

**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 adoption 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 since the September 4, 2024, meeting of the State Board of Education when the rulemaking was considered at Proposal Level.

Topic: Evaluation of the Performance of School Districts

Meeting Date: March 5, 2025

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

Level: Adoption

Division: Field Support and Services

Completed by: Field Support and Services

Summary of Comments and Agency Responses:

The following is a summary of the comments received from members of the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Brian Latwis, Superintendent, Barnegat Township School District
2. Jessica Verdiglione, Director of Curriculum, Data, Testing, and Professional Development, Red Bank Regional High School
3. Marcella Simadiris
4. Eizabeth Frank, Ed.D., President, Bradley Beach Board of Education
5. Michael Heidelberg, Superintendent/Principal, Bradely Beach Elementary School
6. Luz Vasquez-Guzman, Parent
7. Lina Maria Caswell, Associate Director, Children and Youth Services, Church World Service
8. Joseph Isola, Superintendent, Howell Township Public Schools
9. Karin Grant, President, New Jersey Association of School Librarians
10. John Burns, Esq., Senior Legislative Counsel, New Jersey School Boards Association
11. Dr. Lisa Savoia, Superintendent, Keyport Public Schools
12. Stephanie Vislosky, School Library Media Specialist, Jefferson Township Public Schools
13. Laurie Floyd, School Library Media Specialist, Freehold Regional High School District
14. Lindsey Hintelmann, School Library Media Specialist
15. Beth Thomas, School Library Media Specialist
16. Tricina Strong-Beebe, Advocacy Chair, New Jersey Association of School Librarians
17. Amanda Tagmire, School Library Media Specialist
18. Steve Tetreault, School Library Media Specialist
19. Andrea Caporale, School Library Media Specialist

- 20. Kaitlyn E. Dunphy, Esq., Associate Director, Legal Services and Member Rights; Michael Flynn, Associate Director, Government Relations; Sean Hadley, Associate Director, Government Relations; Lou Randazzo, Field Representative, Region 2; and Elisabeth Yucis, Associate Director, Professional Development and Instructional Issues, New Jersey Education Association (NJEA)
- 21. Jean Public
- 22. Martha O. DeBlieu, Associate Director, Research Division, NJEA

1. **Comment:** The commenter expressed support for the proposed amendments at N.J.A.C. 6A:30 and the alignment of the New Jersey Quality Single Accountability Continuum (NJQSAC) performance indicators to the performance indicators in the State’s Every Student Succeeds Act (ESSA) Plan. The commenter also stated that having accountability measures that are consistent across different frameworks is essential for providing clear and actionable feedback to school districts. **(1)**

Response: The Department appreciates the support.

2. **Comment:** The commenter expressed support for the proposed amendments at N.J.A.C. 6A:30 because they are responsive, a positive step forward, and a shift toward a more balanced evaluation system. The commenter also stated that the proposed amendments demonstrate the Department’s willingness to consider the concerns raised by school districts and will maintain a system that adapts to the evolving needs of New Jersey’s public schools. The commenter stated that the existing N.J.A.C. 6A:30 has had a profound negative impact on the commenter’s school district and that further adjustments at N.J.A.C. 6A:30 are necessary to ensure the Department’s evaluation of a school district’s effectiveness is fair, equitable, and a true reflection of the school district’s performance. **(1)**

Response: The Department appreciates the commenter’s support and remains committed to ensuring proposed amendments are inclusive of stakeholder feedback. However, the Department disagrees with the commenter’s assertion that further adjustments at N.J.A.C. 6A:30 are necessary at this time. The Department maintains that NJQSAC is designed to be a single, comprehensive accountability system that consolidates and incorporates the monitoring requirements of applicable State laws and regulations.

3. **Comment:** The commenter expressed support for holding school districts accountable for the success of multilingual learners (MLs) and for the use, at N.J.A.C. 6A:30 Appendices A and B, of metrics that are fair and equitable for school districts that educate MLs. **(4)**

Response: The Department appreciates the commenter’s support.

4. **Comment:** The commenter inquired as to whether NJQSAC measures career and technical education opportunities in school districts. **(3)**

Response: NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. Not all school districts provide career and technical education opportunities; therefore, it cannot be monitored through NJQSAC.

5. **Comment:** The commenter recommended that the Department amend N.J.A.C. 6A:30 to include a “provisional high-performing” status for school districts that fall short in one of the five key components of school district effectiveness. The commenter stated the provisional status would recognize a school district’s achievement while providing the school district support. **(11)**

Response: The Department declines to propose the commenter’s recommended change because it would not align with the State law that governs NJQSAC. N.J.S.A. 18A:7A-14

requires the Commissioner to designate a school district as high performing if the school district satisfies 80 to 100 percent in all five areas of school district effectiveness. The statute also requires the Commissioner to place the school district on a performance continuum that will determine the type and level of oversight, technical assistance, and support the district receives to correct deficiencies in the key component areas in which a school district did not meet 80 percent of the performance indicators. The statute does not provide for any other designations for school districts.

6. **Comment:** The commenter stated that all accountability systems should be streamlined through a lens of equity to provide all students with a thorough and efficient education. The commenter referenced the commenter's public testimony regarding N.J.A.C. 6A:30, dated August 7, 2024, and N.J.A.C. 6A:33, School Turnaround and Improvement, dated April 6, 2021, as an attempt to examine New Jersey Administrative Code through a lens of equity. (3)

Response: The Department agrees with the commenter's assertion that all accountability systems should be streamlined through a lens of equity. The proposed amendments at N.J.A.C. 6A:30 Appendices A and B will align the NJQSAC performance indicators more closely with those in the State ESSA Plan to ensure equity for all students within accountability measures for school districts.

7. **Comment:** The commenter suggested the Department use a report called "Fulfilling Brown's Promise: A State Policy Agenda" by the Southern Education Foundation to help with inequity issues and desegregation issues highlighted by a recent ruling. The commenter contended that the resource aligns with the State's ESSA plan and could be used to improve NJQSAC. For example, the commenter stated that the report's Strategy 5B "Add Integration and Resource Equity to District Accountability Ratings" recommends making changes to school district accountability systems in partnership with school district leaders, students, and families. The commenter also stated that this suggestion should be extended to include teachers and union leaders because there is a lack of opportunity to ensure that curricular issues, both pedagogical and appropriateness, and the effect on evaluation tools are communicated when a school district is undergoing its NJQSAC review because the commenter contended that teachers and union leaders are not included in NJQSAC process at the school district level. (3)

Response: The commenter's recommendation to use the referenced report in relation to equity and desegregation issues is outside the scope of this rulemaking. NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district as suggested by the commenter to change school district accountability systems in partnership with school district leaders, students, and families. When a school district is undergoing a NJQSAC review, teachers and union leaders are included in the process. N.J.A.C. 6A:30-3.2(b)1, 2, 3, and 4 require the chief school administrator to convene a committee to assist in completing the District Performance Review (DPR) at Appendices A or B. The chief school administrator determines the total number of people who will serve on the committee, but the team must include the chief school administrator, one or more members of the school district's administrative staff, one or more teaching personnel, representative of different grade levels and/or schools in the school district, the business administrator and assistant superintendent for curriculum and instruction, other appropriate school district level personnel as determined by the chief school administrator, and 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 teaching personnel. N.J.A.C. 6A:30-3.2 also requires the chief school administrator to do the following: ensure that the process used by the committee in completing the DPR provides for participation and input by all committee members; consult with the committee in formulating a response to all quality performance indicators of each key component of school district effectiveness; ensure the responses in the school

district's DPR encompass and reflect circumstances that exist in the school district; and ensure that all responses to the DPR can be verified by data and supporting documentation.

8. **Comment:** The commenter suggested that the Department include at N.J.A.C. 6A:30 measures to evaluate school districts based on the transparency of information. The commenter referenced the politicization of a district board of education and the corruption that the commenter contended occurs as a result of politicization. The commenter also referenced an incident at a renaissance school project and provided articles pertaining to the situation. The commenter requested that, as a measure of transparency, school districts should be required to maintain a website with the school district's curriculum documents, teacher evaluation policies, teacher transfer requests per school, involuntary transfers, various school district plans, assessment grades, and the school district's comprehensive equity plan. (3)

Response: State law and regulations do not require school districts to maintain a website. Therefore, requiring school districts to post documents on their websites cannot be evaluated in NJQSAC because the DPRs contain only provisions that are established in State or Federal laws and regulations other than N.J.A.C. 6A:30.

9. **Comment:** The commenter asked whether a member of the public can access a school district's NJQSAC documents and if school districts are required to post the NJQSAC documents on the school district's website every three years. (3)

Response: Existing N.J.A.C. 6A:30-3.2(f) governs public access to a school district's NJQSAC documents by requiring a district board of education to hold a public meeting to present, and have public discussion regarding, the school district's NJQSAC DPR responses prior to submitting the DPR to the Department. The rule also requires the district board of education to post the proposed responses to the DPR and the declaration page on the school district's website at least five working days prior to the meeting date and to make the documents available for review at the district board of education office or other suitable location. The rule further requires the district board of education to provide the public with the opportunity to comment and be heard at the public meeting with respect to the proposed responses to the DPR. N.J.A.C. 6A:30-4.1(a)4 also requires the school district to report the Commissioner's final determination letter on the school district's performance and placement on the performance continuum at the next public district board of education meeting. School districts are not required to post the NJQSAC documents on the school district's website.

10. **Comment:** The commenters requested that the Department provide more transparency on the outcomes of school districts' NJQSAC reviews. The commenters stated that it is difficult to determine how school districts report school library media services for NJQSAC and how compliance is reported to the public. The commenters suggested the creation of a Statewide dashboard to share NJQSAC results to provide clearer and more consistent information on school district outcomes for NJQSAC. (9, 12, 14, 15, 16, 17, 18, and 19)

Response: The Department declines to create a dashboard of NJQSAC results on the Department's website. Existing N.J.A.C. 6A:30-3.2(f) requires a district board of education to hold a public meeting to present, and have public discussion regarding, the school district's NJQSAC DPR responses prior to submitting the DPR to the Department. The rule also requires the district board of education to post the proposed responses to the DPR and the declaration page on the school district's website at least five working days prior to the meeting date and to make the documents available for review at the district board of education office or other suitable location. The rule further requires the district board of education to provide the public with the opportunity to comment and be heard at the public meeting with respect to the proposed responses to the DPR. N.J.A.C. 6A:30-4.1(a)4 also requires the school district to report the Commissioner's final determination letter on the school district's performance and placement on the performance continuum at the next public district board of education meeting.

11. **Comment:** The commenter stated that the Legislature intended for the State to do the following: determine broad, commonly shared goals for all students that will enable them to function politically, socially, and economically in a democratic society; monitor and evaluate school districts to determine if they are making sufficient progress toward achieving the commonly shared goals developed by the State; and require all school districts to develop their own specific goals that are consistent with State goals, with maximum public participation.

(10)

Response: The Department appreciates the commenter’s perspective. Pursuant to N.J.S.A. 18A:7A-10, the goal of NJQSAC is to ensure that all school districts are operating at a high level of performance. NJQSAC is an assessment of the degree to which the thoroughness and efficiency standards established pursuant to N.J.S.A. 18A:7F-46 are implemented. N.J.S.A. 18A:7A-10 requires the Commissioner to assess a school district’s capacity and effectiveness in five key components of school district effectiveness, and place the school district on a performance continuum that will determine the type and level of oversight, technical assistance, and support the school district receives. N.J.A.C. 6A:30 sets forth the steps the Department undertakes to implement N.J.S.A. 18A:7A-3 et seq., including a three-year evaluation process, goal setting, improvement and intervention activities, and periodic progress monitoring.

To ensure maximum public participation, existing N.J.A.C. 6A:30-3.2(f) requires a district board of education to hold a public meeting to present, and have public discussion regarding, the school district’s NJQSAC DPR responses prior to submitting the DPR to the Department. The rule also requires the district board of education to post the proposed responses to the DPR and the declaration page on the school district’s website at least five working days prior to the meeting date and to make the documents available for review at the district board of education office or other suitable location. The rule further requires the district board of education to provide the public with the opportunity to comment and be heard at the public meeting with respect to the proposed responses to the DPR. Additionally, N.J.A.C. 6A:30-4.1(a)4 requires the school district to report the Commissioner’s final determination letter on the school district’s performance and placement on the performance continuum at the next public district board of education meeting.

12. **Comment:** The commenter suggested that the Department propose a new section at N.J.A.C. 6A:30 to require a school district to distribute the DPR requirements to the majority representative and all employees. The commenter stated that the suggested requirement is important particularly for certification requirements, which, the commenter contended, too many school districts do not follow. (20)

Response: The Department declines to propose the commenter’s recommended change because it is not necessary. Existing N.J.A.C. 6A:30-3.2(f) requires public access to a school district’s NJQSAC documents; therefore, any majority representative may review the documents.

13. **Comment:** The commenter requested the Department provide a presentation that compares the accountability systems used to evaluate school districts at N.J.A.C. 6A:30-3.3 and charter schools and renaissance school projects at N.J.A.C. 6A:11-2.3. (3)

Response: The request for a presentation is outside the scope of this rulemaking. The Department’s website includes an [overview of NJQSAC](#), as well as the [accountability system used to evaluate charter schools](#). Pursuant to N.J.S.A. 18A:36C-1 et seq., renaissance school projects are held accountable through the renewal of contracts by the school district of residence. An [overview of the Urban Hope Act and renaissance school projects](#) also is available on the Department’s website.

14. **Comment:** The commenter recommended that the Department amend N.J.A.C. 6A:30-5.5 to include a form that requires the signature of the chief school administrator (CSA) and the local

president of the majority representative organization with an opportunity for the local president to provide comments regarding whether the majority representative thinks that each indicator on the school district's DPR was met. **(20)**

Response: The Department declines to propose the commenter's recommended change. Existing N.J.A.C. 6A:30-3.2(b)1v requires one or more member representatives of the educational staff's local collective bargaining unit, as selected by the local collective bargaining unit, to be on the committee convened by the CSA to complete the DPR. The individual selected by the majority representative organization to be on the committee can provide comments regarding the school district's DPR pursuant to N.J.A.C. 6A:30-3.2(b)3. Existing N.J.A.C. 6A:30-3.2(f) also requires a district board of education to hold a public meeting to present, and have public discussion regarding, the school district's NJQSAC DPR responses prior to submitting the DPR to the Department. This is an opportunity for anyone to comment on the DPR prior to submission. The rule further requires the district board of education to provide the public with the opportunity to comment and be heard at the public meeting with respect to the proposed responses to the DPR.

15. **Comment:** The commenter asked how the Department will measure the progress of school districts that are implementing a district improvement plan (DIP) for scoring below 80 percent in Instruction and Program (I&P) during the previous NJQSAC cycle. **(8)**

Response: The Department will monitor school districts implementing DIPs in accordance with the provisions at N.J.A.C. 6A:30-5.6, including interim six-month reviews of the school district's progress implementing each item in the DIP and an on-site visit. The Department's proposed amendments at N.J.A.C. 6A:30 Appendices A and B will become effective July 1, 2025, and will be used to monitor and evaluate school districts implementing DIPs thereafter.

16. **Comment:** The commenter recommended that the Department engage with stakeholders to reflect and determine lessons learned during the previous 10 years under the current system for the State takeover of school districts. The commenter also recommended that the Department amend N.J.A.C. 6A:30-5.7 to replace "may" with "shall" to clarify the Department will provide technical assistance, personnel, and/or a highly skilled professional to assist school districts implementing DIPs. The commenter stated that it is unclear whether the support to school districts is guaranteed pursuant to the existing section. **(20)**

Response: The Department appreciates the commenter's recommendation regarding engagement with stakeholders. The proposed amendments at N.J.A.C. 6A:30, including N.J.A.C. 6A:30-5.7, and 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 declines to propose the commenter's recommended change at N.J.A.C. 6A:30-5.7(a) to replace "may" with "shall." N.J.A.C. 6A:30-5.7(a)1 already requires the type of technical assistance provided to school districts to be delineated in the district improvement plan developed by the school district in collaboration with the Department. N.J.A.C. 6A:30-5.4(f) also provides the opportunity for the CSA to request that the Department provide the in-district team with technical assistance needed to develop the district improvement plan, at which time the Department shall determine the type of technical assistance to be provided in collaboration with the school district.

17. **Comment:** The commenter requested clarification of what the commenter contended are conflicts at N.J.A.C. 6A:30-5.7(d) and 7.3(a)4 regarding highly skilled professionals. The commenter recommended that the Department consider the following, which are essential questions related to charter schools: whether the academic program is a success, if the school is financially viable, and if the school is equitable and organizationally sound. **(3)**

Response: The Department disagrees with the commenter's assertion that there is a conflict

at N.J.A.C. 6A:30-5.7(d) and 7.3(a)4. N.J.A.C. 6A:30-5.7 relates to technical assistance provided to school districts through the district improvement plan process, while N.J.A.C. 6A:30-7.3 outlines components of the transition plan for withdrawal of State intervention. N.J.A.C. 6A:30-5.7(d) states that 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. N.J.A.C. 6A:30-7.3(a)4 requires the transition plan to address 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 must establish a decision-making hierarchy if conflicts regarding school district operations arise between persons appointed and school district personnel.

The commenter's request for the Department to consider the essential questions that guide the evaluation of charter schools is outside of the scope of this rulemaking because N.J.A.C. 6A:30 does not apply to charter schools.

- 18. Comment:** The commenter recommended the Department add at N.J.A.C. 6A:30 Appendices A and B performance indicators that hold leaders responsible for things they are uniquely able to control, including measures of resource equity and integration. The commenter also suggested that the Department use accountability systems that set clear expectations to enable the advancement of resource equity. The commenter further suggested that NJQSAC should be amended to provide more points for school districts spending funds allocated to low-income students and cited a statement from the proposed State ESSA Plan in support of the commenter's suggestion. **(3)**

Response: The Department declines to propose the commenter's recommendation to add performance indicators and allocated points at N.J.A.C. 6A:30 Appendices A and B. N.J.A.C. 6A:30 Appendices A and B, as proposed for reoption with amendments, include indicators that are in the control of the CSA, the district board of education, and school leaders, and promote resource equity and integration in alignment with applicable Federal and State requirements. NJQSAC is designed to be a single, comprehensive accountability system that consolidates and incorporates the monitoring requirements of applicable State and Federal laws. Performance indicators are used 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 assess actual achievement, progress toward proficiency, local capacity to operate without State intervention, and the need for State support and assistance. Additionally, NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. Not all school districts do receive funds for students who are low-income, so the DPRs cannot include an indicator on a school district's allocation of the funds.

- 19. Comment:** The commenter recommended that the Department amend N.J.A.C. 6A:30 Appendices A and B to allow school districts to offset minor deficiencies in one key component of school district effectiveness with a strong performance indicator in another component. The commenter stated that a school district's marked growth in student outcomes should be weighted more heavily than isolated programming metrics. **(11)**

Response: The Department declines to propose the commenter's recommended change because NJQSAC would not fulfill its purpose if school districts could replace low scores in one key component area of school district effectiveness with a strong performance indicator in another key component area. The commenter's requested change also would be inconsistent with N.J.S.A. 18A:7A-14. The performance indicators in each of the five key component areas of school district effectiveness are unique to the component area in which they are factored, monitored, and assessed. Further, N.J.A.C. 6A:30-5.4, as proposed for reoption with amendments, ensures school districts comply with State and Federal statutes

and regulations and that students receive a thorough and efficient education. NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics.

20. **Comment:** The commenter recommended that the Department amend N.J.A.C. 6A:30 Appendices A and B to include criteria that account for a school district's unique challenges and demographics. The commenter suggested that a school district with high mobility rates may need different indicators of success. (11)

Response: The Department declines to propose the commenter's recommended change because NJQSAC is designed to evaluate school districts with the same metrics; therefore, each metric must be applicable to all school districts within the established grade bands. Therefore, the indicators cannot include criteria that account for unique challenges faced by a school district such as high mobility rates because every school district evaluated pursuant to NJQSAC is not affected by high mobility rates.

21. **Comment:** The commenter asserted that NJQSAC does not adequately reflect the challenges and circumstances of school districts in New Jersey. The commenter stated that the NJQSAC rigid point system fails to consider the broader picture of school district performance and can disincentivize growth and innovation. The commenter also stated that NJQSAC is a one-size-fits-all evaluation that does not recognize school districts making great strides and preparing students for success in the future.

The commenter stated that existing NJQSAC performance indicators do not sufficiently account for school districts that show substantial progress. The commenter also stated that the commenter's school districts and others have demonstrated marked growth but are not certified as high performing due to narrowly defined metrics for I&P at Appendix A. The commenter further stated that in the commenter's school district's test scores and enrollment in advanced courses have increased, and programs to support historically underserved populations have flourished, but the school district is still not certified as high performing due to challenges of the current framework that relies on a single metric to determine high-performing status. (11)

Response: The Department acknowledges that NJQSAC does not reflect the unique challenges and circumstances of each school district. The performance indicators and point values at N.J.A.C. 6A:30 Appendices A and B are appropriate and designed to evaluate school districts with the same grade bands using the same metrics; therefore, metrics cannot represent the unique circumstances and challenges of each school district. Pursuant to N.J.S.A. 18A:7A-14, NJQSAC is designed to provide a comprehensive picture of a school district's performance and is utilized to determine the extent to which school districts are providing a thorough and efficient education. NJQSAC is designed to be a single, comprehensive accountability system and is also intended to complement and, in part, implement Federal requirements.

The Department disagrees that the point values at Appendices A and B fail to consider the broader picture of school district performance and disincentivize growth and innovation. While the Department acknowledges that school districts may demonstrate marked growth in participation in advanced classes, support for underserved populations, and performance on State assessments, N.J.S.A. 18A:7A-14 requires a school district to meet 80 percent of the performance indicators in each of the five key components of school district effectiveness to be certified as high performing.

Finally, the Department disagrees that a school district's performance on the I&P indicators in Appendix A is based on a single metric. As proposed for readoption with amendments, I&P in Appendix A consists of 19 performance indicators.

22. **Comment:** The commenter stated that the Department must utilize clear language and create clear expectations for all indicators at N.J.A.C. 6A:30 Appendices A and B to ensure that

school districts have adequate time to prepare for NJQSAC evaluations. The commenter also stated the expectations for evidence a school district provides during the NJQSAC verification process should be consistent across all county offices to eliminate any discrepancies in the evaluation process set forth at N.J.A.C. 6A:30. (1)

Response: The Department maintains that N.J.A.C. 6A:30 and Appendices A and B, as proposed for readoption with amendments, establish clear expectations that allow school districts to prepare for the comprehensive evaluation of a school district's effectiveness. In addition to Appendices A and B, the Department's [NJQSAC user manual](#) provides guidance regarding the evidence a school district provides during a NJQSAC performance review. Other resources that provide additional guidance for each DPR are available on the [Department's website](#). In accordance with N.J.A.C. 6A:30-3.2(c), the executive county superintendents (ECSs) provide technical assistance, as needed, to the chief school administrator and the school district's committee formed to complete the DPR. The Department affirms that staff in the county offices of education who are responsible for NJQSAC performance reviews receive annual training to eliminate any discrepancy in the evaluation of school district effectiveness pursuant to N.J.A.C. 6A:30-3.3.

23. **Comment:** The commenter stated that MLs represent a dynamic, yet vulnerable, student population and that the Department should reevaluate N.J.A.C. 6A:30 and Appendices A and B to address MLs' needs. The commenter stated that it is important that administrators provide MLs and their teachers with a fair opportunity to succeed by establishing a more accurate picture of MLs' success at the I&P indicators in Appendix A to ensure that MLs and the programs that serve them are not identified as a reason a school district is not successful. (4)

Response: The Department agrees with the commenter's assertion that MLs represent a dynamic student population and that it is important that administrators provide MLs and their teachers with an opportunity to succeed. However, the Department declines to reevaluate N.J.A.C. 6A:30 and Appendices A and B as suggested. The inclusion of student group performance and integrated curricula accommodations and modifications for students with disabilities and MLs at the I&P indicators in Appendices A and B are appropriate measures to assess a school district's effectiveness addressing the needs of MLs. NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. The Department recognizes that all school districts that undergo comprehensive NJQSAC review do not educate MLs; therefore, N.J.A.C. 6A:30 Appendices A and B appropriately assess a school district's effectiveness educating MLs when they are enrolled in the school district.

24. **Comment:** The commenter requested the Department to amend the I&P indicators in Appendix A to include progress in English language proficiency and Assessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS for ELLs) as a measuring tool to accurately assess the progress of MLs. (7)

Response: The Department declines to make the commenter's suggested change. NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. ACCESS for ELLs is not administered in every school district and, therefore, cannot be monitored through NJQSAC.

25. **Comment:** The commenter recommended that the Department amend N.J.A.C. 6A:30 Appendices A and B to include year-over-year growth and improvements in the areas of curriculum alignment and instructional quality. The commenter stated that growth should count more than assessment scores. (11)

Response: The Department declines to propose the commenter's recommended change. Using the most recent or prior-year student performance data available is an appropriate way to

evaluate whether a school district's academic programs are providing high-quality instruction and support for all students. The I&P indicators at Appendix A, as proposed for readoption with amendments, support the facilitation of data-driven discussions about student learning and performance that foster school district improvement. Further, the Department agrees that growth indicators should be weighted higher than achievement indicators; therefore, proposed amendments at I&P Indicators 1 through 5 in Appendix A shift points from achievement indicators to growth indicators to foster and promote continuous improvement.

26. **Comment:** The commenter supported the Department's proposed amendments at N.J.A.C. 6A:30 Appendix A because they mark a shift toward a growth-oriented accountability system, specifically in the key components of school district effectiveness of I&P and Personnel. The commenter stated that the proposed amendments at Appendix A factor in incremental progress and consider the special challenges faced by student groups as any state accountability system should. The commenter also stated that the proposed amendments are a positive step in the right direction and rightfully recognize the need to give additional weight to academic progress indicators compared to academic achievement indicators that measure a student's performance at a snapshot in time. The commenter further stated that the proposed amendments foster equity and will capture a more complete picture of a school district's overall effectiveness. The commenter stated that the performance indicators at existing Appendix A penalize school districts that educate economically disadvantaged student populations or that are highly diverse. The commenter recommended that NJQSAC contain a mechanism whereby I&P Indicators 1 through 7 in Appendix A factor in multiple achievement measures for school districts to meet the required 80 percent. **(10)**

Response: The Department appreciates the commenter's support of the proposed amendments at the I&P indicators in Appendix A and Personnel indicators in Appendices A and B. The Department declines to propose the commenter's recommended change at I&P Indicators 1 through 7 in Appendix A to factor multiple achievement measures for school districts that educate economically disadvantaged student populations or that are highly diverse to meet the required 80 percent. The Department maintains that NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. Additionally, the proposed amendments at I&P Indicators 1 through 7 in Appendix A are intended to do the following: rebalance points to provide greater weight for indicators of more complexity and significance and to equitably apply the points regardless of a school district's grade configuration (e.g. kindergarten through grade eight (K-8), kindergarten through grade 12 (K-12), and grades nine through 12 (9-12)); align NJQSAC performance indicators more closely with those in the State ESSA Plan; and shift points from achievement indicators to growth indicators to foster and promote continuous improvement.

The Department also disagrees that existing Appendix A penalizes school districts that educate economically disadvantaged or diverse student populations. The inclusion of student group weighting at I&P Indicators 1 through 7 supports the Department's effort to align, to the greatest extent possible, NJQSAC with student performance indicators in the State plan required pursuant to the Federal ESSA, P.L. 114-95. To ensure school district achievement gaps amongst student groups are not masked, the Department weights student group performance that factors economically disadvantaged or diverse student populations and the overall student performance equally when determining the points a school district earns at I&P Indicators 1 through 7 in Appendix A.

27. **Comment:** The commenters requested the Department postpone NJQSAC comprehensive reviews and evaluations in the 2024-2025 school year to enable all school districts to be evaluated with the proposed amendments at N.J.A.C. 6A:30 Appendix A. The commenters stated that the postponement of NJQSAC evaluations in the 2024-2025 school year will

foster a fairer Statewide process. The commenters requested that, absent a full postponement, the Department delay evaluating school districts using the I&P DPR until the 2025-2026 school year to prevent school district from being evaluated by outdated criteria. The commenters also asserted that student performance on State assessments is strongly correlated with a school district's wealth, which, the commenters contended, raises concerns about the fairness of NJQSAC I&P indicators. The commenters stated that recent NJQSAC evaluations indicate that most school districts have faced challenges with existing I&P indicators because of student performance on State assessments. **(1 and 8)**

Response: The Department declines to postpone NJQSAC monitoring, either partially for I&P or in all key component areas, for the 2024-2025 school year. Pursuant to N.J.S.A. 18A:7A-10, the goal of NJQSAC is to ensure that all school districts are operating at a high level of performance and evaluated every three years. Therefore, postponement of NJQSAC reviews as suggested by the commenters would violate State statute.

Additionally, the Department agrees that achievement can be correlated with socio-economic status; and recently, school districts have faced challenges with existing I&P Indicators 1, 2, and 3. The Department's proposed amendments at I&P Indicators 1, 2, and 3 in Appendix A will shift points from achievement indicators to growth indicators to foster and promote continuous improvement.

- 28. Comment:** The commenter stated that year-to-year variability in student demographics significantly impacts assessment outcomes in a small school district. As an example, the commenter stated that fluctuations in student demographics, such as a sudden influx of MLs or economically disadvantaged students, can potentially lead to an unfair evaluation of a small school district's performance. The commenter also stated that school districts serving different grade configurations are unfairly compared using the same metrics despite significant differences in their student populations and the focus of their educational laws and regulations. **(5)**

Response: The Department acknowledges that year-to-year variability in student demographics may impact assessment outcomes in a school district regardless of its size. However, the Department disagrees with the commenter's assertion that a sudden influx of MLs or economically disadvantaged students can potentially lead to an unfair evaluation of a small school district's performance. The Department maintains that NJQSAC is designed to be a single, comprehensive accountability system that consolidates and incorporates the monitoring requirements of applicable State and Federal laws and regulations. The standards and criteria by which school districts are evaluated assess actual achievement, progress toward proficiency, local capacity to operate without State intervention, and the need for State support and assistance.

The Department also disagrees with the commenter's assertion that it is unfair to compare school districts serving different grade configurations with the same metrics despite variability in student populations and educational programs. NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. The Department designates the points a school district can earn based on a school district's grade configuration for I&P Indicators 1 through 7 in Appendix A. The Department's proposed amendments at I&P Indicators 1 through 7 in Appendix A rebalance points to provide greater weight for indicators of more complexity and significance and to equitably apply the points regardless of a school district's grade configuration.

- 29. Comment:** The commenter recommended that the Department amend the indicators in N.J.A.C. 6A:30 Appendices A and B to ensure they fairly represent the diverse contexts and unique circumstances of all school districts. The commenter stated that the proposed amendments at I&P Indicators 1 through 7 in Appendix A assign 50 percent of the weight of

student performance to include student group performance. The commenter also stated that, in a small school district, the number of students in each student group can be very low and barely surpass the minimum n-size requirement of 20 students. The commenter further stated that, due to the small sample size, each student group's performance can impact the school district's results regardless of whether a few students within any student group perform below the required standards. The commenter stated this disproportionately impacts the score of the commenter's school district and unfairly penalizes small school districts where statistical anomalies are more likely to occur. The commenter also stated that, if there are not enough students in one student group, the weight of the remaining student groups increases and unfairly penalizes school districts that are small. The commenter stated that students in certain student groups may be counted multiple times, while other students may be counted only once in a student group, which, the commenter contended, leads to an inequitable evaluation of the school district's effectiveness. **(5)**

Response: The Department disagrees with the commenter's recommendation. The performance indicators at N.J.A.C. 6A:30 Appendices A and B are designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district.

Additionally, the Department disagrees with the commenter's assertion that the inclusion of student groups and n-size to determine the points a school district can earn for I&P Indicators 1 through 7 in Appendix A unfairly penalizes small school districts. To ensure school district achievement gaps among student groups are not masked, the Department weights student group performance and overall student performance equally when determining the points a school district earns at I&P Indicators 1 through 7 in Appendix A. Since 2017, the Department has utilized an n-size of 20 for school and school district accountability systems to maintain uniformity. In collaboration with stakeholders, the Department determined that an n-size of 20 creates the optimal balance between reliability and representativeness. The same n-size is utilized within New Jersey's educator evaluation system, as well as State and Federal accountability systems, thereby fostering an equitable evaluation of school district effectiveness.

- 30. Comment:** The commenter stated that Statewide assessment scores do not have a place at the I&P indicators at N.J.A.C. 6A:30 Appendix A considering the income disparities within and across the State. The commenter contended that it appears N.J.A.C. 6A:30 was never intended to include Statewide assessments. The commenter stated that research has established that standardized assessment scores have little to no value as an indicator of school or teacher quality and that socioeconomic status has been shown to be the most reliable predictor of a student's standardized assessment score. **(20)**

Response: The Department agrees that achievement of Statewide assessments can be correlated with socio-economic status. However, the Department disagrees that Statewide assessment scores have no value as an indicator of school and teacher quality. Using the most recent or prior-year student performance data available is an appropriate way to evaluate whether a school district's academic programs and educators are providing high-quality instruction and support for all students. Additionally, Statewide assessment scores are included in educator evaluations in accordance with N.J.A.C. 6A:10. All public school students in New Jersey are held to the same proficiency standard, which makes proficiency on Statewide assessments an appropriate measure of school success. The I&P indicators in Appendix A, as proposed for readoption with amendments, support the facilitation of data-driven discussions about student learning and performance that foster school district improvement, regardless of a school district's enrollment, while aligning NJQSAC with State educator and Federal accountability systems in accordance with N.J.A.C. 6A:10 and N.J.A.C. 6A:33. The proposed amendments at I&P Indicators 1, 2, and 3 in Appendix A will shift points from achievement indicators to growth indicators to foster and promote continuous improvement.

31. Comment: The commenter recommended that the Department use three-year aggregated student performance data at I&P Indicators 1 through 7 in Appendix A because a single year of data can dramatically affect a school district's performance when a minor demographic change or event, such as a teacher on maternity leave, occurs. The commenter also stated that the performance of a single student in a small school district with 200 students can disproportionately impact the school district's overall performance at I&P Indicators 1 through 7 in Appendix A. The commenter further stated this variability can lead to an inaccurate representation of a small school district's performance and capabilities, which, the commenter contended, could potentially misinform stakeholders about the school district's educational environment and achievement. **(5)**

Response: The Department acknowledges that a minor demographic change or event, such as a teacher's maternity leave, can impact a school district's performance at I&P Indicators 1 through 7 in Appendix A, regardless of the size of the school district. However, the Department declines to use three-year aggregated student performance data for I&P Indicators 1 through 7 in Appendix A. The Department maintains the using the most recent or prior-year student performance data available is an appropriate way to evaluate whether a school district's academic programs are providing high-quality instruction and support for all students. The I&P indicators in Appendix A, as proposed for reoption with amendments, support the facilitation of data-driven discussions about student learning and performance that foster school district improvement, regardless of a school district's enrollment. N.J.A.C. 6A:30-3.1(a)1 allows the Commissioner to assess the school district's performance in between each school district's three-year review to determine whether conditions exist in the school district that significantly and negatively impact the school district's educational program or operations. Additionally, the Department maintains that NJQSAC is designed to be a single, comprehensive accountability system that consolidates and incorporates the monitoring requirements of applicable State and Federal laws and regulations. The standards and criteria by which school districts are evaluated assess actual achievement, progress toward proficiency, local capacity to operate without State intervention, and the need for State support and assistance.

32. Comment: The commenter stated that existing I&P Indicators 1 through 7 in Appendix A present a challenge for school districts that serve a considerable portion of MLs who are still acquiring English language proficiency. The commenter also stated that existing I&P Indicators 1, 2, and 3 in Appendix A place a heavy emphasis on the achievement of MLs who are still acquiring English language proficiency, such that it unfairly penalizes school districts by not recognizing the importance of growth as a more appropriate measure of success for MLs. The commenter cited data regarding MLs in the commenter's school district who performed at varied levels on the New Jersey Student Learning Assessment (NJSLA). The commenter asserted that the data suggest that the MLs are making progress that is not reflected in the commenter's school district's performance at I&P Indicators 1, 2, and 3 in Appendix A. The commenter recommended that the Department use growth measures, such as progress on the WIDA and ACCESS for ELLs assessments, at I&P Indicator 1 in Appendix A, instead of focusing primarily on MLs' achievement on the NJLSA-English language arts (ELA). The commenter stated that the WIDA and ACCESS for ELLs assessments better capture the efforts of educators and the progress of students who are learning English, thereby providing a more meaningful assessment of a school district's performance. **(5)**

Response: The Department declines the commenter's request to use growth measures, such as progress on the WIDA and ACCESS for ELLs, for I&P Indicator 1 in Appendix A. NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. ACCESS for ELLs and WIDA are not administered in every school district and, accordingly, cannot be monitored through NJQSAC. The Department further contends that all students are held to the

same proficiency standard, regardless of their student group, thereby providing an equitable evaluation of a school district's effectiveness through I&P Indicators 1 through 7 in Appendix A.

- 33. Comment:** The commenter stated that the student group weighting system at existing N.J.A.C. 6A:30 discriminates against school districts with high levels of student diversity and significant ML populations. The commenter also stated that families in the commenter's school district deserve an accurate and fair representation of the school district's performance. **(1)**

Response: The Department agrees that families deserve an accurate and fair representation of a school district's performance. However, the Department disagrees that the student group weighting system discriminates against school districts with high levels of student diversity and significant ML populations. NJQSAC is designed to provide a comprehensive picture of a school district's performance. The inclusion of student group weighting at I&P Indicators 1 through 7 in Appendix A supports the Department's effort to align, to the greatest extent possible, NJQSAC with student performance indicators in the State ESSA Plan. To ensure school district achievement gaps among student groups are not masked, the Department weights student group performance and overall student performance equally when determining the points a school district earns for I&P Indicators 1 through 7 in Appendix A.

- 34. Comment:** The commenter expressed support for holding school districts accountable for the success of MLs and for using metrics that are fair and equitable to MLs and the school districts that educate MLs. The commenter stated that several measures used in the existing NJQSAC structure are appropriate for MLs, while others do not actually capture MLs' dynamic nature. The commenter stated that assessing participation and progress on the NJSLA is a valid measurement of achievement and access to content and the New Jersey Student Learning Standards (NJSLS). The commenter also agreed that the inclusion, in the proficiency calculation, of MLs who formerly received English as a second language (ESL) services within a four-year period is also an equitable way to measure success of school districts and students because the MLs are nearly equivalent to native English speakers. However, the commenter contended that using the NJSLA-ELA as part of NJQSAC results in several measures that do not measure success for MLs. The commenter requested that the Department replace the NJSLA-ELA with the ACCESS for ELLs assessment at I&P Indicator 1 in Appendix A for school districts that have a significant percentage of MLs. The commenter asserted that the ACCESS for ELLs assessment is a more equitable measurement of a school district's effectiveness in serving MLs and their achievement. **(4)**

Response: The Department declines to accept the commenter's request to replace the NJSLA-ELA with the ACCESS for ELLs in I&P Indicator 1 in Appendix A for school districts that have a significant percentage of MLs. The Department maintains the performance indicators at N.J.A.C. 6A:30 Appendices A and B are designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. ACCESS for ELLs is administered to MLs to determine their English language proficiency and is not administered in all school districts; therefore, adding it as an indicator would be contrary to NJQSAC's enabling statute.

- 35. Comment:** The commenter inquired why students who arrive with very limited English are provided a five-year window to attain the requisite score on the ACCESS for ELLs assessment to exit services in the ESSA State plan, but the same students are included in the algorithm to demonstrate achievement on NJSLA at I&P Indicators 1 and 2 in Appendix A. The commenter stated that the students are included in multiple student group categories factored into the points a school district can receive at I&P Indicators 1 and 2. The commenter inquired how a school district with a significant ML population can receive a passing score at I&P Indicators 1 and 2. **(4)**

Response: The Department maintains the performance of all students who participated in the administration of the NJSLA is factored into the points a school district can earn for I&P Indicators 1 and 2 in Appendix A. Additionally, the performance of student groups is weighted in the calculations for I&P Indicators 1 through 7 in Appendix A to align to the State ESSA Plan. To ensure that NJQSAC does not mask school district achievement gaps amongst student groups, the Department weighs student group performance and overall student performance equally when determining a school district's performance for I&P Indicators 1 through 7 in Appendix A. Further, the Department contends that school districts that serve a significant ML population can improve the school district's score at I&P Indicators 1 and 2 by aligning their curricula to the NJSL and providing continued professional development to build teachers' capacity to instruct students.

36. Comment: The commenter stated that the existing I&P indicators in Appendix A are not attainable for the highest achieving school districts in the State. The commenter also stated that there is a scoring discrepancy that undermines the credibility of the process, which the commenter contended results in school districts being unfairly penalized despite their student's performance. The commenter further stated that it is impossible for a school district to receive full points for existing I&P Indicators 1 and 2 in Appendix A. The commenter compared the point values that a school district can receive for I&P Indicators 1 and 2 to administering a 100-point test where it is impossible to score 100 points, regardless of performance.

The commenter stated that, in 2018, the commenter's school district was evaluated pursuant to NJQSAC and received an I&P score of 81 percent. The commenter also stated that, since 2018, the school district has made great strides in improving opportunities for children despite enormous challenges such as the COVID-19 public health emergency and provided data that the school district outperformed 70 percent of other school districts in mitigating learning loss in mathematics and 69 percent of other school districts in mitigating learning loss in ELA as a result. The commenter also stated that the school district outperformed its district factor group (DFG) peers in mitigating learning loss, after years of trailing; however, the school district's I&P scores are lower now than in 2018. The commenter noted that the I&P indicators in Appendix A focus on a narrow band of State testing and ignore many other metrics of a quality education. The commenter provided examples of the accomplishments of the school district's visual and performing art programs and co-curricular activities that are not reflected in school district's outcomes in the I&P indicators in Appendix A. The commenter recommended that a rigorous, yet fair, measure at I&P indicators be implemented to ensure that all school districts have a fair chance of succeeding. **(1)**

Response: The Department disagrees with the commenter's assertion that the I&P indicators in Appendix A focus on a narrow band of State testing, ignore many other metrics of a quality education, and that it is impossible for a school district to receive full points for existing I&P Indicators 1 and 2 in Appendix A. The purpose of NJQSAC is to ensure compliance with various State statutes and regulations and to ensure a school district's performance in the areas of curriculum, instruction, and student performance. Additionally, the Department maintains performance I&P indicators in Appendix A present opportunities for the Department to evaluate whether a school district's academic programs are providing high-quality instruction and support for all students. The Department further contends that I&P Indicators 1 and 2 in Appendix A hold all students to the same proficiency measure to foster a fair and equitable application of the Department's evaluation of a school district's effectiveness.

37. Comment: The commenter requested the Department redistribute points at I&P Indicators 1, 2, and 3 in Appendix A to allow a school district to earn 13 points at I&P Indicators 1 and 2 and

four points at I&P Indicator 3. The commenter stated that the inclusion of the NJSLA-Science assessment for students in grades five and eight presents a challenge for the commenter's school district. The commenter also stated that only a third of the students in grades three through eight take the NJSLA-Science assessment, yet the points a school district can earn at I&P Indicator 3 in Appendix A is the same as the points a school district can earn at I&P Indicators 1 and 2 in Appendix A. The commenter further stated that 77 percent of New Jersey students do not pass the NJSLA-Science and, therefore, represents the flawed nature of the assessment and the disproportionate weight it carries at I&P Indicator 3 in Appendix A. The commenter also stated the NJSLA-Science assessment is not a reliable accountability measure and unsuitable for use in the I&P indicators in Appendix A because it does not provide growth data. (5)

Response: The Department declines the commenter's request to redistribute points at I&P Indicators 1, 2, and 3 in Appendix A. The proposed amendments will rebalance points to provide greater weight for indicators of more complexity and significance and equitably apply the points regardless of a school district's grade configuration. The Department disagrees with the commenter's assertion regarding the NJSLA-Science and the weight it carries at I&P Indicator 3 in Appendix A. Lastly, NJQSAC is designed to provide a comprehensive picture of a school district's performance; therefore, it is appropriate to include a science achievement indicator for all school districts, regardless of their grade configuration.

38. **Comment:** The commenter stated that MLs receive a one-year exemption in the NJSLA-ELA but are expected to take the NJSLA-Mathematics and NJSLA-Science in their first year. The commenter noted that NJSLA-Mathematics and NJSLA-Science are available in Spanish, but not other languages. The commenter asserted that students from language backgrounds other than Spanish are a growing population of MLs and have educational gaps and low skill attainment in their primary language, yet are expected to achieve proficiency on the NJSLA. The commenter further asserted that expecting proficiency is a disservice to MLs and the school districts that educate MLs. (4)

Response: The Department acknowledges the commenter's assertion that students from language backgrounds other than Spanish are a growing population of MLs; however, the Department disagrees that expecting proficiency is a disservice to MLs and the school districts that educate MLs. I&P Indicators 1, 2, and 3 in Appendix A provide a school district's achievement score that is comprised of the proficiency rate of all students in a school district that participated in the NJSLA and the proficiency rate of all student groups in a school district that participated in the NJSLA. To ensure school district achievement gaps amongst student groups are not masked, the Department weights student group performance and overall student performance equally when determining the points a school district earns at I&P Indicators 1, 2, and 3 in Appendix A.

39. **Comment:** The commenter stated that the point reductions at I&P Indicators 1, 2, and 3 in Appendix A are a good initial step to minimize the impact of State assessments on a school district's NJQSAC performance. The commenter also stated that raising point values at I&P Indicators 4 and 5 in Appendix A, which measure academic progress solely through median student growth percentiles (mSGP), contradict the point reductions at I&P Indicators 1, 2, and 3 in Appendix A. The commenter further stated that the proposed changes to the point values at I&P Indicators 1 through 5 in Appendix A are additionally concerning given the proposed lowering of the point values for Personnel Indicators 1d and recodified 2c, which concern the evaluation training for all certified staff and resources for educator professional learning and development, respectively. The commenter also stated that the failure to incentivize and reward school districts that implement robust teacher training contradicts the increase of point values at the I&P indicators at Appendix A that factor student performance on Statewide assessments. (20)

Response: The Department disagrees that raising point values at I&P Indicators 4 and 5 in

Appendix A contradict proposed amendments that reduce points at I&P Indicators 1, 2, and 3 in Appendix A. While measuring student proficiency or “achievement” in English language arts, mathematics, and science continues to be an important requirement for Federal accountability, the points a school district can earn on the DPR are based on the achievement of all students and student groups in the school district. The Department contends it is important to measure and report individual student progress or “academic growth” toward proficiency for all students. The proposed amendments at I&P Indicators 1 through 5 in Appendix A are intended to align NJQSAC performance indicators more closely with the State ESSA Plan and to shift points from achievement indicators to growth indicators to foster and promote continuous improvement. The proposed amendments to reduce the point values at Personnel Indicators 1d and recodified 2c are a part of the Department’s effort to increase the point values at performance indicators of more complexity and significance at N.J.A.C. 6A:30 Appendices A and B.

40. **Comment:** The commenter asserted that the NJQSAC manual allows school districts with an n-size of less than 20 students to be awarded full points for indicators and, as a result, K-8 school districts with more than 20 students are disproportionately harmed by the existing scoring system. (1)

Response: Since 2017, the Department has utilized an n-size of 20 for school and school district accountability systems to maintain uniformity. In collaboration with stakeholders, the Department determined that an n-size of 20 creates the optimal balance between reliability and representativeness. The same n-size is utilized within New Jersey's educator evaluation system, as well as State and Federal accountability systems, thereby fostering an equitable evaluation of school district effectiveness. School districts with an n-size of less than 20 are not awarded maximum points for an indicator. For example, approximately eight school districts have n-sizes of less than 20 for science at I&P Indicator 3 in Appendix A and those school districts are not awarded any points for that indicator; instead, the maximum number of points is deducted from the total points possible for I&P and the school districts’ scores are calculated based on the lower number of possible maximum points for I&P. The Department acknowledges that K-8 school districts with an n-size of 20 or more students may be impacted at I&P Indicator 3.

41. **Comment:** The commenter stated that focusing on student growth, as opposed to solely on achievement, addresses the faults in the current State science assessment of which one in four New Jersey students are passing. The commenter asserted that the current State science assessment disproportionately penalizes the commenter’s K-8 school district and K-8 school districts that are similar because the emphasis on the flawed assessment does not portray an accurate representation of student progress and achievement. Furthermore, the commenter stated that shifting points from achievement indicators to growth indicators better reflects the progress being made by educators and students serving socio-economically disadvantaged student populations. (1)

Response: The Department agrees that shifting points from achievement to growth better reflects the progress being made by all educators and students regardless of the socio-economic status. However, the Department disagrees that the State science assessment is flawed and that at I&P Indicator 3 in Appendix A does not portray an accurate representation of student progress and achievement. The Department maintains the proposed amendments at I&P Indicator 3 will rebalance points to equitably apply them regardless of a school district’s grade configuration (e.g., K-8, K-12, 9-12).

42. **Comment:** The commenter objected to the proposed amendment at I&P Indicator 3 to include the NJSLA-Science. The commenter stated that school districts with configurations of grades nine through 12 are at a disadvantage regarding I&P Indicator 3 due to the lack of a set science pathway in high school curricula. The commenter provided an example of different pathways students can take that lead to students being exposed to varied science courses that are not similar: one student taking biology, chemistry, and physics courses and another student taking biology, environmental science, and marine biology courses. The commenter also stated that not having a uniform pathway for science leads to an unfair judgment of science curriculum being taught at the high school level and is reflected in the science DPR scores. The commenter requested that the Department reassess the proposed point value at I&P Indicator 3 in Appendix A for school districts with a nine through 12 grade configuration until there is a set pathway for science education in high school. The commenters also stated that students should have science course options outside the set science pathway options to learn about varied topics of interest to assist them in deciding their future higher education path. (2)
- Response:** The Department declines to accept the commenters' recommendation because NJQSAC is designed to provide a comprehensive picture of a school district's performance and, therefore, it is appropriate to include a science achievement indicator for all school districts regardless of grade configuration. The NJSLA-Science 11 assessment became operational in 2018 after the chapter's last readoption; therefore, the inclusion of science achievement for school districts with a 9-12 grade configuration will ensure the Department's evaluation of a school district's effectiveness is equitable. NJQSAC is designed to evaluate school districts with the same grade bands using the same metrics; therefore, a metric cannot represent the unique circumstances of each school district. The Department contends that the NJSLA-Science, which sets forth the expectations for what students should know and on what they are assessed in science, is the set pathway for science education in New Jersey's public high schools.
43. **Comment:** The commenter stated that K-8 school districts should be judged in the same manner as 9-12 and K-12 school districts. The commenter stated that NJQSAC provides greater weight for science achievement I&P Indicator 3 in Appendix A for K-8 school districts and contended that this may disproportionately impact K-8 school districts. (10)
- Response:** The Department agrees and maintains that the proposed amendments at I&P Indicators 3, 4, and 5 address the commenter's concerns. The proposed amendments at I&P Indicator 3 in Appendix A include increasing -- to five points from zero -- the point value for school districts with a 9-12 grade configuration to ensure the Department's evaluation of a school district's effectiveness is equitable and inclusive of the same metrics regardless of the school district's grade configuration. For K-8 and K-12 school districts, the proposed amendments decrease the point value of I&P Indicator 3 and increase the point value of I&P Indicators 4 and 5 to shift points from achievement indicators to growth indicators to foster and promote continuous improvement.
44. **Comment:** The commenter expressed support for the Department's recognition of the importance of student growth and the proposed amendments at I&P Indicators 4 and 5. The commenter shared, based on professional experience, that prioritizing achievement has a negative impact on the State's most vulnerable students because the growth of students who score a one or two on State assessments is low. The commenter also stated that adding more weight to growth related to State assessments will clarify a school district's responsibility to ensure growth for their lowest performers and that growth is not a nominal measure of achievement. The commenter requested that the Department measure inputs rather than outputs to advance the lowest student performers and provide equity. (3)
- Response:** The Department appreciates the commentators' support of the proposed

amendments at I&P Indicators 4 and 5 in Appendix A, highlighting the importance of student growth. The Department agrees that it is important to measure inputs to advance the lowest student performers and provide equity. The I&P indicators in Appendix A present opportunities for the Department to evaluate whether a school district's academic programs are providing high-quality instruction and support for all students and, thereby, serve as the Department's measure of a school district's inputs.

45. **Comment:** The commenters stated that the proposed amendments at Appendix A that increase the emphasis on growth indicators could result in unintended consequences for high-performing school districts because their students typically have a high proficiency rate on State assessments. The commenters suggested that the Acting Commissioner could grant flexibility to school districts through the equivalency process pursuant to N.J.A.C. 6A:5. **(1 and 8)**

Response: The Department disagrees that the Department's proposed amendments to increase the weight of student progress at Indicators 4 and 5 in Appendix A could result in unintended consequences for high-performing school districts because their students typically have a high proficiency rate on State assessments. I&P Indicators 4 and 5 in Appendix A are designed to measure school districts' successful implementation of strategies and interventions that foster an individual student's academic growth. Academic growth is measured at I&P Indicators 4 and 5 in Appendix A by using a school district's mSGPs. To calculate the mSGP, the student growth percentiles (SGP) for all students in a school district are ordered from lowest to highest, and the mSGP is the percentile in the middle of that list. SGP is a percentile ranking from 1 to 99, which explains a student's academic progress compared to their academic peers. A student's academic peers are all New Jersey students in the same grade level who took the same previous assessment in the last year or two and had similar scale scores on the assessment. Academic peers are based only on assessment scores and not based on demographic information; therefore, students who have high proficiency rates on State assessments are compared with their academic peers who also have high proficiency.

Further, N.J.A.C. 6A:5, Regulatory Equivalency and Waiver, provides the mechanism and criteria for school districts and other entities to seek Commissioner approval of an equivalency to, or a waiver of, the requirements of a specific rule at N.J.A.C. 6A, including the rules at N.J.A.C. 6A:30.

46. **Comment:** The commenter disagreed with the Department's proposed amendment to reduce the point value at I&P Indicator 8 in Appendix A and stated that, instead, school districts should be provided additional incentives to ensure transparency. The commenter requested the Department amend I&P Indicator 8 to also require a school district to post Statewide assessment scores on the school district's website after they are reported to the district board of education. The commenter stated that a school district's Statewide assessment scores need to be shared with the public to ensure accountability, but N.J.A.C. 6A:8-4.3 requires results to be shared only with "educators, parents, and students." **(20)**

Response: The Department proposes to decrease the point value of I&P Indicator 8 to five from six to allocate points to proposed I&P Indicator 18, which will monitor whether a school district's curriculum includes all statutory curricular requirements that are not already incorporated into the NJSL. The Department declines to propose the commenter's suggested change at I&P Indicator 8 in Appendix A because indicators at Appendices A and B cannot impose requirements that are not found in existing State or Federal law or regulation. I&P Indicator 8 in Appendix A monitors school district compliance with N.J.A.C. 6A:8-4.3, which does not require Statewide assessment results to be posted in school districts' websites.

47. **Comment:** The commenter expressed support for the proposed amendments to include “decodable texts for emergent readers” at I&P Indicators 9d through 15d and at new I&P Indicators 16d and 17d in Appendix A. **(20)**
Response: The Department appreciates the support.
48. **Comment:** The commenter expressed support for the proposed amendment at I&P Indicator 12 in Appendix A to include the Commission on Asian American Heritage curricular mandates in the social studies indicator. **(20)**
Response: The Department appreciates the support.
49. **Comment:** The commenter supported the Department’s proposed amendments related to the interdisciplinary connection between ELA and social studies at I&P Indicator 12 in Appendix A. The commenter stated that the I&P Indicator 12, as proposed for amendment, is missing the addition of “and” that appears at I&P Indicator 9 in Appendix A. **(20)**
Response: The Department appreciates the commenter’s support. The Department proposed to add “and” at the end of I&P Indicators 9e, 10e, 11e, 13e, 14e, and 15e because they will be the second-to-last items on the lists of required items. Since I&P Indicator 12 includes three additional items for the commission curricular mandates, the Department proposed to include “and” at the end of recodified I&P Indicator 12h. Therefore, the suggested change at I&P Indicator 12 is unnecessary.
50. **Comment:** The commenter inquired if music, art, and comprehensive health and physical education courses are available to the most vulnerable students. **(3)**
Response: I&P Indicators 14 and 15 ensure a school district’s comprehensive health and physical education and visual and performing arts curricula and instruction are aligned to the NJSLS in accordance with N.J.A.C. 6A:8. The indicators also ensure that curriculum is designed and implemented to meet grade, grade-band, or grade-level expectations and graduation requirements, while ensuring integrated accommodations and modifications for students with disabilities, MLs, students at risk of school failure, gifted and talented students, and students with 504 plans.
51. **Comment:** The commenter supported proposed new I&P Indicator 16 in Appendix A to include career readiness as a separate indicator. The commenter requested that the Department amend new I&P Indicator 16 to include “integration of technology through the NJSLS” as included at I&P Indicators 9 through 15. **(20)**
Response: The Department declines to make the commenter’s suggested change because “[i]ntegration of technology through the NJSLS” is proposed for deletion at I&P Indicators 9 through 15. The requirement is now included in NJSLS as computer science and design thinking, which is reflected in the proposed new I&P Indicator 16.
52. **Comment:** The commenter expressed support for the proposed new I&P Indicator 17 in Appendix A, which includes computer science and design thinking as a separate indicator. **(20)**
Response: The Department appreciates the support.
53. **Comment:** The commenter expressed support for the proposed new I&P Indicator 18 in Appendix A, which includes separate indicator for statutory curricular requirements, including specific references to two statutes that have been implemented since N.J.A.C. 6A.C. 6A:30 was last adopted. **(20)**
Response: The Department appreciates the support.
54. **Comment:** The commenter inquired as to whether NJQSAC measures the school district’s capacity to utilize Federal grants. **(3)**
Response: Fiscal Indicator 5 monitors that the school district’s entitlement and discretionary

grants appropriately are managed and overseen. Governance Indicator 6 monitors whether the school district's budgeting process and allocation of resources, including grant funding, are aligned with instructional priorities and student needs to provide for a thorough and efficient education.

- 55. Comment:** The commenter asked whether any NJQSAC indicator speaks to prohibiting entities from doing business with State-operated school districts if the entities disclosed political donations in prior years. The commenter also inquired if any NJQSAC indicator indicates possible corruption and nepotism. The commenter provided various reports that the commenter characterized as evidence of corruption at the New Jersey School Development Authority (SDA) and the impact of said corruption the State's education system. **(3)**
Response: NJQSAC is designed to monitor school districts using the same standard and, therefore, cannot contain indicators that apply to only State-operated school districts. The DPRs monitor for school district compliance with State and Federal laws and regulations. Governance Indicator 1 monitors whether the district board of education or the advisory district board of education reviews, updates, and adopts, by resolution, policies, procedures, and by-laws reflective of current statutory and regulatory authority at least annually, and more frequently if required by changes in case law, regulation, or statute. The policies referenced in the indicator would include the required nepotism policy.
- 56. Comment:** The commenter asked if NJQSAC measures school district's efforts to engage stakeholders as required by the State's proposed ESSA plan. **(3)**
Response: Governance Indicator 8 monitors the district board of education's compliance with all stakeholder engagement requirements that are part of Federal grant programs through which the school district receives funds. The Federal programs include, but are not limited to, grant programs under the Elementary and Secondary Education Act, the Individuals with Disabilities Education Act, and the Carl D. Perkins Career and Technical Education Act. Any additional stakeholder engagement the school districts conduct falls outside the scope of NJQSAC monitoring.
- 57. Comment:** The commenters expressed appreciation for the Department's inclusion of school library media services as a separate indicator at Governance Indicator 14 in Appendices A and B. The commenters also expressed appreciation of the Department's proposed amendment at Governance Indicator 14. **(9, 12, 14, 15, 16, 17, 18, and 19)**
Response: The Department appreciates the support.
- 58. Comment:** The commenter expressed support for the proposed amendment at Governance Indicator 14 in Appendix A to add the requirement for each school district to provide library-media services under the direction of a certified school library media specialist (SLMS). The commenter stated that SLMSs play a crucial role in many aspects of student learning, and it is important that their expertise is fully utilized. **(20)**
Response: The Department appreciates the support.
- 59. Comment:** The commenter stated that school libraries provide the ultimate connection between the academic disciplines embedded in the NJSLS and their implementation into a school district's instructional programs and curricula. **(9)**
Response: The Department agrees with the commenter. Accordingly, the Department monitors whether school districts adhere to the requirements at N.J.A.C. 6A:13-2.1(h) through Governance Indicator 14 in Appendices A and B.
- 60. Comment:** The commenter asserted that the use of "district" library media specialist leads school districts to assume they must employ only one SLMS for the school district. The

commenter cited examples of schools that did not maintain a library facility or employ an SLMS over multiple years or hired a full- or part-time SLMS only during the school year that the school district was undergoing NJQSAC monitoring. The commenter stated that the commenter hears annually regarding school districts falsely reporting SLMS positions during NJQSAC reviews. The commenter also stated that individuals who contact the commenter’s association often report feeling unsupported and unable to provide ample media services for students and staff in the school district. **(16)**

Response: The Department disagrees with the commenter’s assertion that the use of “district” library media specialist leads school districts to assume they must employ only one certified SLMS for the school district. The Department monitors the requirement at N.J.A.C. 6A:13-2.1(h) through Governance Indicator 14 and Personnel Indicator 4c, the latter of which ensures job descriptions are maintained for every certificated staff member, including the SLMS, and that staff hold the appropriate certificate and endorsement for their assignment pursuant to N.J.A.C. 6A:9B. The county offices of education verify the evidence that library media services are being provided by an SLMS. While the Department appreciates the examples the commenter provided, N.J.A.C. 6A:13-2.1(h) does not require each school building to have a library facility or for each school in a school district to have an SLMS. Rather, the rule requires all school districts to provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books including novels, anthologies and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research under the direction of an SLMS.

- 61. Comment:** The commenter stated that the use of “district” library media specialist leads school districts to assume they must employ only one certified SLMS for the school district. The commenter asserted that when the certified SLMS in the commenter’s school district retired, the school district did not hire a new SLMS. The commenter also stated that the school district’s students are being deprived of important educational resources, skills, and experiences because of the lack of a certified SLMS. **(18)**

Response: The Department disagrees with the commenter’s assertion that the use of “district” library media specialist leads school districts to assume they must employ only one certified SLMS for the school district. School districts that employ one certified SLMS are adhering to N.J.A.C. 6A:13-2.1(h), which does not require each school building to have a library facility or for each school in a school district to have an SLMS. Rather, the rule requires all school districts to provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books including novels, anthologies and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research under the direction of an SLMS. While the Department appreciates the commenter’s perspective, the proposed amendment at Governance Indicator 14 in Appendices A and B will remind school districts of the requirement to employ a certified SLMS.

- 62. Comment:** The commenter stated that students enter high school without the prerequisite library and media skills due to the absence of a certified SLMS at the elementary and/or middle school level. The commenter also stated that the role of the SLMS is more important now because students are being raised in a digital world. The commenter further stated that equipping students with technology and digital resources without access to an educator who specializes in teaching others about the multifaceted world of information literacy is counterintuitive. The commenter also provided the example of one school district that has one certified SLMS for six high schools. **(19)**

Response: While the Department appreciates the commenter’s perspective, N.J.A.C. 6A:13-2.1(h) does not require each school building to have a library facility and each school in a

school district to have an SLMS. Rather, the rule requires all school districts to provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books including novels, anthologies and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research under the direction of an SLMS. The proposed amendment at Governance Indicator 14 in Appendices A and B will remind school districts of the requirement to employ a certified SLMS.

- 63. Comment:** The commenter requested that the State Board of Education (State Board) clarify the implementation of school library media services at Governance Indicator 14 at Appendices A and B. The commenter stated that the current state of public school libraries and their available materials is a disservice to the thousands of students who graduate each year. The commenter also stated that the commenter's school district and others need more certified school library media specialists and State funding to hire them, as well as for a circulation system and more books. The commenter further stated that without State funding, other teachers will be let go even if school districts are required to employ additional school library media specialists. **(13)**

Response: The Department appreciates the commenter's perspective, but disagrees that Governance Indicator 14 in Appendices A and B need to be amended beyond the proposed addition of language regarding the requirement for each school district to provide these library-media services under the direction of a certified school library media specialist. The commenter's statements regarding State funding and the impact on school districts are outside the scope of this rulemaking.

- 64. Comment:** The commenter expressed concern that the commenter's child attends a school that does not employ a certified SLMS and, instead, receives programs and services from the high school's certified SLMS. The commenter stated that the commenter's professional responsibilities have shifted, and the commenter's now is the only SLMS in the school district and provides SLMS in five schools to students in K-12, while also serving as the school district's gifted and talented coordinator. The commenter also expressed a desire to restore the school library services once offered in the school district and indicated that it has become increasingly difficult to perform the job of an SLMS with so little guidance from the school district and ambiguous language from the State Board. **(17)**

Response: The Department monitors the requirement at N.J.A.C. 6A:13-2.1(h) through Governance Indicator 14 and Personnel Indicator 4c. While the Department appreciates the examples the commenter provided, N.J.A.C. 6A:13-2.1(h) does not require each school building to have a library facility and each school in a school district to have an SLMS. Rather, the rule requires all school districts to provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books including novels, anthologies and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research under the direction of an SLMS. The proposed amendments at Governance Indicator 14 in Appendices A and B will remind school districts of the requirement to employ a certified SLMS.

- 65. Comment:** The commenters stated that many schools are not providing a thorough and efficient education in school library media services due to the lack of guidance on how school districts provide library media services that are connected to classroom studies in each school building, as required at N.J.A.C. 6A:13-2.1(h). The commenters stated that three dozen national studies have shown a direct correlation between strong school library programs and student achievement. The commenters requested clarification on the method utilized by school districts to provide evidence that required library media services are being provided by an SLMS as part

of Governance Indicator 14.

The commenters also provided a list of ways in which school districts can provide evidence of library media services connected to classroom studies, the availability of school library resources, reading, research, and certified staff. The commenters stated that the suggested items were derived from the proposed DPRs, regulations related to SLMSs, and the functions of SLMSs as set forth at N.J.A.C. 6A:9B-14.14. The commenters stated that the inclusion of library media services in NJQSAC will help demonstrate to school districts that the primary focus of school libraries is building capacity for critical engagement with information, with emphasis on the critical evaluation of sources and the investigation of diverse sources on information, all of which leads to the inquiry skills of asking, thinking, and creating. The commenters also provided additional links to resources found at the [American Association of School Librarians website](#). (9, 12, 14, 15, 16, 17, and 19)

Response: The Department appreciates the commenters' perspective and agrees there is a correlation between school library programs and student achievement. To ensure that students receive a thorough and efficient education in library and media services, Governance Indicator 14 in Appendices A and B is designed to monitor whether school districts are fulfilling the requirement at N.J.A.C. 6A:13-2.1(h) to provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books including novels, anthologies and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research under the direction of a certified SLMS. The Department's proposed amendment at Governance Indicator 14 in Appendices A and B will emphasize the requirement for school districts to employ a certified SLMS. The Department appreciates the suggested list of items that school districts can provide as evidence and will consider the items when updating the [NJQSAC User Manual](#).

66. **Comment:** The commenter recommended adding "to all district" before "employees" in the proposed new language at Operations Indicator 5 in Appendices A and B. The commenter stated that the suggested change would emphasize that all school district employees are provided with annual training on the code of student conduct and would mirror the relevant rules at N.J.A.C. 6A:16-7.1. The commenter also stated that it is critical for the training to be provided to paraprofessionals/teacher assistants, food service staff, bus drivers, and other educational support professionals. (22)

Response: The Department agrees and proposes at adoption level to add "all" before "employees" at Operations Indicator 5 in Appendices A and B to ensure that all employees of a school district receive annual training on the code of student conduct and its equitable application. The proposed amendment is as follows:

5. The district board education adopts, and annually distributes to staff, parents, and students, policies and procedures to address the equitable application of a code of student conduct that establishes expectations for academic achievement, behavior, and attendance. The policy provides comprehensive tiered behavioral supports and responses to violations that include positive disciplinary practices that minimize exclusionary practices, such as suspension and expulsion; and details students' due process rights. **The district board of education provides *all* 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.** (N.J.A.C. 6A:16-7.1)

67. **Comment:** The commenter recommended that the Department not delete the citation for N.J.A.C. 6A:16-5.3 at Operations Indicator 6 in Appendices A and B, as proposed, because the section also cites the statutory reporting requirements. The commenter also recommended

that the citation be inserted, instead, after the indicator's first sentence so school district employees know where to locate the reporting requirements and their provisions. (22)

Response: The Department agrees that the citation belongs in the indicator and proposes at adoption level to not adopt the deletion of "N.J.A.C. 6A:16-5.3" at Operations Indicator 6 in Appendices A and B to ensure school districts adhere to all provisions related to incident reporting of violence, vandalism, alcohol and other drug use. The Department also agrees to adopt the commenter's recommendation that the citation be inserted after the indicator's first sentence. The proposed amendment is as follows:

6. Twice per year, the CSA presents to the district board of education a summary of violence, vandalism, substance abuse, and harassment, intimidation, and bullying (HIB) incidents submitted on the Department's incident reporting system. ***(N.J.A.C. 6A:16-5.3)*** The CSA or designee submits the final data verification to the Department [by July 15. (N.J.A.C. 6A:16-5.3)] **in accordance with the due dates annually established by the Department.**

68. **Comment:** The commenter recommended that the Department amend the first sentence at Operations Indicator 10 in Appendices A and B to state that the policies and procedures provide, to school district bus and van drivers, annual training regarding student safety and discipline, including Motor Vehicle Commission (MVC) requirements for inspections by bus drivers and evacuation drills, rather than the existing language to ensure student safety by meeting the NJMVC requirements. The commenter also suggested that the Department amend the indicator's second sentence to require the CSA to provide the district board of education with evidence of completion of "other relevant training" in addition to the already referenced emergency exit drills. The commenter stated that school districts need to annually reinforce, with individuals who provide student transportation, the responsibilities related to safe driving, discipline, and safety checks when picking up or dropping off students before or after school or for student activities, field trips, or other school purposes. The commenter also stated that student safety cannot be left to chance, and it should be clear in the indicator that the school district bears responsibility for ensuring that transportation staff are routinely and thoroughly trained regarding the expectations. (22)

Response: The Department declines to propose the commenter's recommended changes because N.J.A.C. 6A:27-11.1, 11.2, and 12, which are monitored through Operations Indicator 10, do not require annual training of individuals who provide student transportation beyond emergency exit drills twice per year in accordance with N.J.A.C. 6A:27-11.2. Therefore, it cannot be monitored through the indicator.

69. **Comment:** The commenter recommended that the Department amend Operations Indicator 13 in Appendices A and B to promote the school district's consideration of the number of students and staff whose health needs must be monitored and addressed daily to ensure there is an adequate number of certified school nurses per school district and not only the minimum required of one certified school nurse per school district. (22)

Response: The Department declines to propose the commenter's recommended change because Operations Indicator 13 at Appendices A and B cannot impose requirements that exceed existing statute or regulation. N.J.S.A. 18A:40-3.3 does not require a school district to employ more than one certified school nurse per school district, regardless of the school district enrollment.

70. **Comment:** The commenter recommended that the Department amend Operations Indicator 14 in Appendices A and B, as proposed for amendment, to state that the instructor "is certified for the grade level and content" in addition to the already stated completion of the Department's criminal history record check. The commenter stated that students should receive the same

professional level of instructional services regardless of whether students attend school or receive instruction at home or in another temporary setting.

The commenter requested an additional change at Operations Indicator 14 in Appendix B, which applies only to county special services school districts, to state that the instructor also holds either the teacher of the handicapped endorsement or a teacher of students with disabilities endorsement. (22)

Response: The Department declines to propose the commenter’s recommended changes because indicators at Appendices A and B cannot impose requirements that are not found in existing State or Federal law or regulation. N.J.A.C. 6A:16- 10.1 requires a teacher providing home or out-of-school instruction to be certified but does not require the teacher to hold a specific grade level and/or content endorsement.

71. **Comment:** The commenter recommended that the Department amend Operations Indicator 15a in Appendices A and B, as proposed for amendments, to add “the majority representative(s) of school district employees” to the list of entities with which the school district must consult with regarding safety and security plans, procedures, and mechanisms. The commenter also suggested that “other” be deleted before “community members.” The commenter further suggested that the Department amend proposed Operations indicator 15c to add “school staff and” before “local law enforcement authorities.” The commenter stated that school staff, through their majority representative, should be involved in the review and revision of safety and security plans, as well as receive copies of related safety documents, including critical incident mapping data, to enable staff to understand all aspects of safety and security plans.

The commenter disagreed with the proposed reduction of points for Operations Indicator 15 because the safety and security of students and staff should be of paramount importance and scrutinized by State monitors. The commenter stated that proposed Operations Indicators 17 and 18, which the commenter supported, do not diminish the necessary focus on Operations Indicator 15.

The commenter also suggested that the proposed codification of Operations Indicator 15 “a” is new and, therefore, should be boldfaced. (22)

Response: The Department declines to propose the commenter’s recommended substantive changes because they would exceed the related statutory and regulatory provisions at N.J.S.A. 18A:41-7.1 and N.J.A.C. 6A:16-5.1, respectively. Indicators at Appendices A and B cannot impose requirements that are not found in existing State or Federal law or regulation.

The Department’s proposed amendment to reduce points at Operations Indicator 15 in Appendices A and B is a part of the Department’s effort to rebalance points because of new indicators that have been added to monitor new statutory requirements.

The Department thanks the commenter for bringing attention to the recodification of Operations Indicator 15a. The addition of “a” was corrected and bolded before publication of N.J.A.C. 6A:30 Appendix A, as proposed for amendment, in the *New Jersey Register*.

72. **Comment:** The commenter inquired as to whether NJQSAC measures the completion of a school district’s comprehensive equity plan. (3)

Response: Yes, recodified Operations Indicator 19 monitors whether the school district has implemented its comprehensive equity plan and submitted the related annual statement of assurance to the Department.

73. **Comment:** The commenter requested a change to the first sentence at Operations Indicator 19 in Appendices A and B, as proposed for amendment, to replace “a Department-approved” comprehensive equity plan, with a reference to a plan “for which the executive county superintendent has issued a certificate of completion.” The commenter stated that the requested changes will mirror the requirement at N.J.A.C. 6A:7-1.8. (22)

Response: The Department agrees and proposes at adoption level to amend Operations

Indicator 19 in Appendices A and B to not adopt the addition of “Department-approved” and to add “and that has been issued a certificate of completion by the executive county superintendent” at the end of the first sentence to align the indicator with N.J.A.C. 6A:7-1.8. The proposed amendments are as follows:

[17.] 19. The school district [has] **implements** a [**Department-approved**] comprehensive equity plan (CEP) designed to eliminate discrimination according to [age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender, religion, disability socioeconomic status, pregnancy, or parenthood that is approved by the Department] **the protected categories and classes 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) *and that has been issued a certificate of completion by the executive county superintendent***. Additionally, the school district submits to the Department the annual CEP statement of assurance. (N.J.A.C. 6A:7-1.4)

74. **Comment:** The commenter recommended that the Personnel indicators at Appendices A and B be amended throughout to include “and administrators” after “certified staff” for consistency with the indicators in the other key components of school district effectiveness. **(20)**
Response: The Department declines to propose the commenter’s recommended change because administrators are certified staff who are employed by a school district.
75. **Comment:** The commenter recommended that the Department amend Personnel Indicator 1d in Appendices A and B to require the school district to verify that all mandated training or materials offered during the school year are provided to employees hired after the mandated training or materials have been provided to other employees. The commenter also stated that all employees should be provided mandatory training during the regular school day, regardless of the time of the year the employee is hired. **(20)**
Response: The Department declines to propose the commenter’s recommended change because Personnel Indicator 1d in Appendices A and B cannot contain requirements not already set forth at N.J.A.C. 6A:10-2.2(b).
76. **Comment:** The commenter recommended the Department amend Personnel Indicator 1g in Appendices A and B to add language that will ensure standardized assessment results are not the predominant factor in a teacher’s overall evaluation, in accordance with the Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) Act. The commenter stated that this component of the law should be monitored through NJQSAC since it already monitors for other provisions. **(20)**
Response: The Department declines to propose the commenter’s recommended change because Personnel Indicator 1g already ensures that school districts comply with the TEACHNJ Act’s provisions regarding evaluation structures and processes, including that Statewide assessment results are not the predominant factor in a teacher’s overall evaluation, in accordance with N.J.A.C. 6A:10-2.4.
77. **Comment:** The commenter asked if NJQSAC measures incidents of educators teaching subjects that are outside of the scope of their instructional certificates and endorsements. The commenter cited a draft U.S. Department of Education performance review of New Jersey that noted instances of teachers working outside of their field. The commenter stated that, in the commenter’s experience, educators teaching outside of their area(s) of certification occurs when the administration is attempting to push the teacher out of a school or school district. **(3)**
Response: Personnel Indicator 4c monitors whether a school district maintains approved job descriptions for every certified staff member and that staff are appropriately certified for their assignment, pursuant to N.J.A.C. 6A:9B.

- 78. Comment:** The commenter inquired if the removal of all gendered nouns and pronouns will be reflected in every education policy throughout Title 6A of the New Jersey Administrative Code and Title 18A of the New Jersey Statutes, or if they apply only to the proposed readoption with amendments at N.J.A.C. 6A:30. **(6)**
- Response:** As the Department readopts chapters at Title 6A of the New Jersey Administrative Code, all gendered nouns and pronouns are replaced with gender-neutral language. However, the proposed amendments to eliminate gendered nouns and pronouns from the text at N.J.A.C. 6A:30 do not have any effect on the use of nouns and pronouns in school districts or by students, educators, or any other individuals. Furthermore, Title 18A of the New Jersey Statutes cannot be amended through the regulatory process and changes to State statute must be initiated by the New Jersey Legislature. Therefore, the Department cannot comment on whether Title 18A of the New Jersey Statutes will be similarly amended.
- 79. Comment:** The commenter expressed disappointment that school districts are not required to employ a SLMS in every school building in a school district and that a SLMS may have to travel to multiple school buildings to provide the programs and services in a school district. The commenter stated that one school district has a certified SLMS who is not assigned to one school building and, instead, travels to four elementary schools, which the commenter indicated does not provide students with enough time to learn media literacy skills. The commenter also stated that reading is shown to increase test scores and student enjoyment in school. The commenter asserted that not having a certified SLMS in each school building in a school district could harm impoverished communities. **(12)**
- Response:** While the Department appreciates the examples the commenter provided, provisions of other chapters in Title 6A of the New Jersey Administrative Code that are monitored pursuant to NJQSAC cannot be altered as part of this rulemaking. N.J.A.C. 6A:13-2.1(h) does not require each school building to have a library facility or for each school in a school district to have an SLMS. Rather, the rule requires all school districts to provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books including novels, anthologies and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research under the direction of an SLMS.
- 80. Comment:** The commenter stated that the commenter’s school district has a SLMS in four of its five schools and that the commenter visits the school without an SLMS to introduce students to research and library resources that they can access digitally. The commenter expressed concern that the school district is going to graduate students who have never used proper Modern Language Association (MLA) or American Psychological Association (APA) citation methods and who have never learned how to properly conduct research. The commenter also expressed concern about students learning to read for pleasure without access to adequate library media services. **(14)**
- Response:** The Department appreciates the commenter’s concerns; however, N.J.A.C. 6A:13-2.1(h) does not require each school building to have a library facility or for each school in a school district to have an SLMS. Rather, the rule requires all school districts to provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books including novels, anthologies and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research under the direction of an SLMS. Additionally, the NJSLS-ELA for grades nine through 12 require students to conduct research and use the proper MLA and APA citation methods. Specifically, W.SE.9–10.6 and W.SE.11–12.6. require that students gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the usefulness of each source in

answering the research question; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and following a standard format for citation (MLA or APA Style Manuals).

- 81. Comment:** The commenter requested that the Department update N.J.A.C. 6A:14, Special Education, to clarify the steps and personnel responsible for evaluating MLs and to ensure their families receive information in the primary language spoken at home. The commenter stated that the Department has not provided sufficient direction to school districts at N.J.A.C. 6A:14 with regard to MLs. The commenter contended that the lack of direction regarding MLs and their classifications poses several challenges that include: the need to have second language acquisition professionals or ESL and bilingual education teachers to provide input to child study teams on a ML's needs, the requirement to translate document for parents and families, and the requirement to define appropriate methods for determining a student's primary language for testing. The commenter provided an example of how the lack of direction caused a two-year delay in the consideration of a high school ML from being considered eligible for special education. (7)

Response: The comments are outside of the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.

- 82. Comment:** The commenter requested that the Department increase professional development and information sharing regarding the changes in the readopted N.J.A.C. 6A:15, Bilingual Education, and also require school districts to report on compliance with N.J.A.C. 6A:14 and 6A:15. The commenter stated that the Department needs to provide, to school district employees, information about the amendments at N.J.A.C. 6A:14 adopted in 2024. The commenter also stated that the lack of sufficient information about N.J.A.C. 6A:14 has resulted in confusion in school districts regarding the timelines for implementation. The commenter contended that the confusion resulted in each school district interpreting existing guidelines without clear direction and MLs who are eligible for special education not being guaranteed a consistent educational experience that meets their unique needs. The commenter stated that the varied educational outcomes across school districts result in inequities and disparities for MLs who need services. The commenter provided examples that resulted in the commenter's organization having to provide support to families and, in some instances, training for school districts. The commenter stated that protections for MLs must increase. (7)

Response: The comments are outside the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.

- 83. Comment:** The commenter stated that the original intent of No Child Left Behind (NCLB) and now ESSA was to hold school districts accountable for educating specialized populations of students, but the accountability system was flawed. The commenter noted that to ensure equity, achievement must be validly evaluated and measured. The commenter further stated that the metrics used to hold school districts accountable in NCLB and ESSA consist of criteria that does not accurately measure the developmental process of English language acquisition. (4)

Response: The comments are outside of the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.

- 84. Comment:** The commenter requested that the Department ensure that SLMS provide the instruction related to the new information literacy standards because the functions for each certificate and endorsement at N.J.A.C. 6A:9B indicate that SLMS are the most qualified to teach the subject matter. The commenter stated that the commenter's association wants to ensure that library media services are provided by certified SLMSs and not by other staff

who lack the appropriate certificate or endorsement for the position. (9)

Response: The comments are out of the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.

85. **Comment:** The commenter asserted that the School Funding Reform Act and previous reductions in State aid has resulted in the commenter traveling to six high schools that span more than 200 square miles in the commenter’s school district of employment. The commenter expressed frustration regarding the lack of adequate resources to perform the duties as an SLMS in the school district. The commenter stated the commenter’s school district needs funds to hire additional SLMSs and that the school district’s students deserve better than the library services they presently receive. (14)

Response: The comments are out of the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.

86. **Comment:** The commenter asked if the Department inquires why large school districts that are thought to suffer inequities do not apply for available grants that address inequities. (3)

Response: The comment is outside the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.

87. **Comment:** The commenter asked where the annual disclosure statements are posted online. (3)

Response: The comments is outside the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.

88. **Comment:** The commenter raised concerns about how much it costs to help students who have immigrated to the United States without documentation to speak English. The commenter contended that the United States should change the law so taxpayers do not have to pay for the education of students who are immigrants without documentation. The commenter also stated that it is unfair to hold school districts accountable for the assessments of students who immigrated to the United States without documentation. (21)

Response: The comments are outside the scope of this rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.

89. **Comment:** The commenter urged the Department to recognize and promote, to the New Jersey Legislature and school districts, the key role that certified school nurses play in protecting, assessing, and responding to emergency and ongoing student and staff health needs. (22)”**Response:** The comment is outside the scope of the rulemaking, which concerns the readoption with amendments at N.J.A.C. 6A:30.

Agency-initiated Changes

1. The Department proposes to reduce the point value for K-8 school districts at I&P Indicator 3 in Appendix A to five from the existing 10 points. The amendment was approved by the State Board at proposal level, as indicated in the summary discussion of the indicator, but inadvertently omitted from the Appendix A published in the *New Jersey Register*. Please see I&P Indicator 3 at Appendix A for the proposed change at adoption level.
2. The Department proposes to change Fiscal Indicator 4d in Appendices A and B at adoption level to not delete the comma after “general fund.” The deletion was inadvertently added prior to publication in the *New Jersey Register* but needs to be maintained for grammatical purposes. The Department also proposes to move “(on the budgetary basis of accounting)” to after “over-expenditures” for clarity because the phrase applies to all fund types listed in the indicator.

d. Ends the year with no deficit balances and no line item over-expenditures *(on the

budgetary basis of accounting)* in the general fund[,]*, * [[(on the budgetary basis of accounting)]] special revenue fund, capital projects fund, or debt service fund (other than permitted under State law and **generally accepted accounting principles (GAAP)**).

3. The Department proposes at adoption level to delete the reference to N.J.S.A. 18A:6-4.13 at Operations Indicator 14 in Appendices A and B because the statute applies to nonpublic schools. The proposed amendment is as follows:

14. Students removed for disciplinary reasons (e.g., suspension or expulsion) or for chronic or temporary illness have received educational services [from a certified instructor who has completed the Department's criminal history record check] within five days of a student's removal for disciplinary reasons or within five days after receipt of the school physician's verification of the need for home instruction due to chronic or temporary illness (e.g., home instruction/temporary hospital setting). The educational services are provided by a certified instructor who has completed the Department's criminal history record check. (N.J.S.A. [[18A:6-4.13 and]] *18A:6-7.1 and N.J.A.C. 6A:16-7.2, 7.3, and 10.1)



State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

Adoption Level
March 5, 2025

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

KEVIN DEHMER
Commissioner

To: Members, State Board of Education

From: Kevin Dehmer, 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, sets 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, and 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. As the Department submitted this notice of proposal to the Office of Administrative Law prior to that date, the expiration date was extended 180 days to April 30, 2025, pursuant to N.J.S.A. 52:14B-5.1.c(2).

NJQSAC establishes a comprehensive single accountability system for monitoring and evaluating school districts. Pursuant to 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 pursuant to 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 this 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 N.J.A.C. 6A:30 Appendix A, which is the District Performance Review (DPR) for school districts other than county special services school districts (CSSSDs), and N.J.A.C. 6A:30 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 N.J.A.C. 6A:30 Appendices A and B will align NJQSAC with the State's plan pursuant to 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 N.J.A.C. 6A:30 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 N.J.A.C. 6A:30 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 N.J.A.C. 6A:30 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 at N.J.A.C. 6A:30 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 N.J.A.C. 6A:30 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 additional amendment at N.J.A.C. 6A:30-1.1(a) to replace “Department evaluations” with “the Department’s comprehensive review” to clarify that 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 (thereby relocating the entire definition to main the alphabetical nature of the section). 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 N.J.A.C. 6A:30 Appendices A and 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 N.J.A.C. 6A:30 Appendices A and 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 withdraw 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 delete 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 delete N.J.A.C. 6A:30-3.1(d).

The Department proposes to delete 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 as 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, 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 the Senator Byron M. Baer Open Public Meetings Act, 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 (DIP) 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 that 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 that 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,” as 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 delete N.J.A.C. 6A:30-7.2(a)1, as 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 that 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's 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 N.J.A.C. 6A:30 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.

The Department proposes to amend I&P Indicators 1 through 7 to replace “subgroup(s)” with “student group(s)” to align to the terminology used in the New Jersey School Performance Reports. The Department aims to shift to asset-based language to the greatest extent possible. The same amendment is proposed at Governance Subindicator 2a.

I&P Indicators 1 and 2 measure 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-12 to seven from 7.5 and decrease the point value for school districts with configurations of 9-12 to 10 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 and decrease the point value for school districts with grade configurations of K-12 to 3.5 from five 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 Indicators 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 the point values of I&P Indicators 4 and 5 to 12.5 from 10 points each for school districts with grade configurations of K-8 and to 8.75 from 7.5 points each for school districts with grade configurations of K-12.

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 25 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 in more detail below. The Department also proposes new I&P Indicator 17 to incorporate the NJSLs for computer science and design thinking, as described in more 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 new 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 pursuant to N.J.S.A. 18A:35-4.44. This statutory provision became effective in January 2022 after the chapter’s most recent readoption.

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 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 of 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" to ensure that the Department's review of the fiduciary responsibilities of a school district encompasses 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 relocate Fiscal Indicator 14 as 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 Indicator 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 Indicators 6b and 6d to account for the increase in the point value for relocated 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 students; and filing required disclosure statements.

The Department proposes to amend Governance Indicator 7, subindicator a, to add "established at N.J.S.A. 18A:22-7 and 10" and at 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.

The Department proposes to amend Governance Indicator 14 to include the entire requirement at N.J.A.C. 6A:13-2.1(h). The Department proposes to add the following as the second sentence: "Each school district shall provide these library-media services under the direction of a certified school library media specialist." The additional language in the indicator will remind school districts of the requirement to employ a certified SLMS.

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 all 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” with “in accordance with the due dates annually established by the Department.”

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 and subcodify Indicator 15 to add “The school district annually assesses plans and facilities to ensure:” as the main Indicator language and to recodify existing Indicator 15 as sub-indicator 15a. The Department proposes to add new sub-indicator 15b: “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: “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 add specificity to 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 recodified 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 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 violent 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 ensuring 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 update the cross-reference to “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 relocate with amendments existing Indicator 2a as Indicator 6c, as described below. The Department proposes to recodify Indicators 2a through 2f as Indicators 2a through 2e, respectively. The Department proposes to decrease the point value of new Indicator 2c to four from five 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 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 relocate Indicator 2a as 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 N.J.A.C. 6A:30 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 at N.J.A.C. 6A:30 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 at N.J.A.C. 6A:30 Appendix A, the I&P indicators at N.J.A.C. 6A:30 Appendix B include curriculum aligned to the nine NJSLS content areas. However, at N.J.A.C. 6A:30 Appendix B does not include the student achievement data or graduation data indicators that are at N.J.A.C. 6A:30 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 to relocate existing Indicator 3 as Indicator 7 with amendments and relocate existing Indicator 7 as 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 at N.J.A.C. 6A:30 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 at N.J.A.C. 6A:30 Appendix A.

Fiscal

The Fiscal indicators at N.J.A.C. 6A:30 Appendix B are the same as at N.J.A.C. 6A:30 Appendix A.

The Department proposes the same amendments to the Fiscal Indicators at N.J.A.C. 6A:30 Appendix B as described above at N.J.A.C. 6A:30 Appendix A.

Governance

The Governance indicators at N.J.A.C. 6A:30 Appendix B are the same as at N.J.A.C. 6A:30 Appendix A.

The Department proposes the same amendments to the Governance Indicators at N.J.A.C. 6A:30 Appendix B as described above at N.J.A.C. 6A:30 Appendix A.

Operations

The Operations indicators at N.J.A.C. 6A:30 Appendix B are the same as at N.J.A.C. 6A:30 Appendix A.

The Department proposes the same amendments to the Operations Indicators at N.J.A.C. 6A:30 Appendix B as described above at N.J.A.C. 6A:30 Appendix A.

Personnel

The Personnel indicators at N.J.A.C. 6A:30 Appendix B are the same as at N.J.A.C. 6A:30 Appendix A.

The Department proposes the same amendments to the Personnel Indicators at N.J.A.C. 6A:30 Appendix B as described above at N.J.A.C. 6A:30 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. Pursuant to 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 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. 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 pursuant to the 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 readoption 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 readoption with amendments will not have an impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the rules proposed for readoption 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 readoption 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, pursuant to the State Development and Redevelopment Plan in New Jersey because the rules proposed for readoption 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 readoption 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 readoption with amendments concern school district effectiveness. Accordingly, no further analysis is required.

Full text of the rules proposed for readoption 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] **at** 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] **Pursuant to** 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 of school district effectiveness” means the areas in which school districts will be evaluated under NJQSAC. They 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 N.J.A.C. 6A:30 Appendices A and 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.

“Key components of school district effectiveness” means the areas in which school districts will be evaluated pursuant to NJQSAC. The components are:

- 1. Instruction and Program;**
- 2. Operations;**
- 3. Fiscal Management;**
- 4. Personnel; and**
- 5. Governance.**

“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 the 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 components [areas] **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], **3.2, and 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 N.J.A.C. 6A:30 Appendix A** to complete the self-assessment. All county special services school districts shall use **the District Performance Review set forth at N.J.A.C. 6A:30 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 the Senator Byron M. Baer Open Public Meetings Act, 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] **that 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] **at** 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 **to** 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.