

"School report card" means a profile of each school which is compiled annually by the district and which contains statistical 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.

Amended by R.1998 d.457, effective September 8, 1998.  
See: 30 N.J.R. 1479(a), 30 N.J.R. 3261(b).

Inserted "Alternate monitoring", "Desk audit", "Group 1 school districts" and "Group 2 school districts"; deleted "Pupil at risk"; in "Quality assurance annual report" and "School-level plan", substituted references to report cards for references to profiles; and changed "School profile" definition to "School report card".

## SUBCHAPTER 2. PROCEDURES FOR THE EVALUATION OF THE PERFORMANCE OF EACH PUBLIC SCHOOL DISTRICT

### 6:8-2.1 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.

#### Case Notes

Evidentiary hearing was not required before Commissioner of Education removed local school board and ordered creation of state-operated school district on ground that district was not providing thorough and efficient system of education. *Contini v. Board of Educ. of Newark*, 286 N.J.Super. 106, 668 A.2d 434 (A.D.1995).

### 6:8-2.2 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.

(b) The Department shall review the district's performance for student achievement and behavior according to this subchapter to determine a district's eligibility for one of the following types of on-site evaluation:

1. A school district that meets standards for student performance and behavior set forth in N.J.A.C. 6:8-2.6 and 2.7 is designated as a Group 1 school district. Group 1 school districts shall be evaluated by a desk audit and an abbreviated on-site process to determine the status of:

- i. Curriculum and content standards implementation;
- ii. Status of teacher evaluation and professional improvement plans;
- iii. Annual development of a three to five-year comprehensive maintenance plan;
- iv. Implementation of GAAP;
- v. The absence of the over-expenditure of funds;
- vi. Compliance regarding the correction of annual audit recommendations; and
- vii. Status of school facilities for health and safety requirements.

2. A school district that does not meet the standards for student performance and behavior set forth in N.J.A.C. 6:8-2.6 and 2.7 is designated as a Group 2 school district. The county superintendent shall conduct an on-site evaluation of all Group 2 districts to determine compliance with N.J.A.C. 6:8-2.1.

3. A Group 1 school district that meets the standards in student performance and attendance set forth in N.J.A.C. 6:8-2.6 and 2.7 may elect an alternative program of evaluation according to N.J.S.A. 18A:7A-14.5.

- i. A school district shall apply to the Commissioner through the county superintendent to use an alternative method of evaluation.
- ii. The application shall identify the alternative evaluation model to be used by the district.
- iii. The district shall ensure 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.

iv. The Commissioner shall determine the approval/disapproval of the district's application pursuant to N.J.S.A. 18A:7A-14.5.

v. 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. 6:8-2.1.

(c) The county superintendent of schools shall establish a monitoring schedule with the approval of the Assistant

Commissioner, Division of County and Regional Field Services.

(d) 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 Abbott districts, the director of the Office of Program Review and Improvement.

(e) 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.

(f) 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.

Amended by R.1998 d.457, effective September 8, 1998.  
See: 30 N.J.R. 1479(a), 30 N.J.R. 3261(b).

Deleted former (b) and inserted a new (b); recodified former (a)1 and 2 as (c) and (d); in (c), substituted a reference to the Division of County and Regional Field Services for a reference to the Division of County and Regional Services; in (d), substituted a reference to Abbott districts for a reference to special needs districts and substituted a reference to the director of the Office of Program Review and Improvement for a reference to the director of the regional urban assistance center; and recodified former (a)3 and 4 as (e) and (f).

#### Case Notes

Right to have either counsel or court reporter present at evaluation interviews conducted for a Comprehensive Compliance Investigation. In the Matter of the Comprehensive Compliance Investigation of the Newark School District, 94 N.J.A.R.2d (EDU) 9.

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.

#### 6:8-2.3 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 October 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. 6:8-2.4(a)2);

(2) Achievement of performance objectives (N.J.A.C. 6:8-2.4(a)3);

(3) Each school report card, including pupil performance results and student behavior data (N.J.A.C. 6:8-2.4(a)1);

(4) Professional development activities (N.J.A.C. 6:8-2.8(a)4);

(5) Condition of school facilities (N.J.A.C. 6:8-2.9);

(6) Status of mandated program reviews (N.J.A.C. 6:8-2.10); and

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

ii. By November 15 of each year, the chief school administrator shall submit a copy of the annual report to the county superintendent.

iii. The documentation/activities for Group 1 school districts shall be the quality assurance annual report.

iv. The documentation/activities for Group 2 school districts 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 for Group 1 and Group 2 school districts shall be the quality assurance annual report.

Amended by R.1998 d.457, effective September 8, 1998.  
See: 30 N.J.R. 1479(a), 30 N.J.R. 3261(b).

In (a), changed N.J.A.C. references throughout, changed the deadline from September 30 to October 30 in the introductory paragraph of 1i, changed the deadline from October 30 to November 15 in 1ii, inserted a new 1iii, recodified former 1iii as 1iv and inserted a reference to Group 2 school districts, and inserted a reference to Group 1 and Group 2 school districts in 2ii.

#### 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.

**6:8-2.4 School-level planning**

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

## 1. School report card:

i. Annually, the district shall compile a report card of each school, which shall contain statistical information specified by the State Department of Education. This report card shall be disseminated to all staff and parents, and made available to the media.

ii. The documentation/activities for Group 1 and Group 2 school districts shall be the school report card 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 report card 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 report card data;

(2) Progress toward achieving pupil performance objectives; and

(3) Progress toward achieving core curriculum content standards.

iii. The documentation/activities for Group 1 and Group 2 school districts 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. 6:8-2.6 and 2.7. The objectives shall cover a period of no more than two years.

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. 6:8-2.6, 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 towards benchmarks for the previous year shall be contained in the October 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 for Group 1 and Group 2 school districts shall be:

(1) The quality assurance annual report; and

(2) Performance objectives.

Amended by R.1998 d.457, effective September 8, 1998.

See: 30 N.J.R. 1479(a), 30 N.J.R. 3261(b).

In (a), substituted references to school report cards for references to school profiles throughout, substituted "Annually" for "By September 30 of each year" at the beginning of 1i, inserted references to Group 1 and Group 2 school districts in 1ii and 3vi, rewrote 2ii(3), substituted a reference to Group 1 and Group 2 school districts for a reference to school districts in 2iii, changed N.J.A.C. references in 3, and substituted a reference to October 30 annual reports for a reference to September 30 annual reports at the end of 3iii.

**6:8-2.5 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. 6:3-1.7(c)1);

(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 for Group 1 and Group 2 school districts shall be a statement of assurance submitted on the form prescribed by the Commissioner.

2. Implementation of curriculum and core curriculum content standards:

i. The district shall implement all approved curricula and include, for each curriculum area in grades K through 12, core curriculum content standards adopted by the State Board of Education in May 1996.

ii. The documentation/activities for Group 1 school districts shall be a master schedule for each school.

iii. The documentation/activities for Group 2 school districts 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 for Group 1 and Group 2 school districts 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 for Group 1 school districts shall be:

(1) The written identification process; and

(2) A sample lesson plan.

iii. The documentation/activities for Group 2 school districts shall be:

(1) The written identification process;

(2) Lesson plans;

(3) Classroom observations; and

(4) Staff interviews.

Amended by R.1998 d.457, effective September 8, 1998.

See: 30 N.J.R. 1479(a), 30 N.J.R. 3261(b).

In (a), changed N.J.A.C. reference in 1i(1), inserted references to Group 1 and Group 2 school districts in 1iii and 3ii, substituted a reference to core curriculum content standards for a reference to content standards in the introductory paragraph of 2, substituted a reference to core curriculum content standards for a reference to curriculum content standards in 2i, inserted a new 2ii, recodified former 2ii as 2iii and inserted a reference to Group 2 school districts, and rewrote 4.

#### 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).

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).

Educational opportunities for exceptionally gifted and talented pupils were provided by school district even though homogeneous grouping and pull-out classes were not provided. *Kanter v. Mountain Lakes Board of Education*, 95 N.J.A.R.2d (EDU) 454.

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.

#### 6:8-2.6 Pupil performance: skills and competencies

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

1. Eighth grade assessment:

- (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 for Group 1 school districts shall be a desk audit of the Quality Assurance Annual Report at the county office.

iii. The documentation/activities for Group 2 school districts 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 for Group 1 school districts shall be a statement signed by the chief school administrator.

iii. The documentation/activities for Group 2 school districts shall be:

- (1) The review of board minutes; and
- (2) An interview with the chief school administrator.

Amended by R.1998 d.457, effective September 8, 1998.

See: 30 N.J.R. 1479(a), 30 N.J.R. 3261(b).

Rewrote the section.

#### Law Review and Journal Commentaries

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

#### Case Notes

Monitoring regulations are designed to evaluate performance. *Rotondo v. Carlstadt-East Rutherford Regional High School Dist.*, Bergen County, 276 N.J.Super. 36, 647 A.2d 174 (A.D.1994).

Board was not bound to follow recommendation of chief school administrator regarding reemployment of teacher. *Rotondo v. Carlstadt-East Rutherford Regional High School Dist.*, Bergen County, 276 N.J.Super. 36, 647 A.2d 174 (A.D.1994).

### 6:8-2.9 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 for Group 1 and Group 2 school districts 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 for Group 1 and Group 2 school districts 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 for Group 1 and Group 2 school districts 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 recommen-

dations. Recommendations shall not be repeated for the two years immediately preceding monitoring.

iii. The documentation/activities for Group 1 and Group 2 school districts 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 for Group 1 and Group 2 school districts shall be:

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 for Group 1 and Group 2 school districts 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 for Group 1 school districts shall be a desk audit of the district's comprehensive maintenance plan.

iii. The documentation/activities for Group 2 school districts 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 Office of Educational Facility Planning.

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

vi. The documentation/activities for Group 1 and Group 2 school districts 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.

Amended by R.1998 d.457, effective September 8, 1998.  
See: 30 N.J.R. 1479(a), 30 N.J.R. 3261(b).

In (a), inserted references to Group 1 and Group 2 school districts throughout, inserted a new 7ii, recodified former 7ii as 7iii and inserted a reference to Group 2 school districts, and substituted a reference to the Office of Educational Facility Planning for a reference to the Bureau of Facility Planning in 8iv.

#### **6:8-2.10 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) Bilingual education;
- (3) English as a second language;
- (4) Desegregation; and
- (5) Special education.

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.