

**N.J.A.C. 6A:30-5.3 In-depth evaluation**

The section requires the Commissioner to determine whether to conduct an in-depth evaluation of a school district and establishes the criteria that the Commissioner uses to make the determination. The section also establishes the process for conducting the in-depth evaluation, including the persons or entities identified to conduct the in-depth evaluation, the evaluation's scope and timeline, allowable extension of the timelines, transmittal of the final report to the CSA, and the reporting of the final report at a regular or special meeting of the district board of education.

The Department proposes amendments at N.J.A.C. 6A:30-5.3(c)2 to clarify that the scope of the in-depth evaluation is not limited to areas identified by the comprehensive review for which the school district satisfied less than 80 percent of the quality performance indicators, but also can be based on other deficiencies or areas of limited capacity within the school district that were identified by the comprehensive review.

The Department proposes an amendment at N.J.A.C. 6A:30-5.3(i) to add "public" before "meeting" and add "in accordance with N.J.S.A 10:4.6 et seq." to clarify the district board of education must report the findings at a regular or special public meeting held in accordance with the Senator Byron M. Baer Open Public Meetings Act.

**N.J.A.C. 6A:30-5.4 District improvement plan**

This section requires 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 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. The section also requires the district improvement plan to be data driven and results oriented. The section further identifies the district improvement plan's required components of the and the process for its development.

The Department proposes an amendment at N.J.A.C. 6A:30-5.4(a) to add "to the Department" after "submit" to clarify the DIP must be submitted to the Department.

The Department proposes an amendment at N.J.A.C. 6A:30-5.4(c) to add "title(s) and name(s) of the" before "individuals responsible for" to align the rule with the DIP format.

**N.J.A.C. 6A:30-5.5 Review and approval process for the district improvement plan**

This section prescribes the timelines and submission process for a school district's district improvement plan, as well as the possible consequences for not submitting a district improvement plan. The section also requires Department staff to review the proposed district improvement plan to ensure it addresses all areas identified in the comprehensive review and in-depth evaluation and that it contains measurable and attainable evidence-based objectives and strategies for achieving improvement, developing local capacity, and improving school district effectiveness. The section further requires Department staff to recommend to the Commissioner



revisions to the district improvement plan or its approval. The section also requires the Commissioner to review the proposed district improvement plan and Department staff recommendations within 30 days of receipt and requires the Commissioner to notify the school district whether the district improvement plan is approved or if it needs revision.

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

This section requires the school district to implement the district improvement plan promptly after approval by the Commissioner. The section also requires the Department to review, every six months, the school district's progress in implementing the district improvement plan. The section further requires the school district to submit to the Department a progress report regarding implementation of each item(s) in the plan and in satisfying the weighted performance indicators that are the subject of the district improvement plan. The section also requires the Commissioner to determine, based on the six-month review, whether the school district has satisfied the weighted quality performance indicators and, if so, to issue a letter recognizing the school district as high performing. If the school district has not met the satisfactory threshold of at least 80 percent of the weighted quality performance indicators, the section requires the Department to continue to monitor the school district every six months. The section also allows the school district to submit, to the Department for review and approval, amendments to the district improvement plan, as circumstances warrant. The section further requires the Department to assess, every two years, whether the school district's district improvement plan needs to be amended to address insufficient progress by the school district in satisfying the weighted performance indicators in one or more key components of school district effectiveness.

#### **N.J.A.C. 6A:30-5.7 Assistance provided to school districts through the district improvement plan**

This section allows the Department to provide technical assistance to school districts to improve performance and increase local capacity in areas of need as identified in the comprehensive review and/or the in-depth evaluation. The section also allows technical assistance to be provided by Department personnel or highly skilled professionals appointed by the Commissioner using criteria established in the section. The section also identifies the designated functions that can be performed by Commissioner-appointed highly skilled professionals. The section also prohibits the Commissioner from appointing highly skilled professionals in any capacity that would create an actual or potential conflict of interest within a school district. The section further requires the compensation of a Commissioner-appointed highly skilled professional to be shared between the school district and the Department. If the highly skilled professional is a Department employee, the section requires the Department to assume the total cost of compensation.

The Department proposes to amend the section's heading to add "technical" before "assistance" to align to the terminology used in most of the section by the Department. The Department proposes the same amendment throughout the chapter, where necessary.

### **Subchapter 6. Intervention Activities**

#### **N.J.A.C. 6A:30-6.1 Forms of State intervention**

This section allows the Commissioner to seek partial or full State intervention in a school district in any or all of the five areas of school district functioning. The section also identifies the types of intervention provided in both a partial and full State intervention.

## **N.J.A.C. 6A:30-6.2 Factors for initiating State intervention**

This section allows the Commissioner to seek to initiate partial State intervention if a school district satisfies less than 50 percent of the weighted quality performance indicators in four of the five key components of school district effectiveness and at least one of five additional factors listed in the section is present. The section also allows the Commissioner to seek to initiate full State intervention if the school district satisfies less than 50 percent of the weighted quality performance indicators in all five key components of school district effectiveness, or if the school district is under direct oversight of a State fiscal monitor 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 and at least one of five additional factors listed in the section is present.

## **N.J.A.C. 6A:30-6.3 Procedure for initiating partial State intervention**

This section identifies the procedures for the Commissioner to initiate a partial State intervention when a school district qualifies pursuant to N.J.A.C. 6A:30-6.2(a). The procedures include: issuance of an Order to Show Cause why an administrative order to place the identified key components of school district effectiveness under partial State intervention should not be implemented; service upon the school district of a proposed administrative order for partial intervention, including a partial intervention plan developed by Department staff; referral of the Order to Show Cause to the Office of Administrative Law (OAL) for a plenary hearing conducted on an expedited basis, during which the Department has the burden of showing the recommended administrative order is not arbitrary, unreasonable, or capricious; and recommendation by the Commissioner to the State Board that it issue an order placing the school district under partial State intervention. The section also states that the State Board may place the school district under partial State intervention.

## **N.J.A.C. 6A:30-6.4 Partial State intervention plan**

This section requires the partial State intervention plan to incorporate and amend the district improvement plan. The section also requires the intervention plan to 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 section further requires the intervention plan to address the appointment of a school district superintendent with approval by the State Board, appointment of highly skilled professionals, and whether the Commissioner intends to appoint up to three additional district board of education members with State Board approval.

The Department proposes an amendment at N.J.A.C. 6A:30-6.4(a) to add “at N.J.A.C. 6A:30-6.3” to clarify that the partial State intervention plan referenced is the same as the plan initiated pursuant to N.J.A.C. 6A:30-6.3. The Department also proposes to delete “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” because it repeats the same provision at N.J.A.C. 6A:30-6.3(b). The Department proposes the same amendment at N.J.A.C. 6A:30-6.7(a), which concerns full State intervention plans.

The Department proposes an amendment at N.J.A.C. 6A:30-6.4(a)3 to add “pursuant to N.J.A.C. 6A:30-6.5” to clarify the Commissioner has the authority to appoint up to three additional members to the district board of education with the State Board’s approval as set forth at N.J.A.C. 6A:30-6.5.

## **N.J.A.C. 6A:30-6.5 Structure of the district board of education under partial State intervention**

This section establishes the parameters for the appointment of additional district board of education members by the Commissioner, with State Board approval, if the appointments are included in the partial State intervention plan. The section also establishes the duties, responsibilities, and authority of the additional district board of education members and requires them to be appointed for a two-year term, which can be extended upon State Board approval.

## **N.J.A.C. 6A:30-6.6 Procedure for initiating full State intervention**

This section identifies the procedures for the Commissioner to initiate a full State intervention plan when a school district qualifies pursuant to N.J.A.C. 6A:30-6.2(b). The procedures include: issuance of an Order to Show Cause why an administrative order to place the school district under full State intervention should not be implemented; service upon the school district of a proposed administrative order for full intervention, including a full intervention plan developed by the Department; referral of the Order to Show Cause to OAL for a plenary hearing conducted on an expedited basis, during which the Department has the burden of showing the recommended administrative order is not arbitrary, unreasonable, or capricious; and recommendation by the Commissioner to the State Board that it issue an order placing the school district under full State intervention. The section also states that the State Board may place the school district under full intervention.

The Department proposes an amendment at N.J.A.C. 6A:30-6.6(a) to delete “for full State intervention” because it is repetitious.

## **N.J.A.C. 6A:30-6.7 Full State intervention plan**

This section requires the full State intervention plan to incorporate and amend the district improvement plan and requires the intervention plan to be presented by the Commissioner as part of the proposed administrative order when the Department brings an Order to Show Cause seeking full State intervention in a school district. The section also requires the intervention plan to address the appointment of a State district superintendent, inclusive of term limits, with approval from the State Board and conditions for appointment of the existing school district superintendent as State district superintendent; appointment of highly skilled professionals; whether the school district’s CSA and executive administrators responsible for curriculum, business and finance, and personnel will be abolished; whether a Capital Project Control Board will be established in the school district; and whether the Commissioner intends to appoint up to three additional school district board of education members with State Board approval.

The Department proposes an amendment at N.J.A.C. 6A:30-6.7(a) to add “at N.J.A.C. 6A:30-6.6” to clarify that the full State intervention plan is the same as the plan initiated pursuant to N.J.A.C. 6A:30-6.6.

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

This section requires a district board of education of a school district under full State intervention to continue in place but to serve only in an advisory capacity with the rights, powers, and privileges of an advisory district board of education. The section also requires the advisory district board of education to meet once per month at dates and times determined by the State district superintendent. The section further requires a vacancy on the advisory district board of education to be filled in the same manner as initially filled. The section also describes the procedures the Commissioner must follow to appoint up to three additional advisory district board of education members, if included in the full State intervention plan, as well as

requirements for appointed district board of education members. The section also establishes the duties, responsibilities, and authority of the appointed district board of education members and requires them to be appointed for a two-year term, which can be extended by another two years upon State Board approval.

### **N.J.A.C. 6A:30-6.9 Assessment activities during the period of intervention**

This section requires a school district under partial or full State intervention to continue to undergo both comprehensive reviews pursuant to N.J.A.C. 6A:30-3 and monitoring at six-month intervals pursuant to N.J.A.C. 6A:30-5.6(b).

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

### **N.J.A.C. 6A:30-7.1 Factors for initiating return to local control**

This section requires school districts in full intervention to remain in status for no less than three years before the process of withdrawal can begin. This section also outlines factors the Commissioner will consider in determining whether to initiate a full or partial withdrawal from intervention in a school district. The factors include evidence of sustained and substantial progress demonstrated by the school district having satisfied 80 to 100 percent of the weighted quality performance indicators in one or more of the key components of school district effectiveness under full State intervention, as shown by the comprehensive reviews, six-month Department reviews, and/or other appropriate evidence; and 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 key components of school district effectiveness under full State intervention, will be sustained.

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

This section requires the Commissioner to recommend to the State Board that the process for withdrawal from intervention be initiated if the Commissioner determines that a school district under State intervention has satisfied the factors at N.J.A.C. 6A:30-7.1(b) with respect to one or more key components of school district effectiveness. The section also allows the State Board, based on the Commissioner's recommendation, to grant approval for the Department to initiate the transition to local control in the respective key component(s) of school district effectiveness. The section also requires the Commissioner to notify the school district if the State Board grants approval. The section further requires the Department to develop, in conjunction with the school district, a transition plan for local control as an initial step in the transition process.

The Department proposes to repeal N.J.A.C. 6A:30-7.2(a)1 because there are no school districts that were State-operated prior to February 22, 2007, and are still under full or partial State intervention.

### **N.J.A.C. 6A:30-7.3 Components of the transition plan**

This section requires the transition plan to address, at a minimum, the following: timelines; continued employment of the State district superintendent; continued technical assistance by highly skilled professionals; continued use of, and any change in the duties, authority, and responsibilities of, highly skilled professionals appointed to provide direct oversight in the school district; a decision-making hierarchy if conflicts arise between appointed highly skilled professionals and school district personnel; 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 functioning under intervention; status of district board of education members appointed by the Commissioner, if the governance component of school district

effectiveness is being returned to local control; the receipt and payment for technical assistance; and the discontinuance of the Capital Projects Control Board, if applicable.

#### **N.J.A.C. 6A:30-7.4 Implementation of the transition plan**

This section requires the school district to present the transition plan for withdrawal from intervention at a public district board of education meeting and officially note it in the minutes. The section also requires the district board of education to immediately implement the transition plan. The section further requires the Department to continue to monitor the school district during the transition period to ensure sustained progress and the transition plan's implementation. Lastly, the section requires the transition plan to 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 key components of school district effectiveness or as other circumstances warrant.

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

This section provides 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. The section also allows the advisory district board of education to be placed in partial State intervention as part of the transition to local control, unless and until the governance component has been returned to local control. The section further allows the State Board to return, upon Commissioner recommendation, some voting functions to the district board of education as part of, and in furtherance of, the process of transitioning the governance component to local control. The section also allows the Commissioner, or the Commissioner designee, to veto any action by the district board of education in accordance with N.J.S.A. 18A:7A-53.c if some voting functions are returned to the district board of education. The section also requires the district board of education to call a special election to place the question of classification status before the school district's voters no more than one year after the return of the governance component to local control and requires the special election to be conducted in accordance with the provisions of Title 19 of the Revised Statutes concerning school elections.

#### **N.J.A.C. 6A:30-7.6 Completion of the transition process**

Upon the school district's complete satisfaction of all components of a full transition plan, this section requires the Commissioner to recommend to the State Board the completion of the withdrawal from intervention and for the school district to be returned fully to local control. This section also requires the Commissioner to determine the school district's placement on the performance continuum upon State Board approval, to notify the school district of the action, and to issue a letter to the school district designating it as a "high performing" school district.

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

#### **N.J.A.C. 6A:30-8.1 Observation of instructional practices and evaluation of public school district facilities**

This section states that nothing in the 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 inspect school facilities, or to take other action the Commissioner or the Commissioner's designee deems necessary to ensure the satisfaction of any statutory or constitutional obligation.

## **N.J.A.C. 6A:30 Appendix A, District Performance Review**

The Department proposes to readopt N.J.A.C. 6A:30 Appendix A with amendments. The effective date of the proposed amendments will be delayed until July 1, 2025.

### **District Performance Review**

The points in the DPR, as proposed for readoption with amendments, have been assigned based on a weighted balance of the point values related to the significance and complexity of each indicator. The total point value for Appendix A, as proposed for readoption with amendments, will remain at 500. The total point value for each of the five component areas in the DPR, as proposed for readoption with amendments, will remain at 100.

### **Instruction and Program**

The Instruction and Program (I&P) indicators are used to assess a school district's performance and capacity in the areas of curriculum, instruction, and student performance. The I&P DPR indicators include a school district meeting the State's measure of academic progress and graduation rate; State assessment results and the analysis of the results to improve teaching and learning; curriculum alignment with the New Jersey Student Learning Standards (NJSLS); continuous improvement of curriculum and instruction; equitable access to the NJSLS; and tiered supports for all students.

I&P Indicators 1 through 7 establish student performance metrics, inclusive of school quality, student growth, and State graduation rate criteria that are aligned to New Jersey's Every Student Succeeds Act (ESSA) State plan. The points for the indicators vary based on a school district's grade configuration. School districts that have grade configurations of kindergarten through grade eight (K-8), or any composition of K-8, are held accountable only for student growth measures and not a graduation rate; school districts that are kindergarten through grade 12 (K-12), or any composition of K-12, are held accountable for both graduation rates and student growth measures; and school districts that are grade nine through grade 12 (9-12), or any composition of 9-12, are held accountable only for graduation rates. The maximum number of points that each grade configuration can obtain for I&P Indicators 1 through 7 is 60. Each indicator point value varies.

I&P Indicators 1 and 2 measures a school district achievement score on State assessments in English language arts (ELA) and mathematics. The Department is proposing to amend the point values of Indicators 1 and 2 to better align with the Department's State ESSA plan by placing greater emphasis on academic progress to foster a more equitable distribution of points for each school district type. Specifically, the Department proposes, in both Indicators 1 and 2, to decrease the point value for school districts with configurations of K-8 to 7.5 from 10; decrease the point value for school districts with configurations of K-12 to five from 7.5; and decrease the point value for school districts with configurations of 9-12 to 7.5 from 15.

I&P Indicator 3 measures a school district's achievement score on State assessments in science. The Department proposes an amendment at Indicator 3 to enable school districts to be able to attain a maximum of five points for each grade configuration. Specifically, the Department proposes to decrease the point value for school districts with configurations of K-8 to five from 10 points to allocate additional points in Indicators 4 and 5 to align the point values more closely to the Department's State ESSA plan by placing greater emphasis on academic progress. The Department also proposes to increase the point value of school districts with grade configurations of 9-12 to five from zero. At the time of the chapter's last readoption in 2017, State assessments

for science in grades nine through 12 did not exist; therefore, school districts with a 9-12 grade configuration were not monitored based on science assessments. The high school science assessment transitioned from the Biology Competency Test to the New Jersey Student Learning Assessment - Science (NJSLS-S) at grade 11 with the field test in 2018. The assessment was operational in the spring 2019 administration, which was after the last readoption of N.J.A.C. 6A:30. The NJSLS-S was developed to reflect the Next Generation Science Standards (NGSS), which were adopted in 2014 and implemented by school districts in September 2017.

I&P Indicator 4 and 5 measure a school district's ELA and mathematics academic progress. As stated above, the Department proposes to place more emphasis on academic progress in alignment with the State ESSA plan's goals. Therefore, the Department proposes to increase, from 10 to 15 points each, the point values of Indicators 4 and 5 for school districts with grade configurations of K-8. The Department further proposes to increase the point values for school districts with grade configurations of K-12 to 10 from 7.5 each.

I&P Indicator 6 measures a school district's graduation rate (average of four-year and five-year adjusted cohort graduation rates). The Department proposes an amendment at Indicator 6 to add the term "State" before "graduation" to clarify that the school district graduation rate used for this indicator is the State four- and five-year adjusted cohort graduation rates and not the Federal four- and five-year adjusted cohort graduation rate. The Department also proposes to increase the point value for school districts with a 9-12 grade configuration to 30 from 20 because the Department is proposing to increase the point value of academic progress for school districts with grade configurations of K-8 and K-12, and school districts with grade configurations of 9-12 are not held accountable to student progress. By increasing the point value of this indicator for school districts with 9-12 grade configurations, the Department will foster greater equity for measures of student achievement. The point value for K-8 will remain at zero since school districts without high schools do not have graduation rates. The point value for K-12 will remain at 15 since school districts with grade configurations of K-12 receive points for student progress and graduation rates.

The Department also proposes to amend Indicator 8 to decrease the point value to five from six to allocate points to proposed Indicator 18.

Existing I&P Indicators 9 through 15 monitor whether a school district's curriculum in a specific content area conforms to the requirements at N.J.A.C. 6A:8-3.1 and includes: (a) curriculum designed and implemented to meet grade or grade level expectations, and graduation requirements; (b) integrated accommodations and modifications for students with disabilities, 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. At Indicators 9 through 15, the Department proposes to add "grade band," "grade-level appropriate," and "and decodable texts for emergent readers" to align the DPR with N.J.A.C. 6A:8, Standards and Assessment. The Department also proposes to amend Indicators 9 through 15 to replace "special education" with "students with disabilities" to align the DPR with N.J.A.C. 6A:14, Special Education. The Department also proposes to replace "English language learners" with "multilingual learners" to align the DPR with N.J.A.C. 6A:15, Bilingual Education. The Department also proposes the five amendments throughout the DPR, where necessary.

The Department also proposes to amend Indicators 9 through 15 to delete subindicators g, h and i regarding integration of 21st century skills through NJSLS 9, integration of technology

through the NJSLs, and career education, respectively, because the requirements are now included in NJSLs as career readiness, life literacies, and key skills; and, computer science and design thinking. The Department proposes new I&P Indicator 16 to incorporate the NJSLs for career readiness, life literacies, and key skills, as described more in detail below. The Department also proposes new I&P Indicator 17 to incorporate the NJSLs for computer science and design thinking, as described more in detail below. The Department proposes to amend the point value of I&P Indicators 9 through 15 to three each from four to allow for the redistribution of points due to proposed new Indicators 16, 17, and 18.

The Department proposes to subindicator 12i to include the requirement that school districts incorporate instruction on the history and contributions of Asian Americans and Pacific Islanders (AAPI) in K-12 in the social studies curriculum as mandated by N.J.S.A. 18A:35-4.44. This statutory provision became effective in January 2022 after the chapter's most recent re adoption.

The Department proposes to incorporate new NJSLs areas of career readiness, life literacies, and key skills and computer science and design thinking as Indicators 16 and 17, respectively. The proposed indicators will mirror existing indicator requirements subindicators a and c through g. Proposed Indicators 16 and 17 will monitor whether a school district's curriculum includes performance expectations be integrated within and across other content areas or presented as an independent course, which is unique to these content areas. School districts may structure their curricula to meet students' needs. The Department proposes a point value for Indicators 16 and 17 of three each.

The Department also proposes the new I&P Indicator 18 to incorporate all statutory curricular requirements that are not already incorporated into the NJSLs but must be included in a school district's curriculum. The proposed indicator will monitor whether a school district's curriculum includes, but is not limited to: (a) diversity, equity, and inclusion in accordance with N.J.S.A. 18A:35-4.36a and (b) the history of persons with disabilities and lesbian, gay, bisexual, and transgender people in middle and high school curriculum in accordance with N.J.S.A. 18A:35-4.35. The proposed indicator will ensure that school districts incorporate instruction required at N.J.S.A. 18A:35-4.36a and 4.35. The statutory mandates were enacted in 2019 and 2021, respectively. The Department proposes a point value of three for Indicator 18. Additionally, the proposed indicator will monitor any future statute that establishes curricular requirements.

The Department proposes to recodify with amendments existing Indicator 16 as new Indicator 19. The Department proposes to decrease the point value of new Indicator 19 to five from six to allocate points to proposed Indicator 18 as described above.

## **Fiscal**

The Fiscal DPR is used to assess a school district's performance and capacity in the area of finance. The Fiscal DPR components include self-assessment of the areas for which the district board of education is responsible for direct oversight, including: maintaining monthly reports by the district board of education secretary; maintaining and updating the standard operating procedures manual for business functions; filing an annual Comprehensive Annual Financial Report (CAFR) audit and other supporting forms and collections; satisfying the elements of the annual audit; managing and overseeing entitlement and discretionary grants, as required; properly overseeing and accounting capital projects in Fund 30; implementing, reviewing, and revising projects that are consistent with the approved long-range facilities plan; securing county office approval for emergent projects; conducting and meeting requirements for annual health and safety reviews; developing and following a budget calendar; ensuring that all people employed as a buildings and grounds supervisor possesses a valid Department



authorization to serve as a certified educational facilities manager; transferring funds during the budget year in accordance with statute and budgetary control provisions; preparing and analyzing fiscal-year cash flow management for all funds; submitting reimbursement requests for Federal grant awards for the actual amount of incurred expenditures; and approving purchase orders approved only by the purchasing agent.

The Department proposes to amend Fiscal Indicator 1 to increase the point value to eight from six to place greater emphasis on a school district's compliance with N.J.S.A. 18A:17-9. The Department also proposes to add "and N.J.A.C. 6A:23A-16.10" at the end to ensure that the Department's review of the fiduciary responsibilities of a school district encompass both the statutory and regulatory requirements.

Fiscal Indicator 3 enables a district to receive four points for filing the annual audit of its CAFR, Auditor's Management Report (AMR), Federal Data Collection Form, Audit Summary, and other supporting forms and documentation by the due date set forth at N.J.S.A. 18A:23-1. The Department proposes an amendment to Indicator 3 to replace "Comprehensive Annual Financial Report (CAFR)" with "Annual Comprehensive Financial Report (ACFR)" based on the name change issued October 2021 by the Governmental Accounting Standards Board (GASB). The Department proposes the same amendment throughout the DPR where necessary. The Department also proposes to increase the point value to six from four to place greater emphasis on a school district filing the ACFR, AMR, Federal Data Collection Form, and other supporting forms and collections by the due date set forth at N.J.S.A. 18A:23-1.

The Department proposes to amend Fiscal Indicator 4c to delete "or AMR" because the AMR does not have material weaknesses or significant deficiencies.

The Department proposes to recodify Fiscal Indicator 14 as new Fiscal Indicator 5e because it is more aligned to the Department's monitoring of a school district's management of entitlement and discretionary grants.

Fiscal Indicator 6 monitors that a school district has proper oversight and accounting of capital projects in Fund 30 in four areas. The Department proposes to decrease the point values of Indicator 6a to two from four to allow for an increase in the point value for 6c to six from four to place greater emphasis on a school district's fiduciary practices, notably, spending within the authorized amount unless the school district has received the proper approvals to raise additional funds to augment the authorized amount. The Department also proposes to decrease the point values of 6b and 6d to account for the increase in the point value for recodified Indicator 5e.

The Department proposes to amend the point value for Indicator 10 to four from six because of the Department's proposed increased point value of Indicator 1.

The Department proposes to recodify Fiscal Indicator 15 as new Fiscal Indicator 14.

## **Governance**

The Governance indicators include self-assessment in the areas of responsibility for which the district board of education has direct oversight, including developing curriculum that is aligned with the NJSLs; overseeing the budgeting process; developing and implementing all district board of education approved policies; evaluating the CSA; reviewing and approving all new, renewed, amended, altered, or extended contracts for CSAs, deputy superintendents, assistant superintendents, and school business administrators; approving all personnel matters; addressing all compliance related reports; ensuring compliance with all stakeholder requirements; establishing programming and services for multilingual learners; approving the

monthly district board of education secretary's and treasurer's reports within 60 days of month's end; implementing the Senator Byron M. Baer Open Public Meetings Act and ensuring all meeting minutes reflect actions taken by the district board of education; ensuring access to library media services for all student; and filing required disclosure statements.

The Department proposes to amend Governance Indicator 7 to add at the end of the new subindicator a, "established at N.J.S.A. 18A:22-7 and 10" and subindicator b, "within the timeframe established at N.J.S.A. 18A:22-10" to confirm that the public hearings and adoption of the proposed budgets have occurred.

## **Operations**

The Operations indicators are used to assess a school district's performance and capacity in implementing school district policies related to the following:

- Code of student conduct;
- Attendance;
- Alcohol, tobacco, and other drugs;
- Harassment, intimidation, and bullying (HIB);
- NJSMART data collection;
- County District School (CDS) Information System data maintenance;
- Incidents of violence, vandalism, substance abuse, and HIB reporting;
- School safety and security plans and procedures;
- Positive school climate;
- Data management processes;
- Student achievement and progress monitoring using multiple sources of data to evaluate the effectiveness of programs, initiatives, and strategies;
- Education and law enforcement memorandum of agreement;
- School health services;
- Potentially missing and abused children reporting requirements;
- Transportation services; and
- Career education and counseling services, guidance and academic counseling programs, and intervention and referral services.

The Department proposes to amend Operations Indicator 1 to replace "NJSMART" with "the Department's Statewide longitudinal data system" to ensure that the Department is not referencing the common name of the system in case it changes.

The Department proposes to amend Operations Indicator 5 to add "The district board of education provides employees annual training on the code of student conduct and its equitable application, including training on the prevention, intervention, and remediation of student conduct that violates the district board of education's code of student conduct." The proposed amendment will define and clarify the requirement that all employees must be trained annually on the student code of conduct, pursuant to N.J.A.C. 6A:16-7.1(a)4. In addition to being a requirement, training school district staff on the code of student conduct is essential so staff can effectively contribute to fostering a school climate that promotes the positive development of students, understands student behavioral expectations, and correctly implements the procedures for responding to violations of the code of student conduct.

The Department proposes to amend Operations Indicator 6 to replace "by July 15. (N.J.A.C. 6A:16-5.3)" with "in accordance with the due dates annually established by the Department." The proposed amendment will alleviate confusion because the cited regulation does not establish a due date.

The Department proposes to amend Operations Indicator 7 to delete “policies” after “school climate” to more accurately reflect the provision in the *Anti-Bullying Bill of Rights Act* at N.J.S.A. 18A:37-21c(4), which requires each school’s school safety/school climate team to “review and strengthen school climate and the policies of the school in order to address harassment intimidation or bullying of students.” The Department also proposes to delete “and (4) completes the HIB self-assessment” in the first sentence because it is the responsibility of the CSA and not the school district, in general, as stated in the indicator’s second sentence.

The Department proposes to decrease the point value of Indicator 8 to three from six to accounts for the proposed new Operations Indicators 17 and 18 as described below.

The Department proposes to amend Indicator 9 to replace “discipline” with, “enforcement of the code of student conduct” to use asset-based language that accurately describes enforcement of policies and procedures regarding alcohol and other drugs in the code of student conduct adopted by the district board of education.

The Department proposes to amend Indicator 13 to replace “directory of private-duty nursing” with “New Jersey Medicaid Management Information System (NJMMIS)” to update the name of the New Jersey Department of Human Services’ directory of agencies providing one-to-one skilled nursing services. The Department also proposes to add “or is approved to provide private duty nursing under the New Jersey FamilyCare Program” after the reference to the NJMMIS to align the indicator with the term “provider of clinical nursing services” at N.J.S.A. 18A:40-3.3.

The Department proposes to amend Indicator 14 to delete “from a certified instructor who has completed the Department’s criminal history record check” and to add “The educational services are provided by a certified instructor who has completed the Department’s criminal history record check.” The proposed amendments are for clarity and are not a substantive change to the indicator.

Indicator 15 monitors whether the school district annually reviews and revises safety and security plans, procedures, and mechanisms in consultation with law enforcement, health, social service, and emergency management agencies and other community members, including parents. The Department proposes to amend Indicator 15 to add “The school district annually assesses plans and facilities to ensure:” at the beginning and to recodify existing Indicator 15 as sub-indicator 15a. The Department proposes to add new sub-indicator 15b as follows: “A school safety audit has been conducted for each school building in accordance with N.J.S.A. 18A:41-14” N.J.S.A. 18A:41-14, which became effective in 2020, requires school districts to annually conduct a school safety audit for each school building using the checklist developed by the New Jersey Office of Homeland Security and Preparedness in collaboration with the Department. The Department also proposes to add new sub-indicator 15c as follows: “Up-to-date critical incident mapping data for all schools and school grounds have been provided to local law enforcement authorities. (N.J.S.A. 18A:41-7.1).” N.J.S.A. 18A:41-7.1, which became effective in 2022, requires each district board of education to provide local law enforcement authorities critical incident mapping data for its schools. The Department proposes to decrease the point value for Indicator 15 to four from six due to proposed new Operations Indicators 17 and 18 as described below.

The Department proposes to amend Indicator 16 to correct the statutory citation to “N.J.S.A. 18A:41-7a.”

The Department proposes to recodify Indicator 17 with amendments as new Indicator 19. The proposed amendments at new Indicator 19 to ensure that the school district implements the (CEP) instead of monitoring that the school district has a CEP. The Department also proposes to delete the list of protected categories and, instead, to reference “the protected categories and

classes as set forth at the New Jersey Law Against Discrimination (NJLAD), N.J.S.A. 10:5-1 et seq., and at N.J.A.C. 6A:7-1.1(a).”

The Department proposes new Indicator 17 to ensure that the school district has designated, for the school district, a school safety specialist who maintains an active certificate pursuant to N.J.S.A. 18A:17-43.2. The proposed indicator will ensure that each school district designates a school administrator, or a school employee with expertise in school safety and security, as a school safety specialist for the school district. The school safety specialist must attend the School Safety Specialist Academy to obtain the school safety specialist certification. Although the statutory requirement was enacted in 2017, the Department has observed that there has been an enormous turnover in this position since the COVID-19 pandemic and, therefore, wants to ensure that school districts continue to adhere to the statutory mandate. The Department proposes to assign new Indicator 17 a point value of two.

The Department proposes to recodify Indicator 18 with amendments as new Indicator 20. The Department proposes to amend new Indicator 20 to add that each school within the school district with 10 percent or more of its enrolled students identified as chronically absent has developed and presented to the district board of education a corrective action plan to improve absenteeism rates. The proposed amendment will ensure that the indicator is consistent with N.J.A.C. 6A:32-8.6 and N.J.S.A. 18A:38-25.1.

The Department proposes the new Indicator 18 to ensure that the district board of education has adopted and implemented a policy to establish a threat assessment team at each school to provide administrators, teachers, and other staff with assistance in identifying, assessing, and managing students that exhibit concerning or threatening behaviors, pursuant to N.J.S.A. 18A:17-43.4. The proposed new indicator will ensure every school district adheres to N.J.S.A. 18A:17-43.4, which took effect in 2022, to ensure school teachers, administrators, and other staff have assistance in identifying students of concern, assessing those students’ risk for engaging in violence or other harmful activities, and delivering intervention strategies to manage the risk of harm for students who pose a potential safety risk, to prevent targeted violence in a school, and ensure a safe and secure school environment that enhances the learning experience for all members of the school community. The Department proposes to assign the new Operations Indicator 18 a point value of three.

## **Personnel**

The Personnel DPR indicators are used to assess a school district’s performance and capacity in fulfilling the requirements for staffing and staff development, including assuring staff are appropriately certified and meet the qualifications of their positions, staff attendance is maintained, staff evaluations are aligned to the TEACHNJ Act, support is provided to novice teachers, professional development is provided to staff based on the professional development plan, and the school district’s professional development plan is aligned to the school district’s goals and budget.

Personnel Indicator 1 monitors that an audit of staff personnel files and other relevant school district records demonstrates that evaluation and staff development processes have occurred in accordance with N.J.A.C. 6A:9C and 6A:10. The Department proposes to amend Indicator 1d to replace “processes” with “training” to align more closely to N.J.A.C. 6A:10, Educator Effectiveness. The Department also proposes to correct the citation as “N.J.A.C. 6A:10-2.2b.” Finally, the Department proposes to decrease the point value to two from four to allocate points for proposed new Indicator 1e.

The Department proposes new Indicator 1e to ensure that summary conferences for all certified staff have occurred pursuant to N.J.A.C. 6A:10-2.4(c).

The Department proposes to recodify with amendments existing Indicator 2a the new Indicator 6c as described below. The Department proposes to recodify Indicators 2a through 2f as new Indicators 2a through 2e, respectively. The Department proposes to decrease the point value of new Indicator 2c to four from five to as part of the increased point value at Indicator 6.

The Department proposes to decrease the point value for Indicator 4c and 4d to three from five each to allow for points to be allocated to proposed new Indicator 4f as described below.

The Department proposes the new Indicator 4f to ensure that all school district-provided information required for a professional staff member to obtain a standard certificate is submitted to the Department within 30 days of the staff member becoming eligible for a standard certificate pursuant to N.J.A.C. 6A:9B. The Department proposes to assign the indicator a point value of two.

The Department proposes to increase the point value of Indicator 5b from five to six to place greater emphasis that school district control rosters are accurate and up to date.

Indicator 6 ensures proper documentation and evaluation of administrator practices. The Department proposes to recodify Indicator 2a as new Indicator 6c because the requirement that individual professional development plans (PDPs) or corrective action plans (CAPs) are aligned to the professional standards for school leaders or teachers and are linked to school district, school, team, and/or individual goals are part of required administrator practices. The Department proposes to increase the point value to 12 from five to place a greater emphasis on ensuring that professional practices are aligned with goal-setting procedures, supervisory feedback is timely, targeted, and actionable, and PDPs and CAPs are aligned to the professional standards for school leaders and teachers pursuant to N.J.A.C. 6A:9C and 6A:10-2.5.

### **N.J.A.C. 6A:30 Appendix B (Effective July 1, 2025)**

#### **District Performance Review**

The Department proposes to readopt Appendix B, which is the DPR for monitoring only CSSSDs, with amendments. The effective date of the proposed amendments will be delayed until July 1, 2025.

The I&P indicators in Appendix B consist of 16 indicators that enable a school district to receive 99 points. The Department proposes to amend the point values to enable a school district to receive 100 points as described below.

#### **Instruction and Program**

The I&P indicators for CSSSDs are used to assess a CSSSD's performance and capacity in the areas of curriculum and instruction based on student's individualized education program (IEP). The I&P indicators include; policies and procedures to ensure communication with the sending school's case manager; positive behavioral supports and other proactive strategies to maximize student learning and prevent disciplinary problems; graduation requirements that prepare students for success in post-secondary degree programs, careers, and civic life in the 21st century; developmentally appropriate, standards-based formative and summative assessment administration and alignment to NJSLS and data analysis to inform instruction; appropriate curricular and instructional modifications to content, processes, products, and learning environments based on individual student needs; a comprehensive system to ensure each student's IEP is fully implemented; and the professional development plan is inclusive of individualized professional and school aide staff training that is ongoing, embedded, and targeted to meet the needs of the school district's students. As in Appendix A, the I&P indicators in

Appendix B include curriculum aligned to the nine NJSL content areas. However, Appendix B does not include the student achievement data or graduation data indicators that are in Appendix A because State assessment and graduation data for students placed in a CSSSD are reported with their sending school districts.

I&P Indicator 2 ensures that positive behavioral supports and other proactive strategies are being utilized to maximize student learning and prevent disciplinary problems. The Department proposes to amend Indicator 2 to add a second sentence to also ensure that “[p]olicies and procedures relative to restraint and seclusion are developed and implemented in accordance with N.J.S.A. 18A:46-13.4, 13.5, 13.6, and 13.7.” The Department also proposes to amend the point value for Indicator 2 to increase to 10 from nine to account for CSSSDs implementing restraint and seclusion practices pursuant to N.J.S.A. 18A:46-13.4, 13.6, and 13.7.

The Department proposes recodify existing Indicator 3 as new Indicator 7 with amendments and recodify existing Indicator 7 as new Indicator 3 with no amendments so that the indicators are logically ordered and to provide additional clarity. The Department proposes to maintain the point value of recodified Indicator 7 at five and recodified Indicator 3 at 10.

The Department proposes to amend the point values for I&P Indicators 4, 5, and 6 to six from seven to account for the new I&P indicators 16,17, and 18 as described in the summary above for Appendix A.

The Department proposes the same amendments to the I&P DPR for Indicators 9 through 16 and proposes new I&P Indicators 16, 17, and 18 as described in the summary above for Appendix A.

## **Fiscal**

The Fiscal indicators in Appendix B are the same as in Appendix A.

The Department proposes the same amendments to the Fiscal Indicators for Appendix B as described above for Appendix A.

## **Governance**

The Governance indicators in Appendix B are the same as in Appendix A.

The Department proposes the same amendments to the Governance Indicators for Appendix B as described above for Appendix A.

## **Operations**

The Operations indicators in Appendix B are the same as in Appendix A.

The Department proposes the same amendments to the Operations Indicators in Appendix B as described above for Appendix A.

## **Personnel**

The Personnel indicators in Appendix B are the same as in Appendix A.

The Department proposes the same amendments to the Personnel Indicators in Appendix B as described above for Appendix A.

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 rules proposed for readoption with amendments implement a system for the evaluation and monitoring of school districts by the Department to ensure the provision of a thorough and efficient education to all students in the State. Under NJQSAC, all public school districts are evaluated by uniform, objective criteria in the areas of instruction and program, fiscal management, personnel, operations, and governance. Based on the Department reviews, appropriate assistance and/or intervention activities are initiated. If a school district fails to develop or implement an improvement plan as required or as other emergency circumstances warrant, the Department may seek partial or full intervention in the school district to effect the changes necessary to build local capacity to provide a thorough and efficient education. Through this system, the Department is able to work with school districts to identify and remedy areas of deficient performance, which has a beneficial impact on affected students and their families. Communities also benefit by receiving current, reliable information about their school districts, thereby enabling communities to hold school districts accountable for the five key components of school district effectiveness.

The Department does not anticipate the proposed amendments will have any additional social impact.

### **Economic Impact**

The rules proposed for readoption with amendments have no general economic impact; however, they may depend on a school district's need to take corrective action as a result of the Department's three-year comprehensive review. School districts that are designated as "high performing" pursuant to the comprehensive review process will experience little or no additional costs as a result of the rules proposed for readoption with amendments, new rules, and repeals. However, there likely will be an economic impact on school districts that are required to develop and implement district improvement plans. The amount of increased costs to school districts will depend on the specific improvement activity(ies) required and whether highly skilled professionals will be used. The Department does not anticipate that the proposed amendments will have an economic impact.

### **Federal Standards Statement**

The rules proposed for readoption with amendments are consistent with Federal standards for school-accountability under ESSA (20 U.S.C. § 6311(c) and 34 CFR 200.12); therefore, a Federal standards analysis is not necessary.

### **Jobs Impact**

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

### **Agriculture Industry Impact**

The rules proposed for readoption with amendments will have no impact on the agricultural industry in New Jersey. The rules proposed for readoption with amendments concern school district effectiveness.

## **Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the rules proposed for re-adoption with 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 chapter impacts solely upon New Jersey public school districts.

## **Housing Affordability Impact Analysis**

The rules proposed for re-adoption with amendments will not have an impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the rules proposed for re-adoption with amendments would evoke a change in the average costs associated with housing because the rules concern school district effectiveness.

## **Smart Growth Development Impact Analysis**

The rules proposed for re-adoption with 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 rules proposed for re-adoption with amendments concern school district effectiveness.

## **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

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

**Full text** of the rules proposed for re-adoption and the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):



## 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] **pursuant to** 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 **in the five key component areas of school district effectiveness**, progress toward proficiency, [local] **school district** capacity to operate without State intervention, and the need for State support and assistance. Once a school district is identified [under] **through** NJQSAC as requiring assistance in one or more of the five **key component** areas of school district effectiveness, the Department and the school district will work collaboratively to improve school district performance in the targeted [areas] **area(s)**. The measures used to achieve this goal include [Department evaluations] **the Department's comprehensive review** 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] **at** N.J.S.A. 18A:8-1 et seq. and 18A:13-1 et seq., with the exception of charter schools **and renaissance school projects** and educational services commissions, and shall include **county special services school districts established pursuant to N.J.S.A 18A:46-29 et seq., and** 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] **Key components** of school district effectiveness” means the areas in which school districts will be evaluated under NJQSAC. [They] **The components** are:

1. Instruction and program;
2. Operations;
3. Fiscal management;
4. Personnel; and
5. Governance.

“Comprehensive review” [refers to] **means** 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. **The District Performance Reviews are incorporated in this chapter as Appendix A and Appendix B.**

“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] **quality** 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 **key** components of school district effectiveness.

“Quality performance indicators” [or “weighted quality performance indicators”] means the specific, objective criteria for each key component of school district effectiveness [by which] **used to measure** each school district’s performance, capacity, and need for State support, assistance, or intervention [are measured]. **The quality performance indicators are weighted, developed by the Department, and set forth in the District Performance Reviews.**

“Shared-time services” mean **educational services provided to students who attend and receive instruction for half of the school day at a county vocational school district, pursuant to**

**N.J.S.A. 18A:54-3, and attend and receive instruction at another school or receive equivalent instruction elsewhere than at school for half of the school day.**

“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] **Key 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] **The components** 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] **components of school district effectiveness**, 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)] (b) 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.
1. 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 **to** 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] **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 **the District Performance Review set forth at Appendix A** to complete the self-assessment. All county special services school districts shall use **the District Performance Review set forth at 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] **who** 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. **The 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] at (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 **key** 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] **the CSA's** knowledge. Each member of the committee shall be given the opportunity to sign the declaration page to attest to [his or her] **the member's** 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 **Senator Byron M. Baer** 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] **Department's electronic data submission system** by November 15 or at another time designated by the Commissioner if [he or she] **the Commissioner** has directed a school district to undergo an immediate comprehensive review, pursuant to N.J.S.A. 18A:7A-11 and N.J.A.C. 6A:30-3.1(a).

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] **section(s)** 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] **pursuant to** 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] **the Commissioner** has directed a school district to undergo an immediate comprehensive review pursuant to N.J.S.A. 18A:7A-11 and N.J.A.C. 6A:30-3.1(a), the Commissioner shall issue a final determination letter detailing each school district's performance and placement on the performance continuum, based on the

comprehensive review, and shall notify the State Board at its next public meeting. The determination letter shall consist of the following:

1. 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] **quality performance** 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 **quality performance** indicators [of] **in** 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] **key components** 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 key 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] **review** 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] **at** (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 **key** 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] **within the** school district [effectiveness related to the deficiency(ies) or area(s)] identified [in (d)1 above] **by the comprehensive review**; 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] **with** the evaluation team [with] **and** 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] **the** 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 **public meeting held in accordance with N.J.S.A 10:4-6 et seq.**

#### 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 **to the Department** 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 **key** 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 **title(s) and name(s) of 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] **key components** 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] **school district** capacity, and improving school district effectiveness in each [identified] **deficient** 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, **or the Commissioner's designee**, 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] **the Commissioner, or the Commissioner's designee**, shall notify the school district. The school district shall revise the plan in the manner and within the time specified by the Commissioner **or the Commissioner's designee**.

#### 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 **key** 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 **key** 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 **key** 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] **quality** performance indicators in one or more [areas] **key components** 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] **Technical 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] **school district** capacity in areas of need as identified in the comprehensive review and/or the in-depth evaluation.

1. The type of **technical** 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] **key components** of school district effectiveness. Partial State intervention may include elements set forth [in] **at** 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] **key components** of school district effectiveness. Full State intervention may include elements set forth [in] **at** 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 **key** 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] **school district** 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 **key** 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] **school district** 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 **key components of school district effectiveness** 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 **at N.J.A.C. 6A:30-6.3** 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 **school** 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 **school district shall be responsible for the costs of [his or her] the superintendent's 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 of **school district effectiveness** 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] **the Commissioner's** authority to appoint, with the State Board's approval **pursuant to N.J.A.C. 6A:30-6.5**, 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 **of education** members shall meet all requirements [of] **at** 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 at **N.J.A.C. 6A:30-6.6** 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] **the State district superintendent's** salary shall be an expense of the school district; and
  - ii. If the State Board chooses to appoint the existing **school district superintendent**, the intervention plan shall indicate [he or she] **the school district superintendent** shall agree to [termination of his or her] **terminate their** 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] **key components** of school district [operations] **effectiveness** 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] **school district superintendent** 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] **at 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] **the Commissioner's** authority to appoint, with the State Board's approval, up to three additional members to the district board of education, **pursuant to N.J.A.C. 6A:30-6.5.**

#### 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 **district board of education.**
- (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 **State** 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 **advisory** 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] **at** 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 **advisory** district board of education and shall have all other rights, obligations, powers, and privileges of **advisory** 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 **of education** members shall become voting members of the **advisory** district board of education. If the Commissioner-appointed members become voting members of the **advisory** district board of education, they shall have the same rights and privileges with respect to voting as other **advisory** district board of education members.
  2. If the Commissioner determines the appointed district board of education members shall become voting members, the **advisory** 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 **advisory** district board of education's activities and shall provide assistance to the **advisory** district board of education on matters deemed appropriate by the Commissioner, including, but not limited to, the applicable laws and rules governing specific **advisory** 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 **advisory** 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 **key** 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 **key** 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 **of the key** 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] **the key** 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 **key component(s) of school district effectiveness** for which the school district has met the requirements [of] **at** 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)] **key component(s) of school district effectiveness** 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 **key component of school district effectiveness in the area 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] **key component(s)** of school district effectiveness under intervention;
6. When the [governance] **key component of school district [effectives] effectiveness in the area of governance** 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 **key components of school district effectiveness** or as other circumstances warrant.

#### 6A:30-7.5 Transition process for the [governance] **key component of school district effectiveness in the area of governance** 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 **key component of school district effectiveness in the area 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] **key component of school district effectiveness in the area of governance**. If some voting functions are returned to the district board of education, the Commissioner or [his or her] **the Commissioner's** 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 **key** component of **school district effectiveness in the area 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

Nothing 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] **the Commissioner’s** designee deems necessary to ensure the satisfaction of any statutory or constitutional obligation.