

CHAPTER 8

THOROUGH AND EFFICIENT SYSTEM OF FREE PUBLIC SCHOOLS

Authority

N.J.S.A. 18A:1-1, 4-15, as supplemented and amended
by N.J.S.A. 18A:7A-1 et seq., P.L. 1990, c.52,
P.L. 1991, c.3 and P.L. 1991, c.62.

Source and Effective Date

R.1992 d.22, effective December 11, 1991.
See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

Chapter Expiration Date

Pursuant to Executive Order No. 22(1994), Chapter 8, Thorough and Efficient System of Free Public Schools, expires on June 11, 1998. See: 26 N.J.R. 3783(a) and 3942(a).

Chapter Historical Note

All provisions of this chapter became effective December 10, 1971 as R.1971 d.220. See: 4 N.J.R. 2(c). An order repealing these provisions became effective September 6, 1974 as R.1974 d.246. See: 6 N.J.R. 390(b). A new chapter became effective January 7, 1976 as R.1976 d.3. See: 7 N.J.R. 543(a), 8 N.J.R. 58(a). This chapter was readopted with amendments pursuant to Executive Order 66(1978), effective June 18, 1984 as R.1984 d.282. See: 16 N.J.R. 597(a), 16 N.J.R. 1719(a). Amendments to this chapter became effective April 1, 1985 as R.1985 d.149. See: 17 N.J.R. 143(b), 17 N.J.R. 811(b). This chapter was repealed and a new chapter became effective January 5, 1987 as R.1987 d.32. See: 18 N.J.R. 1984(a), 19 N.J.R. 63(c). Chapter 8 was recodified effective January 5, 1987.

Subchapter 9, Approved Public Elementary and Secondary School Summer Sessions, was adopted as R.1989 d. 601, effective December 18, 1989. See: 21 N.J.R. 2441(c), 21 N.J.R. 3933(a).

Chapter 8, Thorough and Efficient System of Free Public Schools, pursuant to Executive Order No. 66 (1978) was readopted with amendments and with Subchapter 8 repealed and Subchapter 9 recodified as Subchapter 8 by R.1992, d. 22, effective December 11, 1991 (readoption); January 6, 1992 (amendments and repeal). See Source and Effective Date. Petition for Rulemaking: Request the use of alternatives for remedial course instruction during summer sessions. See: 24 N.J.R. 653(b), 24 N.J.R. 1400(d).

Subchapters 1, 2, 3 and 4 were repealed and replaced by new rules by R.1992 d. 510, effective December 21, 1992. See: 24 N.J.R. 3039(a), 24 N.J.R. 4508(a).

Prior rulemaking in Subchapter 1, Definitions, repealed by R.1992 d. 510, effective December 21, 1992:

Public Notice: Notice of public testimony.
See: 23 N.J.R. 2061(b).

6:8-1.1 Words and phrases defined
Amended by R.1989 d. 240, effective May 1, 1989.
See: 21 N.J.R. 235(a), 21 N.J.R. 1134(a).

Definitions of "core course proficient" and "curriculum" added.
Amended by R.1992 d. 22, effective January 6, 1992.
See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

Added definitions for "at-risk pupil", "preventive and remedial pupil" and "program for at-risk pupils"; deleted definitions of "communications", "computation", "maintenance of effort", "State compensatory education"; amended "preventive and remedial program".

Prior rulemaking in Subchapter 2, State Educational Goals and Standards, repealed by R.1992 d. 510, effective December 21, 1992:

6:8-2.2 State educational standards
Amended by R.1992 d. 22, effective January 6, 1992.
See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).
Corrected internal N.J.A.C. cite.

Prior rulemaking in Subchapter 4, Interim Rule for the Evaluation of the Performance of Each Public School District, repealed by R.1992 d. 510, effective December 21, 1992:

6:8-4.1 General requirements
Amended by R.1992 d. 22, effective January 6, 1992.
See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).
Repealed and replaced (a) and (b).

6:8-4.2 Evaluation of elements and standards
Amended by R.1989 d. 240, effective May 1, 1989.
See: 21 N.J.R. 235(a), 21 N.J.R. 1134(a).
Added language regarding core course proficiencies developed by the Department.
Amended by R.1992 d. 22, effective January 6, 1992.
See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

Recodified from 6:8-4.3; original 6:8-4.2, entitled "Evaluation procedures" was repealed by this rulemaking.

6:8-4.3 Findings
Recodified from 6:8-4.4 by R.1992 d. 22, effective January 6, 1992.
See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).
Stylistic changes and citation corrections.

6:8-4.4 Certification
Recodified from 6:8-4.5 by R.1992 d. 22, effective January 6, 1992.
See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

6:8-4.5 (Reserved)
Recodified to 6:8-4.4 by R.1992 d. 22, effective January 6, 1992.
See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

6:8-4.6 (Reserved)
Repealed by R.1992 d. 22, effective January 6, 1992.
See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

Former Subchapter 5, Interim Rules for Level II and III Districts, was recodified and amended as a new Subchapter 5A, Interim Rules for Districts Placed in Level II and III Monitoring Prior to July 1, 1993, and a new Subchapter 5, Rules for Level II and III Districts was established by R.1992 d. 510, effective December 21, 1992. See: 24 N.J.R. 3039(a), 24 N.J.R. 4508(a).

Subchapter 6, Preventive and Remedial Programs in Reading, Writing and Mathematics, was repealed and replaced by new programs, Programs and Services for Pupils at Risk by R.1993 d. 40, effective January 19, 1993. See: 24 N.J.R. 3494(a), 25 N.J.R. 299(c). Prior rulemaking activity in Subchapter 6, Preventive and Remedial Programs in Reading, Writing and Mathematics, repealed by R.1993 d. 40, effective January 19, 1993:

Public Notice: Notice of public testimony.
See: 23 N.J.R. 2061(b).

6:8-6.1 Assessment procedures
Amended by R.1992 d. 22, effective January 6, 1992.
See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).
Established time frames for completion of assessments and forwarding of documents.

- 6:8-6.2 Required supplemental preventive and remedial programs
Amended by R.1992 d. 22, effective January 6, 1992.
See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).
Added new (a), (b), (c), (d), (f) and (g); recodified (a) as new (e).

- 6:8-6.3 (Reserved)
Repealed by R.1992 d. 22, effective January 6, 1992.
See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

See section annotations for specific rulemaking activity.

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SUBCHAPTER 1. DEFINITIONS

6:8-1.1 Words and terms defined

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Articulation” means continuity, consistency and interdependence in the curricular offerings of the successive divisions of the school system and among constituent, regional and sending-receiving districts.

“Assessment” means a written analysis of the current status of an educational system in terms of achieving its goals and objectives.

“Average daily attendance” means the total number of days present divided by the total possible number of days of attendance.

“Behavior standard” means a school-level standard related to attendance, dropout rate, expulsions, out-of-school suspensions, acts of violence and substance abuse.

"Benchmark" means interim performance level which is set to measure a school's progress toward the achievement of minimum State standards.

"Certification" means an acceptable rating in all indicators in the eight elements of the monitoring process.

"Certification with conditions" means certification that is contingent upon the district correcting identified deficiencies without additional diagnostic monitoring or technical assistance, within a specific period of time.

"Challenge objective" means a school-level objective which is developed when student performance or behavior is at or above minimum State standards.

"Community" means the community at large, including, but not limited to, the parents of pupils.

"Curriculum" means planned learning opportunities in order for pupils to achieve the intended outcomes of instruction.

"Curriculum content standards" means standards adopted by the State Board of Education in K-12 curriculum areas which define the knowledge and skills that a school should impart to all pupils to demonstrate competency in challenging subject matter.

"Element" means one of the eight components of the educational process which is reviewed during monitoring for the purpose of certifying school districts.

"Evaluation" means procedures used to determine the success of programs, projects, techniques and materials in relation to the achievement of goals, objectives and standards; that is, the act of making judgments based upon the data gathered.

"Goals" means a written statement of educational aspirations for learner achievement and the educational process stated in general terms.

"Indicator" means one of the subsections of the eight elements that contain specific criteria reviewed during the monitoring process.

"Information processing skills" means library, study, computer and technology skills.

"Minimum level of proficiency" means passing scores on the State tests established pursuant to N.J.S.A. 18A:7A-6 and the State-approved minimum levels of proficiency in grades where State testing does not take place.

"Monitoring" means the process by which the Commissioner of Education or his or her designee evaluates the status of each school district every seven years for the purpose of determining certification status.

"Municipal alliance" means the coordinated efforts of a community and school district with regard to substance abuse prevention programs.

"Objective" means a written statement of the intended outcome of a specific educational process.

"Performance assessment" means a variety of techniques for assessing pupil's achievement in areas that are not well measured by typical multiple choice tests, including such things as open-ended or constructed response questions, essays, portfolios of pupil's work, performance of what pupils know and can do, projects, demonstrations, and laboratory problems.

"Pupil at risk" means a pupil who is in danger of failure or dropping out of school because of specific cognitive, affective, economic, social and/or health needs. Pupils at risk shall be defined as pupils affected by one or more of the following conditions:

1. Failure to acquire the essential skills needed to stay on grade level, or performance below minimum levels of proficiency;
2. History of adjustment or behavioral problems;
3. Having been placed on long-term suspension for violation of school policies;
4. Being pregnant or a parent;
5. Being in jeopardy of not graduating;
6. Living in conditions of poverty as defined by eligibility for free meals or free milk;
7. History of poor school attendance;
8. Being limited in English language proficiency;
9. Being disaffected as defined in this subchapter;
10. Being disruptive as defined in this subchapter; and
11. Other characteristics identified by the district board of education which may place pupils at risk.

"Quality assurance annual report" means a report provided by the chief school administrator to the public which includes: implementation of school-level plans, achievement of performance objectives, school profiles, professional development activities, condition of school facilities, status of mandated program reviews and community support data.

"School-level plan" means a two-year plan which is developed by each school, is based on school profile data and includes student performance objectives, progress review by teaching, and administrative staff and parent involvement.

"School profile" means a profile of each school which is compiled annually by the district and which contains statisti-

cal information specified by the State Department of Education.

"Statement of assurance" means a document submitted by the chief school administrator to the county superintendent which verifies the development and implementation of the school-level plan, conduct of school-level meetings, written curricula, curriculum articulation and the development and implementation of a substance abuse prevention program.

SUBCHAPTER 2. STATE EDUCATIONAL GOALS AND STANDARDS

6:8-2.1 State educational goals

(a) The following State goals are applicable to all public school districts. It is the Department's intention that:

1. All children in New Jersey start school ready to learn.

i. Quality preschool opportunities be provided for all children, through collaboration between public schools and community agencies.

ii. Parent education programs be designed and implemented by all districts to assist parents in providing readiness experiences for their preschool children.

2. The high school graduation rate be at least 90 percent Statewide.

i. All districts provide least restrictive, alternative programs for pupils who cannot succeed in the regular high school environment, including those students with disabilities.

ii. All districts provide dropout prevention programs for pupils at risk.

3. New Jersey pupils leave grades four, eight, and 11 having demonstrated competency in challenging subject matter including reading, writing, mathematics, science, and social studies (civics, history, and geography), health, physical education, and fine, practical and performing arts.

i. All districts implement State-approved curriculum content standards and appropriate assessments to enable pupils to succeed and to evaluate their performance.

ii. All districts provide staff development opportunities to ensure that teachers are adequately equipped to teach challenging and up-to-date subject matter and to implement effective teaching techniques.

4. All pupils learn to use their minds well, so that they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy.

i. All districts provide students with experiences in higher level thinking, information processing, the responsibilities of citizenship, and employability skills.

ii. All pupils demonstrate competency in the subject areas of health, physical education, fine, practical and performing arts, and career education.

iii. All pupils demonstrate respect for racial, cultural, ethnic and religious diversity.

5. All pupils increase their achievement levels in science and mathematics to contribute to our country's ability to compete academically with all other countries of the world.

i. All districts revise their curriculum offerings in science and mathematics according to State standards as they are developed.

ii. All districts provide staff training in the teaching of mathematics and science at grades K-12 to increase teachers' understanding of and ability to teach these subjects.

6. Every adult be literate and possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

i. Adult education programs be increased, in conjunction with local districts, community colleges and other educational agencies, to provide greater opportunities for adults to continue learning for work skills, leisure pursuits, intellectual and cultural growth and to assist their children in learning.

ii. Business and industry be encouraged to collaborate with educational agencies to design and increase access to educational programs for adults, such as flex time, distance learning, and interactive technology.

7. Every school in New Jersey be free of drugs and violence and offer a safe, disciplined environment conducive to learning.

i. All school districts develop partnerships with parents to establish the responsibilities of each to create and maintain safe and healthy educational environments for all pupils.

ii. All districts provide programs and staffing to deal with pupils at risk.

iii. All schools and communities expand their cooperative efforts to create drug and violence-free environments.

iv. All students develop a positive view of self and learn to use effective interpersonal skills.

Case Notes

Driver education not mandated and may be offered outside of regular school day. Parsippany-Troy Hills Education Assn. v. Bd. of Ed., Parsippany-Troy Hills Twp., Morris Cty., 7 N.J.A.R. 236 (1981), affirmed 188 N.J.Super. 161, 457 A.2d 15 (App.Div.1983), certification denied 94 N.J. 527, 468 A.2d 182 (1983).

Supplemental instruction required under New Jersey law if needed due to demonstrated educational handicaps. Hamilton Twp. Supplemental Teachers Assn. v. Bd. of Ed., Hamilton Twp., Mercer Cty., 2 N.J.A.R. 294 (1979), affirmed 180 N.J.Super. 321 (App.Div.1981), affirmed 90 N.J. 63 (1982).

Findings that certified Title I teachers were improperly compensated, assigned titles as a subterfuge to avoid pay parity and terminated under false rationale to avoid tenure acquisition. Blue v. Bd. of Ed., Jersey City, 2 N.J.A.R. 206 (1980).

6:8-2.2 State educational standards

The State educational standards shall be those set forth in N.J.A.C. 6:8-4.3 through 4.10 which shall be used for the implementation of a thorough and efficient system of free public schools in accordance with N.J.S.A. 18A:7A-1 et seq. and the New Jersey Constitution.

6:8-2.3 Review of State educational goals and standards

(a) The State Board of Education, after consultation with the Commissioner and review by the Joint Committee on the Public Schools, shall, from time to time, but at least once every five years, review and update the State goals and standards.

(b) In reviewing and updating these goals and standards, the State Board shall consult with the Commissioner of Labor, the Chancellor of Higher Education, the Commissioner of Health, the Commissioner of Human Services and other State employees and officers as deemed necessary.

SUBCHAPTER 3. REPORTING AND STAFFING OF SCHOOL DISTRICTS

6:8-3.1 Reports

(a) Each district board of education shall, on forms approved by the Commissioner and at specified times, submit:

1. Demographic data relative to each school;
2. Number and reasons for school dropouts;
3. Results of district and school assessment programs of pupil achievement; and
4. All required annual fiscal reports pursuant to law and rule.

Case Notes

Commissioner's monitoring function under the Public School Education Act to measure and achieve a thorough and efficient education for all public school children failed to accomplish that goal and operated largely as a self-improvement system. Abbott by Abbott v. Burke, 119 N.J. 287, 575 A.2d 359 (1990).

6:8-3.2 Staffing

(a) Teaching staff members shall be employed by the district board of education based upon the specific instructional needs of pupils of the district and each school within the district. Pursuant to N.J.A.C. 6:11, the district board of education shall provide certified personnel needed to implement a thorough and efficient system of free public schools.

(b) Each school shall be assigned the services of a full-time non-teaching principal to be responsible for administration and supervision of the school.

1. When a full-time non-teaching principal is not assigned to a school, the district board of education, upon advice of the chief school administrator, shall submit to the Commissioner for approval a plan that ensures adequate supervision of pupils and staff.

SUBCHAPTER 4. PROCEDURES FOR THE EVALUATION OF THE PERFORMANCE OF EACH PUBLIC SCHOOL DISTRICT

6:8-4.1 General requirements

(a) The Commissioner of Education shall evaluate each school district's implementation of the standards required by this chapter.

(b) Based upon the evaluation, the Commissioner shall recommend to the State Board of Education the certification of each district meeting the criteria established in this chapter.

(c) The State Board of Education shall determine the certification of each district.

(d) A district certified pursuant to this chapter shall not be required to be formally evaluated for seven years.

(e) The Commissioner reserves the right to recommend that the State Board of Education rescind the certification of any district which may fall into non-compliance with the standards set forth in this chapter.

6:8-4.2 Evaluation procedures

(a) Each school district within a county shall be monitored beginning July 1, 1993, and if certified, every seven

years thereafter by the monitoring team under the supervision of the county superintendent of schools.

1. The county superintendent of schools shall establish a monitoring schedule with the approval of the Assistant Commissioner, Division of County and Regional Services.

2. Each district scheduled for monitoring shall be notified in advance by the county superintendent of schools. The dates for such monitoring visits to the district shall be established in consultation with the chief school administrator of the district and, for special needs district, the director of the regional urban assistance center.

3. A representative of the county superintendent of schools shall conduct a pre-monitoring conference with a representative of the district to establish the monitoring format.

4. Prior to the monitoring visit, the county office representative shall request that the district representative provide such documentation materials that are unavailable at the county office. The district representative shall be directed to either forward the documentation materials or make them available at the time of the monitoring visit.

(b) During the monitoring visit, the team shall evaluate the school district pursuant to the elements and standards set forth in N.J.A.C. 6:8-4.3 through 4.10.

Case Notes

Application of college credits towards requirements for high school graduation. *Silverman v. Burke*, 1977 S.L.D. 724.

Local administrative directive cannot alter graduation requirements. *Dooner v. Bd. of Ed., Toms River School District, Ocean Cty.*, 1976 S.L.D. 619.

6:8-4.3 Quality assurance

(a) The quality assurance element shall be rated acceptable upon demonstration of performance in the following two indicators:

1. A quality assurance annual report:

i. By September 30 of each year, the chief school administrator shall provide a report to the public at a regular board of education meeting, which includes:

(1) Implementation of school-level plans (N.J.A.C. 6:8-4.4);

(2) Achievement of performance objectives (N.J.A.C. 6:8-4.4);

(3) Each school profile, including pupil performance results and student behavior data (N.J.A.C. 6:8-4.4);

(4) Professional development activities (N.J.A.C. 6:8-4.8);

(5) Condition of school facilities (N.J.A.C. 6:8-4.9);

(6) Status of mandated program reviews (N.J.A.C. 6:8-4.10); and

(7) Community support data contained in (a)2 below.

ii. By October 30 of each year, the chief school administrator shall submit a copy of the annual report to the county superintendent.

iii. The documentation/activities shall be:

(1) The quality assurance annual report; and

(2) Board minutes; and

2. Community support:

i. Over a seven-year period, the district shall document community support through the following components:

(1) A review of demographic data;

(2) A community survey;

(3) Identification of available resources and linkages to social service agencies;

(4) Strategies to overcome any community and environmental conditions that hinder learning;

(5) Methods to eliminate any barriers to community participation;

(6) Planned level of community involvement; and

(7) Strategies for parental involvement and parent-teacher interaction.

ii. The documentation/activities shall be the quality assurance annual report.

Law Review and Journal Commentaries

Education. Judith Nallin, 138 N.J.L.J. Nos. 2, 62 (1994).

Case Notes

Commissioner's monitoring function under the Public School Education Act to measure and achieve a thorough and efficient education for all public school children failed to accomplish that goal and operated largely as a self-improvement system. *Abbott by Abbott v. Burke*, 119 N.J. 287, 575 A.2d 359 (1990).

Establishment of music curriculum within local board's discretion; no requirement for employment of certified music teachers. *Popovich v. Bd. of Ed., Wharton Boro., Morris Cty.*, 1977 S.L.D. 440.

6:8-4.4 School-level planning

(a) The school-level planning element shall be rated acceptable upon demonstration of performance in the following three indicators:

1. School profile:

i. By September 30 of each year, the district shall compile a profile of each school, which shall contain statistical information specified by the State Department of Education. This profile shall be disseminated to all staff and parents, and made available to the media.

ii. The documentation/activities shall be the school profile included in the annual report;

2. School-level plan:

i. By September 30, each school in the district shall develop and implement a two-year plan based on school profile data. This plan shall include pupil performance objectives, a review of progress by teaching and administrative staff, and the involvement of parents.

ii. At least once per semester, each school shall conduct meetings by grade level, department, team or similarly appropriate group to review the school level plan. Such review shall include:

(1) School profile data;

(2) Progress toward achieving pupil performance objectives; and

(3) Progress toward achieving content standards and core course proficiencies.

iii. The documentation/activities shall be a statement of assurance, signed by each principal and submitted on the form prescribed by the Commissioner; and

3. Pupil performance objectives:

i. Each school in the district shall develop two or more objectives based on pupil performance or behavior standards as defined in N.J.A.C. 6:8-4.6 and 4.7. The objectives shall cover a period of no more than two years and be linked to State goals.

ii. The objectives shall be developed according to the following criteria:

(1) If pupil performance is below minimum State standards as defined in N.J.A.C. 6:8-4.6 and 4.7, objectives to meet such standards shall be established. Benchmarks (interim performance levels) shall be set to measure the school's progress toward the achievement of minimum State standards.

(2) If pupil performance is at or above minimum State standards, challenge objectives shall be established.

iii. By August 1 of each year, the chief school administrator shall submit each school's objectives to the county superintendent for review and approval. The report on the achievement of objectives or progress

toward benchmarks for the previous year shall be contained in the September 30 annual report.

iv. Each school shall achieve its pupil performance objectives by:

(1) Meeting established benchmarks for minimum State standards; and/or

(2) Achieving challenge objectives or demonstrating progress toward meeting such objectives.

v. Each school that does not meet established benchmarks for pupil performance objectives or demonstrate progress toward meeting challenge objectives for two successive years shall be assigned a technical assistance team by the county superintendent to facilitate accomplishment of these objectives.

vi. The documentation/activities shall be:

(1) The quality assurance annual report; and

(2) Performance objectives.

6:8-4.5 Curriculum and instruction

(a) The curriculum and instruction element shall be rated acceptable upon demonstration of performance in the following four indicators:

1. Written curriculum:

i. By September 30 of each year, the chief school administrator shall verify that there are board-approved, written curricula for all pupils including the following programs and services:

(1) High school graduation requirements (N.J.A.C. 6:8-7.1(c)i);

(2) Instruction in the United States Constitution (N.J.S.A. 18A:6-3);

(3) New Jersey civics, history and geography (N.J.S.A. 18A:35-3);

(4) Drug and alcohol education (N.J.S.A. 18A:40A-1 and N.J.A.C. 6:29-6);

(5) Health, safety and physical education (N.J.S.A. 18A:35-5, 7, 8);

(6) Accident and fire prevention (N.J.S.A. 18A:6-2; and

(7) Family life education (N.J.A.C. 6:29-7.1).

ii. The district board of education shall provide a curriculum evaluation schedule for all content areas at all grade levels.

iii. The documentation/activities shall be a statement of assurance submitted on the form prescribed by the Commissioner;

2. Implementation of curriculum and content standards:

i. The district shall implement all approved curricula and include, for each curriculum area in grades K through 12, curriculum content standards when they are adopted by the State Board of Education.

ii. The documentation/activities shall be:

(1) Written curriculum including content standards;

(2) Lesson plans;

(3) The master schedule;

(4) Classroom observations; and

(5) Staff interviews;

3. Curriculum articulation:

i. The district shall ensure that the curriculum is articulated among grades and schools in the district, and that teaching staff are involved in the process. Constituent, regional and sending-receiving districts shall also demonstrate curriculum articulation between/among districts.

ii. The documentation/activities shall be a statement of assurance submitted on the form prescribed by the Commissioner; and

4. Gifted and talented programs and services:

i. The district shall make provisions for identifying pupils with gifted and talented abilities and for providing them with an educational program and services.

ii. The documentation/activities shall be:

(1) The written identification process;

(2) Lesson plans;

(3) Classroom observations; and

(4) Staff interviews.

Case Notes

Commissioner's monitoring function under the Public School Education Act to measure and achieve a thorough and efficient education for all public school children failed to accomplish that goal and operated largely as a self-improvement system. *Abbott v. Abbott v. Burke*, 119 N.J. 287, 575 A.2d 359 (1990).

Driver education not mandated and may be offered outside of regular school day. *Parsippany-Troy Hills Education Assn. v. Bd. of Ed., Parsippany-Troy Hills Twp., Morris Cty.*, 7 N.J.A.R. 236 (1981), affirmed 188 N.J.Super. 161, 457 A.2d 15 (App.Div.1983), certification denied 94 N.J. 527, 468 A.2d 182 (1983).

Contention that driver education courses should not be offered to public school students only as evening course. *Bergenfield Education Assn. v. Bd. of Ed. Bergenfield Boro., Bergen Cty.*, 6 N.J.A.R. 150 (1980), remanded per curiam Docket No. A-2615-81 (App.Div.1983).

180 day school year. Atty. Gen. F.O. 1975, No. 19.

6:8-4.6 Pupil performance: skills and competencies

(a) The pupil performance: skills and competencies element shall be rated acceptable upon demonstration of performance in the following five indicators:

1. Fourth-grade assessment:

i. Beginning in July 1993, 75 percent of fourth-grade pupils in the district shall score at or above the minimum level of proficiency established by the State Board of Education for norm- or criterion-referenced tests in mathematics, reading, and writing.

ii. Beginning in July 1995, 75 percent of fourth-grade pupils in the district shall score at or above the proficiency level established by the State Board of Education on a State-developed assessment of pupil performance in mathematics, reading, writing, science and social studies (geography and history).

iii. The documentation/activities shall be:

(1) Fourth-grade assessment results; and

(2) Pupil performance objectives, if required.

2. Eighth-grade assessment:

i. Beginning in July 1993, 75 percent of eighth-grade pupils in the district shall score at or above the minimum level of proficiency established by the State Board of Education on the Eighth-Grade Early Warning Test (EWT) in mathematics, reading and writing. Matrix sampling of each school using the National Assessment of Educational Progress (NAEP) test exercises shall demonstrate that a percentage, as determined by the State Board of Education, of eighth-grade pupils tested shall achieve the minimum level of proficiency in science and social studies (civics, geography and history).

ii. Beginning in July 1996, eighth-grade district pupil performance in mathematics, reading, writing, science and social studies (civics, geography and history) shall be assessed using State-developed assessments that measure content standards adopted by the State Board of Education. Proficiency levels and performance standards shall be established by the State Board of Education.

iii. The documentation/activities shall be:

(1) Results of the EWT;

(2) Results of the NAEP matrix sampling; and

(3) Pupil performance objectives, if required.

3. Eleventh-grade assessment:

i. Beginning in July 1994, 85 percent of eleventh-grade pupils in the district shall score at or above the minimum level of proficiency established by the State Board of Education on the Grade 11 High School Proficiency Test (HSPT) in mathematics, reading and writing.

ii. Beginning in July 1996, eleventh-grade district pupil performance in mathematics, reading, writing, science and social studies (civics, geography and history) shall be assessed using State-developed assessments that measure content standards. Proficiency levels and performance standards shall be established by the State Board of Education.

iii. The documentation/activities shall be:

- (1) Results of the HSPT; and
- (2) Student performance objectives, if required.

4. Sixth-grade assessment:

i. The district shall develop performance assessments and establish minimum levels of proficiency. These assessments shall measure sixth-grade students' understanding of curriculum content standards according to the following schedule:

- (1) Information processing (1994-95);
- (2) Art and music (1995-96); and
- (3) Health/physical education (1996-97).

ii. The documentation/activities shall be district-developed assessments.

5. High school core course proficiencies assessments:

i. The district shall develop performance assessments and establish minimum levels of proficiency. These assessments shall contain measures of core course proficiencies according to the following schedule:

- (1) Science (1993-94);
- (2) Social studies (1994-95);
- (3) Fine, practical and performing arts (1995-96);
- (4) Health/physical education (1996-97); and
- (5) Career education (1996-97).

ii. The documentation/activities shall be district-developed assessments.

Case Notes

Commissioner's monitoring function under the Public School Education Act measure and achieve a thorough and efficient education for all public school children failed to accomplish that goal and operated largely as a self-improvement system. Abbott by Abbott v. Burke, 119 N.J. 287, 575 A.2d 359 (1990).

6:8-4.7 Pupil behavior

(a) The pupil behavior element shall be rated acceptable upon demonstration of performance in the following four indicators:

1. Pupil attendance:

i. The average daily attendance rate for each district shall average 90 percent or higher as calculated for the three years prior to the school year in which the district is monitored.

ii. Each school with a three-year average below 90 percent shall develop performance objectives to improve pupil attendance, pursuant to N.J.A.C. 6:8-4.4.

iii. The documentation/activities shall be:

(1) The "New Jersey School Register" provided by the Department;

(2) The "School Register Summary Report", prepared by the Department of Education; and

(3) Pupil performance objectives, if below State standard;

2. Dropouts:

i. The dropout rate for pupils in grades seven through 12 shall not exceed 10 percent, as calculated on a cohort basis for three years prior to the school year in which the district is monitored.

ii. Each school with a three-year average dropout rate exceeding 10 percent, as calculated for the three years prior to monitoring, shall develop performance objectives to reduce the dropout rate, pursuant to N.J.A.C. 6:8-4.4.

iii. The document/activities shall be:

(1) The fall report (consolidated enrollment; dropout information);

(2) The application for State school aid; and

(3) Pupil performance objectives, if required;

3. Guidance and counseling:

i. The district shall provide all pupils with a board-approved program of guidance and counseling services.

ii. The documentation/activities shall be:

(1) A written description of guidance and counseling services;

(2) Board minutes;

(3) Staff interviews; and

(4) School visits; and

4. Substance abuse prevention:

i. The district shall develop and implement a board-approved substance abuse prevention program for all grades which includes:

(1) Policies and procedures in accordance with N.J.A.C. 6:29-6, the substance abuse code;

(2) Provisions for evaluation, intervention and treatment/referral services by appropriately certified staff;

(3) Reporting, notification and examination procedures;

(4) Curriculum and instruction consistent with N.J.A.C. 6:29-6.6 and N.J.S.A. 18A:40A-16;

(5) Cooperation with local law enforcement in accordance with Enforcement of the Drug-Free School Zone Code, N.J.A.C. 6:3-6; and

(6) Cooperation with local municipal alliance committees and other appropriate organizations and agencies.

ii. The documentation/activities shall be:

(1) A statement of assurance submitted on the form prescribed by the Commissioner.

6:8-4.8 Teaching staff and professional development

(a) The teaching staff and professional development element shall be rated acceptable upon demonstration of performance in the following five indicators:

1. Certified teaching staff:

i. The district shall employ teaching staff members who hold appropriate certificates for each area of assignment pursuant to N.J.A.C. 6:11.

ii. The documentation/activities shall be:

(1) The fall certificated staff report;

(2) Classroom visits;

(3) Teacher schedules; and

(4) Staff lists;

2. Evaluation of teaching staff:

i. The district shall observe and evaluate tenured and nontenured teaching and administrative staff pursuant to N.J.A.C. 6:3-1.19, 1.21 and 1.22.

ii. The documentation/activities shall be:

(1) The observation/evaluation schedule; and

(2) Observation/evaluation reports;

3. Professional improvement plans:

i. The district shall develop and cause to be implemented annual professional improvement plans for each teaching staff member pursuant to N.J.A.C. 6:3-1.19, 1.21 and 1.22.

ii. The documentation/activities shall be:

(1) A review of professional improvement plans and

(2) Interviews with teaching staff members;

4. Professional development plan:

i. The district shall develop and implement a multi-year plan for professional development containing the following components:

(1) Teaching staff needs;

(2) Link to pupil performance;

(3) Relationship to professional improvement plans;

(4) Integration with curriculum development; and

(5) Follow-up evaluation.

ii. The documentation/activities shall be:

(1) Interviews with teaching staff; and

(2) A review of the quality assurance annual report; and

5. Teaching staff appointments:

i. The chief school administrator shall recommend formal appointment of all teaching staff members to the district board of education.

ii. The documentation/activities shall be:

(1) The review of board minutes; and

(2) An interview with the chief school administrator.

Law Review and Journal Commentaries

Education. Judith Nallin, 138 N.J.L.J. Nos. 2, 62 (1994).

6:8-4.9 School resources: finance and facilities

(a) The school resources: finance and facilities element shall be rated acceptable upon demonstration of performance in the following eight indicators:

1. State aid:

i. The district shall accurately report enrollment and other data necessary for State aid calculations by October 15.

ii. The most recent adjusted aid data shall demonstrate that aid is at least 95 percent accurate. Adjustments due to district errors shall be less than five percent of the total aid. The district shall meet this performance standard for at least five of seven years, including the year monitored.

iii. The documentation/activities shall be the application for State school aid;

2. Generally Accepted Accounting Principles (GAAP):

i. The district shall implement a uniform system of double entry bookkeeping and GAAP accounting in accordance with N.J.A.C. 6:20-2A.

ii. The documentation/activities pursuant to N.J.A.C. 6:20-2A shall be:

- (1) The general ledger (double entry bookkeeping);
- (2) Required subsidiary journals and ledgers; and
- (3) Monthly and annual reports in compliance with the uniform system prescribed by the State Board of Education; and
- (4) The annual audit;

3. Overexpenditure of funds:

i. The district board of education shall implement adequate controls to prevent the overexpenditure of any funds or yearly deficit in major accounts in accordance with N.J.A.C. 6:20-2A.10.

ii. The documentation/activities shall be:

- (1) The annual audit;
- (2) The board secretary's monthly financial reports to the district board of education and the district board of education's Comprehensive Annual Financial Report;
- (3) Official notification of deficit from the district board of education; and
- (4) Board minutes;

4. Annual audit and recommendations:

i. By November 5, the district shall file an annual audit of accounts and financial transactions with the Division of Finance in accordance with N.J.S.A. 18A:23-1 et seq.

ii. The district board of education shall implement a plan resulting in the correction of all audit recommendations. Recommendations shall not be repeated for the two years immediately preceding monitoring.

iii. The documentation/activities shall be:

- (1) The district's annual audit and audit synopsis;

(2) The corrective action plan for audit recommendations; and

(3) Board minutes;

5. Transportation contracts:

i. The district shall administer school transportation contracts.

ii. All transportation contracts shall be submitted to the county superintendent for approval in accordance with N.J.S.A. 18A:39-2 and 3 and N.J.A.C. 6:21-16.1.

iii. The documentation/activities shall be pupil transportation contracts and addenda;

6. Health and safety:

i. The district shall comply annually with health and safety requirements pursuant to regulation, including, but not limited to, N.J.A.C. 6:22 and 6:53.

ii. The documentation/activities shall be:

- (1) The New Jersey Department of Education checklist for the evaluation of school buildings and
- (2) School visits;

7. Comprehensive maintenance plan:

i. The district board of education shall develop and implement a multi-year (three to five years) comprehensive maintenance plan. The comprehensive maintenance plan shall be both corrective and preventative, including the interior and exterior conditions of each school building and grounds. The plan shall address each of the major systems and areas of: heating/ventilating/air conditioning, mechanical, plumbing, electrical, structural and grounds.

ii. The documentation/activities shall be:

- (1) The district's comprehensive maintenance plan;
- (2) Implementation records;
- (3) The current and prior years' budget;
- (4) The annual audit;
- (5) Board minutes;
- (6) School visits; and
- (7) Staff interviews;

8. Facilities master plan—substandard classrooms:

i. The district board of education shall review and revise the long-range facilities master plan at least once every five years, pursuant to N.J.A.C. 6:22-7.1.

ii. The long-range facilities master plan shall be approved by the county superintendent pursuant to N.J.A.C. 6:22-7.1(b).

iii. The district board of education shall approve and implement a plan to upgrade or eliminate all substandard classrooms pursuant to N.J.A.C. 6:22-6.1.

iv. The temporary use of trailers shall be approved by the Bureau of Facility Planning Services.

v. A district with a school or schools on split sessions shall fail to meet the standards of this indicator.

vi. The documentation/activities shall be:

- (1) The district's long-range facilities master plan;
- (2) The application for initial approval/renewal of substandard instructional areas; and
- (3) School visits.

6:8-4.10 State and Federally mandated programs and services

(a) The State and Federally mandated programs and services element shall be rated acceptable upon demonstration of performance in the following two indicators:

1. Review of mandated programs and services:

i. Regularly-scheduled reviews will be conducted in each district by the appropriate division of the State Department of Education to determine compliance according to State or Federal law or regulation. The mandated reviews shall cover the following areas:

- (1) Affirmative action;
- (2) Programs and services for pupils at risk;
- (3) Bilingual education;
- (4) English as a second language;
- (5) Desegregation;
- (6) Special education;
- (7) Vocational education;
- (8) Child nutrition; and
- (9) Educational improvement plans for special needs districts.

ii. If the district is rated compliant as a result of the review, it shall not be required to undergo additional monitoring as part of the seven-year monitoring cycle.

iii. If the district is rated noncompliant as a result of the review, it shall develop and implement a corrective action plan. The status of the corrective action plan shall be reviewed prior to monitoring.

iv. The documentation/activities shall be State Department of Education program and service review reports and corrective action plans, if required; and

2. Grants management:

i. Each district shall expend funds allocated through grants for State and Federally mandated programs and services in accordance with the contract.

ii. The documentation/activities shall be State Department of Education program and service review reports.

6:8-4.11 Findings

(a) The monitoring team shall record its findings on each element required by this chapter, using worksheets prescribed by the Commissioner of Education.

1. The monitoring team shall meet with the chief school administrator and board secretary at an exit conference to review its findings and outline future directions for the districts.

2. The county superintendent of schools shall send a formal notification of the findings to the chief school administrator and board secretary within 20 workdays of the completion of the monitoring visit.

3. The formal notification of findings shall include:

- i. Completed worksheets;
- ii. A recommendation to the Commissioner of the certification status of the district; and
- iii. A statement of future actions to be taken by the district, if necessary.

4. The district shall, within 60 days of the receipt of the formal notification, discuss the findings of the monitoring team at a regular or special meeting of the district board of education.

6:8-4.12 Certifying a district with or without conditions

(a) The following pertains to certification without conditions:

1. For each district that receives an acceptable rating on all indicators in the eight elements required by this chapter, the county superintendent of schools shall submit a summary report of findings and a recommendation for certification to the Commissioner of Education. The Commissioner, with approval of the State Board of Education, shall notify the district of State certification for a period of seven years.

(b) The following pertain to certification with conditions:

1. When a district does not meet the required standards of the evaluation of school districts pursuant to N.J.A.C. 6:8-4, the county superintendent of schools shall meet with the chief school administrator and board secretary to review the identified deficiency(ies) and determine if the district:

- i. Can correct the identified deficiency(ies) without additional diagnostic monitoring or technical assistance within a period of time not to exceed 12 months; or

ii. Should be directed by the Commissioner to enter Level II.

2. Following the meeting with the school district representatives, the county superintendent of schools, in consultation with the Assistant Commissioner, Division of County and Regional Services, shall recommend to the Commissioner that the district be granted certification with conditions or be directed to Level II pursuant to N.J.A.C. 6:8-5.1.

i. Any district rated as unacceptable may, with approval of the district board of education, petition the county superintendent of schools to rescind the rating by presenting written documentation of its performance on indicators rated as unacceptable. The Assistant Commissioner, Division of County and Regional Services, shall rule on petitions where there is a lack of agreement on acceptable performance.

3. Within 30 days of the county superintendent's recommendation, the district shall be formally notified by the Commissioner of Education that the district is certified with conditions and that the deficiency(ies) must be corrected within the specified period of time.

4. The district shall proceed with the correction of monitoring deficiencies according to established timelines.

5. At the conclusion of the established timeline for correction of deficiencies, the county superintendent of schools, in consultation with the Assistant Commissioner, Division of County and Regional Services shall determine the validation necessary to document the district's current status with regard to previously approved indicators.

6. The county superintendent of schools shall verify the district's correction of deficiencies and its current status with regard to previously approved indicators; and shall, in consultation with the Assistant Commissioner, Division of County and Regional Services, recommend to the Commissioner that the district be:

i. Recommended to the State Board of Education for certification;

ii. Granted an extended amount of time to correct deficiencies; or

iii. Directed by the Commissioner to enter Level II monitoring pursuant to law.

(1) The district board of education of a school district which is directed to enter Level II monitoring may appeal that decision to the State Board of Education pursuant to N.J.S.A. 18A:7A-14A(2).

review team appointed by the county superintendent of schools. The review team shall consist of members qualified by training and experience to examine specific conditions within the district. The entire cost of the activities associated with the external review team shall be paid by the Department of Education.

(b) The Commissioner shall direct the county superintendent to establish an open public meeting within the district that is duly advertised and posted whereby parents, school employees and community residents may meet with the county superintendent and external review team to discuss their concerns regarding the district.

(c) In conjunction with the Department of Education, and at the direction of the Commissioner, the external review team shall determine which aspects of the district's operation to examine. The examination may be limited to identified deficiencies within the district or may include all aspects of the district's operations such as education, management, governance and finance.

(d) The external review team shall, in addition, examine conditions in the community which may adversely affect the ability of pupils to learn.

(e) Within 30 calendar days after its review, the external team shall submit a report to the Commissioner of Education. The report shall include:

1. Findings, conclusions and directives to be used by the district in the development and implementation of a corrective action plan to achieve certification; and

2. Recommendations as to the technical assistance the district will require to effectively implement the corrective action plan.

(f) In addition, the external team may recommend measures to be taken to mitigate adverse community conditions which affect the ability of pupils to learn.

(g) The Commissioner shall transmit, within 15 calendar days from receipt, the findings of the external review team and shall direct the district to develop a corrective action plan to implement the recommendations.

(h) The district, within 30 days of formal notification, shall discuss the findings of the external team at a regular or special meeting of the district board of education.

(i) Within 60 calendar days of formal notifications, the chief school administrator shall submit a corrective action plan approved by the district board of education to the Commissioner for approval.

(j) In reviewing the district's corrective action plan, the Commissioner shall determine the cost of implementing the plan and shall identify those aspects of the plan which are already contained in the district's current expense budget.

SUBCHAPTER 5. RULES FOR LEVEL II AND III DISTRICTS

6:8-5.1 Level II Districts

(a) A district which is directed by the Commissioner to enter Level II monitoring shall be examined by an external

(k) The Commissioner, where appropriate, shall reallocate funds within the district's budget to support the corrective action plan. Any line item transfers of reallocated funds shall have prior approval of the Commissioner.

(l) The district shall implement the corrective action plan activities within one year of the Commissioner's formal notification that the plan has been approved. The Commissioner shall ensure that technical assistance is provided to the district to implement the corrective action plan.

1. Until the district is certified, the county superintendent of schools shall assess the progress of the district in implementing the corrective action plan and shall submit quarterly reports to the Assistant Commissioner, Division of County and Regional Services.

2. The county superintendent of schools, upon completion of the district's corrective action plan activities shall determine whether the standards for certification have been achieved and shall submit a formal report to the Assistant Commissioner, Division of County and Regional Services.

3. The Assistant Commissioner, Division of County and Regional Services, shall submit to the Commissioner of Education a formal report which recommends that the district be:

- i. Recommended to the State Board of Education for certification;
- ii. Granted an extended amount of time to correct deficiencies; or
- iii. Directed by the Commissioner to enter Level III Monitoring pursuant to law.

(1) The board of education of a school district which is directed to enter Level III monitoring may appeal that decision to the State Board of Education pursuant to N.J.S.A. 18A:7A-14c(3).

Case Notes

Commissioner's monitoring function under the Public School Education Act to measure and achieve a thorough and efficient education for all public school children failed to accomplish that goal and operated largely as a self-improvement system. *Abbott v. Abbott v. Burke*, 119 N.J. 287, 575 A.2d 359 (1990).

6:8-5.2 Level III districts

(a) A district which fails to correct the deficiencies noted in the Level II evaluation process shall be directed by the Commissioner to enter Level III monitoring.

(b) When a district which has undergone an external review is directed to enter Level III monitoring, the Commissioner shall prepare an administrative order directing the corrective actions which shall be taken by the district.

1. The corrective actions shall be based on the findings and conclusions of the external review team and the monitoring of the Level II plan by the county superintendent.

2. The Commissioner shall ensure that technical assistance is provided to the district to implement the corrective actions.

3. If the Commissioner determines, based on the findings of the Level II or Level III review team, that conditions within the district may preclude the successful implementation of a corrective action plan, he shall direct that a comprehensive compliance investigation be conducted by the State Department of Education pursuant to N.J.A.C. 6:8-5.3. In the case of a Level III review the Commissioner may order any necessary action to insure the security of the books, papers, vouchers and records of the district in accordance with N.J.S.A. 18A:7A-14c.

4. In reviewing the district's corrective action plan, the Commissioner shall determine the cost of implementing the plan and shall identify those aspects of the plan which are already contained in the district's current expense budget.

5. The Commissioner, where appropriate, shall reallocate funds within the district, or take whatever other measures deemed necessary and appropriate to insure implementation of the corrective action. Any line item transfers of reallocated funds shall have prior approval by the Commissioner.

6. The district shall implement the corrective action plan within one year of the Commissioner's formal issuance of the administrative order.

i. Monthly, until the district is certified, the county superintendent shall monitor and assess the progress of the district in implementing the corrective action plan and shall submit quarterly reports to the Assistant Commissioner, Division of County and Regional Services.

ii. The county superintendent, upon completion of the district's corrective action plan, shall determine whether the standards for certification have been met and shall submit a formal report to the Assistant Commissioner, Division of County and Regional Services.

iii. The Assistant Commissioner, Division of County and Regional Services, shall submit to the Commissioner a formal report which recommends that the district be:

(1) Recommended to the State Board of Education for certification; or

(2) Directed by the Commissioner to undergo a comprehensive compliance investigation pursuant to N.J.A.C. 6:8-5.3.

(c) When a district which has not had a comprehensive examination of all aspects of the district's operations by an external review team is directed to enter Level III, the Commissioner shall designate the county superintendent to appoint an external review team, whose members shall be qualified by training and experience to examine the conditions in the district.

1. Within three months, in conjunction with the Department of Education, the team shall examine all aspects of the district's operation, including, but not limited to education, governance, management and finance.

2. Within 30 calendar days after its review, the external team shall report its findings and conclusions, including directives to be used in the preparation of a corrective action plan to achieve certification, to the Commissioner.

3. If the Commissioner finds, based on the findings of the Level II or Level III review team, that conditions within the district may preclude the successful implementation of a corrective action plan, he or she shall direct that a comprehensive compliance investigation be conducted by the State Department of Education pursuant to N.J.A.C. 6:8-5.3 and may order any necessary action to insure the security of the books, papers, vouchers and records of the district in accordance with N.J.S.A. 18A:7A-14c.

4. Within 30 calendar days of the receipt of the report, the Commissioner shall prepare an administrative order directing the corrective actions which shall be taken by the district based upon the findings and conclusions of the Level III external review team and the county superintendent's monitoring of the Level II plan.

5. The Commissioner shall insure that technical assistance is provided to the district in order to implement the corrective actions.

6. In reviewing the district's corrective action plan, the Commissioner shall determine the cost of implementing the plan and shall identify those aspects of the plan which are already contained in the district current expense budget.

7. The Commissioner, where appropriate, shall reallocate funds within the district's budget or take whatever other measures deemed necessary and appropriate to support the district's corrective action plan. Any line item transfers of reallocated funds shall have prior approval by the Commissioner.

8. The district shall implement the corrective action plan within one year of the Commissioner's formal issuance of the administrative order.

i. Monthly, until the district is certified, the county superintendent shall monitor and assess the progress of the district in implementing the corrective action plan and shall submit quarterly reports to the Assistant Commissioner, Division of County and Regional Services.

ii. The county superintendent, upon completion of the district's corrective action plan shall determine whether the standards for certification have been achieved and shall submit a formal report to the assistant commissioner, Division of County and Regional Services.

iii. The Assistant Commissioner, Division of County and Regional Services, shall submit to the Commissioner a formal report which recommends that the district be:

(1) Recommended to the State Board of Education for certification; or

(2) Directed by the Commissioner to undergo a comprehensive compliance investigation pursuant to N.J.A.C. 6:8-5.3.

Case Notes

Commissioner's monitoring function under the Public School Education Act to measure and achieve a thorough and efficient education for all public school children failed to accomplish that goal and operated largely as a self-improvement system. *Abbott by Abbott v. Burke*, 119 N.J. 287, 575 A.2d 359 (1990).

6:8-5.3 Comprehensive compliance investigation

(a) A comprehensive compliance investigation shall be conducted under the direction of the Assistant Commissioner, Division of County and Regional Services, under one of the following circumstances:

1. The review team's report indicates that conditions exist within the district that may preclude the successful implementation of a corrective action plan; or

2. After completion of the corrective action plan activities, a district fails to achieve certification and does not demonstrate reasonable progress toward meeting certification standards, pursuant to N.J.A.C. 6:8-4.3 through 4.10.

(b) The director of the Department of Education's compliance unit shall organize and supervise an investigatory team to assess conditions in the district.

1. A comprehensive audit of the district's governance, management and fiscal operations shall be conducted by a private auditing agency under contract to the Department of Education.

2. The compliance unit shall conduct a thorough investigation of the district's programmatic, fiscal and management activities.

(c) The director of the Department of Education's compliance unit shall submit a report of investigatory findings to the Assistant Commissioner, Division of County and Regional Services.

(d) Based on the report of investigatory findings, the Assistant Commissioner shall submit to the Commissioner a recommended administrative order outlining such corrective action as is deemed necessary.

(e) The Commissioner, after a plenary hearing before an administrative law judge pursuant to N.J.S.A. 52:14B-1 et seq., may order the implementation of an administrative order requiring the district to implement the corrective action.

6:8-5.4 Corrective action by Commissioner of Education

Any noncertified district which does not demonstrate reasonable progress toward compliance with the provisions of N.J.S.A. 18A:7A-1 et seq. (Public School Education Act of 1975) and New Jersey Administrative Code Title 6, Education, and toward the resolution of major problems shall be subject to further intervention by the Commissioner of Education, as provided by law.

SUBCHAPTER 5A. INTERIM RULES FOR DISTRICTS PLACED IN LEVEL II AND III MONITORING PRIOR TO JULY 1, 1993

6:8-5A.1 Applicable districts

(a) This subchapter applies to those districts placed in Level II or Level III prior to July 1, 1993. Those districts were unable to meet the evaluation standards of the evaluation of school districts pursuant to N.J.A.C. 6:8-5A.2.

(b) This subchapter is only in effect for two years, July 1, 1993 through June 30, 1995.

(c) Level II and III districts that are not certified by June 30, 1995 shall be required to meet the evaluation standards as cited in N.J.A.C. 6:8-4.3 through 4.10.

6:8-5A.2 Evaluation of elements and standards

(a) The following 10 essential elements and the prescribed indicators of standards of acceptable performance shall be evaluated by the monitoring team under the supervision of the county superintendent of schools as specified in this section.

1. The annual educational planning element of the district shall be rated acceptable upon demonstration of performance in three indicators as follows:

i. Written educational goals, based on district educational needs and consistent with the intent of State educational goals, shall be developed and shall serve as the basis for the educational program (curriculum) of the district. Goals shall be developed in consultation with teaching staff members, pupils, parents or guardians of pupils and other district residents, under the direction of the chief school administrator.

(1) The district board of education shall give public notice of the proposed goals or revisions thereof and shall provide opportunity for comment at a public meeting.

(2) District educational goals shall be reviewed, updated and adopted by the district board of education at least once every five years.

ii. Three or more written educational objectives, which shall include standards of pupil achievement and action plans based upon district needs, shall be developed annually in consultation with teaching staff members and the community under the direction of the chief school administrator in accordance with requirements established by the Commissioner.

(1) The district board of education shall review, discuss and adopt the annually developed objectives and action plans at a public meeting prior to September 30.

(2) The objectives and action plans of the district shall be submitted by September 30 to the county superintendent of schools who shall review and approve them no later than October 31.

(3) The district shall submit a report on the attainment of objectives to the county superintendent of schools by July 1. The county superintendent of schools shall by August 15 submit a written analysis on the district's attainment of objectives to the chief school administrator and board secretary.

iii. A long-range plan containing a five-year written schedule and procedure for evaluation and improvement of all curriculum and educational services shall be developed and implemented.

2. The school and community relations element of the district shall be rated acceptable upon documentation of performance in five indicators as follows:

i. The district board of education shall share information with the community.

ii. The district board of education shall provide parents or guardians as well as other district residents and teaching staff members opportunities for discussion regarding State rules and local district procedures for implementation of district goals, objectives and standards through one or more public meetings of the district board of education. The initial meeting shall be held prior to September 30 of each year. The district board shall publish a special notice 10 days in advance of each meeting describing the purpose, listing the items to be discussed and indicating the availability of material relative to such items. The discussion at such meeting(s) shall include, but not be limited to:

(1) The annual reports of the district submitted to the Commissioner of Education, pursuant to N.J.S.A. 18A:7A-11 and N.J.A.C. 6:8-3.1;

(2) The result of:

(A) The annual evaluation of the district's objectives and action plans;

(B) The Statewide and district testing programs including analysis and interpretation of schools and district performance; and

(C) The objectives and action plans to be implemented to remediate needs identified through district needs assessment; and

(3) The documents listed in (a)2ii(1) and (2) above shall be accessible to the public for inspection at such meetings and shall be available upon request at the earliest possible time in accordance with the provisions of the public records laws, N.J.S.A. 47:1A-1 et seq.;

iii. The district board of education shall provide opportunity for comment by the public at its regularly scheduled meetings.

iv. The district shall involve business, industry and other community resources in the schools.

v. The district shall involve the community as advisors in the decision-making process.

3. The comprehensive curriculum and instruction element of the district shall be rated acceptable upon documentation of performance in seven indicators as follows:

i. The district board of education shall approve annually a curriculum for all grades from pre-kindergarten through grade 12 for all subjects including all State-mandated programs and services.

(1) The district shall implement the curriculum which was adopted by the district board of education.

(2) The district shall provide for articulation of the curriculum.

(3) In accordance with N.J.A.C. 6:8-7.1(c)2iii and N.J.A.C. 6:39-1.3(b), district boards of education shall provide for:

(A) Development of course proficiencies, which shall include, but not be limited to, those identified and established by the Department of Education as core course proficiencies;

(B) Establishment of a standard of student mastery; and

(C) Annual assessment of all students in those proficiencies necessary to meet all State and local high school graduation requirements;

ii. The district shall make provisions for identifying pupils with exceptional abilities and for providing them with an educational program and services;

iii. The instructional program shall provide all pupils with guidance and counseling;

iv. The instructional program of the district shall provide all pupils with a library skills program;

v. The district shall introduce instruction in effective study and work skills early in the curriculum and reinforce such instruction throughout the curriculum;

vi. The district shall make provisions for identifying disruptive pupils and for providing them with an appropriate educational program and services; and

vii. The district shall make provisions for identifying disaffected pupils and for providing them with an appropriate educational program and services.

4. The pupil attendance element of the district shall be rated acceptable upon documentation of performance in three indicators as follows:

i. The average daily attendance rate for each district shall be 90 percent or higher as calculated for the school year immediately prior to the school year in which the district is monitored.

(1) The district shall develop and implement an attendance improvement plan when the average daily attendance rate is between 85 and 89.9 percent.

(2) If the attendance rate for the district is less than 85 percent, performance for this element shall be rated unacceptable;

ii. The average daily attendance rate for each school within the district shall be 85 percent or higher.

(1) The district shall develop and implement an attendance improvement plan for each school within the district that has an average daily attendance rate between 80 and 84.9 percent.

(2) If the attendance rate for any school is less than 80 percent, performance for this element shall be rated unacceptable; and

iii. The district shall develop and implement an improvement plan to reduce the rate of pupils who drop out after completion of eighth grade.

5. The facilities element of the district shall be rated acceptable by documentation of performance in four indicators as follows:

i. The district board of education shall develop and implement a five-year comprehensive maintenance plan;

ii. The district shall perform an annual inspection of buildings to insure adherence to health and safety laws;

iii. The district board of education shall approve and implement a plan to upgrade or eliminate all substandard classrooms pursuant to law and rule; and

iv. The district board of education shall review and revise, as necessary, the long-range facilities plan of the district at least every five years.

6. The staff element of the district shall be rated acceptable by documentation of performance in seven indicators as follows:

i. All professional staff members shall be certified in their area(s) of assignment pursuant to law and rule;

ii. All substitute teachers and aides shall be employed pursuant to law and rule;

iii. The annual rate of occasional professional staff absenteeism, including teachers and administrators, shall not exceed five percent;

iv. The district shall develop and implement an attendance improvement plan approved by the board of education when the annual rate of occasional professional staff absenteeism exceeds 3.5 percent;

v. The district shall observe and evaluate tenured and nontenured teaching and administrative staff pursuant to law and rule;

vi. The district shall adopt and implement a staff development program based on the assessed needs of the district; and

vii. The chief school administrator shall recommend to the district board of education formal appointment of all teaching staff members.

7. The mandated programs element of the district shall be rated acceptable upon documentation of performance in three indicators as follows:

i. The district shall implement a basic skills improvement plan pursuant to N.J.A.C. 6:8-6.2.

(1) The basic skills improvement plan shall be approved by the county superintendent of schools.

(2) The district shall communicate a description of the basic skills improvement plan to the public;

ii. The district shall implement the bilingual and English-as-a-second language (ESL) education plan pursuant to N.J.A.C. 6:31.

(1) The bilingual and ESL education plan shall be approved by the county superintendent of schools.

(2) The district shall communicate a description of the bilingual and ESL plan to the public; and

iii. The district shall implement the special education plan pursuant to N.J.A.C. 6:28.

(1) The special education plan shall be approved by the county superintendent of schools.

(2) The district shall communicate a description of the special education plan to the public.

8. The mandated basic skills test element of the district shall be rated acceptable upon documentation of achievement in two indicators as follows:

i. Seventy-five percent of the pupils in grade nine of each school shall have passed the State-mandated High School Proficiency Test pursuant to N.J.A.C. 6:39-1.2(a) and (b); and

ii. Seventy-five percent of the pupils in grade three and 75 percent of the pupils in grade six in each school of the district shall score at or above the minimum level of proficiency established by the State Board of Education for commercially published tests or district criterion-referenced tests.

9. The equal educational opportunity and affirmative action element of the district shall be rated acceptable by documentation of performance in three indicators as follows:

i. Where applicable, the district shall implement a desegregation plan approved by the Commissioner of Education;

ii. Annually, the district shall review progress toward the objectives of the State-approved affirmative action plans for classroom and employment practices of the district; and

iii. Annually, the district shall implement the affirmative action plans, including inservice training.

10. The financial element of the district shall be rated acceptable upon documentation of performance in six indicators as follows:

i. The chief school administrator shall present to the district board of education accurate and timely fiscal and statistical reports of the district pursuant to law and rule;

ii. The fiscal and statistical reports of the district shall be accurate and timely in transmittal to county, State and Federal offices pursuant to law and rule;

iii. The annual budget for the district shall be developed, approved and presented to the public pursuant to law and rule.

(1) The district board of education shall submit a proposed budget to the county superintendent of schools on or before January 15 in an authorized budget format.

(2) The proposed budget shall be reviewed and approved by the county superintendent of schools prior to its advertisement;

iv. The district shall have an annual audit of accounts and financial transactions pursuant to law and rule and State audits as determined by the Commissioner of Education.

(1) Within 30 days of receipt, the district board of education shall accept and discuss the annual or State audit at a regularly scheduled board meeting.

(2) The district board of education shall implement the recommendations cited in the annual or State audit and shall report such implementation to the Commissioner of Education;

v. The district shall not incur a deficit pursuant to N.J.A.C. 6:20-2.13; and

vi. All pupil transportation costs shall be reviewed and recommended for approval of State aid by the county superintendent of schools.

6:8-5A.3 Determination of Level II districts

(a) When a district does not meet the required standards of the evaluation of school districts pursuant to N.J.A.C. 6:8-4, the county superintendent of schools shall meet with the chief school administrator and board secretary to review the identified deficiency(ies) and determine if the district can correct the identified deficiency(ies) without additional diagnostic monitoring or technical assistance within a period of time not to exceed 12 months, or should be directed by the Commissioner of Education to enter Level II.

(b) Following the meeting with the school district representatives, the county superintendent of schools, in consultation with the assistant commissioner, Division of County and Regional Services, shall recommend to the Commissioner that the district be granted certification with conditions or be directed to Level II.

(c) When a district is certified with conditions the following steps shall be taken:

1. Within 30 days of the county superintendent's recommendation, the district shall be formally notified by the Commissioner of Education that the district is certified with conditions and that the deficiency(ies) must be corrected within the specified period of time.

2. The district shall proceed with the correction of monitoring deficiencies according to established timelines.

3. At the conclusion of the approved timeline for correction of deficiencies, the county superintendent of schools, in consultation with the assistant commissioner, Division of County and Regional Services shall determine the validation necessary to document the district's current status with regard to previously approved indicators.

4. The county superintendent of schools shall verify the district's correction of deficiencies and its current status with regard to previously approved indicators; and shall, in consultation with the assistant commissioner, Division of County and Regional Services, recommend to the Commissioner of Education that the district be:

- i. Recommended to the State Board of Education for certification;

- ii. Granted an extended amount of time to correct deficiencies when reasonable progress has been demonstrated by the district in correcting its deficiencies; or

- iii. Directed by the Commissioner of Education to enter Level II monitoring pursuant to law.

- (1) The board of education of a school district which is directed to enter Level II monitoring may appeal that decision to the State Board of Education pursuant to P.L. 1991, c.3.

(d) When a district becomes a Level II District the following steps shall be taken:

1. A district which is directed by the Commissioner of Education to enter Level II monitoring shall be examined by an external review team appointed by the county superintendent of schools. The review team shall consist of members qualified by training and experience to examine specific conditions within the district. The entire cost of the activities associated with the review team shall be paid by the Department of Education.

2. The Commissioner of Education shall direct the county superintendent to establish an open public meeting within the district that is duly advertised and posted whereby parents, school employees and community residents may meet with the county superintendent and external review team to discuss their concerns regarding the district.

3. In conjunction with the Department of Education, and at the direction of the Commissioner, the external review team shall determine which aspects of the district's operation to examine. The examination may be limited to identified deficiencies within the district or may include all aspects of the district's operations such as educational programs, school district management, school district governance and school district finance.

4. The external review team shall, in addition, examine conditions in the community which may adversely affect the ability of pupils to learn.

5. Within 30 calendar days after its review, the external team shall submit a report to the Commissioner of Education. The report shall include:

- i. Findings, conclusions and directives to be used by the district in the development and implementation of a corrective action plan to achieve certification; and

- ii. Recommendations as to the technical assistance the district will require to effectively implement the corrective action plan.

6. In addition, the external team may recommend measures to be taken to mitigate adverse community conditions which affect the ability of pupils to learn.

7. The Commissioner of Education shall transmit, within 15 calendar days, the findings of the external review team and shall direct the district to develop a

corrective action plan to implement the recommendations.

8. The district, within 30 days of formal notification, shall discuss the findings of the external team at a regular or special meeting of the board of education.

9. Within 60 calendar days of receipt of the directives, the chief school administrator shall submit a corrective action plan approved by the district board of education to the Commissioner for approval.

10. In reviewing the district's corrective action plan, the Commissioner shall determine the cost of implementing the plan and shall identify those aspects of the plan which are already contained in the district's current expense budget.

11. The Commissioner, where appropriate, shall reallocate funds within the district's budget to support the corrective action plan. Any line item transfers of reallocated funds shall have prior approval of the Commissioner.

12. In cases where the Commissioner determines that additional revenue is needed to implement the corrective action plan, the Commissioner shall recertify a budget for the district.

13. The district shall implement the corrective action plan activities within one year of the Commissioner's formal notification that the plan has been approved. The Commissioner shall ensure that technical assistance is provided to the district to implement the corrective action plan.

i. Monthly, until the district is certified, the county superintendent of schools shall monitor and assess the progress of the district in implementing the corrective action plan and shall submit quarterly reports to the assistant commissioner, Division of County and Regional Services.

ii. The county superintendent of schools, upon completion of the district's corrective action plan activities, shall determine whether the standards for certification have been achieved and shall submit a formal report to the assistant commissioner, Division of County and Regional Services.

iii. The assistant commissioner, Division of County and Regional Services, shall submit to the Commissioner of Education a formal report which recommends that the district be:

(1) Recommended to the State Board of Education for certification;

(2) Granted an extended amount of time to correct deficiencies when reasonable progress has been demonstrated by the district in correcting its deficiencies; or

(3) Directed by the Commissioner of Education to enter Level III Monitoring pursuant to law;

(A) The board of education of a school district which is directed to enter Level III monitoring may appeal that decision to the State Board of Education pursuant to P.L. 1991 c.3.

Repealed and replaced by R.1992 d.22, effective January 6, 1992. See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

Recodified from N.J.A.C. 6:8-5.1 by R.1992 d.510, effective December 21, 1992.

See: 24 N.J.R. 3039(a), 24 N.J.R. 4508(a).

6:8-5A.4 Determination of Level III districts

(a) A district which fails to correct the deficiencies noted in the Level II evaluation process will be directed by the Commissioner to enter Level III monitoring.

(b) When a district which has had a comprehensive examination of all aspects of its operations by an external review team is directed to enter Level III monitoring, the Commissioner shall prepare an administrative order directing the corrective actions which shall be taken by the district.

1. The corrective actions will be based on the findings and conclusions of the external review team and the monitoring of the Level II plan by the county superintendent.

2. The Commissioner shall insure that technical assistance is provided to the district to implement the corrective actions.

3. If the Commissioner determines, based on the findings of the Level II or Level III review team and the Department of Education, that conditions within the district may preclude the successful implementation of a corrective action plan, he shall direct that a comprehensive compliance investigation be conducted by the State Department of Education and may order any necessary action to insure the security of the books, papers, vouchers and records of the district.

4. In reviewing the district's corrective action plan, the Commissioner shall determine the cost of implementing the plan and shall identify those aspects of the plan which are already contained in the district's current expense budget.

5. The Commissioner, where appropriate, shall reallocate funds within the district, or take whatever other measures deemed necessary and appropriate to insure implementation of the corrective action. Any line item transfers of reallocated funds shall have prior approval by the Commissioner.

6. In cases where the Commissioner determines that additional revenue is needed to implement the corrective action plan, the Commissioner shall recertify a budget for the district.

7. The district shall implement the corrective action plan within one year of the Commissioner's formal issuance of the administrative order.

i. Monthly, until the district is certified, the county superintendent shall monitor and assess the progress of the district in implementing the corrective action plan and shall submit quarterly reports to the assistant commissioner, Division of County and Regional Services.

ii. The county superintendent, upon completion of the district's corrective action plan, shall determine whether the standards for certification have been met and shall submit a formal report to the assistant Commissioner, Division of County and Regional Services.

iii. The assistant commissioner, Division of County and Regional Services shall submit to the Commissioner a formal report which recommends that the district be:

(1) Recommended to the State Board of Education for certification; or

(2) Directed by the Commissioner to have a comprehensive compliance investigation conducted by the State Department of Education.

(c) When a district which has not had a comprehensive examination of all aspects of the district's operations by an external review team is directed to enter Level III, the Commissioner shall designate the county superintendent to appoint an external review team, whose members shall be qualified by training and experience to examine the conditions in the district.

1. Within three months, in conjunction with the Department of Education, the team shall examine all aspects of the district's operation, including, but not limited to, education, governance, management and finance.

2. Within 30 calendar days after its review, the external team shall report its findings and conclusions, including directives to be utilized in the preparation of a corrective action plan to achieve certification, to the Commissioner.

3. If the Commissioner determines, based on the findings of the Level II or Level III review team and the Department of Education, that conditions within the district may preclude the successful implementation of a corrective action plan, he or she shall direct that a comprehensive compliance investigation be conducted by the Department of Education and may order any necessary action to insure the security of the books, papers, vouchers and records of the district.

4. Within 30 calendar days of the receipt of the report, the Commissioner shall prepare an administrative order directing the corrective actions which shall be taken by the district based upon the findings and conclusions of the Level III external review team and the county superintendent's monitoring of the Level II plan.

5. The Commissioner shall insure that technical assistance is provided to the district in order to implement the corrective actions.

6. In reviewing the district's corrective action plan, the Commissioner shall determine the cost of implementing the plan and shall identify those aspects of the plan which are already contained in the district's current expense budget.

7. The Commissioner, where appropriate, shall reallocate funds within the district's budget or take whatever other measures deemed necessary and appropriate to support the district's corrective action plan. Any line item transfers of reallocated funds shall have prior approval by the Commissioner.

8. In cases where the Commissioner determines that additional revenue is needed to implement the corrective action plan, the Commissioner shall recertify a budget for the district.

9. The district shall implement the corrective action plan within one year of the Commissioner's formal issuance of the administrative order.

i. Monthly, until the district is certified, the county superintendent shall monitor and assess the progress of the district in implementing the corrective action plan and shall submit quarterly reports to the assistant commissioner, Division of County and Regional Services.

ii. The county superintendent, upon completion of the district's corrective action plan, shall determine whether the standards for certification have been achieved and shall submit a formal report to the assistant commissioner, Division of County and Regional Services.

iii. The assistant commissioner, Division of County and Regional Services, shall submit to the Commissioner a formal report which recommends that the district be:

(1) Recommended to the State Board of Education for certification; or

(2) Directed by the Commissioner to have a comprehensive compliance investigation conducted by the State Department of Education.

Repealed and replaced by R.1992 d.22, effective January 6, 1992. See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

Recodified from N.J.A.C. 6:8-5.2 by R.1992 d.510, effective December 21, 1992.

See: 24 N.J.R. 3039(a), 24 N.J.R. 4508(a).

6:8-5A.5 Compliance investigation

(a) A comprehensive compliance investigation will be conducted under the supervision of the assistant commissioner, Division of County and Regional Services, under one of the following circumstances:

1. The review team's report indicates that conditions exist within the district that may preclude the successful implementation of a corrective action plan.

2. After completion of the corrective action plan activities, a district fails to achieve certification and does not demonstrate reasonable progress toward meeting certification standards, pursuant to N.J.A.C. 6:8-5A.4(b)9.

(b) The director of the Department of Education's compliance unit shall organize and supervise an investigatory team to assess conditions in the district.

1. A comprehensive audit of the district's governance, management and fiscal operations shall be conducted by a private auditing agency under contract to the Department of Education.

2. The compliance unit shall conduct a thorough investigation of the district's programmatic, fiscal and management activities.

(c) The director of the Department of Education's compliance unit shall submit a report of investigatory findings to the assistant commissioner, Division of County and Regional Services.

(d) Based on the report of investigatory findings, the assistant commissioner shall submit to the Commissioner of Education a recommended administrative order outlining such corrective action as is deemed necessary.

(e) The Commissioner of Education, after a plenary hearing, may order the implementation of an administrative order requiring the district to implement the corrective action.

Amended by R.1992 d.22, effective January 6, 1992.

See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

Corrected internal N.J.A.C. cite.

Recodified from N.J.A.C. 6:8-5.3 by R.1992 d.510, effective December 21, 1992.

See: 24 N.J.R. 3039(a), 24 N.J.R. 4508(a).

Internal cite corrected.

6:8-5A.6 Corrective action by Commissioner of Education

Any noncertified district which does not demonstrate reasonable progress toward compliance with the provisions of N.J.S.A. 18A:7A-1 et seq. (Public School Education Act of 1975) and New Jersey Administrative Code Title 6, Education and toward the resolution of major problems shall be submitted to further intervention by the Commissioner of Education, as provided by law.

Recodified from N.J.A.C. 6:8-5.4 by R.1992 d.510, effective December 21, 1992.

See: 24 N.J.R. 3039(a), 24 N.J.R. 4508(a).

SUBCHAPTER 6. PROGRAMS AND SERVICES FOR PUPILS AT RISK

6:8-6.1 Assessment of pupil needs

Each district board of education shall annually identify those needs and conditions which place pupils at risk of not acquiring the knowledge, skills, behaviors and attitudes necessary for school success, school completion, and successful functioning as an adult in society. The assessment shall include, but not be limited to, assessments of pupil achievements as required by N.J.A.C. 6:39, and information contained in the Annual Pupil Assistance Committee Report, N.J.A.C. 6:26-4.

Law Review and Journal Commentaries

Ensuring Educational Access for At-Risk Students. Cecilia Zalkind, 154 N.J.Law. 26 (Mag.) (July 1993).

6:8-6.2 Programs and services for pupils at risk

(a) District boards of education shall approve a plan for utilizing at-risk aid generated by the Quality Education Act, P.L. 1990, c.52, as well as foundation aid and other State and Federal funds for programs and services for pupils at risk, by October 1 each year. The plan shall be submitted to and approved by the Department of Education in accordance with the provisions of N.J.A.C. 6:8-4.10.

(b) The plan shall specify programs and services to address the conditions which place pupils at risk, including assistance to parents and guardians in promoting school success. The plan shall be based on the assessment of pupil needs and address those needs within the framework of the following goals:

1. Prevention: To enhance the health, self-esteem and learning of life skills necessary for age-appropriate development and productive functioning in the school setting and in society;

2. Intervention: To identify and assist pupils who are not meeting standards for behavior and achievement in areas such as attendance, conduct, and mastery of the curriculum, as well as performing below State minimum levels of proficiency; and

3. Improving the learning environment: To improve the school climate so that pupils experience school as a safe, supportive and disciplined place where academic and interpersonal growth and learning can take place.

(c) For each pupil performing below State minimum levels of proficiency after completion of three academic years of instruction beyond kindergarten, the district board of education shall ensure the development, implementation and monitoring of an individual pupil improvement plan. The district board of education shall ensure that:

1. The pupil and the pupil's parent(s) or guardian(s) are informed of the need for and content of the individual pupil improvement plan in the language or mode of communication which is understood by the pupil and the parent(s) or guardian(s) in accordance with N.J.A.C. 6:3-2.2(k); and

2. Ongoing communication takes place among the regular classroom teacher, and the parent(s) or guardian(s) of the pupil for whom the plan has been developed and those responsible for providing services described in the individual pupil improvement plan.

(d) The district board of education shall provide for the staff training necessary to implement the programs and services for pupils at risk specified in the annual plan.

(e) Programs and services for pupils at risk may be offered during the regular school day, beyond the regular school day or during the summer. To the extent that such programs and services do not fall within the scope of authorized certification pursuant to N.J.A.C. 6:11, or cannot reasonably be provided except outside the school setting, such programs and services may be delivered by qualified individuals who are not necessarily certified but are supervised by appropriately certified school staff members.

6:8-6.3 Budget documentation

The district board of education shall provide documentation to the county offices of education through the annual budget process, pursuant to N.J.S.A. 18A:7D-27, in support of the annual programs and services plan developed in accordance with N.J.A.C. 6:8-6.2.

SUBCHAPTER 7. PROMOTION AND HIGH SCHOOL GRADUATION REQUIREMENTS AND PROCEDURES

6:8-7.1 Promotion, remediation, and graduation procedures

(a) District boards of education shall adopt policies and procedures for:

1. Pupil promotion, related to district goals, objectives, and pupil proficiency;
2. Remediation opportunities for pupils to satisfy any failed proficiencies;
3. High school graduation requirements, pursuant to law and rule, which are consistent with the achievement of State and district goals, objectives, and pupil proficiency with particular reference to reading, writing, and mathematics skills as specified in (b), (c), (d), and (e) below;
4. The exemption of handicapped pupils from the high school graduation requirements, pursuant to N.J.A.C. 6:28-3.6 and 4.4, 6:39-1.3(e), and (b)6 below.

5. Annual notification to pupils and parent(s) or guardian(s) of the policies and procedures for pupil promotion, remediation, and the high school graduation requirements;

6. Notification to each entering ninth grade pupil and his or her parent(s) or guardian(s) of all State and local high school graduation requirements. In addition, at the beginning of each course required for graduation, each district board of education shall distribute a list of proficiencies required for successful completion of that course to all pupils and their parent(s) or guardian(s). These proficiencies lists shall include, but not be limited to, the core course proficiencies identified by the Department of Education in (c)2iii below;

7. Notification to each pupil and parent(s) or guardian(s) at appropriate times during the school year of the pupil's progress in meeting the promotion, course proficiencies and the high school graduation requirements;

8. Immediate consultation, not longer than 10 school days after the local school district becomes aware of the pupil's deficiencies, with the pupil's parent(s) or guardian(s);

9. Appeal of promotion/retention decision by parent(s) or guardian(s) and adult pupils; and

10. Participation of parent(s) or guardian(s), teachers, and students, where appropriate, in the development of pupil promotion and remediation policies.

(b) District boards of education shall adopt policies and procedures for high school graduation of all pupils, pursuant to law and rule, which shall include, but not be limited to, performing at or above the State minimum levels of pupil proficiency on the State-mandated High School Proficiency Test in reading, writing, and mathematics skills.

1. Pupils in grades 9 and 10 who perform below State minimum levels of pupil proficiency on one or more areas of the State-mandated Early Warning Test and pupils in grades 11 and 12 who perform below State minimum levels of pupil proficiency on one or more areas of the State-mandated High School Proficiency Test shall be provided with an individual comprehensive assessment, as specified in N.J.A.C. 6:8-6.1. Based on the individual comprehensive assessment, the pupil shall receive the necessary services to remedy the identified deficiencies. Such services shall include, but not be limited to, the development and implementation of an Individual Student Improvement Plan. This individual plan may be carried out through the regular program or through an extended school day, extended school week, or extended school year. Comprehensive pupil assessment and re-evaluation of the individual plans shall take place at least once each year until all identified deficiencies have been remediated.

2. Each district board of education shall develop procedures for the development of Individual Student Improvement Plans. These procedures shall include, but not be limited to, those procedures set forth in N.J.A.C. 6:8-6.2.

3. Pupils who perform below State levels of pupil proficiency on one or more areas of the State-mandated Early Warning Test or the High School Proficiency Test shall be provided an opportunity to demonstrate mastery in each academic year.

4. Pupils who perform below State minimum levels of pupil proficiency on one or more areas of the State-mandated High School Proficiency Test and have satisfied all other State and local graduation requirements shall be provided an additional evaluation during the twelfth year which is based on the Individual Student Improvement Plan required under (b)1 above. This evaluation, the Special Review Assessment, may include, but is not limited to:

- i. Performance on State tests, including all retests;
- ii. Performance on locally selected tests;
- iii. Performance on course work;
- iv. Practical demonstrations of specific skill mastery which occur either in or outside of school, but which are not part of regular course work;
- v. Formal interview with the parent(s);
- vi. Formal interview with the teaching staff;
- vii. Guidance counselor and/or psychologist review, as appropriate;
- viii. Visual, auditory, and/or medical data, as appropriate;
- ix. Examination of credit and curriculum performance; and
- x. Examination of pupil proficiencies in other areas.

5. The findings of the evaluation required in (b)4 above shall be recorded on a Special Review Assessment Student Profile Form developed by the Department of Education. An independent evaluation of these data must be made by a local district review panel comprised of at least three teaching staff members not currently instructing the pupil. On the basis of the evidence listed in (b)4 above and the recommendations of the review panel, the building principal and the chief school administrator may certify satisfactory attainment of the State minimum levels of pupil proficiency in reading, writing, and/or mathematics. Whether or not such certification occurs, the district must retain the Student Profile Form, including all attachments, for one year after the pupil's class graduates. If such certification occurs, the Special Review Assessment Student Profile Form must be forwarded to the county superintendent of schools by March 1 of the regularly scheduled graduation year. Based upon the documentation provided by the local district, the county superintendent of schools must certify whether or not the State minimum levels of pupil proficiency have been achieved and notify, in writing, the chief school administrator of this decision.

6. An educationally handicapped pupil must meet all State and local high school graduation requirements in order to receive a State-endorsed high school diploma, pursuant to the provisions established under N.J.A.C. 6:28.

i. A handicapped pupil who has not been exempted from the proficiencies or has performed below the State minimum levels of pupil proficiency on one or more areas of the State-mandated High School Proficiency Test shall participate in the Special Review Assessment.

7. All pupils of limited English proficiency must satisfy requirements for high school graduation in accordance with the provisions of this section except:

i. Pupils of limited English proficiency who enter New Jersey schools in grade nine or later may demonstrate that they have attained State minimum levels of proficiency through the Special Review Assessment in their native language, and

ii. Pupils of limited English proficiency who enter New Jersey schools in grade nine or later and who demonstrate that they have attained State minimum levels of proficiency through the Special Review Assessment in their native language must take the Maculaitis Assessment Program and attain the passing level of fluency of 133 raw score points to be eligible for a State-endorsed high school diploma.

8. Any out-of-school youth or adult age 18 or older who has otherwise met all State and local graduation requirements, but has failed to pass the State-mandated High School Proficiency Test may return at times which have been scheduled and publicly announced by the district for the purpose of taking the necessary test. Upon certification of passing the test, a State-endorsed diploma will be granted by the high school of record.

(c) Minimum high school graduation requirements include the following:

1. District boards of education providing high school diplomas, in cooperation with any sending district(s), shall adopt policies and procedures for defining minimum high school curriculum requirements and locally determined proficiencies, including the Statewide core course proficiencies therein, pursuant to law and rule, which shall include, but not be limited to:

i. Requiring the successful completion of a program of study in grades nine through 12, effective with the September, 1987 grade nine class, which shall include, but not be limited to:

(1) One credit year of English for each year of enrollment, up to four credit years;

(2) Two credit years of mathematics, effective through August, 1990; three credit years of mathematics, effective with the September, 1990 grade nine class;

(3) Two credit years of social studies/United States history, as required by N.J.S.A. 18A:35-1 through August 1988, and one additional credit year of world history/cultures, effective with the September, 1988 grade nine class;

(4) One credit year of natural or physical science through August, 1989; two credit years of natural or physical science, effective with the September, 1989 grade nine class;

(5) One credit year of physical education, health and safety for each year of enrollment, as required by N.J.S.A. 18A:35-7;

(6) One credit year of fine, practical, and/or performing arts;

(7) One-half credit year of career education. This requirement may be satisfied through the alternative methods of infusion into existing courses, course equivalents, or a career education course. For credit to be awarded, career education shall be offered as a course, as specified in (c)1ii below or in (d) below.

ii. Pupils may meet the curriculum requirements set forth in (c)1i above through demonstration of mastery of Statewide core and locally determined course proficiencies in each of the above curriculum areas or through program completion procedures noted in (d) below. This determination shall be made by the district board of education.

2. Pupil proficiencies in (c)1 above shall be developed as follows:

i. The Commissioner shall recommend to the State Board of Education uniform Statewide core course proficiencies for those curriculum areas mandated by the State Board for high school graduation and for foreign languages. Upon the receipt of the Commissioner's recommendation, the State Board of Education shall review and approve by resolution the core course proficiencies. The core course proficiencies shall be developed and recommended to the Commissioner through a collaborative process which shall include:

(1) Curriculum convocations;

(2) Curriculum panels, composed of outstanding educators and others; and

(3) Local school district review.

ii. Core course proficiencies shall be developed within the following timelines for the respective curriculum areas:

(1) Mathematics, beginning August 1, 1989 and concluding October 1, 1990;

(2) Natural or physical science, beginning August 1, 1989 and concluding October 1, 1990;

(3) English, beginning August 1, 1990 and concluding October 1, 1991;

(4) Social studies, beginning August 1, 1990 and concluding October 1, 1991;

(5) Foreign languages, beginning August 1, 1991 and concluding October 1, 1992;

(6) Fine, practical and/or performing arts, beginning August 1, 1992 and concluding October 1, 1993;

(7) Career education, beginning August 1, 1992 and concluding October 1, 1993; and

(8) Health, safety and physical education, beginning August 1, 1993 and concluding October 1, 1994.

iii. For each of those courses mandated by the State Board of Education, district boards of education shall establish course proficiencies, including, but not limited to, the Statewide core proficiencies in the following curriculum areas:

(1) Mathematics by September 1, 1991;

(2) Natural or physical science by September 1, 1991;

(3) English by September 1, 1992;

(4) Social studies by September 1, 1992;

(5) Foreign languages by September 1, 1993;

(6) Fine, practical, and/or performing arts by September 1, 1994;

(7) Career education by September 1, 1994; and

(8) Health, safety and physical education by September 1, 1995.

iv. District boards of education shall establish course proficiencies for each course in all curriculum areas. Upon approval of these proficiencies by the district board of education, all students shall demonstrate mastery through specified methods and instruments of assessment in all courses as a condition of graduation.

v. The Statewide core course proficiencies in the content areas set forth in (c)2ii above shall be reviewed by panels of outstanding local educators convened by the Commissioner every five years following their establishment. Based upon the recommendations of the panel, the Commissioner shall consider the revision of the core course proficiencies.

(d) Subject to approval of the State Board of Education:

1. Each district board of education shall establish graduation requirements on the basis of either course credits, program completion, or a combination of course credits and program completion.

i. Course credit requirements shall be established as follows:

(1) Each four-year high school shall establish a minimum number of not less than 92 credits to be required for graduation, effective with the September, 1987 grade nine class; not less than 110 credits effective with the September, 1988 grade nine class.

(2) Each three-year high school shall establish a minimum number of not less than 69 credits to be completed in grades 10 to 12 inclusive, effective with the September, 1987 grade 10 class; not less than 82.5 credits effective with the September, 1989 grade 10 class.

(3) Six-year schools may base their graduation requirements on formal completion of grades nine to 12 or 10 to 12 within the credit limits established for four-year or three-year high schools, respectively.

(4) Credit toward graduation shall be awarded by the following method:

(A) Credit shall be assigned on the same basis to all high school courses offered by the district board of education. One credit is awarded for a class period of instruction which meets one time per week during the school year. A class period of instruction is a minimum of 40 minutes. A credit year is awarded for a class period of instruction which meets daily for the school year and equals five credits.

(B) Credit may be assigned by each district board of education for curricular activities, as defined in N.J.A.C. 6:27-1.13.

(C) Approved cooperative education program credits shall not exceed 15 credits per year.

ii. Credit year requirements set forth in (c) above may be met in whole or in part through program completion as follows:

(1) District boards of education may determine and establish a set number of curricular activities or programs for promotion and graduation purposes.

(2) Programs shall be planned for individuals and/or a group based on specific instructional objectives.

(3) The principal shall certify completion of curricular activities or programs based upon specified instructional objectives.

(4) Group programs based on specific instructional objectives shall be approved in the same manner as other approved courses. Individual programs shall be on file in the local district and subject to review by the Commissioner or his or her designee.

2. District boards of education shall establish pupil attendance requirements appropriate to each of the particular educational programs.

(e) Successful completion of the requirements set forth in (b), (c), and (d) above and any local requirements shall be required as conditions for awarding a State-endorsed diploma, except as provided for seniors entering military or naval service, pursuant to N.J.S.A. 18A:36-17, and handicapped pupils exempted from the requirements. No district board of education may issue a high school diploma without State endorsement.

(f) Review and reporting requirements include the following:

1. Annually, not later than September 30, the chief school administrator shall report at a public meeting to the district board of education and the Commissioner of Education the number of pupils graduated and the number of pupils denied graduation from the prior 12th grade class based on the provision of this chapter. The chief school administrator shall include in the annual report the number of pupils graduated under the special education and special review assessment procedures noted in this subsection;

2. The Commissioner of Education, in accordance with law and rule, shall report to the State Board of Education on the status and outcomes of the promotion and graduation procedures;

3. District boards of education shall submit their graduation requirements on forms provided by the Department of Education to the Commissioner or his or her designee. District boards of education shall update this filed copy as their graduation policies are revised;

4. The Commissioner or his or her designee shall review and approve the district board of education policies and procedures for pupil promotion, remediation, and high school graduation requirements;

5. The Commissioner or his or her designee shall monitor the implementation of the promotion, remediation, and high school graduation policies and procedures; and

6. From time to time, but at least once every five years, the State Board of Education and district boards of education shall review and update their promotion and graduation requirement policies, as a result of the State and local goal review processes noted in N.J.S.A. 18A:7A-8 and N.J.A.C. 6:8-2.3 and 6:8-4.3(a)1i.

Amended by R.1987 d.185, effective April 20, 1987.

See: 19 N.J.R. 4(a), 19 N.J.R. 632(b).

Text added in (c)1i(3) "United States"; text added in (c)1i(7) "This requirement may . . ." and deleted "until August 1988".

Amended by R.1987 d.186, effective April 20, 1987.

See: 19 N.J.R. 4(a), 19 N.J.R. 633(a).

Deleted "Until August, 1988" from (c)1i(6).

Amended by R.1987 d.358, effective September 8, 1987.

See: 19 N.J.R. 1033(b), 19 N.J.R. 1641(c).

Added (a)4; deleted old text from (a)6 and substituted new text. Amended by R.1989 d.240, effective May 1, 1989.

See: 21 N.J.R. 235(a), 21 N.J.R. 1134(a).

Subsection (c), significantly expanded to include development of Statewide core course proficiencies.

Amended by R.1992 d.22, effective January 6, 1992.

See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

Added reference to the State-mandated Early Warning Test; added new (b)7, regarding requirements for pupils of limited English proficiency and recodified 7 to 8.

SUBCHAPTER 8. APPROVED PUBLIC ELEMENTARY AND SECONDARY SCHOOL SUMMER SESSIONS

6:8-8.1 Operation

(a) The rules for the approval of full-time public schools shall apply to all elementary and secondary summer sessions. No school summer session may be operated or approved unless it is operated by a district board of education without charge to pupils domiciled within the district.

(b) Remedial, advancement and enrichment courses may be offered to meet pupil needs. As used in this subchapter, the words below shall have the following meanings:

1. A "remedial course" is any course or subject which is a review of a course or subject previously taken for which credits or placement may be awarded upon successful completion of the course.

2. An "advanced course" is any course or subject not previously taken in an approved school program for which additional credits or advanced placement may be awarded upon successful completion of the course.

3. An "enrichment course" is any course or subject of avocational nature for which no credits are to be awarded.

(c) For pupils domiciled within the district, the district board of education shall not charge tuition for any remedial or advanced course. Reasonable tuition may be charged for enrichment courses which carry no credit and are determined by the county superintendent of schools to have no direct relationship to the curriculum.

(d) The operation of a summer session requires annual approval by the county superintendent of schools.

Recodified from 6:8-9.1 by R.1992 d.22, effective January 6, 1992. See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

Amended by R.1992 d.510, effective December 21, 1992.

See: 24 N.J.R. 3039(a), 24 N.J.R. 4508(a).

Tuition shall not be charged for remedial or advanced courses.

6:8-8.2 Staffing

(a) In each public school, a member of the administrative, supervisory or teaching staff who is certified as an administrator shall be assigned the responsibilities of administration and supervision of the summer session.

(b) Teachers in summer sessions conducted by district boards of education shall possess valid certificates for subjects taught. Curriculum enrichment may involve resource persons serving for specific periods of time under the supervision of a certified administrator, supervisor or teacher.

Recodified from 6:8-9.2 by R.1992 d.22, effective January 6, 1992. See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

6:8-8.3 Admission of pupils

(a) The assignment of pupils in summer session for remedial courses shall be based upon the recommendation of the principal of the school which the pupil regularly attends in accordance with policies established by the district board of education. The principal's recommendation must state in writing the name of the subject(s) which the pupil may take and the purpose for which each subject is taken.

Recodified from 6:8-9.3 by R.1992 d.22, effective January 6, 1992. See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

6:8-8.4 Credit and grade placement

(a) An evaluation and a description of work completed shall be included in the pupil's cumulative record and the principal of the sending school will determine the grade placement of the pupil.

(b) To receive advanced credit for a subject not previously taken, the pupil shall receive class instruction in summer session under standards equal to those during the regular term.

(c) Full-year subjects which are given for review, remediation or for other purposes not including advanced credit must be conducted for 3,600 minutes of instruction under standards equal to those during the regular term or through an established number of curricular activities as determined by the district board of education and approved by the county superintendent of schools.

(d) Credit for work taken in an approved elementary or secondary school summer session shall be transferable in the same manner as work taken in any approved elementary or secondary school.

(e) The amount of the time which a pupil has spent in receiving class instruction shall become part of his or her permanent record and shall be included whenever the record is transferred to another school.

Recodified from 6:8-9.4 by R.1992 d.22, effective January 6, 1992. See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

Amended by R.1992 d.510, effective December 21, 1992.

See: 24 N.J.R. 3039(a), 24 N.J.R. 4508(a).

Allowed for establishment of curricular activities to be determined by district boards and approved by county superintendents.

SUBCHAPTER 9. EDUCATIONAL IMPROVEMENT PLANS IN SPECIAL NEEDS DISTRICTS

Authority

N.J.S.A. 18A:7D-3.27, 28, 32 and 35.

Source and Effective Date

R.1992 d.396, effective October 5, 1992.
See: 24 N.J.R. 2323(a), 24 N.J.R. 3535(b).

Subchapter Historical Note

Public Notice: Public testimony sessions held June 17, 1992.

See: 24 N.J.R. 2081(a).

6:8-9.1 District educational improvement plans

(a) Each board of education in a special needs district shall submit annually as part of the annual school district budget an educational improvement plan for the district. The plan shall be:

1. Based on student outcome goals consistent with State educational goals pursuant to N.J.A.C. 6:8;
2. Responsive to recommendations made by the Department of Education, analysis of student performance, and other evaluation reports and studies of district, school and student needs, including recommendations of external review teams;
3. Consistent with the elements and indicators required for district certification through the monitoring process pursuant to N.J.A.C. 6:8-4;
4. Designed to support comprehensive district-level planning to improve student outcomes through improvement of management, governance, finance and facilities;
5. Designed to support and coordinate school-level planning and other reform efforts;
6. Developed collaboratively by staff, parents, community members, and students, where appropriate;
7. Adequately funded; and
8. Formally adopted by the district board of education.

(b) The chief school administrator shall be responsible for developing, implementing and evaluating the district educational improvement plan.

(c) The plan shall be reviewed by the county superintendent and the staff of the Division of Urban Education and Field Services and approved by the Commissioner based on the requirements specified in (a) above and N.J.A.C. 6:8-9.3.

(d) In the case of State-operated school districts, the corrective action plan, required pursuant to N.J.A.C. 6:8-5.2, shall substitute for the district educational improvement plan.

(e) The Commissioner shall review each line item in the district budget to determine if the expenditure is appropriate. The Commissioner shall reallocate funds from any line item to ensure that demonstrably effective programs which will improve specific educational outcomes for students are implemented in the district.

(f) For special needs districts, the district educational improvement plan shall substitute for required district-level planning objectives required pursuant to N.J.A.C. 6:8-4.2.

Amended by R.1993 d.112, effective March 1, 1993.

See: 24 N.J.R. 4467(b), see also 24 N.J.R. 4419(a), 25 N.J.R. 922(a).

In (c), review process amended to include staff.

6:8-9.2 School educational improvement plans

(a) Beginning with the 1993-94 school year, an educational improvement plan shall be developed for each school in a special needs district.

(b) Each school shall establish and maintain a planning team to coordinate the development, implementation and evaluation of the plan.

1. The district shall ensure that time and resources are allocated to support planning team activities.

2. Membership on the planning team shall include, but not be limited to, the principal, teachers and parents. A majority of the planning team shall be composed of classroom teachers and 25 percent of the team shall be composed of parents.

3. The board of education shall establish fair and reasonable policies and procedures by which teachers shall select their representatives and parents shall select their representatives.

(c) School educational improvement plans shall be approved at the district level before the beginning of the school year.

(d) Beginning with the 1994-95 school year, the district shall submit for Department approval, a review and approval process, consistent with N.J.A.C. 6:8-9.3 and with other State-mandated local planning requirements as per N.J.A.C. 6:8.

(e) The Division of Urban Education and Field Services shall conduct an on-site review of selected school plans each year.

(f) For schools where students are not meeting minimum State requirements on student performance as per N.J.A.C. 6:8, objectives in the areas of deficiency shall be integrated into the school educational improvement plan.

Amended by R.1993 d.112, effective March 1, 1993.
See: 24 N.J.R. 4467(b), see also 24 N.J.R. 4419(a), 25 N.J.R. 922(a).
Added Field Services to (e).

6:8-9.3 District and school educational improvement plan development

(a) District and school educational improvement plans shall be developed using a process which includes the following components:

1. Involvement of broad-based representation from different parts of the educational community, including administrators, supervisors, teachers, parents, community members, and students, where appropriate, in the development and implementation of the plan;

2. Input from parents and community members at a public meeting;

3. Analysis of student performance at the district and school levels;

4. Identification of specific student outcomes goals, indicators for the outcomes, and measurable objectives based on these indicators;

5. Development of a school-level data base which allows analysis of needs and evaluation of success of all students in reaching targeted student outcomes;

6. Selection of demonstrably effective improvement strategies and programs which could reasonably be expected to result in improvements in student learning based on research results. Such demonstrably effective strategies and programs include, but are not limited to, the following areas:

- i. Early childhood;
- ii. Instructional uses of technology;
- iii. Drop-out prevention;
- iv. School-based management;
- v. Staff development;
- vi. Enriched curricula;
- vii. Increased instructional time;
- viii. Interagency collaboration; and
- ix. Student/family support services; and

7. Specification of activities, needed resources, staff responsibility, timelines, costs, and evaluation strategies.

6:8-9.4 Fiscal requirements for district and school educational improvement plans

(a) Special needs districts shall at a minimum dedicate 70 percent of all permitted net budget increases above the state average cap percentage increase to the implementation and/or continuation of demonstrably effective improvement strategies and programs, identified as per N.J.A.C. 6:8-9.8. Part of this minimum amount shall be allocated to schools as specified in (b) below.

(b) For the 1993-94 school year, the district shall allocate a minimum of \$50.00 per pupil to each school for the implementation and/or continuation of demonstrably effective improvement strategies and programs selected by the school planning team. Beginning with the 1994-95 school year, the district shall increase the amount allocated to each school to a minimum of \$100.00 per pupil. The provisions of this subsection shall apply to all special needs districts, regardless of the amount of funds dedicated pursuant to (a) above.

(c) If the Commissioner determines that the amount of funds dedicated to demonstrably effective improvement strategies and programs at the district or school level is insufficient to meet student needs, the Commissioner shall order a reallocation pursuant to N.J.A.C. 6:8-9.1(e).

New Rule, R.1993 d.112, effective March 1, 1993.

See: 24 N.J.R. 4467(b), see also 24 N.J.R. 4419(a), 25 N.J.R. 922(a).

Rule on assistance by the Division of Urban Education recodified to 9.5.

6:8-9.5 Assistance by the Division of Urban Education and Field Services

(a) Staff from the Division of Urban Education and Field Services shall assist district and school staff in developing, implementing and evaluating the district and school educational improvement plans by:

1. Providing technical assistance to school planning teams, task forces, and district facilitators;
2. Identifying exemplary programs and practices;
3. Providing training on school-based planning to district and school staff and parents; and
4. Linking districts and schools to resources.

Amended by R.1993 d.112, effective March 1, 1993.

See: 24 N.J.R. 4467(b), see also 24 N.J.R. 4419(a), 25 N.J.R. 922(a).

Rule on verification and evaluation of educational improvement plans in special needs districts recodified to 9.6; rule on assistance by the Division of Urban Education recodified from 9.4; references to Field Services added.

6:8-9.6 Verification and evaluation of educational improvement plans in the special needs districts

(a) The district educational improvement plan shall be implemented as approved. The educational improvement plan can be formally amended only upon approval of the district board of education and the Department.

(b) Staff from the Division of Urban Education and Field Services are responsible for verifying the implementation of district educational improvement plans as follows:

1. Each special needs district shall be visited monthly by a Division liaison to assess progress and identify needs in implementing the district educational improvement plan. Each visit shall be documented by a written progress report completed by the liaison and sent to the district chief school administrator and the county superintendent.

2. An annual verification visit shall be conducted in each special needs district. Within two weeks of completion of the visit, a findings letter shall be sent by the Department to the chief school administrator. This letter shall analyze the extent to which the district is successfully implementing each objective in the district educational improvement plan and shall include commendations, and recommendations which must be acted upon within a designated time frame.

3. A special needs district which fails to satisfactorily implement the district educational improvement plan shall be subject to appropriate sanctions, including, but not limited to, the withholding of State aid.

(c) The district shall develop and implement a process to verify the progress of each school educational improvement plan, beginning with the 1993-94 school year. The verification process shall include the use of the school planning team in tracking and reporting progress at the school to the chief school administrator. During the verification visits for the district educational improvement plans, the Division of Urban Education and Field Services shall review the process and shall visit schools to ensure that the process is being implemented.

(d) Each district and each school shall communicate with the parents and community on a quarterly basis to report on the implementation and evaluation of the educational improvement plan.

(e) The district shall submit to the director of the urban assistance center on August 15 of each year an evaluation report which:

1. Assesses district and school progress in meeting the student outcomes targeted in the educational improvement plan;
2. Identifies specific accomplishments; and
3. Addresses progress in implementing recommendations from the external review team, where appropriate.

(f) The evaluation report shall be distributed to parents, staff and communities in September of each year.

(g) The Department shall collect annually the data which is necessary to create comprehensive school-level profiles of each school in the special needs districts. These school profiles shall include data on:

1. Student performance, including assessed knowledge, student attainment and participation;

2. Student population characteristics;
3. Programs and services; and
4. Staff characteristics.

Amended by R.1993 d.112, effective March 1, 1993.

See: 24 N.J.R. 4467(b), see also 24 N.J.R. 4419(a), 25 N.J.R. 922(a). Rule on waivers to rules recodified to 9.7; rule on verification and evaluation of educational improvement in the special needs districts recodified from 9.5; references to Field Services added.

6:8-9.7 Waivers to rules

(a) Under no circumstances will waiver be allowed of this title or any of its subchapters in their entirety. The Commissioner may, however, on a case by case basis, recommend the approval of waivers of specific rules contained in Title 6, Education to the State Board of Education, if the application of those rules interferes with the ability of a special needs district to implement demonstrably effective programs to improve educational outcomes, as specified in the educational improvement plan.

1. The district may request a waiver by submitting a written request signed by the chief school administrator and approved by the district board of education. Such requests shall include:

- i. Conditions or reasons for the waiver of the specific rule(s);
- ii. Duration of the waiver; and
- iii. Supporting documentation, including, where appropriate, notice to affected parties.

2. Upon recommendation from the Commissioner, the State Board of Education may act to relax or waive, with or without conditions, such rules in the specific circumstance presented, if the State Board is satisfied that:

- i. The spirit and intent of Title 18A and applicable Federal laws and regulations are served by the granting of such waiver;
- ii. The provision of a thorough and efficient education to the pupils in the district is not compromised as a result of the waiver; and
- iii. There will be no risk to pupil welfare and safety by granting such waiver.

3. Waivers shall not be granted for a duration of more than three years.

Recodified by R.1993 d.112, effective March 1, 1993.

See: 24 N.J.R. 4467(b), see also 24 N.J.R. 4419(a), 25 N.J.R. 922(a). Rule on waivers to rules recodified from 9.6.

6:8-9.8 Demonstrably effective improvement strategies and programs

(a) For the 1993-94 school year, the Commissioner, in consultation with experts in the field, shall develop a list of demonstrably effective improvement strategies and programs in the areas listed in N.J.A.C. 6:8-9.3(a)6 to be used by special needs districts as per N.J.A.C. 6:8-9.4 in developing the 1993-94 educational improvement plans at the district and school levels.

(b) Beginning with the 1994-95 school year, special needs districts and schools shall select from a list of demonstrably effective improvement strategies and programs, in meeting the requirements in N.J.A.C. 6:8-9.4, to be developed as follows:

1. By July 15, 1993 and annually thereafter, the Commissioner shall convene an advisory panel which includes researchers and practitioners from institutions and agencies such as colleges and universities, educational laboratories, foundations, business and industry, social and human services agencies, and school districts to review and update the list of improvement strategies and programs.

2. By October 1, 1993 and annually thereafter, the advisory panel shall present its recommendations to the Commissioner.

3. After reviewing the recommendations of the advisory panel, the Commissioner shall present a recommended list of strategies and programs to the State Board for approval. Advanced notice(s) of the State Board meeting

at which the recommended list of demonstrably effective improvement strategies and programs will be considered shall be published in the New Jersey Register.

4. Once the list of demonstrably effective improvement strategies and programs has been approved by the State Board, the list shall be published in the New Jersey Register.

(c) Districts may request special approval from the Commissioner to implement demonstrably effective improvement strategies and programs which are not included on the recommended list.

(d) Districts may request special approval from the Commissioner to allocate some of these designated funds to address critical facilities needs.

New Rule, R.1993 d.112, effective March 1, 1993.

See: 24 N.J.R. 4467(b), see also 24 N.J.R. 4419(a), 25 N.J.R. 922(a).