

# New Jersey Department of Education



## Chapter 23A Readoption with Amendments

Division of Finance and Business Services

February 7, 2024





# Overview of N.J.A.C. 6A:23A



Fiscal accountability rules for school districts, charter schools, renaissance schools, and Approved Private Schools for Students with Disabilities (APSSDs) ensure that public funds for education are spent responsibly.

The chapter expires April 6, 2024, and is divided into two halves.

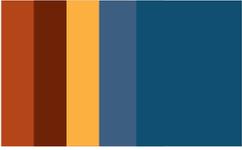
## Subchapters 1–15

- Commissioner’s Regulations
- Not subject to State Board Approval
- Requires 3 public hearings after Proposal

## Subchapters 16–22

- State Board Regulations
- Do not include definitions for 23A (1.2)
- Anticipate the two halves will be proposed simultaneously for concurrent readoption.





# Review of Amendments for Districts



1. Allow districts to expand their chart of accounts beyond the minimum and applies a requirement for an additional policy that must be adopted when the chart of accounts is expanded. N.J.A.C. 6A:23A-16.2(f)
2. Require a school district to maintain the same level of insurance coverage when the position of Treasurer is eliminated and its functions are delegated to another person. N.J.A.C. 6A:23A-16.4(d)
3. Provide Commissioner discretion in addition to using objective criteria in determining when districts must submit financial reports to the county office. N.J.A.C. 6A:23A-16.4(c)4iii
4. Add rule to specify a process for applying for a State aid advance. N.J.A.C. 6A:23A-16.10(g)
5. Clarify rules about Student Activity Funds, including the definition, required policies, and timeline for the expenditure of funds. N.J.A.C. 6A:23A-16.12(a)
6. Require a district to provide a written request to change the certification method for tuition calculations and establish required notice and timelines. N.J.A.C. 6A:23A-17.1(d)

# Proposed Changes for APSSDs (1)



1. Maintain the current maximum share of administrative costs at 22.5 percent to ensure APSSDs have the capacity to operate within the current administrative limits. *N.J.A.C. 6A:23A-18.3(a)3i through vi*
  - i. For the [2016-2017] **2023-2024** school year, minimum instructional costs of [55] **57.5** percent and maximum administrative costs of [25] **22.5** percent;
  - ii. For the [2017-2018] **2024-2025** school year, minimum instructional costs of [55.5] **58** percent and maximum administrative costs of [24.5] **22.5** percent;
  - iii. For the [2018-2019] **2025-2026** school year, minimum instructional costs of [56] **58.5** percent and maximum administrative costs of [24] **22.5** percent;
  - iv. For the [2019-2020] **2026-2027** school year, minimum instructional costs of [56.5] **59** percent and maximum administrative costs of [23.5] **22.5** percent;
  - v. For the [2020-2021] **2027-2028** school year, minimum instructional costs of [57] **59.5** percent and maximum administrative costs of [23] **22.5** percent; and
  - vi. For the [2021-2022] **2028-2029** school year and thereafter, minimum instructional costs of [57.5] **60** percent and maximum administrative costs of [22.5] **22.5** percent.





## Proposed Changes for APSSDs (2 through 4)



2. Remove “advanced degrees” from the list of excluded salary adjustments to provide flexibility to APSSDs when hiring staff with advanced degrees.  
*N.J.A.C. 6A:23A-18.3(o)*
3. Maintain the minimum school size requirement of 24 average daily enrollment for newly approved schools, to continue to ensure the policies are not prohibitive for new schools that serve specialized populations. *N.J.A.C. 6A:23A-18.4*
4. Remove the \$20 maximum per student for behavior modification objects to maintain flexibility in determining the nature and magnitude of the behavior modification reward(s) the individual education plans prescribe. *N.J.A.C. 6A:23A-18.22(b)4*



## Proposed Changes for APSSDs (5)



5. Add that rules for conditional approval and revocation of approvals may be made by the Commissioner or designee, and that decisions must be made in consultation with the Office of Special Education. *N.J.A.C. 6A:23A-18.15(f) and 18.17* (next slide)

(f) When an APSSD is determined to be in noncompliance, the Commissioner, **or the Commissioner's designee**, may, **in consultation with the Office of Special Education**:

1. Issue a conditional approval status when noncompliance with State regulations and requirements and/or implementation of the corrective action plan is demonstrated;
2. **Revoke approval, effective at the end of a school year, when an APSSD has been chronically placed on conditional approval status and/or demonstrates systemic noncompliance;**





## Proposed Changes for APSSDs (5 cont.)



The Department proposes a corresponding amendment at N.J.A.C. 6A:23A-18.17:

The [[Department]] **Commissioner, or the Commissioner's designee**, may place an APSSD on conditional approval status if the APSSD fails to comply with Department regulations such as, but not limited to, failure to **meet established timelines regarding the submission of fiscal data**, refund tuition funds as a result of a Department tuition audit, or [failure to] provide requested documentation. The [[Department of Education]] **Commissioner, or the Commissioner's designee**, may revoke, **in consultation with the Office of Special Education**, approval of an APSSD, effective at the end of a school year, when chronic or systemic noncompliance is demonstrated.

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