

Summary

The Commissioner of Education is proposing to amend the current rules at N.J.A.C. 6A:30, Evaluation of the Performance of School Districts, that implement a monitoring and evaluation system for public school districts and county vocational school districts.

Public Law 2005, c. 235 and Public Law 2007, c. 16 amended N.J.S.A. 18A:7A-3 et seq. to establish the New Jersey Single Quality Accountability Continuum (NJQSAC), a new monitoring and evaluation system of public school districts. Pursuant to the authority granted in Public Law 2007, c. 16, in February 2007, the Commissioner of Education adopted, immediately upon filing with the Office of Administrative Law, rules and regulations to implement NJQSAC. Effective March 11, 2008, the Commissioner readopted those rules with amendments. This rule proposal constitutes amendments of the rules currently in effect to implement the requirements for evaluating and monitoring the performance of public schools districts. Prior to the expiration of the chapter proposed for amendment here, the State Board of Education will adopt rules pursuant to N.J.S.A. 52:14B-1 et seq, as required by Public Law 2007, c. 16, to continue the implementation of NJQSAC.

The proposed amendments N.J.A.C. 6A:30 reflect two statutory changes that impact the existing system for the evaluation and monitoring of public school districts by the Department to ensure the provision of a thorough and efficient education to all students in the State. Specifically, P.L. 2007, c. 63 established the position of “Executive County Superintendent” to replace “County Superintendents” and the proposed amendments reflect this change. P.L. 2008,

c. 36 eliminated the process for appealing decisions of the Commissioner to the State Board of Education, and the proposed amendments delete references to a State Board appeals process. In addition, the proposed amendments provide for additional time to review the results of the self-assessment and place public school districts on the continuum and to develop a district improvement plan and obtain local school board approval.

Furthermore, amendments have been made to the Appendix to this chapter in four of the five District Performance Reviews (DPRs): Instruction and Program, Fiscal Management, Operations and Governance. Amendments reflect and incorporate recently adopted rules and statutes (for example, N.J.A.C. 6A:13, Program and Practices to Support Student Achievement, N.J.A.C. 6A:13A, Elements of High Quality Pre-School Programs, N.J.A.C. 6A:23A, Fiscal Accountability, Efficiency and Budgeting Procedure, and P.L. 2008 c. 38). Additional amendments to the DPRs serve to reduce the duplication of indicators and measurements within and among the DPRs, clarify language and adjust the weighting of several indicators after public review and Departmental consideration.

As the Commissioner has provided a 60-day comment period in this notice of proposal, this notice is exempted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5. The following summary provides a brief overview of the proposed amendments:

Subchapter 3: Comprehensive Review of Public School Districts

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

The proposed amendment reflects the changes made by statute, P.L. 2007, c. 63, which established the position of “Executive County Superintendent” to replace “County Superintendent.”

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

The proposed amendment reflects the changes made by statute, P.L. 2007, c. 63, which established the position of “Executive County Superintendent” to replace “County Superintendent.”

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

The proposed amendment reflects the changes made by statute, P.L. 2007, c. 63, which established the position of “Executive County Superintendent” to replace “County Superintendent.”

Subchapter 4. Performance Continuum

N.J.A.C. 6A:30 – 4.1 General requirements

The proposed amendment to subsection (a) changes the date by which the Commissioner must make a determination of each district's performance and placement on the performance continuum, from March 15 to April 30. This extension of time allows the Commissioner to thoroughly review the results of each public school district's self assessment and departmental verification prior to issuing a final determination of each public school district's placement on the performance continuum.

The proposed amendment also eliminates the process for appealing the Commissioner's final determination as to each district's placement on the performance continuum to the State Board, consistent with P.L. 2008, c. 36, by deleting subsection (f), amending and recodifying subsection (g) and deleting paragraph (g)3.

Subchapter 5. Improvement Activities to Support Student Achievement in Public School

Districts

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

The proposed amendment to subsection (a) increases the number of days each public school district is permitted to develop a NJQSAC district improvement plan and have the plan reviewed

and approved by their respective board of education before it is submitted to the Department from 45 days to 60 days.

Subchapter 6. Intervention Activities

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

The proposed amendment to paragraph (c)2 reflects the elimination of the State Board appeals process pursuant to P.L. 2008, c. 36, with respect to appeals of the Commissioner's decision regarding whether appointed district board members shall become voting board members following the initial order for partial State intervention. The amendment clarifies that appeals from such determinations may be made to the Superior Court, Appellate Division.

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

The proposed amendment to paragraph (f)2 reflects the elimination of the State Board appeals process pursuant to P.L. 2008, c. 36, with respect to appeals of the Commissioner's decision regarding whether appointed district board members shall become voting board members

following the initial order for partial State intervention. The amendment clarifies that appeals from such determinations may be made to the Superior Court, Appellate Division.

Subchapter 8. Transition of All Public School Districts to the NJQSAC Monitoring and Evaluation System

N.J.A.C. 6A:30-8.2 Level I public school districts

The proposed amendment reflects the changes made by statute, P.L. 2007, c. 63, which established the position of “Executive County Superintendent” to replace “County Superintendent.”

N.J.A.C. 6A:30-8.3 Public school districts certified as Level II and Level III and State-operated public school districts

The proposed amendment reflects the elimination of the State Board appeals process pursuant to P.L. 2008, c. 36 by deleting subsection (g), amending and recodifying subsection (h), deleting paragraph (h)3 and amending subsection (i).

Subchapter 10. Appeals

N.J.A.C. 6A:30-10.1 Appeal process

This subchapter is proposed for repeal, reflecting the elimination of the State Board appeals process and therefore elimination of the section in its entirety pursuant to P.L. 2008, c. 36.

Appendix—District Performance Review (DPR)

Instruction and Program DPR

Instruction and Program DPR - Section A

Total Points Section A: The total number of points was amended from 64 to 59 due to the change in point value of various indicators in this section.

Section A: Amendments are proposed to Section A deleting the indicator associated with **A4** (indicator is intentionally left blank) and deleting the original language and proposing a new indicator for **A6**. These changes are proposed because after receiving numerous comments from stakeholders and districts, the Department decided to use a different measure of subgroup progress. The school-wide AYP measures proposed here take into account subgroup performance and progress through the safe harbor provisions.

A7: The amendment to this indicator includes a change in the point value of the indicator, from 5 to 4. Due to the addition and amendment of indicators in the Instruction and Program DPR, the Department apportioned different weights to this and other indicators.

A8: The amendment to this indicator includes a change in the point value of the indicator, from 5 to 4. Due to the addition and amendment of indicators in the Instruction and Program DPR, the Department apportioned different weights to this and other indicators.

A9: The amendment to this indicator includes a change in the point value of the indicator, from 4 to 3. Due to the addition and amendment of indicators in the Instruction and Program DPR the Department apportioned different weights to this and other indicators.

A10: The amendment to this indicator includes a change in the point value of the indicator, from 4 to 3. Due to the addition and amendment of indicators in the Instruction and Program DPR, the Department apportioned different weights to this and other indicators.

A12: The amendment to this indicator includes a change in the point value of the indicator, from 4 to 3. Due to the addition and amendment of indicators in the Instruction and Program DPR, the Department apportioned different weights to this and other indicators.

Instruction and Program DPR - Section B

Total Points Section B: The total number of points was amended from 14 to 17 due to the change in point value of various indicators in this section.

B1: The amendment to this indicator includes a change in the point value of the indicator, from 3 to 4. Due to the addition and amendment of indicators in the Instruction and Program DPR the Department apportioned different weights to this and other indicators.

B4: The amendment to this indicator includes a change in the point value of the indicator, from 2 to 1. Due to the addition and amendment of indicators in the Instruction and Program DPR the Department apportioned different weights to this and other indicators.

B5: The amendment to this indicator includes a change in the point value of the indicator, from 2 to 1. Due to the addition and amendment of indicators in the Instruction and Program DPR, the Department apportioned different weights to this and other indicators.

B6: The amendment to this indicator includes a change in the point value of the indicator, from 1 to 2. Due to the addition and amendment of indicators in the Instruction and Program DPR, the Department apportioned different weights to this and other indicators. New language was also added to the indicator to reflect the importance of high school graduation preparation, as required by new regulations at N.J.A.C. 6A:13-2.2(f).

B8: This indicator was added to monitor new regulatory requirements for high school graduation at N.J.A.C. 6A:13-2.2(f).

Instruction and Program - Section C

C5b: This indicator, “Is delivered in the least restrictive environment,” was removed and intentionally left blank because the subject area is comprehensively evaluated through special education monitoring.

Instruction and Program - Section E

Suggested Documentation: The suggested documentation was amended to conform to changes in the indicators. Therefore, certain items of suggested documentation were deleted – early childhood plan, participation rates and student progress reports. The following documentation was added to reflect changes to the indicators and to provide further guidance to county staff in verifying compliance with the indicators: comprehensive curriculum, five-year preschool program plan or annual updates, articulations between PK and K teachers and between PK and K administrators; results of performance-based assessments passed on to Kindergarten staff; percentage of universe served, SAVS documentation, preschool enrollment; OFAC limited review audits and student work samples or portfolios.

E1a: This indicator was amended to conform to new regulations at N.J.A.C. 6A:13A, which require district submission and departmental approval of the five-year preschool program plan and annual updates.

E1b: This indicator was amended to conform to new regulations at N.J.A.C. 6A:13A, which require that the district’s approved comprehensive curriculum be aligned with the Preschool Teaching and Learning Expectations: Standards of Quality.

E1c: This indicator was amended to conform to new regulations at N.J.A.C. 6A:13A, which delineate that the curriculum be comprehensive.

E1e: This indicator was amended to conform to new regulations at N.J.A.C. 6A:13A, which eliminate the term “paraprofessional” and replaces “paraprofessional” with “teacher assistant.”

E1f: This indicator was amended to conform to new regulations at N.J.A.C. 6A:13A, which replace the word “program” in the term “program oversight” with “administrative and fiscal” oversight. The rules also replace “district-based” and “community-based” programs with programs that occur in district and in private providers of preschool programs.

E1g: This indicator was amended to conform to new regulations at N.J.A.C. 6A:13A, which require that the district use performance-based systems for improving instruction.

Instruction and Program - Section F

Total Points Section F: The total number of points was amended from 9 to 16 due to the change in point value of various indicators in this section.

F1: The amendment to this indicator includes a change in the point value of the indicator, from 1 to 4, in order to more rigorously monitor districts' progress in meeting graduation expectations reflected in new regulations at N.J.A.C. 6A:13.

F2a and b: The indicator was amended to conform to new rules at N.J.A.C. 6A:13-2.2(g), which requires that secondary school districts that administer the high school State assessment and in which 10 percent or more of their students satisfy high school graduation requirements through the Special Review Assessment (SRA) shall submit to the Department of Education by November 15 of the subsequent school year, an analysis of all students who graduated by means of the SRA in the previous school year. In addition, the amendment to this indicator includes a change in the point value of the indicator, from 2 to 4. Due to the addition and amendment of indicators in the Instruction and Program DPR, the Department apportioned different weights to this and other indicators.

F3a through c: The amendment to these indicators include a change in the point value of the indicators from 3 to 2. Due to the addition and amendment of indicators in the Instruction and Program DPR, the Department apportioned different weights to theses and other indicators.

F4a through e: The amendment to these indicators include a change in the point value of the indicators from 3 to 2. Due to the addition and amendment of indicators in the Instruction and Program DPR, the Department apportioned different weights to theses and other indicators.

F4b: The indicator was amended to clarify that it only applies where applicable.

F5: The indicator was added to monitor compliance with new regulations at N.J.A.C. 6A:13-2.2(f), which require that all secondary school districts implement academic coursework aligned to N.J.A.C. 6A:8-5.1 that prepares all students for success in postsecondary education and/or careers after graduation, including the development of academic skills integral to success in rigorous high school courses. Specifically, beginning in 2008-2009, districts must ensure that all students entering grade nine shall complete by the end of their high school education, at a minimum, coursework in language arts literacy, mathematics and science. These shall include college level preparatory English I, II, III and IV, Algebra I, Lab Biology or the equivalent content taught in an integrated or career-based format, and other coursework as specified in N.J.A.C. 6A:8.

F6: The indicator was added to monitor compliance with new regulations at N.J.A.C. 6A:13-2.2(f) requiring secondary school districts to implement academic coursework to prepare all students for success in postsecondary education and/or careers after graduation. This indicator monitors that districts inform all parents and students of the graduation requirements which is necessary in order to ensure that the graduation requirements are fully implemented.

Scoring: The amendments to the Scoring section of the DPR include changes in the total point value of various indicators.

Footer: Date of DPR amended to reflect the current year.

Personnel DPR

Footer: Date of DPR amended to reflect the current year.

Fiscal Management DPR

Fiscal Management DPR – Section A

A1b: The indicator was amended to clarify that the budget calendar does not require a formal board adoption.

A2e: The indicator was amended to include all critical insurance areas, adding property, casualty and auto insurance.

Fiscal Management DPR – Section B

B1: The indicator was amended for clarification.

B1b: The indicator was amended to clarify that the monthly board secretary's report must contain a budget status report which includes, for each required line item account, the original budget, transfers, adjusted budget, expenditures, encumbrances and available balance. The

indicator was further amended to clarify that the budget status report must contain the other items previously required in the board secretary's report.

B8d: The indicator was amended to monitor compliance with the new requirements under P.L. 2007, c. 53, specifying that the Budget Statement include a user-friendly budget and administrator salary spreadsheet.

Fiscal Management DPR – Section C

C1: The language was amended to correct an acronym.

C2d: The indicator was amended to clarify that this is applicable except where allowed by State law or GAAP.

Fiscal Management DPR – Section D

D3: The indicator was amended to remove references to State aid categories (ECPA and DEPA) that no longer exist and to include reference to state preschool education aid.

D3a: The indicator was amended to remove references to State aid category (DEPA) that no longer exists.

D4b: The indicator was amended to delete the parenthetical reference that did not provide any additional clarification.

D4d: The indicator was amended to highlight that proper close-out includes as one of those items, the proper transfer of interest earned.

Fiscal Management DPR – Section E

E2d: The indicator was amended to eliminate a duplicative indicator (the original version of E2d and E2e measure similar activity and E2e is more descriptive) and replace it with one of the recently established efficiency measures included in the accountability rules at N.J.A.C. 6A:23A-9.3(c)2 by monitoring whether the district is at or below the median spending for administration as reported in the most recent Comparative Spending Guide.

E3: The indicator was amended to reference the new option of receiving a waiver of the required participation in the Special Education Medicaid Initiative (SEMI) program.

Footer: The date of DPR amended to reflect the current year.

Operations DPR

Operations DPR – Section A

A2a: The indicator was amended to correct a typographical error.

Operations DPR – Section C

C1c: The indicator was amended to correct a grammatical error.

C2c: The indicator was amended to include additional documentation for clarification, specifically “Comparison of records and School Report card and EVVRS data.”

C5a: The indicator was amended to correct a typographical error and include the correct documentation. Specifically, the following language was eliminated: “Copy of board-approved policies and procedures for removals of students for firearms offenses; Copy of notification to the student’s parent that includes the removal action, the law enforcement notification, the change of custody, if it occurs, and the student’s due process rights; Copy of the student’s old schedule in school and the new schedule in the alternative education program; If interim home instruction is provided pending alternate education placement, a copy of lesson plans and a copy of the assignment or application for the student’s placement in an alternate education program; If appropriate, the CSA’s written record of any case-by-case modifications of the required one-year removal.” The following language was added: “District policies and procedures regarding attendance and on-time arrivals; District procedures for responding to unexcused absences and excused absences; Records indicating contacts with parents regarding absences.”

C6: The indicator was amended to clarify the intent and citation reference. Specifically, language was added to clarify that the policy prohibiting harassment, intimidation and bullying be distributed “to students, parents and staff.” In addition, the following code citations were provided for clarification: N.J.A.C. 6A:16-7.1(a)4 and (c)7 and 7.9(d).

Operations DPR – Section D

D2: The total number of points was amended, from 4 to 3, due to the change in point value of various indicators in this section.

D3: The indicator was added to monitor compliance with new statutory requirements in P.L. 2008, c. 38 that requires that districts implement strategies to identify those students who are not covered by health insurance and provide the list of those students to the Department of Human Services. In addition, the following language was added to the documentation section of D3: “Evidence that the district has employed strategies to identify students who are not covered by health insurance and is transmitting that information to the Department of Human Services; Copy of the list of those students who are not covered by health insurance.”

D4 through D6: These indicators were renumbered due to the addition of indicator D3.

D5: The total number of points was amended, from 2 to 1, due to the change in point value of various indicators in this section.

Operations DPR – Section E

E4b: The indicator was amended to clarify the citation reference.

Footer: The date of DPR amended to reflect the current year.

Governance DPR

Governance DPR - Section B

B2: The indicator was amended to correct grammar.

Governance DPR - Section C

C1: The indicator was amended to avoid duplication with indicator Governance B3.

C2: The indicator was amended to avoid duplication with indicator Governance B3, and to correct a statutory reference.

C5: The indicator was amended to monitor compliance with new regulations at N.J.A.C. 6A:23A-6.2, which outline provisions regarding district's obligation to implement a nepotism policy. Specifically, the regulatory citation (N.J.A.C. 6A:23A-6.2) was added to the indicator.

C6: The indicator was added to monitor compliance with new regulations at N.J.A.C. 6A:23A-6.3. Specifically, the following language was added: “The school board or advisory board has a policy in place to ensure that the district shall maintain honest and ethical relations with vendors and shall guard against favoritism, improvidence, extravagance and corruption in its contracting processes and practices and takes action in accordance with that policy (N.J.A.C. 6A:23A-6.3).” The following language was also added to the documentation section of the indicator: “Board policy and procedures.”

Governance DPR-Section E

E7: The indicator was added to ensure that board members fulfill their responsibility to read and be familiar with all terms of the negotiated employment contracts in the district.

Governance DPR - Section F

F5: The indicator was amended to monitor compliance with the statutory requirement at N.J.S.A. 18A: 17-15.1 that requires that the district’s contract with the Chief School Administrator explicitly state that in the event that the certificate of the superintendent is revoked the contract is null and void as of the date of the revocation.

F8: The indicator was added to monitor compliance with new statutory and regulatory requirements at N.J.S.A. 18A:7-8 and N.J.A.C. 6A:23A-3.1 that require the Executive County Superintendent to review and approve certain contracts with district administrators. In addition, the suggested documentation was amended to include approval letters from Executive County Superintendent; and board minutes.

Governance DPR - Section I

I8: The indicator was added to monitor compliance with new statutory and regulatory requirements at N.J.S.A. 18A:11-11 and N.J.A.C. 6A:23A-3.1(c) that require that the school board provide public notice prior to renegotiating, extending, amending or otherwise altering the terms of contracts for all superintendents, deputy superintendents, assistant superintendents and school business administrators. In addition, the suggested documentation was amended to include copies of the public notices.

I9: The indicator was added to monitor compliance with new statutory requirements at N.J.S.A. 18A:22-8a, and N.J.S.A.:18A-7F-5.3 that require that the school board submit a user-friendly budget and publish key budget provisions, including the salaries of all district employees earning over \$75,000.00 per year who are not members of collective bargaining units. The suggested documentation was amended to include user-friendly budget.

Footer: The date of DPR was amended to reflect the current year.

Social Impact

The proposed amendments to and repeal at N.J.A.C. 6A:30 reflect two statutory changes that impact the existing system for the evaluation and monitoring of public school districts by the Department to ensure the provision of a thorough and efficient education to all students in the State. Furthermore, the amendments allow for additional time to place public school districts on the continuum and to develop a district improvement plan. Under NJQSAC, all public school districts will be evaluated by uniform, objective criteria in the areas of instruction and program, fiscal management, personnel, operations and governance. Based on these reviews by the Department, appropriate assistance and/or intervention activities will be initiated. In addition, where a public school district fails to develop or implement an improvement plan as required or other emergency circumstances warrant, the Department may seek partial or full intervention in the public school district to effect the changes necessary to build local capacity to provide a thorough and efficient education. Through this system, the Department will be able to work with public school districts to identify and remedy areas of deficient performance in public school districts, which will have a salutary impact on affected students and parents. Public school district communities will also benefit by receiving current, reliable information about their public school districts, thereby enabling these communities to hold their public school districts accountable.

Economic Impact

The proposed amendments and repeal will have no economic impact on public school districts as the amendments and repeal do not effect any significant substantive changes in the current monitoring system and serve instead to incorporate, as part of the monitoring and evaluation system, new regulatory and statutory requirements that have already been implemented.

The Department will not incur any additional costs due to the amendments and repeal.

Jobs Impact

The proposed amendments and repeal will not impact jobs, including the generation or loss of jobs, in public and private schools, nor at the local or State level.

Federal Standards Statement

The proposed amendments and repeal are consistent with Federal standards for public school district accountability, 20 USC §6311(b)(2) and 34 CFR §200.12. There are no other Federal language or regulations that impact this proposal.

Agriculture Industry Impact

The proposed amendments and repeal will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required because the proposed amendments and repeal 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. This chapter impacts solely upon New Jersey public school districts operated under the auspices of the New Jersey Department of Education.

Smart Growth Impact

The proposed amendments and repeal will have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact

The proposed amendments and repeal will have no impact on the cost of housing or number of housing units as they serve only to incorporate, as part of the monitoring and evaluation system, new regulatory and statutory requirements that have already been implemented.

Smart Growth Development Impact

The proposed amendments and repeal will have no impact on smart growth development as the amendments serve only to incorporate, as part of the monitoring and evaluation system new regulatory and statutory requirements that have already been implemented. As such, there is an extreme unlikelihood that the amendments would evoke a change in the housing production within Planning Area 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in underline thus; deletions indicated in brackets [thus]):

SUBCHAPTER 3. COMPREHENSIVE REVIEW OF PUBLIC SCHOOL DISTRICTS

6A:30-3.1 General requirements

(a)-(b) (No change.)

(c) The Commissioner shall direct the Executive County Superintendent and other appropriate Department staff to provide timely notification to each public school district of the procedures for the comprehensive review.

(d) (No change.)

6A:30-3.2

(a)-(b) (No change.)

(c) The Executive County Superintendent shall provide technical assistance as needed to the Chief School Administrator and the committee utilized by the public school district to complete the District Performance Review.

(d)-(f) (No change.)

(g) The District Performance Review, as approved by the district board of education, the statement of assurance and the minutes of all district board of education meetings at which the District Performance Review was discussed shall be submitted to the appropriate Executive County Superintendent's office by November 15 of that year or at such other time as the Commissioner may designate where the Commissioner has directed a 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) or where the Commissioner is phasing a district into the NJQSAC process pursuant to N.J.S.A. 18A:7A-53 and N.J.A.C. 6A:30-8.2(a). In the event that 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 those sections of the District Performance Review of which it approves, and those with which it takes exception.

(h) (No change.)

6A:30-3.3 Review and evaluation of District Performance Reviews

(a) Upon receipt of a public school district's District Performance Review and statement of assurance, the Executive County Superintendent shall confirm the receipt of the documents and conduct a review, which shall include:

1. -2. (No change.)

3. Verifying the responses of the District Performance Review using relevant data, reports, facts, audit results, documents and/or other information. In connection with the review of the District Performance Review, the Executive County Superintendent's staff may require that the public school district submit documentation substantiating its responses or other information.

(b) Upon completion of the initial review, the Executive County Superintendent shall notify the Chief School Administrator of any areas of the District Performance Review that require additional clarification. When such a notification is warranted, the department shall:

1.-2. (No change.)

(c) Appropriate Executive County Superintendent staff shall compile and analyze the results of each public school district's District Performance Review and any additional review conducted

by Department staff and shall develop a recommendation for the public school district's placement on the performance continuum. This recommendation shall be submitted to the Commissioner for a final decision. The Commissioner shall review this recommendation 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 public school district's placement on the performance continuum.

SUBCHAPTER 4. PERFORMANCE CONTINUUM

6A:30-4.1 General requirements

(a) On or before [March 15] April 30 of the school year in which the public school district's comprehensive review occurs, or at such other time as the Commissioner may designate where the Commissioner has directed a public 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) or where the Commissioner is phasing a public school district into the NJQSAC process pursuant to N.J.S.A. 18A:7A-53 and N.J.A.C. 6A:30-8.2(a), the Commissioner shall issue a final determination of each public school district's performance and placement on the performance continuum, based on the comprehensive review. The Commissioner shall promptly notify public school districts of that determination and shall notify the State Board at its next public meeting.

(b)-(e) (No change.)

[(f) Each public school district shall have 30 days from the date of receipt of the Commissioner's determination of the public school district's placement on the performance continuum to appeal the placement decision to the State Board. In its papers initiating the appeal, the public school district shall specifically delineate each indicator in the District Performance Review that it believes was scored incorrectly by the Commissioner, and the basis for such claim.

1. On appeal, the State Board's review of placement decisions shall review the scores for each performance indicator specifically challenged by the public school district in its notice of appeal.

2. The record on appeal shall consist of the reports of the Commissioner and evaluation team, as well as all other documentation upon which the Commissioner relied when reaching a determination with respect to the public school district's placement on the performance continuum.

3. If an appeal is filed pursuant to this subsection, the State Board's determination regarding the public school district's placement on the performance continuum at the conclusion of the State Board appeal process shall be considered final.

4. If no appeal is filed pursuant to this subsection, the Commissioner's determination regarding the public school district's placement on the performance continuum shall be considered final upon the expiration of the time period for the filing of an appeal.]

[(g)]**(f)** [Prior to appealing the placement decision to the State Board, as set forth at (f) above, the] **The** public school district may, within seven days of the date of receipt of the Commissioner's report, seek reconsideration of the initial placement decision by the Commissioner.

1.-2. (No change.)

[3. The time for appeal to the State Board shall be tolled during the period of reconsideration.]

SUBCHAPTER 5. IMPROVEMENT ACTIVITIES TO SUPPORT STUDENT

ACHIEVEMENT IN PUBLIC SCHOOL DISTRICTS

6A:30-5.5 Review and approval process for the NJQSAC district improvement plan

(a) Within [45] 60 days of the public school district's receipt of the in-depth evaluation report, the Chief School Administrator shall obtain the approval of the district board of education for the proposed NJQSAC district improvement plan and shall submit the proposed NJQSAC district improvement plan, as approved by the district board of education, to the Department. If the Department did not conduct an in-depth evaluation of the public school district, the Chief School Administrator shall obtain the approval of the district board of education for the proposed NJQSAC district improvement plan and shall submit the proposed NJQSAC district improvement plan, as approved by the district board of education, to the Department within [45]

60 days of the final determination of the public school district's placement on the performance continuum as set forth at N.J.A.C. 6A:30-4.1(f). In the event that the district board of education does not approve the NJQSAC district improvement plan, the district board of education may require that the CSA and the in-district team reevaluate and/or revise the plan. In his or her discretion, the Commissioner may grant reasonable extensions of time for the submission of the school board-approved NJQSAC district improvement plan.

(b)-(d) (No change.)

SUBCHAPTER 6. INTERVENTION ACTIVITIES

6A:30-6.5 Structure of the district board of education under partial State intervention

(a)-(b) (No change.)

(c) The appointed district board members shall be non-voting members of the district board and shall have all other rights, obligations, powers and privileges of board members.

1. (No change).

2. If the Commissioner determines that the appointed district board members shall become voting members, the district board of education [shall have 30 days to] may appeal that determination to the [State Board of Education] Superior Court, Appellate Division.

(d)-(e) (No change.)

6A:30-6.8 Operations of the district board of education under full State intervention

(a)-(e) (No change.)

(f) The appointed district board members shall be non-voting members of the district board and shall have all the other rights, obligations, powers and privileges of board members.

1. (No change.)

2. If the Commissioner determines that the appointed district board members shall become voting members, the district board of education [shall have 30 days to] may appeal that determination to the [State Board of Education] Superior Court, Appellate Division

(g)-(i) (No change.)

SUBCHAPTER 8. TRANSITION OF ALL PUBLIC SCHOOL DISTRICTS TO THE NJQSAC MONITORING AND EVALUATION SYSTEM

6A:30-8.2 Level I public school districts

(a) Public school districts certified as Level I by the State Board of Education prior to February 22, 2007 shall be phased into the NJQSAC comprehensive review process and evaluated by the Department in accordance with a schedule established by the Commissioner. In establishing this schedule, the Commissioner shall take into account the time period that has elapsed since the last on-site monitoring of the public school district by the Executive County Superintendent [county superintendent] pursuant to the former rules in effect prior to February 22, 2007. During the phase-in of the NJQSAC monitoring process, public school districts that have not yet undergone a comprehensive review shall continue to complete and submit a Quality Assurance Annual Report (QAAR) pursuant to N.J.A.C. 6A:32-12.1

(b) (No change.)

6A:30-8.3 Public school districts certified as Level II and Level III and State operated public school districts

(a)-(f) (No change.)

[(g) The public school district shall have 30 days from the date of receipt of the Commissioner's determination of the public school district's placement on the performance continuum to appeal the placement decision to the State Board. In its papers initiating the appeal, the public school district shall specifically delineate each indicator in the District Performance Review that it believes was scored incorrectly by the Commissioner, and the basis for such claim.

1. On appeal, the State Board's review of placement decisions shall review the scores for each performance indicator specifically challenged by the public school district in its notice of appeal.

2. The record on appeal shall consist of the reports of the Commissioner and evaluation team, as well as all other documentation upon which the Commissioner relied when reaching a determination with respect to the public school district's placement on the performance continuum.

3. If an appeal is filed pursuant to this subsection, the State Board's determination regarding the public school district's placement on the performance continuum at the conclusion of the State Board appeal process shall be considered final.

4. If no appeal is filed pursuant to this subsection, the Commissioner's determination regarding the public school district's placement on the performance continuum shall be considered final upon the expiration of the time period for the filing of an appeal.]

[(h)] (g) [Prior to appealing the placement decision to the State Board, as set forth at (g) above, the] The public school district may, within seven days of the date of receipt of the Commissioner's report, seek reconsideration of the initial placement decision by the Commissioner.

1.-2. (No change.)

[3. The time for appeal to the State Board shall be tolled during the period of reconsideration.]

[(i)] (h) Following the final determination of the public school district's placement on the performance continuum [as set forth at (g) above], the Department and the public school district shall initiate all appropriate improvement and intervention activities based on that placement decision.

1.-5. (No change.)

[SUBCHAPTER 10. APPEALS

6A:30-10.1 Appeal process

A public school district may appeal decisions of the Commissioner to the State Board pursuant to the provisions set forth at N.J.A.C. 6A:4.]

APPENDIX