

CHAPTER 30
EVALUATION OF THE PERFORMANCE
OF SCHOOL DISTRICTS

Authority

N.J.S.A. 18A:7A-1 et seq.

Source and Effective Date

R.2000 d.192, effective May 1, 2000.
See: 32 N.J.R. 409(a), 32 N.J.R. 1540(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1d, Chapter 30, Evaluation of the Performance of School Districts, was extended by gubernatorial directive from May 1, 2006 to May 1, 2007. See: 38 N.J.R. 928(a).

Chapter Historical Note

Chapter 30, Evaluation of the Performance of School Districts, was adopted as R.2000 d.192, effective May 1, 2000. See: Source and Effective Date.

The expiration date of Chapter 30, Evaluation of the Performance of School Districts, was extended by gubernatorial directive from May 1, 2005 to May 1, 2006. See: 37 N.J.R. 2012(a).

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SUBCHAPTER 1. AN OVERVIEW OF EVALUATION**6A:30-1.1 Scope and purpose**

(a) The Department of Education, through the county superintendent of schools of each county, shall evaluate

annually all public schools to determine if they are meeting the standards required by N.J.S.A. 18A and by the other chapters in N.J.A.C. 6 and 6A. The county superintendent shall evaluate specific documents and conduct an on-site visit every seven years to determine a district board of education's certification. The county superintendent of schools shall provide technical assistance to a district for which deficiencies are noted during the annual review. The Commissioner shall recommend to the State Board of Education Level I certification, certification with conditions, Level II or Level III intervention for each district evaluated by the county superintendent every seven years. The Commissioner reserves the right to recommend that the State Board rescind the certification of any district that fails to comply with the required standards.

(b) These rules do not apply to private schools, educational services commissions or non-operating school districts.

Amended by R.2003 d.431, effective November 3, 2003.
See: 35 N.J.R. 2556(a), 35 N.J.R. 5079(a).

6A:30-1.2 Definitions

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

“Annual review” means the yearly review process to determine each district board of education's compliance with the requirements of other chapters of N.J.A.C. 6 and 6A.

“Assistant Commissioner” means an Assistant Commissioner or designee, in the Department of Education.

“Certification” means an acceptable rating in all of the requirements of the evaluation 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.

“Department” means the Department of Education.

“Desk audit” means an annual review of documents submitted to the county superintendent's office in order to determine a district's compliance with evaluation standards. Documents reviewed during a desk audit include: the Quality Assurance Annual Report, results of student achievement in the Statewide assessment program, average daily student attendance, student dropout rate, annual budget, external audits, transportation contracts, reports on the status of mandated programs and services, certificated staff reports, results of the district's health and safety facilities reviews, board secretary's/treasurer's report, and other documents as required of specific districts by the Commissioner.

"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.

"External review team" refers to a group of individuals qualified by training and experience who examine the special conditions within a school district that has been placed in the Level II or Level III evaluation process.

"Group 1 school districts" means those districts that meet the standards for student performance and behavior according to N.J.A.C. 6A:8-4.4(a) and 6:8-3.1 and will, therefore, receive an abbreviated on-site evaluation.

"Group 2 school districts" means those districts that do not meet the standards for student performance and behavior according to N.J.A.C. 6A:8-4.4(a) and 6:8-3.1 and, therefore, will receive a full on-site evaluation.

"Group 3 school districts" means those districts in Group 1 that elect an alternative program of evaluation according to N.J.S.A. 18A:7A-14.4.

"Level I districts" means districts that the State Board of Education has previously certified for a period of seven years.

"Level II districts" means districts that fail one or more of the evaluation standards of this chapter and that the county superintendent has determined cannot correct the identified deficiencies without additional monitoring or technical assistance from the Department within a specified time period.

"Level III districts" means districts that fail to correct the deficiencies identified in the Level II evaluation process.

"QAAR" means the Quality Assurance Annual Report provided by the chief school administrator to the public which includes: implementation of school-level plans, achievement of performance objectives, school report cards, professional development activities, condition of school facilities, status of mandated program reviews and community support data, implementation of guidance and counseling services and identification of eligibility and provision of services to gifted and talented students.

"State Board" means the State Board of Education.

Amended by R.2000 d.358, effective September 5, 2000.
See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

In "Group 1 school districts" and "Group 2 school districts", updated N.J.A.C. references.

Amended by R.2003 d.431, effective November 3, 2003.
See: 35 N.J.R. 2556(a), 35 N.J.R. 5079(a).

Rewrote "Assistant Commissioner"; in "External review team", inserted "or Level III" preceding "evaluation process".

6A:30-1.3 General requirements for annual evaluation and certification evaluation

(a) Each district board of education shall annually submit documents for a desk audit review to the county superintendent of schools to demonstrate compliance with law and rules.

1. The county superintendent shall ensure that a district for which deficiencies are identified receives technical assistance to correct the deficiencies.

(b) The Department shall validate the annual progress reported by each district board of education in (a) above by conducting an on-site evaluation under the supervision of the county superintendent of schools every seven years.

1. Each district board of education shall be notified in advance of the on-site visit by the county superintendent of schools. The dates for such on-site visits shall be established in consultation with the chief school administrator of the district.

2. The county superintendent or designee shall conduct a pre-evaluation conference with the chief school administrator or designee to establish the evaluation process.

3. Prior to the evaluation visit, the county superintendent or designee shall request that the district board of education provide documentation materials that are unavailable at the county office. The chief school administrator or designee shall be directed to either forward the documentation materials or make them available at the time of the on-site visit.

4. The evaluation team, supervised by the county superintendent, shall evaluate the school district according to this chapter. The Commissioner shall recommend the certification status of each school district to the State Board based upon the on-site evaluation.

i. A district board of education that meets the established requirements according to N.J.A.C. 6A:30-2 shall be recommended for certification for a period of seven years.

ii. A district board of education that does not meet the established requirements shall be recommended for certification with conditions to correct deficiencies within a prescribed time frame.

iii. A district board of education that does not meet the established requirements and has failed to show sufficient progress toward achieving the thoroughness and efficiency standards established pursuant to N.J.S.A. 18A:7F-4 shall enter Level II evaluation according to N.J.A.C. 6A:30-3.1.

Amended by R.2003 d.431, effective November 3, 2003.
See: 35 N.J.R. 2556(a), 35 N.J.R. 5079(a).

In (b), rewrote 4iii.

6A:30-1.4 Evaluation process for the annual review

(a) The Department shall annually evaluate the compliance of each district board of education in meeting the required standards by conducting a desk audit of:

1. The results of the QAAR according to N.J.A.C. 6:8-2.1;
2. The results of student achievement in the Statewide assessment program according to N.J.A.C. 6A:8-4;
3. The average daily student attendance rate according to N.J.A.C. 6:8-3.1;
4. The student dropout rate according to N.J.A.C. 6:8-3.2;
5. The annual budget processing according to N.J.A.C. 6A:23-8;
6. External audits according to N.J.S.A. 18A:23-1 et seq.;
7. Transportation contracts and services approvals according to N.J.S.A. 18A:39-2 and N.J.A.C. 6A:27-9;
8. The status of mandated programs and services according to N.J.A.C. 6:8-4.1;
9. The certificated staff report according to N.J.A.C. 6:11;
10. The status of health and safety facilities reviews according to N.J.A.C. 6A:26-12 and 6A:19;
11. The board secretary's/treasurer's report according to N.J.A.C. 6A:23-2.11; and
12. Other documents as required of specific districts by the Commissioner.

(b) The county superintendent shall notify each district board of education of its compliance in meeting the requirements in (a) above.

1. A district board of education that submits acceptable documentation shall receive no further intervention from the Department under (a) above unless requested.
2. A district board of education that submits unacceptable documentation shall receive technical assistance to correct the deficiencies. The technical assistance provided by the Department shall be coordinated by the county superintendent of schools.

Amended by R.2000 d.358, effective September 5, 2000.
See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

In (a)8, updated N.J.A.C. reference.

Amended by R.2003 d.431, effective November 3, 2003.
See: 35 N.J.R. 2556(a), 35 N.J.R. 5079(a).

In (a), amended the N.J.A.C. references throughout; in (b), inserted "unless requested" following "(a) above" in 1.

6A:30-1.5 Identification of districts for certification evaluation

(a) The county superintendent of schools shall review the district board of education's performance for student achievement and behavior according to N.J.A.C. 6A:8-4.4(a) and (c)2 and 6:8-3.2 to determine a district's eligibility for one of the following types of on-site evaluation:

1. Group 1: a desk audit and abbreviated on-site visit according to N.J.A.C. 6A:30-2.1(a);
2. Group 2: a full on-site visit according to N.J.A.C. 6A:30-2.2(a); or
3. Group 3: alternative evaluation pursuant to N.J.S.A. 18A:7A-14.4 and N.J.A.C. 6A:30-2.3(a).

Amended by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

In (a) introductory paragraph, updated N.J.A.C. reference.

Amended by R.2003 d.431, effective November 3, 2003.

See: 35 N.J.R. 2556(a), 35 N.J.R. 5079(a).

In (a), amended the N.J.A.C. reference preceding "to determine".

SUBCHAPTER 2. LEVEL I EVALUATION FOR SEVEN-YEAR CERTIFICATION
6A:30-2.1 Requirement for Group 1 certification

(a) A district board of education that meets standards for student performance and behavior is designated as a Group 1 school district. The county superintendent shall conduct a desk audit of all reports and documents submitted annually to the county superintendent and shall conduct an abbreviated on-site visit to determine a district's compliance with:

1. Implementation of the requirements to develop curricula according to N.J.A.C. 6A:8-3.1;
2. Development of an annual plan to implement core curriculum content standards according to N.J.A.C. 6A:8-3.1;
3. Evaluation of tenured and nontenured staff and development of professional improvement plans according to N.J.A.C. 6:3-4.1 and 4.3;
4. Implementation of a multi-year comprehensive maintenance plan according to N.J.A.C. 6:24;
5. Implementation of a uniform system of double entry bookkeeping and Generally Accepted Accounting Principles (GAAP) according to N.J.A.C. 6A:23-2;
6. Implementation of controls to prevent the overexpenditure of any funds or yearly deficit in major accounts according to N.J.A.C. 6A:23-2.1;
7. Correction of annual audit recommendations according to N.J.S.A. 18A:23-1 et seq.;

8. Implementation of health and safety plans for all school buildings according to N.J.A.C. 6A:26-12 and 6A:19-10; and

9. Adherence to governance and management practices in accordance with N.J.S.A. 18A:12-21 et seq. and N.J.A.C. 6:3-1.3.

Amended by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

In (a)4, updated N.J.A.C. reference.

Amended by R.2002 d.203, effective July 1, 2002.

See: 34 N.J.R. 1245(a), 34 N.J.R. 2331(a).

In (a), amended N.J.A.C. references in 4 through 8 and added (9).

Amended by R.2003 d.431, effective November 3, 2003.

See: 35 N.J.R. 2556(a), 35 N.J.R. 5079(a).

In (a), amended the N.J.A.C. references throughout.

6A:30-2.2 Requirement for Group 2 certification

(a) A district board of education that does not meet the standards for student performance and behavior is designated as a Group 2 school district. The county superintendent shall conduct an on-site evaluation of each Group 2 district to determine the following:

1. Compliance with N.J.A.C. 6A:30-2.1(a);
2. Completion of a QAAR according to N.J.A.C. 6:8-2.1;
3. Compliance with the requirement to present the QAAR at a public regular district board of education meeting according to N.J.A.C. 6:8-2.1;
4. Implementation of an educational plan according to N.J.A.C. 6A:8-4.4;
5. Attainment of an average daily attendance rate according to N.J.A.C. 6:8-3.1;
6. Attainment of student performance standards and proficiency levels according to N.J.A.C. 6A:8-4.4;
7. Attainment of a dropout rate according to N.J.A.C. 6:8-3.2;
8. Implementation of board approved substance abuse prevention program according to N.J.S.A. 18A:40A-1 and 2;
9. Employment of appropriate certificated personnel according to N.J.A.C. 6:11;
10. Implementation of a professional development plan according to N.J.A.C. 6:11-13.3, 13.4 and 13.5;
11. Transmission of accurate enrollment data according to N.J.S.A. 18A:7F-33;
12. Administration of transportation services and contracts according to N.J.S.A. 18A:39-1, 2 and 3 and N.J.A.C. 6A:27-9;
13. Completion of a long range facility master plan according to N.J.A.C. 6A:26-2.1;

14. Implementation of a plan to eliminate or upgrade substandard classrooms according to N.J.A.C. 6A:26-8.1;

15. Approval of the temporary use of temporary classroom units according to N.J.A.C. 6A:26-8.1(e)3;

16. Operation of all schools within a district without the use of split sessions; and

17. The requirements of the following State and Federal programs, services and plans:

- i. Multi-year equity according to N.J.A.C. 6:4-1.7;
- ii. Bilingual education, English as a second language, English language services according to N.J.A.C. 6A:15;
- iii. Early childhood programs according to N.J.A.C. 6:19-3;
- iv. Demonstrably effective programs according to N.J.A.C. 6:19-4;
- v. Special education programs and services according to N.J.A.C. 6A:14;
- vi. District-wide technology plan pursuant to P.L. 107-110; and
- vii. Discretionary and entitlement grant programs pursuant to P.L. 107-110.

Amended by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

In (a)2, 5 and 7, updated N.J.A.C. references.

Amended by R.2003 d.431, effective November 3, 2003.

See: 35 N.J.R. 2556(a), 35 N.J.R. 5079(a).

Rewrote the section.

6A:30-2.3 Requirements for Group 3 alternative certification

(a) A Group 1 school district that meets the standards in student performance and attendance may elect an alternative program of evaluation according to N.J.S.A. 18A:7A-14.4.

(b) A school district shall apply to the Commissioner through the county superintendent to use an alternative method of evaluation.

1. The application shall identify the alternative evaluation model to be used by the district.
2. The district shall submit a statement of assurance that there is a consensus between the school district and the majority representative of the school employees to participate in this alternative method of evaluation.

(c) The Commissioner shall determine the approval or disapproval of the district's application pursuant to N.J.S.A. 18A:7A-14.4.

(d) A district approved to use an alternative method of evaluation shall provide documentation to demonstrate compliance with the approved model as well as documentation that will ensure compliance with N.J.A.C. 6A:30-2.1.

6A:30-2.4 Certification procedures

(a) The evaluation team identified in N.J.A.C. 6A:30-1.3(b)4 shall meet with the chief school administrator and board secretary at an exit conference to review its findings and describe the next steps in the process.

(b) The county superintendent of schools shall provide the chief school administrator and board secretary with written notification of the evaluation findings within 20 days after the exit conference. The notification of findings shall include:

1. A written report completed by the evaluation team;
2. A recommendation to the Commissioner regarding the district board of education's certification status according to N.J.A.C. 6A:30-1.3(b)4; and
3. If applicable, future actions that the district board of education shall take according to N.J.A.C. 6A:30-1.3(b)4ii and iii.

(c) Within 60 days of receipt of the written report, the district board of education shall discuss the findings of the evaluation team at a regular or special board meeting.

(d) After the 60-day notification period, the Commissioner shall report the district's evaluation findings to the State Board.

1. The State Board shall act on the recommendation for a district board of education's certification or certification with conditions at a public meeting.

Amended by R.2003 d.431, effective November 3, 2003.
See: 35 N.J.R. 2556(a), 35 N.J.R. 5079(a).

6A:30-2.5 Evaluation findings

(a) Upon a determination rendered as to the compliance with the requirements of N.J.A.C. 6A:30-2.1, 2.2 or 2.3, the evaluation team identified at N.J.A.C. 6A:30-1.3(b)4 shall submit its findings to the Commissioner and on that basis:

1. The Commissioner shall recommend to the State Board certification for seven years for each district board of education that meets the requirements of N.J.A.C. 6A:30-2.1, 2.2 or 2.3.
 - i. The Commissioner shall provide written notification to each district that the State Board approves the district for certification;
2. The Commissioner shall grant certification with conditions for each district that the county superintendent determines can correct the identified deficiencies without additional monitoring or technical assistance from the Department within a specified time period.

i. The Commissioner shall provide written notification to each district that is certified with conditions and inform the district that the deficiencies must be corrected within a specified time period.

ii. The district board of education shall act to correct all deficiencies according to specified timelines.

iii. At the conclusion of the specified timeline for correction of deficiencies, the county superintendent of schools shall re-evaluate the district to determine compliance with this chapter. The Assistant Commissioner, with the recommendation of the county superintendent, shall recommend to the Commissioner that the district:

- (1) Be recommended to the State Board for full certification for seven years;
- (2) Be granted an extension of the certification with conditions period to correct the deficiencies; or
- (3) Begin Level II evaluation according to N.J.A.C. 6A:30-3; or

3. If the county superintendent determines that the district cannot correct the identified deficiencies without additional monitoring or technical assistance from the Department within a specified time period, the county superintendent shall recommend to the Commissioner that the district be directed to enter Level II evaluation pursuant to N.J.A.C. 6A:30-3.

Amended by R.2003 d.431, effective November 3, 2003.
See: 35 N.J.R. 2556(a), 35 N.J.R. 5079(a).
Rewrote the section.

SUBCHAPTER 3. LEVEL II AND LEVEL III EVALUATION

6A:30-3.1 Level II evaluation process

(a) If the Commissioner determines, based on the recommendations from the Assistant Commissioner and the county superintendent pursuant to N.J.A.C. 6A:30-2.5(a)2iii or (a)3, that a district board of education has failed to show sufficient progress toward achieving the thoroughness and efficiency standards established pursuant to N.J.S.A. 18A:7F-4, the Commissioner shall direct the district to enter Level II evaluation.

1. The Commissioner shall provide written notification to the district board of education that a determination was made to direct the district to enter Level II evaluation.

(b) The county superintendent of schools shall appoint an external review team to examine a district board of education which is directed by the Commissioner to enter Level II evaluation. The members of the external review team shall be qualified by training and experience to examine

specific conditions within the district. The Department shall pay the entire cost of the activities associated with the external review team.

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

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

(e) The external review team shall, in addition, examine conditions in the community that may adversely affect the ability of students to learn.

(f) Within 45 calendar days after conclusion of its review, the external review team shall submit a report to the Commissioner. The report shall include findings, conclusions and directives that the district shall use to develop and implement a corrective action plan to achieve certification and recommendations as to the technical assistance the district will require to effectively implement the corrective action plan.

1. In addition, the external review team may recommend measures to be taken to mitigate adverse community conditions that affect the ability of students to learn.

(g) The Commissioner shall formally notify the district and transmit written findings of the external review team to the district board of education and direct it to develop a corrective action plan to implement the recommendations.

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

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

(j) The Commissioner shall review the district's corrective action plan and determine the cost of implementing the plan. The Commissioner shall also identify those aspects of the plan which are already contained in the district board of education's current expense budget.

1. 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.

2. The Commissioner, where appropriate, shall determine any additional amounts of revenue, if any, needed to implement the corrective action plan and shall recertify a budget for the district.

3. Upon a finding that the district is failing to meet the core curriculum content standards, the Commissioner may also take action pursuant to N.J.S.A. 18A:7F-6(b) and N.J.A.C. 6A:23-8.3(b).

(k) 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. The county superintendent of schools shall assess the district's progress in implementing the corrective action plan on a monthly basis until the district is certified and shall submit quarterly reports to the Assistant Commissioner.

(l) Upon completion of the district board of education's corrective action plan activities, the county superintendent of schools shall determine the extent to which the standards for certification have been achieved. The county superintendent shall submit a formal report to the Assistant Commissioner.

(m) The Assistant Commissioner, based on the county superintendent's reports issued pursuant to (k)1 above, shall submit a formal report to the Commissioner which:

1. Recommends to the State Board that the district be granted full certification;
2. Recommends certification with conditions, if the county superintendent determines that the remainder of the deficiencies can be remediated without additional monitoring or further technical assistance within a prescribed time frame;
3. Identifies reasonable progress by the district and recommends granting of an extended amount of time in Level II to continue implementation of the corrective action plan to correct deficiencies; or
4. Identifies no progress by the district and recommends that the Commissioner direct the district to enter Level III evaluation pursuant to law.

(n) If the Commissioner determines, based on the report from the Assistant Commissioner issued pursuant to (m) above and the county superintendent's reports issued pursuant to (k)1 above, that the remainder of a district board of education's deficiencies can be remediated without additional monitoring or further technical assistance within a prescribed time frame, the Commissioner shall grant the district certification with conditions pursuant to N.J.A.C. 6A:30-2.5(a)2.

(o) If the Commissioner determines, based on the report from the Assistant Commissioner issued pursuant to (m) above and the county superintendent's reports issued pursuant to (k)1 above, that a district board of education has made reasonable progress towards correcting the deficiencies identified in the Level II evaluation process and needs additional time in Level II to continue implementation of the corrective action plan, then the Commissioner shall grant the district an extension in Level II for a specific period of time.

1. If the district board of education is granted extended time in Level II to correct deficiencies, the Commissioner, at the end of that extension, shall determine the certification for which the district is eligible.

Amended by R.2003 d.431, effective November 3, 2003.
See: 35 N.J.R. 2556(a), 35 N.J.R. 5079(a).
Rewrote the section.

6A:30-3.2 Level III evaluation process

(a) If the Commissioner determines, based on the report from the Assistant Commissioner issued pursuant to N.J.A.C. 6A:30-3.1(m) and the county superintendent's reports issued pursuant to N.J.A.C. 6A:30-3.1(k)1, that a district board of education has not been successful in correcting the deficiencies identified in the Level II evaluation process, the Commissioner shall direct the district to enter Level III evaluation.

(b) When a district that has undergone an external review of all aspects of the district's operations pursuant to N.J.A.C. 6A:30-3.1(d)2 is directed to enter Level III, the Commissioner shall prepare an administrative order directing the corrective actions that the district shall take.

1. The corrective actions shall be based on the findings and conclusions of the external review team and the evaluation of the Level II plan by the county superintendent.
2. The Commissioner shall ensure that technical assistance is provided to the district board of education to implement the corrective actions.

(c) When a district that has not undergone an external review of all aspects of the district's operations is directed to enter Level III, the Commissioner shall:

1. Direct the county superintendent of schools to appoint an external review team. The members of the external review team shall be qualified by training and experience to examine specific conditions within the district.
 - i. In conjunction with the Department, the external review team shall examine all aspects of the district board of education's operations such as education, management, governance and finance.
 - ii. Within 45 calendar days after conclusion of its review, the external team shall submit a report to the

Commissioner. The report shall include findings, conclusions and directives that the district shall use to develop and implement a corrective action plan to achieve certification and recommendations as to the technical assistance the district will require to effectively implement the corrective action plan;

2. Prepare an administrative order directing the corrective actions that the district shall take.

- i. The corrective actions shall be based on the findings and conclusions of the Level III external review team and the Assistant Commissioner's report on the Level II evaluation required in N.J.A.C. 6A:30-3.1(m); and

3. Provide technical assistance to the district to ensure implementation of the corrective action plan.

(d) The Commissioner shall review the district's corrective action plan and determine the cost of implementing the plan. The Commissioner shall also identify those aspects of the plan which are already contained in the district board of education's current expense budget.

1. 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 the prior approval of the Commissioner.
2. The Commissioner, where appropriate, shall determine any additional amounts of revenue, if any, needed to implement the corrective action plan and shall recertify a budget for the district.
3. Upon a finding that the district is failing to meet the core curriculum content standards, the Commissioner may also take action pursuant to N.J.S.A. 18A:7F-6 and N.J.A.C. 6A:23-8.3(b).

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

1. The county superintendent of schools shall assess the district's progress in implementing the corrective action plan on a monthly basis until the district is certified and shall submit quarterly reports to the Assistant Commissioner.
2. Upon completion of the district board of education's corrective action plan activities, the county superintendent of schools shall determine the extent to which the standards for certification have been achieved. The county superintendent shall submit a formal report to the Assistant Commissioner.
3. The Assistant Commissioner, based on the county superintendent's reports issued pursuant to (e)1 above, shall submit a formal report to the Commissioner which recommends that the district be:

i. Recommended to the State Board for full certification; or

ii. Directed by the Commissioner to undergo a comprehensive compliance investigation according to N.J.A.C. 6A:30-3.3.

Amended by R.2003 d.431, effective November 3, 2003.

See: 35 N.J.R. 2556(a), 35 N.J.R. 5079(a).

Rewrote the section.

6A:30-3.3 Comprehensive compliance investigation

(a) If the Commissioner determines, based on the findings of the Level II or Level III external review teams, the county superintendent of schools and/or the Department, that conditions within the district board of education may preclude the successful implementation of a corrective action plan or that the district has failed to make reasonable progress in the implementation of a corrective action plan to achieve certification, the Commissioner shall direct the Department to conduct a comprehensive compliance investigation. The Commissioner may order any necessary action to ensure the security of the district's books, papers, vouchers and records pursuant to N.J.S.A. 18A:7A-14c(4).

(b) The Director of the Department's Office of Compliance and Investigation shall organize and supervise an investigatory team to assess conditions in the district.

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

2. The Office of Compliance and Investigation shall conduct a thorough investigation of the district board of education's programmatic, fiscal and management activities.

3. The Director of the Department's Office of Compliance and Investigation shall submit a report of investigatory findings to the Assistant Commissioner.

(c) 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.

(d) Based on the recommendation of the Assistant Commissioner, the Commissioner shall submit a written report to the district that includes any irregularities and lists all aspects of the Level II and Level III corrective action plans that have not been successfully implemented by the district or the conditions which would preclude the district from successfully implementing a corrective action plan.

(e) The Commissioner shall order the district board of education to show cause why an administrative order, subject to the provisions of N.J.S.A. 18A:7A-15 and 18A:7A-34 should not be implemented pursuant to N.J.S.A. 18A:7A-14(e).

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

Amended by R.2003 d.431, effective November 3, 2003.

See: 35 N.J.R. 2556(a), 35 N.J.R. 5079(a).

Rewrote the section.

6A:30-3.4 Corrective action by Commissioner

(a) A noncertified district board of education which does not demonstrate reasonable progress toward compliance with the provisions of N.J.S.A. 18A:7A-1 et seq. and this chapter toward the resolution of major problems shall be subject to further intervention by the Commissioner, as provided by law.

(b) The intervention shall be individualized and tailored to the needs of each district based on the Commissioner's written report issued to the district pursuant to N.J.A.C. 6A:30-3.3(d).

Amended by R.2003 d.431, effective November 3, 2003.

See: 35 N.J.R. 2556(a), 35 N.J.R. 5079(a).

Designated the existing paragraph as (a) and added (b).

6A:30-3.5 Appeal process from Level II and Level III evaluation determinations

A district board of education which is directed to enter Level II evaluation pursuant to N.J.A.C. 6A:30-3.1(a) or Level III evaluation pursuant to N.J.A.C. 6A:30-3.2(a) may appeal that decision to the State Board pursuant to N.J.A.C. 6A:4. A determination of the appeal by the State Board shall constitute a final decision as provided for in N.J.S.A. 18A:7A-14a(2) and 14c(3).

New Rule, R.2003 d.431, effective November 3, 2003.

See: 35 N.J.R. 2556(a), 35 N.J.R. 5079(a).