

CHAPTER 24

URBAN EDUCATION REFORM IN THE ABBOTT DISTRICTS

Authority

N.J.S.A. 18A:4-15, and P.L. 1999, c.138 and P.L. 1999, c.142.

Source and Effective Date

R.2000 d.278, effective June 8, 2000.
See: 32 N.J.R. 1329(a), 32 N.J.R. 2470(a).

Executive Order No. 66(1978) Expiration Date

Chapter 24, Urban Education Reform in the Abbott Districts, expires on June 8, 2005.

Chapter Historical Note

Chapter 24, Urban Education Reform in the Abbott Districts, was originally codified in Title 6 as Chapter 19A, Implementation of Court Decision in *Abbott v. Burke*. Chapter 19A was adopted as R.1997 d.377, effective July 23, 1997. See: 29 N.J.R. 3721(b). Chapter 19A expired on June 30, 1998.

Chapter 19A, Implementation of Court Decision in *Abbott v. Burke*, was adopted as new rules by R.1998 d.418, effective July 20, 1998. See 30 N.J.R. 3019(a). Chapter 19A expired on June 30, 1999.

Chapter 19A, Urban Education Reform in the Abbott Districts, was adopted as new rules by R.1999 d.344, effective September 10, 1999, to expire June 30, 2000. See: 31 N.J.R. 2029(a), 31 N.J.R. 2924(a).

Pursuant to Executive Order No. 66(1978), Chapter 19A, Urban Education Reform in the Abbott Districts, was readopted as R.2000 d.278, effective June 8, 2000. Chapter 19A was recodified as N.J.A.C. 6A:24 by R.2000 d.278, effective July 3, 2000. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

6A:24-1.1 Purpose and applicability of rules

These rules are adopted pursuant to N.J.S.A. 18A:4-15 and P.L. 1999, c.142 and P.L. 1999, c.138 in order to implement educational programs necessary to provide urban education reform initiatives that ensure that public school children, including students with disabilities and limited English proficient students, from the poorer urban districts receive the educational entitlements guaranteed them by the Constitution and to meet the requirements of the decision of the New Jersey Supreme Court in *Abbott v. Burke*, decided May 21, 1998. The rules apply to "Abbott districts" as defined in N.J.A.C. 6A:24-1.2, and are adopted to ensure the provision of a thorough and efficient system of education (T & E), as defined by the Core Curriculum Content Standards, to the students attending the public schools of those districts. The rules apply to Abbott districts, in addition to the requirements of the Comprehensive Educational Improvement and Financing Act and rules otherwise promulgated to implement that act; except that where differences in rules occur, the rules herein shall take precedence.

Amended by R.2000 d.278, effective July 3, 2000.
See: 32 N.J.R. 1329(a), 32 N.J.R. 2470(a)
Inserted N.J.S.A. reference and changed N.J.A.C. reference.

6A:24-1.2 Definitions

As used in this chapter, unless the context clearly indicates otherwise, the following words shall have these meanings:

“Abbott district” means one of the following 28 urban districts in district factor group A and B specifically identified in the appendix to *Raymond Abbott, et al. v. Fred G. Burke, et al.* decided by the New Jersey Supreme Court on June 5, 1990 (119 N.J. 287, 394) as follows: Asbury Park City, Bridgeton City, Burlington City, Camden City, East Orange City, Elizabeth City, Garfield City, Gloucester City, Harrison Town, Hoboken City, Irvington Township, Jersey City, Keansburg Borough, Long Branch City, Millville City, New Brunswick City, Newark City, City of Orange Township, Passaic City, Paterson City, Pemberton Township, Perth Amboy City, Phillipsburg Town, Pleasantville City, Trenton City, Union City, Vineland City, and West New York Town, and the following districts not included above but designated Abbott districts pursuant to P.L. 1999, c.110, Neptune Township and Plainfield, and such other districts as may qualify in the future. Abbott district shall not include a charter school located within any of these districts.

“Abbott VI” means the Supreme Court decision in *Abbott v. Burke* dated March 7, 2000 (Dkt. No. m-1336-98) relating to early childhood education programs.

“Area cost allowance” means \$131.00 per square foot for the school year 1999-2000 and shall be adjusted annually according to a market index selected by the State Treasurer unless a different amount is established by statute enacted subsequent to the effective date of this chapter. The area cost allowance used in determining preliminary eligible costs of school facilities projects shall be that of the year of application for approval of the project.

“Board of education” or “board” means the local board of education, or the State district superintendent in the case of a State-operated school district, of an Abbott district.

“Chief School Administrator” means the superintendent or administrative principal of an Abbott district, or the State district superintendent in the case of a State-operated school district.

“Commissioner” means the Commissioner of Education or the Commissioner’s designee.

“Core Curriculum Content Standards” means the standards of achievement established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-4.

“Department” means the New Jersey Department of Education.

“Developer” means an expert or team of experts that has effectively integrated research-based programs and strategies to develop a Department-approved whole school reform model.

“DHS-licensed child care provider” means a child care provider licensed by the Department of Human Services pursuant to N.J.S.A. 30:5B-1 et seq.

“Early childhood expenditures” means those expenditures related to the provision of kindergarten for five-year-olds and approved early childhood education programs for three- and four-year-olds.

“Facilities efficiency standards” means standards of educational adequacy for the delivery of programs and services necessary for the attainment of the Core Curriculum Content Standards used to determine the necessity and efficiency of school construction or renovation.

“FTE” means a full-time equivalent student which shall be calculated as follows: each student in grades kindergarten through 12 shall be counted at 100 percent of the actual count of students; and the number of preschool students approved by the Commissioner to be served in the district shall be counted at 50 percent or 100 percent of the actual count of preschool students for an approved half-day or full-day program, respectively. In addition, each preschool handicapped child who is entitled to receive a full-time program pursuant to N.J.S.A. 18A:46-6 shall be counted at 100 percent of the actual count of these students in the district.

“Functional capacity” means the number of students that can be housed in a building in order to have sufficient space for it to be educationally adequate for the delivery of programs and services necessary for student achievement of the Core Curriculum Content Standards. Functional capacity is determined by dividing the existing gross square footage of a school building by the minimum area allowance per full time equivalent (FTE) student for the grade level students contained herein. The existing gross square footage for the purposes of defining functional capacity is exclusive of existing spaces that are not contained in the facilities efficiency standards but which are used to deliver programs and services aligned to the Core Curriculum Content Standards or to provide support services directly to students or other existing spaces that the district can demonstrate would be structurally or fiscally impractical to convert to other uses contained in the facilities efficiency standards.

“Illustrative budget” means a budget that was developed in consultation with the WSR model developer to provide guidance to schools in preparing school-based budgets. It includes all costs that are generally believed to be necessary to implement the model consistent with Department requirements, including the requirements of *Abbot v. Burke* and the Core Curriculum Content Standards, at a specified enrollment level.