

CHAPTER 10A**IMPROVING LEARNING AND LITERACY IN ABBOTT DISTRICTS: IMPLEMENTING STANDARDS-DRIVEN INSTRUCTION, REFORMS, PROGRAMS AND SERVICES UNDER *ABBOTT v. BURKE*****Authority**

Authority: P.L. 2003, c.122.

Source and Effective Date

R.2003 d.394, effective September 9, 2003.

See: 35 N.J.R. 4759(a).

Chapter Expiration Date

Chapter 10A, Improving Learning and Literacy in Abbott Districts: Implementing Standards-Driven Instruction, Reforms, Programs and Services Under *Abbott v. Burke*, expires on June 30, 2004.

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APPENDIX A**APPENDIX B****SUBCHAPTER 1. GENERAL PROVISIONS****6A:10A-1.1 Purpose and applicability of rules**

These rules are adopted to implement the *Abbott v. Burke* decisions and are promulgated pursuant to P.L. 2003, c.122 to ensure that public school children from poor urban school districts, including students with disabilities and limited English proficiency, receive the educational entitlements guaranteed them by the New Jersey Constitution. The rules apply to "Abbott districts" as defined in *Abbott v. Burke*, 119 N.J. 287 (1990, *Abbott II*) and N.J.A.C. 6A:10A-1.2, and are adopted to ensure the provision of a thorough and efficient system of education as guaranteed by the New Jersey Constitution (T & E), and defined by the Court in the Abbott decisions and by P.L. 1996, 136, as Core Curriculum Content Standards. These rules will also ensure that proposed reforms, programs, services, and staffing that are identified through assessment and evaluation, are cost-effective and efficient, are focused on improving learning, literacy and student mastery of the Core Curriculum Content Standards (CCCS), and are supported by adequate funding. The amendments to these rules effective May 25, 2004 clarify the rules promulgated by the Commissioner on September 9, 2003 establishing standards of effectiveness and efficiency for the non-instructional spending of Abbott school districts seeking supplemental funding. These rules, as amended effective May 25, 2004, promulgated by the Commissioner of Education under the authority of the 2004 Appropriations Act, shall be effective through June 30, 2004 and shall guide the Department's approval of Discretionary Education Opportunity Aid (DEOA) for the 2004-2005 school year.

To the maximum extent possible, these rules are consistent with the requirements, reporting, and responsibilities imposed on Abbott schools and school districts by No Child Left Behind, P.L. 107-110. The rules shall supercede the rules in N.J.A.C. 6A:24 and 6A:23, where inconsistencies occur. In addition, Abbott school districts must comply with all other requirements of State law and regulations as set forth in Title 18A of the laws of the State of New Jersey, the New Jersey Administrative Code and the non-fiscal requirements of the Comprehensive Educational Improvement and Financing Act (CEIFA) in N.J.S.A. 18A:7F-1et seq., and rules otherwise promulgated to implement that act; except that where differences in these rules and the CEIFA rules or other rules occur, these rules herein shall take precedence.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).
See: 36 N.J.R. 3167(a).
Rewrote the section.

6A:10A-1.2 Definitions

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

“*Abbott v. Burke* parity remedy aid” or “parity aid” is State funding based on the New Jersey Supreme Court order in *Abbott v. Burke* (149 N.J. 145 (1997)), that calls for spending for regular education (as defined in *Abbott v. Burke* (136 N.J. 444 (1994) and 119 N.J. 287 (1990)) in each Abbott district that equals the average per pupil spending of New Jersey districts in the “I” and “J” categories of the District Factor Groups, and to be used by Abbott districts to implement regular or foundational education and Abbott reforms, programs and services.

“Abbott district” means each of the following 28 urban districts 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 any charter school.

“Abbott Preschool Program Contract” means the State-approved model agreement, with any modifications requested by the school district and approved by the Department, between the school district and private providers, including Head Start, to use when contracting preschool program services.

“Accountability” means acceptance of responsibility for effective and efficient organizational performance, regular and clear public reporting of such performance, and expectations of appropriate consequences in response to reported levels of performance.

“Adequate funding” means sufficient State aid, local, and Federal funds to fully support the approved budget for foundational education, and reforms, programs, or services approved by the Commissioner as needed.

“Advertised Recapitulation of Balances” means the report entitled “Advertised Recapitulation of Balances” generated by the 2004–2005 districtwide budget software with data entered by the school district to determine the amount of unreserved general fund balance available to be budgeted in the budget year and the projected budget year ending fund balances for the general fund, including the reserve accounts, the debt service fund and the special revenue capital reserve account.

“Alternative Whole School Reform Design” means a plan approved by the Commissioner on the recommendation of the CSA and the SLC or the Performance Assessment Team (PAT) of an eligible school that documents how student performance can be improved and the nine elements of Whole School Reform (WSR) can be achieved by the implementation of a comprehensive program of instruction, governance, and supports adapted to the documented needs of its students and/or students districtwide by a more effective means than implementation of a national WSR model.

“Appropriations act” means the unitary appropriations law covering a single fiscal year as required by the N.J. Const. Art. 8, Section 2, paragraph 2.

“Certified Childcare Professional (CCP)” means a credential earned by teachers for their knowledge of early childhood development and their skills in working with young children. The credential means that the candidate has, at a minimum, 180 clock hours of continuing education credit, and 720 hours of classroom experience and has passed the exam.

“Chart of Supplemental Programs” means the Supplemental Programs in Abbott Schools chart from *Abbott X*, incorporated herein by reference as chapter Appendix A.

“Chief school administrator” (CSA) means the superintendent or administrative principal of an Abbott district, or the State district superintendent in the case of a State-operated school district.

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

“Child Development Associate (CDA)” means the national credential for early care and education teachers who have met the CDA competency standards or 120 clock hours of formal education through an agency or organization with expertise in child development or early childhood teacher preparation. Only the Council for Professional Recognition can award a CDA credential.

“Collaborative Assessment and Planning for Achievement” or “CAPA” is the process implemented by the Performance Assessment Team to identify areas to improve student achievement.

“Division of Abbott Implementation” or “Division” means the division within the Department responsible for implementing the Abbott programs (except facilities) and working with the Abbott districts.

“Drop-off rate” means the percentage of students from a given grade level class that fail to graduate, as calculated by subtracting the number of high school graduates from the original grade level enrollment and dividing the remainder by the original enrollment and then multiplied by 100.

“Dropout prevention program” means an organized effort at the school and district level to provide effective instruction, appropriate services, supports and interventions to ensure that all students master the CCCS and obtain a high school diploma.

“Early Childhood Education Advisory Council” (ECAC) means a representation of community stakeholders interested in the education and welfare of preschool-age children, organized by the school district to participate in community-wide planning by the school district and to review progress towards full implementation of high-quality preschool programs.

“Early childhood expenditures” means those expenditures related to the approved preschool programs for three- and four-year-old children.

“Early Childhood Program Aid” or “ECPA” means State aid pursuant to N.J.S.A. 18A:7F-16.

“Early Childhood Screening Instrument” means a screening tool designed for preschool aged children intended to be used as a preliminary indicator for additional assessment rather than a definitive judgment about the child’s skills and abilities.

“Education Opportunity Aid” or “EOA” means State funding based on the New Jersey Supreme Court order in *Abbott v. Burke* (149 N.J. 145 (1997)), that calls for spending for regular education (as defined in *Abbott v. Burke* (136 N.J. 444 (1994) and 119 N.J. 287 (1990)) in each Abbott school district that equals the average per pupil spending of New Jersey school districts in the “I” and “J” categories of

“Discretionary Education Opportunity Aid” or “DEOA” means the portion of education opportunity aid awarded for programs, services and positions that the Commissioner determines are essential to the provision of a thorough and efficient education in Abbott school districts.

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

“District budget guidelines” means the criteria, format and process established by the district central office to develop and approve school-based budgets, including procedures for resolving disagreements with the schools.

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EOA
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1. W or earlier

2. To ..., Grade GEPA or the HSPA.

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

“Demonstrated need” means an obstacle to improved student performance by all or some students that can be documented by evidence.

“Department” means the New Jersey Department of Education.

“Developer” means the operator of a Department-approved Whole School Reform model.

the District Factor Groups, and to be used by Abbott school districts to implement regular or foundational education and Abbott reforms, programs and services and DEOA.

“Educational Facilities Construction and Financing Act (EFCFA)” means P.L. 2000, c.72.

“Effective” means a conclusion that a practice, expenditure, or contracted service or a component thereof, is achieving its intended result and contributing to improved student achievement as demonstrated through site-specific evaluation employing the standards of evidence-based research and/or comparative data analysis that takes into account the demographic and economic characteristics of the students to be compared.

“Efficient” means a conclusion that any expenditure, good, service, contracted service or program, or a component thereof, maximizes the use of time, effort, and resources, including funding, as demonstrated through site-specific evaluation and comparative data analyses of spending for similar goods, services, contracted services or programs in other school districts in the same region.

“English Language Learners” or “ELL” means students that have been identified as Limited English Proficient, pursuant to N.J.A.C. 6A:15-1.3.

“ESPA” means the Elementary School Proficiency Assessment. The ESPA was the State test for fourth grade students until the test was replaced by the NJASK 4.

“Essential elements of Intensive Early Literacy” means the following reading elements: phonemic awareness, phonics, fluency, vocabulary, text comprehension, motivation and background knowledge.

“Evaluation” means a determination of the significance, worth or quality of the design and implementation of a school or school district reform, program or service or a component thereof through commonly accepted research practices including, but not limited to, analysis of student outcomes, survey data, and on-site interviews and observations, consistent with evidence-based research as defined herein.

“Evidence-based research” means research that applies rigorous, systematic and objective procedures to obtain reliable and valid findings. This includes research that:

1. Employs systematic, empirical methods that draw on observation and/or experiment;
2. Involves rigorous quantitative and/or qualitative data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; and
3. Utilizes measurements and/or observational methods that yield reliable and valid information and that can be used systematically by multiple evaluators or observers.

“Face-to-face conversations” means the semi-annual meeting between the Department and each Abbott school district to discuss the evidence of student achievement in order to agree on the instructional priorities and practices that should be given priority in the revision to the school district’s three-year operational plan and in the school district’s annual budget.

“Full-day, full-year” means a 10-hour day, 245 days per year of approved preschool programs. For at least 180 days, this must include a six-hour educational component meeting Department requirements at N.J.A.C. 6A:10A-2.3(a) and four hours of wraparound services meeting Department of Human Services (DHS) requirements at N.J.A.C. 10:122, Manual of Requirements for Child Care Centers. The remaining 65 days must meet DHS requirements at N.J.A.C. 10:122, Manual of Requirements for Child Care Centers, for a 10-hour day.

“Full-time family worker” means an individual hired by the child care center provider at a ratio of one full-time family worker to every 45 children. The full-time family worker position is a 12-month position.

“High performing school” means an elementary school with a percentage pass rate among general education students on the 2002 Elementary School Performance Assessment (ESPA) Language Arts Literacy Subtest above the State average percentage pass rate, adjusted by the Commissioner, based on mean score growth or decline from 1999-2002.

“Highly skilled teacher” means a person external to the school under review with teacher certification, who is a successful teacher, demonstrates the ability to problem-solve and work collaboratively, and is well grounded in school improvement research.

“Intensive Early Literacy Program” means a program for children age three through grade three to ensure that all students read at grade level by the end of third grade. The core program includes curriculum and instruction that address the CCCS; on-going literacy assessment of students’ needs; an emphasis on small group instruction in designated learning centers; at least a 90-minute uninterrupted literacy block; and a classroom library of at least 300 titles that meets the needs of all students.

“Indicators and Standards for Improving Schools” or “ISIS” means the latest DOE publication employed as a self-assessment of school programs, services, processes and student achievement. The ISIS is based on the Kentucky Department of Education’s publication, “Standards and Indicators for School Improvement,” 2003 edition, which is incorporated herein by reference as amended and supplemented in conformance with the most recent *Abbott* court decisions. The ISIS may be obtained from the New Jersey Department of Education, Division of Abbott Implementation, 100 River View Plaza, PO Box 500, Trenton, NJ, 08025-0500 or at www.state.nj.us/education/.

“Local Support Team” or “LST” means qualified and trained Department staff assigned by the Commissioner to work with Abbott school districts in implementing Abbott programs and services.

“Low performing school” means an elementary school where 50.0 percent or more of the general education students were not proficient on the 2002 ESPA Language Arts Literacy subtest, adjusted by the Commissioner, as codified herein, based on mean score growth or decline from 1999–2002. Any school so identified will remain in this category for the 2004–2005 school year, even if more than 50 percent of its general education students were proficient or advanced proficient on the 2003 NJASK4 Language Arts Literacy subtest.

“Master teacher” means an employee of the district board of education that models, coaches, observes and provides feedback to teaching staff in preschool programs on the planning and implementation of preschool programs and the implementation of the Preschool Teaching and Learning Expectations: Standards of Quality.

“NCLB” means the Elementary and Secondary Education Act (ESEA) as amended by the Federal No Child Left Behind Act of 2001, P.L. 107–110.

“Needs assessment” means a continuous process of evaluation of the obstacles and deficiencies that prevent students from achieving early literacy, the CCCS in all grades and obtaining a high school diploma. The needs assessment must identify the appropriate programs and services students and schools need to overcome the documented obstacles and the evidence that the proposed programs will improve student achievement. These programs may be identified on the supplemental program chart as attached to the June 24, 2003 New Jersey Supreme Court Order, included in this chapter as Appendix A.

“NJASK3” means the New Jersey Assessment of Skills and Knowledge and is the State test for third-grade students that measures achievement of the New Jersey Core Curriculum Content Standards.

“NJASK4” means the New Jersey Assessment of Skills and Knowledge and is the State test for fourth-grade students that measures achievement of the New Jersey Core Curriculum Content Standards. This assessment replaces the ESPA for fourth-grade students.

“NJSMART” means the New Jersey Standards Measurement and Resource for Teaching. NJSMART is a secure web-based system composed of two systems: the Student Registration System, which manages student identification and enrollment information, and the Education Data Warehouse, which uses advanced analytic technology to store, analyze, and report information that more closely meets the needs of users.

“Performance assessment team” or “PAT” means a team of education practitioners, parents and others assembled, trained, and assigned by the Commissioner and the chief school administrator. The team shall assist in the identification of obstacles to improved student achievement and initiatives to remove said obstacles in low-performing schools through the implementation of the CAPA process.

“Preschool Expansion Aid” means the category of State funding to be used for the purpose of funding the increase in the approved preschool budgeted costs from 2001–2002 to the current budget year for the projected expansion of preschool programs in Abbott school districts as defined in the Annual Appropriations Act.

“Preschool Operational Plan” means the three-year operational plan submitted by the district to the Department on or before November 15, 2003 and updated annually thereafter for approval, which shall include how the district will deliver the Abbott preschool programs and services in accordance with the New Jersey Supreme Court mandates.

“Reallocation” means the transfer of funds from the school or the school district current or proposed budget items to another budget item(s) with the assurance that such transfer will result in a more effective and efficient instructional program.

“Reliable independent observer” means an individual adequately trained in the use of the program quality instrument identified by the Department as the standard for independent observation of preschool classrooms.

“Reliable Program Quality Assessment Instrument” means a tool designed to assess and improve preschool learning environments and is approved by the Department.

“School-based budget” means a budget for an individual school. The school-based budget shall be updated annually.

“School district three-year operational plan” means the three-year operational plan for sustained and steady improvement in student achievement by all students submitted by the school district to the Department for approval on or before August 15, 2003 and updated annually thereafter.

“School Leadership Council” or “SLC” means a collaborative school-based planning and decision-making body established pursuant to N.J.A.C. 6A:10A-6 and formerly called the “School Management and Improvement Team.”

“School three-year operational plan” means the plan, based on student and school needs, originally submitted for approval by the principal and SLC to the district and the Department by July 15, 2003, to be revised in accordance with these rules. The plan shall be updated annually thereafter, to provide a “thorough and efficient” education to all students enrolled in the school.

“Standards-based reform” means the process by which schools and school districts work to align school district and/or school curriculum to the CCCS and assure that instructional practice is effective and driven by this curriculum and that the professional development of teachers and the selection of instructional materials, textbooks, and instructional software is driven by the aligned curriculum.

“Supplemental programs and services” means those programs and services not already required by State or Federal law, but that are documented by school or school district needs assessments as essential for improved student achievement. These programs and services are provided pursuant to *Abbott V* and are intended to support demonstrably needed programs that may not be supported by *EOA*, State categorical and other State and local aid, and Federal aid. This definition is not synonymous with the definition found in NCLB.

“Supporting Documentation Item 6B.2” means the report entitled “6B.2. Tuition—Special Education Sending” generated by the 2004–2005 districtwide budget software from data entered by the school district. This supporting documentation item is used to provide the detail of the appropriations included in the school district budget for special education pupil tuition.

“Systematic professional development” means effective staff development that focuses on the knowledge, skills and attitudes required of teachers, administrators, and other school employees so all students can learn and perform at high levels, including mastery of the CCCS and the Preschool Teaching and Learning Expectations: Standards of Quality. It shall be based on a comprehensive assessment of student work and achievement and of the mastery of all teachers of the content of the CCCS they teach. This includes high quality training with intensive follow-up and support and other competency-promoting processes, such as study groups, action research, peer coaching, and opportunities for teachers to discuss and share student work. Systematic professional development shall be directed at the needs of individual teachers, groups of teachers or the entire faculty of a school.

“Uniform Preschool Enrollment Form” means a Department document to be used as the basis for an examination of the child and family background to assess the child’s needs and will serve as a planning tool for the school district’s preschool program so that the preschool program will be responsive to the needs of the child.

“Whole school reform” means the school-based implementation of a coherent design for the school that includes curriculum, instruction, organization and management so that all students attain high standards.

“Whole school reform model” or “WSR model” or “model” means the whole school reform model approved by the Commissioner, also called Comprehensive School Reform (CSR) Models in NCLB, as established in N.J.A.C. 6A:10A-3.2.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).

See: 36 N.J.R. 3167(a).

Rewrote the section.

SUBCHAPTER 2. PRESCHOOL PROGRAM

6A:10A-2.1 Preschool program general provisions

(a) On May 21, 1998, New Jersey’s Supreme Court mandated that children in New Jersey’s Abbott districts receive a high quality preschool education beginning at age three, which is an essential element in achieving the goal of early literacy. The preschool program shall be well articulated with the kindergarten through grade three curriculum. The purpose is to prepare these children to enter kindergarten with skills and abilities more comparable to those of their wealthier suburban peers and thus to prepare them to succeed in school and life. The Court’s mandate has a strong scientific basis. Intensive, high quality preschool programs can close much of the early achievement gap for lower income children. This substantially increases their school success and produces a host of life-long benefits including increased school achievement and social and economic success as adults. The Court set out a few basic standards for quality preschool education:

1. A certified teacher and an assistant for each class;
2. Maximum class size of 15 students;
3. Developmentally appropriate curriculum;
4. Adequate facilities; and
5. Transportation, health and other related services as needed.

(b) These rules will assist the Department in reaching its goal to ensure that all preschool children in Abbott districts enter kindergarten ready to succeed. The purpose of these rules is to ensure that high quality preschool programs are established.

6A:10A-2.2 Preschool programs

(a) The district board of education shall provide a full-day, full-year preschool program.

1. The district board of education shall determine age eligibility for enrollment in preschool programs for three- and four-year-olds pursuant to this subchapter using the same date it uses in determining age eligibility for kindergarten programs.

2. The district board of education shall offer preschool programs and services only to age-eligible residents of the district.

3. The district board of education shall provide one teacher and one aide for every 15 children. Class size shall not exceed 15 children.

4. The district board of education shall provide programs that meet the Department's Preschool Teaching and Learning Expectations: Standards of Quality, 2002 (Expectations) that are linked to the CCCS. The program and curriculum shall include, but not be limited to, the following:

i. An alignment of the district's curriculum and classroom practices with the Expectations, with particular attention paid to the needs of English language learners and children with disabilities;

ii. A clearly described, systematic, and intensive approach for the acquisition of early literacy and language abilities using appropriate strategies and techniques delineated in the Expectations including, but not limited to: inviting places to look at a wide variety of books; writing materials and literacy props that are available throughout the room; introduction of new words, concepts and linguistic structures; book reading more than once per day individually and in groups; and promoting children's interest in the sounds they hear in words and the letters that make up words; and

iii. Implementation of an ongoing performance-based assessment process that measures the child's progress toward meeting the Expectations and provides essential information for curriculum planning and communication with parents and other teachers to ensure a seamless transition to kindergarten.

5. As of the 2004-05 school year, the district board of education shall ensure that all preschool age children receive systematic support for language acquisition in their natural preschool environment, not through pull-out programs that do not offer the continuous and comprehensive support preschool children need.

6. The district board of education shall participate in a self-assessment and validation system using a protocol developed by the Department. This system will assess program implementation to result in program improvement plans. The self-assessment and validation system shall be conducted annually and shall include, but not be limited to, the following:

i. A detailed self-assessment by the district board of education of its preschool program as described in their preschool three-year operational plan;

ii. A validation visit by a State team; and

iii. The development of a plan in a format to be provided by the Department for improvement. The plan shall, at a minimum, include:

(1) Identification of the program area(s) in need of improvement;

(2) A detailed explanation of the steps to be taken by the district board of education and/or the department for program improvement to occur;

(3) A schedule for implementation; and

(4) A specific date for program re-evaluation.

7. The district board of education shall provide master teachers at a ratio of no more than 20 preschool classrooms for each master teacher. The district board of education shall provide additional master teachers to address special needs including, but not limited to, providing additional assistance to uncertified or inexperienced teachers and providing professional development on serving specialized populations. The responsibilities of the master teacher shall, at a minimum, include:

i. Modeling, coaching, observing (informally and using structured observation instruments) and providing feedback to teachers in preschool programs to assist in implementation of the Expectations;

ii. Providing staff development instruction, based on systematic classroom observation using the Reliable Program Quality Assessment Instrument, as defined in N.J.A.C. 6A:10A-1.2, for all aspects of the preschool program;

iii. Providing support to preschool programs and when applicable make recommendations to Supervisors or Directors of Early Childhood preschool programs to use the expertise of school district personnel or other early childhood experts to provide additional professional development as the need is identified through data collection;

iv. Coordinating early childhood assessment in preschool programs;

v. Coordinating parent involvement programs with other district board of education and provider staff;

vi. Providing information on district board of education programs to the family worker, social workers, and preschool program staff; and

vii. Planning of transition activities, programs and services between preschool programs and kindergarten programs.

8. The master teacher shall have the following qualifications and experience:

i. A bachelor's degree and teacher certification;

ii. Three to five years experience teaching in preschool programs;

iii. Experience facilitating and providing professional development directly to classroom teaching staff;

iv. Experience facilitating workshops and training sessions for preschool teachers;

v. Experience in design and implementation of developmentally appropriate preschool curriculum; and

vi. Experience with on-going performance based preschool assessments.

9. In addition to the requirements in (a)7 above, depending on the population served by the district board of education and identified by the needs assessment conducted in the district, the master teachers shall demonstrate one or more of the following:

i. Specialization in bilingual education or second language acquisition;

ii. Specialization in special education/inclusion;

iii. Specialization in early literacy;

iv. A Preschool through Grade Three Certificate or an N-8 Certificate;

v. Coursework in supervision and leadership; or

vi. Preschool Professional Development Fellow status.

10. Each district board of education shall ensure that Supervisors of Preschool Programs hold a New Jersey Supervisor's Certificate and have a background and experience in preschool education.

11. The district board of education shall establish an Early Childhood Education Advisory Council (ECAC).

i. The membership of the council shall consist of community stakeholders, and include child care center providers and parents.

ii. The council shall be organized by elected co-chairs and meet regularly.

iii. The council shall advise on the planning and implementation of the preschool program.

iv. The council, once organized, may add new representation as needed or identified.

v. The Community and Parent Involvement Specialist or other designated district employee shall staff the council.

12. The district board of education shall use the following method for calculating the universe of eligible three-year-old and four-year-old children:

i. The district board of education shall determine the number of children attending first grade using the Application for State School Aid (ASSA) report. The Department will collect the first grade enrollment data from the non-public schools in each Abbott school district board of education and forward this enrollment data to each Abbott school district board of education. The district board of education shall add the non-public first grade enrollment data to the total first grade ASSA enrollment data and multiply by two to determine the potential universe of first grade children in the school district; and

ii. The district board of education shall use the total of the determinations made under (a)12i above to determine the universe of the three-year-old children and the universe of four-year-old children to be served in the next school year.

13. The district board of education shall use the following method to calculate the number of preschool children to be served in the next school year:

i. The district board of education shall make appropriate adjustments to the universe of three-year-old children and to the universe of four-year-old children to determine enrollment projections for each age group based upon the documented history of the actual enrollments in the three-and four-year-old programs over the last three years and provide that documentation to the Department in the preschool three-year operational plan;

ii. The district board of education shall make appropriate adjustments to the universe of three-year-olds and to the universe of four-year-olds based upon any factors in the community that might affect the growth rate in the three-and four-year-old populations, such as a large employer moving in or out of the district, or a new housing development and provide this documentation to the Department;

iii. Using the data identified in (a)13i and ii above, the district board of education shall determine the projected number of three-year-old and four-year-old children to be served in the next school year in order to reach and maintain a preschool enrollment of 90 percent of the universe by the 2005-2006 school year and beyond; and

iv. The district board of education shall also use the number in (a)13iii above as the projected number of three-and four-year-old children for planning purposes in the development of the preschool three-year operational plan.

(b) The district board of education shall contract with a child care center provider or its local Head Start program to implement required preschool programs and shall not duplicate programs or services otherwise available in the community. The district board of education shall enter into a contract with a child care center provider or local Head Start program to provide services to preschool children only when that provider is able and willing to meet the quality standards of Abbott preschool programs including the following:

1. Provide one P-3 certified teacher and one aide for every 15 children. Class size shall not exceed 15 children;

2. In consultation with a master teacher, provide programs that meet the Department's Preschool Teaching and Learning Expectations: Standards of Quality, 2002, that are linked to the Core Curriculum Content Standards;

3. Require teachers hired before September 1999 who lack academic credentials to make annual progress toward obtaining a bachelor's degree and a teacher of Preschool through Grade 3 certificate and to obtain that certificate by September 2004;

4. Require any newly hired teachers to have a teacher of Preschool through Grade 3 certificate;

5. Require all teacher aides, both new hires and existing staff, to have a high school diploma or its equivalent; and

6. Encourage all teacher aides, both new hires and existing staff, to:

i. Obtain the Child Development Associate/Certified Childcare Professional (CDA/CCP) credential if they do not have CDA/CCP credentials; or

ii. Pursue an associate's degree in early childhood education, if they already have Child Development Associate/Certified Childcare Professional (CDA/CCP) credentials;

7. Provide demonstration of application to the Child and Adult Care Food Program (CACFP) or National Food Program for food and food service related costs if eligible;

8. Provide one full-time family worker for every 45 children being served by the center. The family worker shall provide information, referral services and follow-up to families on obtaining necessary health and social services or arrange for emergency assistance or crisis intervention services based on request and individual need;

i. The full-time family worker shall work the equivalent of a 40-hour work week and shall be willing to work evenings and weekends to meet family needs;

ii. If a child care center provider does not serve enough preschool children to warrant hiring a full-time family worker, then the child care center provider shall hire the family worker to be employed for an amount of time equal in proportion to the number of children and families being served; and

9. Implement sound fiscal practices including, but not limited to:

i. Maintaining a financial management system that provides timely, accurate, current and complete disclosure of all financial activities related to the agreement, in accordance with Generally Accepted Accounting Principles;

ii. Making expenditures in strict accordance with the budget approved by the district board of education and Department;

iii. Amending the approved budget, as necessary, with approval by the district board of education and Department;

iv. Submitting to an annual, independent audit to ensure compliance with programmatic and fiscal requirements; and meeting all other requirements to maintain DHS licensure and provide copies of the audit to the district board of education within 30 days of issuance and to the Department upon request;

v. Making all financial and program information available on request; and

vi. Submitting to the district board of education a quarterly report of actual expenditures signed and certified by an officer of the corporation.

(c) The contract shall be in a form provided by and/or approved by the Department.

1. Each district board of education using the State Approved Abbott Preschool Contract without modifications shall submit a copy of each executed contract to the Department no later than 45 days after informing the provider of its intent to renew the agreement for an additional one year term.

2. The district board of education shall ensure that its request(s) to modify the State Approved Abbott Preschool Contract are submitted for approval no later than 45 days after the Department's annual release of the contract for the following school year.

3. The district board of education shall submit a copy of each executed contract to the Department within 45 days of receiving approval from the Department to modify the State Approved Abbott Preschool Contract.

(d) In addition to (c) above, the contract shall include, but not be limited to, the following expectations, supports and accountability measures for the district board of education and the child care center provider:

1. The district board of education in consultation with the ECAC shall determine the minimum number and types of professional development opportunities they will annually offer to all teachers serving preschool children in an Abbott district board of education;

2. The district board of education with the center director and the teaching staff shall develop a professional development plan for preschool teaching staff that describes, but is not limited to, the role and activities of the master teacher for that year;

3. The district board of education shall establish a procedure for providing fiscal assistance to the child care center provider in the development and monitoring of the child care center provider's annual budget and for verifying the accuracy of costs and ensuring that private providers make expenditures in strict accordance with the approved budget;

4. The district board of education with the ECAC shall establish procedures for recruitment, enrollment and placement of all eligible three-and four-year-old children in the preschool program;

5. The district board of education with the ECAC shall establish the procedure by which preschool attendance will be submitted to the district board of education by the child care center provider and verified by the district board of education; and

6. The district board of education shall verify the credentials and progress toward certification, where applicable, of all preschool teaching staff in a child care center provider.

(e) A child care center provider that has not previously, as of September 9, 2003, had a contract with the district board of education to serve Abbott preschool children shall meet the following criteria to be eligible for a contract:

1. The child care center provider shall have provided preschool educational services for at least one year prior to entering into a contractual relationship with the district board of education;

2. The child care center provider shall demonstrate fiscal responsibility;

3. The child care center provider shall be able to accommodate and serve at least 90 Abbott eligible children in a program that meets the needs of preschool children in an effective and efficient manner;

4. The child care center provider shall agree to provide to the district board of education copies of insurance certificates; an efficient annual budget; copies of criminal history background checks for all staff; credentials for teaching staff, attendance records; and any additional documentation, including all financial records, as requested by the district board of education and/or Department;

5. The child care center provider shall agree to a minimum number of professional development opportunities offered by the district board of education for all preschool teaching staff;

6. The child care center provider shall agree to submit certification that expense reports are accurate;

7. The child care center provider shall agree to expend funds only as specified in the approved budget; and

8. The child care center provider shall agree to certify that the proposed budget submitted to the district board of education and the executed contract is true and accurate.

(f) The district board of education shall include in each child care center provider's contract, criteria, submitted to and approved by the Department, for termination of the executed contract prior to the expiration of the executed contract term, which shall include, but not be limited to:

1. Material breach of the child care center provider's responsibilities;

2. Revocation of its DHS licensure;

3. Failure to comply with all terms of the executed contract; and

4. Failure to comply with all applicable requirements established pursuant to N.J.A.C. 6A:10A.

(g) The district board of education shall conduct on-site monitoring at least twice in the contract year to assess compliance and shall ensure that child care center providers and local Head Start programs comply with the contract requirements including the requirements of (b) through (f) above.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).

See: 36 N.J.R. 3167(a).
Rewrote the section.

6A:10A-2.3 Preschool three-year operational plan

(a) The district board of education shall submit its preschool three-year operational plan and annual revisions for the appropriate school years to the Department by November 15 of each year.

(b) In the preschool three-year operational plan, the district board of education shall submit its implementation plan for the full inclusion of the local Head Start programs. The plan shall include the procedures for ensuring that the preschool program offered by the local Head Start program meets the requirements of N.J.A.C. 6A:10A-2.1 where applicable.

(c) In the preschool three-year operational plan, the district board of education shall describe its plan for full enrollment. This plan shall include the outreach and recruitment procedures to be implemented by the district board of education and its child care center providers and shall identify particular strategies to be used to reach out to the unserved children in the district board of education.

(d) The preschool three-year operational plan shall be developed based on a needs assessment conducted by the district board of education to assure that the preschool programs are responsive to the educational needs of children. The needs assessment shall include, but not be limited to, the identification of the following:

1. Demographic information on the children and families using the Uniform Preschool Enrollment Form;

2. Facilities assessment, including contingency plans to accommodate more students than current facilities;

3. Outreach and recruitment of unserved children;

4. Parent education and involvement; and

5. Transportation.

(e) In its preschool three-year operational plan, the district board of education shall detail the process used with its current and/or future contracting child care center provider(s) to identify the needs of the provider and the children served by the provider.

(f) In its preschool three-year operational plan, the district board of education shall ensure that all resident three- and four-year-old children are offered full-day, full-year preschool programs. The district board of education shall provide any necessary information as requested by the Department and:

1. Shall ensure that each child care center provider and local Head Start program submit a proposed budget that adequately supports the needs of the children and the actual program costs for the six-hour educational component of the 10-hour day for at least 180 school calendar days.

i. The proposed budget shall demonstrate that certified teachers receive compensation comparable to that which would be received if the certified teacher were employed by the district board of education.

ii. The child care center provider shall ensure that the certified teacher receiving the comparable compensation meets the work schedule requirements, including the equivalent number of hours per day and the equivalent number of days per contract year established by the district board of education for its certified teachers. This work schedule shall also include the same amount of preparation time and the amount of lunch time as received by the district board of education certified teachers;

2. Shall monitor the expenditures of each contracted child care center provider at least quarterly and shall recoup any unexpended funds at the end of the school year; and

3. Shall review and verify for accuracy all annual budget projections submitted in the preschool operational plan by each child care center provider prior to the November 15 submission of the plan to the Department.

(g) The district board of education shall use the following informal process for resolving disputes between themselves and a contracting private provider:

1. If a dispute arises between a district board of education and a provider, they shall at first attempt to resolve it at the local level.

2. If the dispute cannot be resolved locally, either the provider or the district, or both jointly, shall submit a request in writing, that the Office of Early Childhood Education review the dispute.

3. Upon receipt of a request for review, the Office of Early Childhood Education shall notify the non-requesting entity if the request has not been jointly submitted, and shall request any documents it thinks necessary for review.

4. The Office of Early Childhood Education shall mediate the dispute, in consultation with the Department of Human Services as appropriate, facilitate communications between the provider and the district board of education, and attempt to bring the parties to agreement on a resolution.

5. If a dispute becomes the subject of a contested case proceeding after the informal resolution process has concluded unsuccessfully, discussions occurring during the process shall be considered confidential, and shall not be used as evidence in the contested case.

6. The district board of education and private provider shall be advised that this process is an optional service offered by the department. If either is alleging a violation of school law, and the dispute is such that adjudication by the commissioner shall be sought through contested case proceedings, use of the informal dispute resolution process shall not exempt parties from complying with filing deadlines for appeals to the Commissioner outlined in N.J.A.C. 6A:2.

7. This process shall not apply to the termination or potential termination of an Abbott preschool contract.

(h) In the preschool three-year operational plan, the district board of education shall ensure that the parent education and involvement activities planned by the district board of education are based on identified needs.

(i) The district board of education shall annually participate in a self-study and validation of its preschool program as evidenced in its approved preschool three-year operational plan, and amend the plan accordingly, based on its findings.

(j) Following approval of the preschool three-year operational plan, the district board of education shall submit amendments to it, and shall continue to submit annual district and private provider budgets that adequately support the needs of the children for the school years contained in the preschool three-year operational plan to the Department by November 15.

(k) Through the needs assessment process, the district board of education shall evaluate and assess the needs of its students, programs and child care center providers so as to formulate plans and applications to meet these needs and shall include, but not be limited to, the following:

1. For every child's preschool application, the district board of education will complete an enrollment survey on forms provided by and made available to the Department;

2. The district board of education shall conduct a preschool early childhood screening assessment at school entry to determine if a child needs comprehensive diagnostic assessment; and

3. The district board of education shall assess program quality and develop professional development plans for all teaching staff using a reliable observation method approved by the Department.

i. The district board of education, in consultation with the ECAC and with approval from the Department, shall establish a minimum acceptable score for all preschool classrooms in operation in the district.

ii. If any classroom falls below the minimum acceptable score, then an improvement plan shall be established. The district early childhood supervisor or director, the master teacher and the principal or center director shall participate in discussions to determine the classroom quality improvements that are necessary based upon the observation and establish a time frame for making the required changes.

iii. The master teacher shall provide technical assistance to the classroom teacher based upon the improvement plan.

iv. If the district board of education deems that improvements have not been made according to the established schedule, a reliable independent observer approved by the Department will evaluate the classroom or program. If the reliable independent observer verifies that the expectations are not being met, steps shall be taken to remove the teacher from the classroom or terminate the contract between the child care center provider and the district board of education.

(l) In its preschool three-year operational plan, the district board of education shall describe its plan for articulation of the preschool program with kindergarten. This plan shall, at a minimum, include the following:

1. The process for identifying the information needed by the kindergarten teachers about the preschool program, and vice-versa;
2. Methods for communicating information about individual children to their new kindergarten teacher, in particular the results of the on-going performance based assessment system;
3. The process for providing this information to the kindergarten and preschool teachers;
4. The plan developed by the district board of education to ensure a seamless transition from preschool to kindergarten for the preschool children; and
5. The process for providing information to parents about the kindergarten program and the transition plan from preschool to kindergarten.

(m) Upon offering full-day, full-year preschool programs, the district board of education may request a waiver of this requirement under N.J.A.C. 6A:5, as applicable, to allow families to enroll their children in a half-day program and/or a school-year program, provided that the program meets all other requirements of this subchapter.

1. The waiver application shall include copies of signed declinations by parents or guardians that demonstrate that the district board of education offers a full-day, full-year preschool program and discloses that the families have elected a half-day program and/or a school-year program.

6A:10A-2.4 Department of Education roles and responsibilities in the preschool program.

(a) The Department of Education shall provide services that include, but are not limited to, the following:

1. On-site technical assistance in the development of the preschool three-year operational plan, including the development of program goals and objectives for a high quality preschool program and other technical assistance as requested by the district board of education;

2. Review and approval of the preschool three-year operational plan;

3. Professional development opportunities to the district board of education early childhood supervisors or early childhood directors in the form of monthly or bi-monthly meetings to provide information and technical assistance to the district board of education from the Department;

4. Professional development opportunities to the master teachers;

5. Assistance with the self-study and validation process and the development of a program improvement plan where areas of non-compliance are identified;

6. Providing copies of the complete preschool three-year operational plan including the district and child care center provider budget forms, a copy of the Uniform Preschool Enrollment Form, a list of State-approved reliable independent observers, a copy of the State-approved Abbott preschool contract, as well as copies of other information available from the Department and requested or needed by the district board of education;

7. Opportunities to be involved in State planning and policy development for the preschool program; and

8. Providing funds necessary to implement a high quality preschool program.

SUBCHAPTER 3. SCHOOL IMPROVEMENT

6A:10A-3.1 Formation, review and implementation of school and school district three-year operational plans and budgets

(a) Each Abbott school shall develop a three-year operational plan and annual budget, based on student and school needs, including longitudinal and subgroup analysis of student performance on State assessments, that identify the obstacles to improved achievement and the specific actions to be taken to lower or eliminate those obstacles during the three-year period. The initial school three-year operational plan, submitted to the Commissioner on July 15, 2003, for implementation during the 2003-2004 through 2005-2006 school years, shall be modified, as appropriate, for second year implementation and submitted to the Commissioner no later than March 11, 2004. The school three-year operational plan shall be based on a demonstration of need in a format provided by the Commissioner that shall include district and school continuously enrolled student data and student subgroups required by NCLB, and an analysis of the evidence of student academic performance on State assessments.

1. The school three-year operational plan shall include, but not necessarily be limited to:

- i. Regular assessment and implementation of curriculum as provided in N.J.A.C. 6A:10A-3.2(a);
- ii. Public accountability as provided in N.J.A.C. 6A:10A-3.2(b);
- iii. Intensive early literacy programs in each elementary school as provided in N.J.A.C. 6A:10A-3.2(c);
- iv. Intensive early math programs in each elementary school as provided in N.J.A.C. 6A:10A-3.2(d);
- v. High quality programs in each subject area covered by the CCCS including music and art;
- vi. Programs that address the particular and documented needs of special education students and English language learners;
- vii. The nine elements of whole school reform as provided in N.J.A.C. 6A:10A-3.3(b);
- viii. Model or alternative WSR design implementation, as provided for in this chapter;
- ix. Implementation of the recommendations of the performance assessment teams in low-performing schools, as provided in N.J.A.C. 6A:10A-3.3(e)3;
- x. A plan to address the declining performance in high-performing schools, as provided in N.J.A.C. 6A:10A-3.3(d);
- xi. Supports for teachers, as provided in N.J.A.C. 6A:10A-3.4;
- xii. Supports for students, as provided in N.J.A.C. 6A:10A-3.5; and
- xiii. Supports for parents and families, as provided in N.J.A.C. 6A:10A-3.6.

2. Each SLC shall adopt an annual school-based budget sufficient to support implementation of the school three-year operational plan, pursuant to the demonstration of needs. The budget shall:

- i. Be prepared as a maintenance budget in draft form containing current year line items adjusted to reflect the estimated cost of living increase for the subsequent budget year, and distributed to the SLC no later than November 3, 2003 for the 2004-2005 budget year; and
- ii. Be revised, if necessary, by the central office to assure support for standards-based reform, whole school reform, and supports for teachers, students, and parents, as provided in this chapter; to ensure alignment with district curricular and professional development standards; and be incorporated as revised with the district three-year operational plan.

3. The district central office shall assist the principal and SLC in analyzing student and school needs, developing needed improvements, as provided in (a)1 above, and in preparing the final document.

4. The SLC shall provide multiple opportunities for parents and teachers to review the school three-year operational plan and budget and offer recommendations, modifications or objections.

5. The school three-year operational plan and budget shall be adopted by a majority vote of the SLC.

6. The school three-year operational plan and annual budget shall be submitted to the CSA no later than December 12, 2003.

7. The CSA shall not alter the school three-year operational plan and/or budget without prior consultation with the SLC.

(b) Each Abbott school district shall develop a three-year operational plan and annual budget, based on an analysis of the evidence of student academic performance as demonstrated on State assessments and other measures to include the NCLB subgroups, CES-District and CES-School over a four-year period. The analysis shall diagnose the obstacles to student achievement at the school district and school levels and include ELLs and special education students. The priorities for school and school district programs and services shall be connected directly to this analysis of student achievement and shall include the specific goals for the 2004-2005 school year with the interim measurements to determine if progress is being made. The analysis and priorities shall be included with the school district three-year operational plan submission due to the Department on March 11, 2004.

1. The initial school district three-year operational plan, submitted on August 15, 2003, for implementation during the 2003-2004 through 2005-2006 school-years, shall be modified, as appropriate, for second year implementation and submitted to the Commissioner no later than March 11, 2004. These revisions to the school district three-year operational plan for the 2004-2005 school year shall incorporate as priorities the results of face-to-face conversations with the Department pursuant to (c) below. The revisions shall indicate the actions the school district shall take to address obstacles to student achievement, the schedule and sequence for taking these actions, the benchmarks and interim measurements that shall be used to determine progress, and the results that shall be realized if successfully implemented. The school district three-year operational plan shall include, but not be limited to:

- i. Board of education responsibilities, as provided in N.J.A.C. 6A:10A-5.1;
- ii. A central office staff focus on professional inquiry and growth, as provided in N.J.A.C. 6A:10A-5.2(a)1;

- iii. Assurances that each school is led by an effective principal, as provided in N.J.A.C. 6A:10A-5.2(a)2;
 - iv. A comprehensive and effective human resources program, as provided in N.J.A.C. 6A:10A-5.2(a)3;
 - v. Curricula aligned to the CCCS, as provided in N.J.A.C. 6A:10A-5.2(a)4;
 - vi. Central office research, assessment, and planning, as provided in N.J.A.C. 6A:10A-5.2(b) and (c);
 - vii. Adequate services and expertise to facilitate school improvement of operations, programs, and services, as provided in N.J.A.C. 6A:10A-5.2(d);
 - viii. Intervention in schools consistently failing to demonstrate mastery of the CCCS, as provided in N.J.A.C. 6A:10A-5.2(b);
 - ix. SLCs in every school, as provided in N.J.A.C. 6A:10A-6.2(d); and
 - x. Surveys of educators and parents to permit school-level evaluations of central office performance.
2. Each Abbott school district shall adopt an annual school district budget that incorporates the SLC-approved budgets as adopted by the school district and a central office budget sufficient to implement the next year of the three-year operational plan.
3. The school district three-year operational plan and revisions to that plan and budget for 2004-2005 school year shall be submitted in a format provided by the Commissioner and shall reference the results of school-based needs assessments and include the three-year operational plans and annual budgets for each of the schools in the school district.
4. Prior to submission to the Department, the district board of education shall vote on the district three-year operational plan and any modification or revisions to that plan or budget for the 2004-2005 school year following public discussion of the plan at an advertised meeting of the board.
- (c) The Department shall evaluate each school district's three-year operational plan and meet with the CSA to share the results before December 20, 2003. The Department and CSA will seek to agree on the revisions to be made to the school district three-year operational plan for the 2004-2005 and subsequent years, including benchmarks for assessing progress, and the implications to be reflected in the 2004-2005 school district budget.
- 1. The Department evaluation shall include a review of the revisions to the school district three-year operational plan based on the following standards:
 - i. Evidence that the school district has set instructional priorities based on student performance data;
 - ii. The school district collaborates with schools in assessing student and faculty needs for improving student performance on the CCCS as measured by local and State assessments;
 - iii. A school district curriculum, instructional materials, and software are aligned with the CCCS and a professional development program that is based on the ability of teachers, individually and collectively, to teach the curriculum;
 - iv. The establishment of a system for identifying, mentoring, and training potential leaders within the district to make them eligible for leadership positions, and recruiting, hiring, and supporting high quality principals;
 - v. The recruitment, hiring, and retention of high quality teachers in every classroom and providing the necessary opportunities for teachers to work with one another and to benefit from targeted assistance to meet their classroom needs, particularly as to teaching the CCCS and attaining early literacy;
 - vi. The provision of a high quality preschool program for all eligible students and the seamless articulation between preschool and kindergarten and kindergarten to grades one through three;
 - vii. Assistance to low-performing schools, consistent with NCLB and *Abbott v. Burke*, 177 N.J. 578 (2003) including, if necessary, reconstitution of schools. Such assistance shall be informed by analysis of the evidence of student performance, the school's demographics, mobility, and performance over time, as compared to similarly constituted schools;
 - viii. Facilities that provide safe and healthy learning environments, free of violence, vandalism and substance abuse and that meet NCLB requirements;
 - ix. The use of technology as a part of a coherent plan aligned with the school district's curriculum, including the adoption of instructional software, and the school district's information needs;
 - x. A process for monitoring school and school district compliance with Abbott programs and services, special and bilingual education requirements, and NCLB. The central office shall promulgate clear procedures for receiving, investigating and resolving complaints from parent(s), grandparent(s) or guardian and the community;
 - xi. A process for ensuring that elementary schools are faithfully implementing the WSR model or alternative WSR design and the Intensive Early Literacy model described herein; and
 - xii. Evidence that the school district documents the services and programs for, and progress of, ELLs, and has specific remedies with interim progress indicators for student improvement.

2. The Department's review of the standards in (c)1 above shall be based on the following standards:

i. The evidence cited in the school district three-year operational plan and its revisions for evaluating student achievement by school and districtwide. The school district's evidence shall include the performance on State and other assessments of students by school and by the NCLB and CES subcategories for all students for the years 1999–2003 and other data required by the Department;

ii. Evidence of the district's capacity to collect and analyze student achievement data by school so that the district can assist each school with those factors deemed most important in students' failure to master the CCCS and to enable the district to produce assessments to guide preparation of school three-year operational plans and annual school budgets;

iii. Evidence that the district is organized, staffed, and funded in an efficient and effective manner to provide the assistance most frequently required by schools to improve student achievement;

iv. Evidence that the district has policies, procedures, and programs to ensure that each school is led by a highly skilled principal; that principals are fairly and effectively evaluated for the quality of teaching and learning; and that the district sponsors and encourages professional development opportunities for principals that are directly related to the instructional needs of their schools;

v. Evidence that the district three-year operational plan ensures the recruitment, employment, and support for high quality teachers in every school, including the specific programs and policies at the district level to ensure appropriate support for first-time teachers and a coherent program of professional development for all teachers that meets their individual and collective needs. The district shall document as a part of the review its teacher retention rate for the four years beginning 2000–2001;

vi. Evidence that an intensive early literacy program is in place in all preschool and kindergarten through grade three classrooms and that it is driven by a coherent curriculum for children ages three through nine, professional development opportunities for teachers to master the curriculum and skills required, and that there is a seamless connection between preschool and kindergarten programs whether in district or provider-operated preschool programs;

vii. Evidence that the school district has the leadership and capacity to ensure that all ELLs are given effective instruction based on individualized diagnoses so that such students are able to demonstrate English proficiency by the end of the third year of continuous enrollment. The school district shall determine the number of students from non-English learning back-

grounds, the number requiring bilingual, sheltered English, ESL or other approaches to English acquisition, and the proficiency on State and other assessments of ELLs that have been continuously enrolled in the school district for three or more years;

viii. Evidence that the district has the capacity to assist schools in which students persistently fail to master the CCCS. Where schools have been identified as low performing, pursuant to N.J.A.C. 6A:10A-3.3(e), the early results of performance assessment team activity shall be shared with the SLC, district, and Department;

ix. Evidence that the district central office assists SLCs by preparing complete, accurate and timely draft school budgets, providing guidance in reviewing and revising school budgets and training in personnel policies and procedures for SLCs requesting it, and through the dissemination of guidelines for SLC operations and resolution of disagreements; and

x. Evidence that the school district is able, in collaboration with the school, to judge the effectiveness and efficiency of current programs, services, and positions in contributing to improved student achievement.

3. The school district three-year operational plan shall be revised based on the agreements reached by the CSA and the Department pursuant to (c) above.

4. The revisions to the district three-year operational plan shall be reviewed and approved by the district board of education.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).

See: 36 N.J.R. 3167(a).

Rewrote the section.

6A:10A-3.2 Standards-based reform

(a) Abbott schools and school districts shall implement a coherent and integrated curriculum for all students, including English Language Learners and students with disabilities, that is content-rich, aligned to the CCCS, engaging for students, and consistent with educational research. Such curriculum shall:

1. Be periodically reviewed and modified for linkage of curriculum to the CCCS, Department curriculum frameworks, student interests and needs, new developments in subject matter, grade-to-grade alignment, and to students' cultural heritages and native languages;

2. Be aligned to the Early Childhood Program Expectations (ECPE);

3. Be supported by textbooks, software and other supplemental instructional materials aligned to the school district curriculum;

4. Be developed, reviewed and evaluated by a broad cross-section of teachers, principals, and supervisors and be continuously evaluated and revised thereafter;
5. Drive professional development and technical assistance to teachers; and
6. Drive improved classroom instruction.

(b) Abbott schools and districts shall be accountable to the communities they serve and to the public at large. Such accountability shall include:

1. Annual public meeting(s) of each SLC to report and solicit input on student achievement data and annual yearly progress (AYP), the ISIS and other pertinent instruments, and operational plans and budgets for the following year;
2. Annual public meeting(s) of the district board of education to report and provide opportunities for public comment on:
 - i. District-wide student achievement, graduation rates and AYP by school, comparisons to other districts, and progress made toward closing the achievement gap;
 - ii. The provision of supports for teachers, students and parents; and
 - iii. The district central office three-year operational plan and annual budget; and
3. Frequent contact between parents and schools centered on individual student achievement and needs and information on how parents can assist in improving their students' performance.

(c) Abbott schools and school districts shall provide an intensive early literacy program to assure that each student reads at the appropriate grade level, with the goal of all students reading on grade level by third grade. Such a program shall be adjusted, depending on need, to provide none of, less than, or more than the Court-identified baseline in the Chart of Supplemental Programs in *Abbott X* and shall include the following components:

1. Curriculum and instruction and other program components consistent with the CCCS, Reading First, and evidence-based educational research;
2. Full-day kindergarten with a teacher's aide for all students and class sizes of not more than 21 in the kindergarten through third grades;
3. Adequate textbooks, materials, supplies, and equipment to support instruction;
4. A preschool to grade three classroom emphasis on small group instruction in at least reading, writing and technology in designated areas or learning centers and including:

- i. A classroom library that reflects the needs of classified students and ELLs, including assistive resources, such as books-on-tape and books in the students' first language; and

- ii. Appropriate school district-approved supplemental computer software that support evidence-based research and the essential elements of Intensive Early Literacy including Assistive Technology resources for grades kindergarten through grade three;

5. A comprehensive early literacy assessment program that provides assessment in the native language, where appropriate, including:

- i. For ELLs, assessment to determine levels of native and English literacy, pursuant to N.J.A.C. 6A:15-1.3;

- ii. The assessment of former ELLs, if learning deficits are identified, to determine if the lack of academic achievement is not due to the lack of sufficient English language proficiency;

- iii. Screening in reading in grades kindergarten through three;

- iv. Diagnostic assessment of those students below reading level as identified by the district-approved reading program and/or the school level WSR model in grades kindergarten through three;

- v. Annual assessment and item analysis with a State-approved norm-referenced and/or criterion-referenced instrument in grades kindergarten through two; and

- vi. A locally devised system of assessment including clear and measurable indicators of progress based on the school district's curriculum and measured periodically with incremental assessments such as running reading record, observational survey or other appropriate instrument;

6. A clear structure for at least a 90-minute uninterrupted language arts literacy block in grades kindergarten through three with guidance in the use of that time, and the following instructional strategies: small group instruction, direct instruction, assessing each child on the essential elements of Intensive Early Literacy strategies and techniques including, but not limited to, guided reading and shared reading;

7. Special supports for ELLs in addition to the services, programs, and resources identified in this subsection, based on research, such as:

- i. Native language instruction when appropriate to facilitate acquisition of English language skills, prior to English literacy;

- ii. Creation of a written and spoken language-rich classroom environment in both native language and English; and

iii. A “buddy system” to link early ELLs with advanced learners;

8. Special supports for students with disabilities in addition to the services, programs, and resources identified in this subsection, grounded in research;

9. Ongoing, supported, relevant and intensive professional development in the elements of Intensive Early Literacy, consistent with this chapter;

10. Regular opportunities for teachers to discuss and analyze student work, intermediate progress measures, and assessment results and plan any modifications in grouping and/or instruction that may be indicated, consistent with this chapter;

11. The use of an instructional facilitator/coach to coordinate professional development and collaboration if documented as necessary to increase achievement of early literacy;

12. Contracts with WSR developers and/or other providers of evidence-based research technical assistance and professional development, as needed; and

13. Student, teacher, and parent/family supports consistent with this chapter.

(d) Abbott elementary schools and school districts shall provide an intensive early math program to assure that each student is math proficient and on grade level; high quality programs in science, social studies, physical education, and world languages, as provided in Title 18A and in music, art, and special education; and programs for ELLs, if and as needed. Such programs shall include:

1. Curriculum and instruction based on student need and consistent with the CCCS and educational research;

2. Adequate textbooks, instructional materials and software aligned to the CCCS and supplies and equipment to support instruction;

3. Regular assessment of each student’s progress;

4. Intensive professional development in curriculum, content and instructional practice, as needed, and consistent with this chapter;

5. Regular opportunities for teachers to discuss student work, intermediate progress measures, and assessment results and plan any modifications in grouping and/or instruction that may be indicated, consistent with this chapter;

6. Contracts with WSR developers and/or other providers of research-based technical assistance and professional development, as needed; and

7. Student, teacher, and parent/family supports consistent with this chapter.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).

See: 36 N.J.R. 3167(a).

Rewrote the section.

6A:10A-3.3 Whole school reform

(a) Adoption and implementation of a Department-approved national WSR model is the presumed foundation for whole school reform. In the instance that the school and district find that no Department-approved WSR model addresses their school needs, a school and district may implement a school- or district-developed alternative whole school reform design, through the processes described herein.

(b) Each Abbott elementary school shall implement the following nine elements of whole school reform utilizing recognized expertise for technical assistance and professional development.

1. Improved student achievement and mastery of CCCS through standards-based reform at the school level, pursuant to N.J.A.C. 6A:10A-3.2;

2. Assessment, planning, budgeting and implementation of reforms, programs, and services driven by data, including student outcomes, student and school needs, best practices, national research, and evidence of effectiveness in a similar school context, pursuant to this chapter;

3. School-based leadership and decision-making, pursuant to N.J.A.C. 6A:10A-6;

4. Integration and alignment of school-level reforms, programs, and services, pursuant to this chapter;

5. Educational technology, pursuant to N.J.A.C. 6A:10A-3.5(h);

6. Teacher supports, pursuant to N.J.A.C. 6A:10A-3.4;

7. A safe school environment, pursuant to N.J.A.C. 6A:10A-3.5(i);

8. Student and family supports, pursuant to N.J.A.C. 6A:10A-3.5 and 3.6; and

9. Accountability, pursuant to N.J.A.C. 6A:10A-3.2(b).

(c) Each Abbott elementary school shall continue implementing a WSR model or previously approved alternative whole school reform design in 2003–2004 and thereafter, unless the school is authorized by the Commissioner to develop or implement an alternative whole school reform design in 2003–2004 or thereafter under the procedures established in (d) through (h) below. The SLC and district central office shall assure that such implementation is adequately planned and supported in the school’s three-year operational plan and budget as described in N.J.A.C. 6A:10A-3.1(a), which shall be authorized by the SLC and a vote of the school’s certificated staff.

(d) The Commissioner shall designate high performing elementary schools pursuant to *Abbott X*.

1. For the 2003–2004 school year, the Commissioner shall, by September 15, 2003:

i. Designate as a high-performing school, each Abbott elementary school in which the percentage of general education students testing proficient or advanced proficient on the 2002 ESPA Language Arts Literacy subtest exceeds the State average for proficiency. The designation of high-performing schools shall be adjusted by the Commissioner, as appropriate, based on mean score growth over the years 1999 through 2002; and

ii. Review the school's general education student mean score gain from 1999 through 2002 to determine if the school's gain is less than the average general education student mean score gain of all Abbott elementary school despite performing above State average proficiency levels among general education students. In such cases, after consultation with the district CSA to determine possible explanations for the below average growth in mean scores, the Commissioner may remove the school from the list of high-performing schools.

2. For school year 2004–2005 and thereafter, the Commissioner shall:

i. Assess and refine the definition of high-performing schools to incorporate the results of the NJASK4;

ii. Review the latest published school achievement data and mean scores of all Abbott elementary schools for the five years 1999–2003 to:

(1) Determine if a school that was not previously classified as a high-performing school has attained a higher proficiency score among general education students than the Statewide proficiency average for general education students. Such schools shall then be designated as high-performing schools;

(2) Determine if the performance of ELLs and students with disabilities on State assessments is less than 50 percent greater than the Abbott average for such students. After consultation with the district CSA, the Commissioner may remove such a school from the high-performing category despite having satisfied the test in (d)2ii(1) above;

(3) Review the designation of a high-performing school in which the percentage of general education students proficient on NJASK4 is below the Statewide proficiency average or in which the five-year mean score gain falls below the average mean score gain of all general education Abbott students. After consultation with the district CSA, the Commissioner may remove the school from the high-performing category; and

(4) Review the trend of mean scores over a five-year period, and after consulting with the CSA about other factors such as school leadership, the Commissioner may add or remove schools from the category of high-performing;

iii. High-performing schools that demonstrate a steady decline over three years may be removed; schools that are approaching the standard of exceeding the State average at a steady and sustained rate may be added to the list; and

iv. The Commissioner shall adopt other criteria that may be used prospectively to determine high-performance including consideration of the school's poverty levels, the performance of students continuously enrolled for three or more years in the school, the rate and depth of improvement in student achievement, the performance on the 2003 NJASK4 Language Arts Literacy assessment, and the quality of curricular alignment and professional development.

3. If a school is removed from the high performing category, the SLC, in collaboration with the CSA, shall review the explanations for the decline to assure that they are fully addressed in the school's three-year operational plan and annual budget.

4. In reviewing the school three-year operational plan of high-performing schools, the Department shall defer to the shared judgment of the school, SLC, and district as to the selection of another WSR model or the development of an alternative WSR design.

i. If a school chooses to discontinue implementation of the model or alternative WSR design, a letter to the CSA and then the Commissioner shall indicate whether the 2003–2004 school year will be utilized as a planning year or to implement a new model or alternative WSR design as expeditiously as possible during 2003–2004.

ii. If implementation of a new model or alternative WSR design is to occur in 2003–2004, the principal, in consultation with the SLC, shall submit to the CSA, for approval and submission to the Department, a modified 2003–2004 school three-year operational plan and annual budget that provides for the transition from current to future model or alternative WSR design with a schedule for the introduction of new materials and practices, training for the school community in the new model or alternative WSR design and a description of how the newly chosen WSR model or design will contribute to deeper and broader student achievement.

iii. If new implementation is to occur in 2004–2005, the principal, in consultation with the SLC, shall include in the annual modification of the school three-year operational plan and budget, provisions for the transition from current to future model or alternative WSR design with a schedule for the introduction of new materials and practices, training for the school community in the new model or alternative WSR design and a description of how the newly chosen WSR model or design will contribute to the nine elements of whole school reform and to deeper and broader student achievement.

5. The Commissioner shall review and approve the school's decision to retain or discontinue the adopted WSR model and the modifications to the school's 2003–2004 or 2004–2005 three-year operational plans and budgets, as appropriate. On approval, the district and the school shall present the decisions and modifications to the school community and to the Education Law Center.

(e) The Commissioner shall designate low performing elementary schools pursuant to *Abbott X*.

1. For the 2003–2004 school year, the Commissioner shall, by September 15, 2003:

i. Designate as a low-performing school, each Abbott elementary school in which the percentage of general education students testing proficient or advanced proficient on the 2002 ESPA Language Arts Literacy subtest is equal to or less than 50 percent; and

ii. Review the school's general education student mean score gain between 1999–2002 to determine if it exceeds by 50 percent or more the average mean score gain among general education students in all Abbott elementary schools. In such cases, after consultation with the district CSA to determine possible explanations for the increase in mean scores, the Commissioner may remove the school from the list of low-performing schools.

2. For school year 2004–2005 and thereafter, the Commissioner shall:

i. Assess and refine the definition of low-performing schools to incorporate the results of the NJASK4;

ii. Review the latest published school achievement data and five-year mean scores of all Abbott elementary schools to:

(1) Determine if a school that was previously designated as low performing produces a mean score gain among general education students over the latest five-year period that exceeds by 50 percent or more the average mean score gain among general education students in all Abbott elementary schools during the same period. In such cases, after consultation with the district CSA to determine possible explanations for the increase in mean scores, the Commissioner may remove the school from the list of low-performing schools;

(2) Determine if the performance of ELLs and students with disabilities on appropriately developed assessment instruments is at least 50 percent higher than the Abbott average for such students. After consultation with the district CSA, the Commissioner may remove such a school from the low performing category, assuming that the school has met the condition in (e)2ii(1) above; and

(3) Determine if a school that was not previously classified as low performing has produced a profi-

ciency score of 50 percent or less and if such school's mean score gain is at or below the average mean score gain among all Abbott elementary schools during the same period. Such schools shall then be designated as low-performing schools.

3. For schools designated as low performing, the Commissioner shall establish, in consultation with the CSA, a Performance Assessment Team (PAT) that shall be responsible for implementing a collaborative assessment and planning for achievement (CAPA) review of low-performing schools and shall designate either the Department representative or the CSA designee as the PAT Leader. A CSA may request that the Commissioner assign a PAT to a school deemed to be in need of improvement but not otherwise designated as a low performing school by the Commissioner as provided herein. The Commissioner, with approval of the CSA, shall establish a schedule for the member selection and orientation, operation, and conclusion of the PAT Process.

i. The PAT shall include, but not be limited to, the following members:

(1) A highly skilled teacher;

(2) A principal from a high-performing school (PAT Principal);

(3) A parent representative; and

(4) Literacy and math specialists, who are qualified to observe classroom instruction.

ii. PAT members shall attend Department and/or CSA sponsored training sessions as necessary.

iii. The PAT's primary function is to implement the CAPA process for identifying obstacles to improved teaching and learning for all students by reviewing student achievement data and intermediate progress measures, visiting classrooms, and interviewing teachers, parents, the principal and developer field staff, among others and as appropriate.

iv. Based on this evaluation, the PAT shall review its findings with the SLC and issue a written report on findings and recommendations that will address the following areas:

(1) Quality of instruction;

(2) Quality of school leadership;

(3) Effectiveness of School Leadership Council;

(4) Level of parent participation;

(5) Implementation and effectiveness of the Whole School Reform Model;

(6) Support from the school district and the Department; and

(7) Adequacy of supplemental programs to meet documented instructional need.

v. All participants of the school stakeholder community shall be guaranteed confidentiality to the greatest extent possible.

vi. The PAT, SLC and CSA will develop a written Improvement Agreement based on the findings and recommendations of the PAT as to the strategies and objectives for improving teaching and learning, how to implement those strategies and objectives and the responsibilities of the various stakeholders needed to do so successfully. The PAT report shall be a public document.

vii. The SLC shall modify the school's three-year operational plan and annual budget to be consistent with the Improvement Agreement.

viii. The Commissioner shall review and approve the Improvement Agreement based on a determination that the Improvement Agreement is an effective and efficient means of improving teaching and learning in that school. Upon approval, the district and school shall present the agreement to the school, SLC and community.

(f) Any school, other than those designated low or high performing, that did not have a WSR developer contract in 2002-2003 shall be required to reinstate the contract for 2003-2004 or contract with another WSR developer. The Commissioner and CSA shall assess schools without a 2002-2003 WSR contract to determine, with the SLC, whether the schools will adopt another WSR model or, where the commissioner determines that no appropriate model is available to meet the current needs of the school, implement alternative WSR design.

(g) Schools, other than those designated low-or high-performing, or model developers that assert failure of the other party to comply with the WSR contract may file a complaint with the Commissioner and the CSA. After a review of the issues raised by the complaint, the Commissioner shall take such action as may be required to ensure satisfactory performance under the WSR contract and shall determine if the contract should be continued or modified. If the Commissioner determines that satisfactory performance under the WSR contract is not feasible, he or she may authorize the school to adopt another approved WSR model or an alternative WSR design. Throughout this process, the Commissioner will defer to the district as the preferred source of mediation and of implementation of any resolution.

(h) Schools that decide to terminate WSR model implementation under N.J.A.C. 6A:10A-3.3(f) or (g) shall:

1. Demonstrate that the requirements of the WSR model have been fully implemented, and that the model has not led to sufficient improvement in student proficiency on the CCCS or that the philosophy and practices of the WSR model have been integrated fully into the school;

2. Select a Department-approved WSR model or submit an application for an alternative whole school reform design;

3. Ensure that the new WSR model shall be consistent with the criteria in (a) above;

4. Include a transition plan to the new model or design;

5. Cooperate with the district to ensure alignment of model/design requirements with district professional development activities, curriculum, CCCS, goals of early literacy and other district priorities;

6. Use funds to implement the new WSR model or design for purposes designated by the districts. Districts shall budget or reallocate the funds required to implement the new WSR model or design; and

7. Include a description of the selection process in the school three-year operational plan and maintain documentation for review by the Department. A copy of the contract with the new WSR developer shall be attached.

(i) The Department shall review the determinations of the district and school in retaining, modifying or terminating its WSR model consistent with the requirements above. Additionally, the Department shall review the proposed new WSR model or the alternative whole school reform design to determine if the likelihood of sustained and broadened achievement and literacy for all students is well documented. The Department shall expeditiously render its decision.

(j) Following the Commissioner's approval of a school's request, which request shall be in the form of a letter from the CSA, to develop a school-or district-designed alternative whole school reform design, schools, eligible in (d) through (g) above, may apply to the Commissioner, with the approval of the CSA, to implement an alternative whole school reform design. Such applications shall include:

1. Evidence that the school has completed a thorough needs assessment, including the most recent ISIS, and three-year operational plan and annual budget;

2. A modified three-year operational plan and annual budget that fully illustrates how standards-based reform, whole school reform, and supports for teachers, students, and parents, as described in N.J.A.C. 6A:10A-3.6, are to be addressed in an alternative WSR design, which shall be authorized by the SLC and a vote of the school's certificated staff; and

3. A letter of support from the CSA that details how the school will be supported in its implementation by the central office and external providers of technical assistance and professional development.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).

See: 36 N.J.R. 3167(a).

In (d), deleted “the 2003 mediation agreement between the parties as ordered in” in the introductory paragraph; in (e), deleted “the 2003 mediation agreement between the parties as ordered in” in the introductory paragraph and rewrote 3.

6A:10A-3.4 Supports for teachers

(a) Abbott schools and districts shall provide effective, high quality instruction consistent with the CCCS, this chapter, NCLB, and educational research. Such instruction shall be guided by best practices, such as those outlined in the Generally Accepted Principles of Teaching and Learning, developed by the Annenberg Institute for School Reform, 2003. The Generally Accepted Principles of Teaching and Learning shall be incorporated herein by reference and may be obtained from the New Jersey Department of Education, Division of Abbott Implementation, 100 River View Plaza, PO Box 500, Trenton, NJ, 08025-0500 or found on the Abbott Division’s website, as provided in this chapter.

(b) Abbott schools and districts shall support a culture of professional inquiry and improvement through enhancements and modification in school and central office policies, organization and structures. Such enhancements and modification shall include, but not be limited to:

1. Policies that reduce the isolation of teachers; promote continuous teacher learning; encourage mutual respect and high staff morale; provide intensive, ongoing, research-based professional development on content, pedagogy, and school improvement; and establish multiple school-based collaborative structures;

2. School organization that provides adequate and consistent time during the school day and year for teachers to work together in content areas, in grade level meetings, and schoolwide to review student work and achievement, to develop a common understanding about quality work, to help each other create improvement strategies, to visit each other’s classrooms, to solve instructional problems, and to identify the need for additional expertise; and

3. School and district leadership that model inquiry and professional learning; that provide personal support and professional assistance; that facilitate teacher collaboration; and that provide the human, fiscal, and capital resources needed to increase individual classroom, teacher, and school capacity to continually improve policy and practice.

(c) Abbott schools and districts shall provide multiple opportunities for professional development driven by curriculum and consistent with this chapter, NCLB, education research, and standards of the New Jersey Professional Teaching Standards Board. Such professional development shall:

1. Be based on assessment of individual teacher needs for content, strategies, skills, concepts, and expectations associated with the curriculum;

2. Reflect student achievement data, and school and district goals;

3. Be cohesive and comprehensive through intensive seminars, classroom coaching and modeling, review and follow-up, and teacher collaboration;

4. Encourage and support teacher grade level and subject matter networks;

5. Be led by colleagues, principals, and central office personnel with appropriate expertise, and, when necessary, external experts under contract to schools or central offices;

6. Be continually assessed and refined to assure teacher learning, improved practice, and advancement of student achievement; and

7. Be adequately supported by district policies and funding.

6A:10A-3.5 Supports for students

(a) The parties to Abbott shall establish a Collaborative Work Group on Middle and High Schools as agreed and ordered in *Abbott X*. The Group shall produce analysis and recommendations that can lead to programs and practices that yield higher student achievement and high school graduation levels and may take the form of new regulations to guide implementation in Abbott middle and high schools.

(b) Each CSA shall prepare a needs assessment at least annually based on an instrument that is provided by the Department, to assess the needs particular to the school and its student population to enable each student to attain literacy, improve his or her mastery of the CCCS and attain high school graduation. The needs assessment shall identify, those areas if any, in which additional programs or services may be needed to attain the Abbott goals. Where any of the programs, services or positions in (c) through (n) below are in place, the assessment shall include evidence of their relationship to improved student achievement. The needs assessment shall be infused into the district’s three-year operational plan and annual budget.

(c) Each Abbott school shall operate a series of programs and services, appropriate for its grade levels in the specific areas identified in *Abbott V* and reinforced in *Abbott X* that have been demonstrated to be essential for improved student achievement. Such programs and services, depending on need, shall be adjusted to provide none, less, or more than any Court-identified baseline in the Chart of Supplemental Programs in *Abbott X*.

(d) Each elementary school shall operate a full-day kindergarten to improve children’s readiness to enter first grade, to become more effective learners, and to take advantage of whole school reform. In addition to one teacher for every classroom, each kindergarten class shall have an aide.

(e) Class size shall be reduced in every school to 21 in grades kindergarten through three, 23 in grades four and five, and 24 in grades six and beyond to increase the frequency of student-teacher interactions, to reduce distractions, and to provide more opportunities for assessment, feedback and reinforcement. Class size requirements may be temporarily suspended until a school facility's rehabilitation or replacement has been completed, if the SLC can successfully demonstrate the effective utilization of existing space and the need for such temporary suspension.

(f) Each elementary school shall coordinate adequate social and health services and referrals to improve student readiness, performance, and attendance; to identify student needs; to assure that all students receive health care and social services that are demonstrated to be essential for improved achievement; and to reduce teacher time devoted to resolving non-academic matters.

1. The school shall provide a Family Support Team that may include the school nurse, social worker, guidance counselor, teacher, as appropriate. All student data and records shall remain confidential.

i. The Family Support Team shall identify student needs, consult regularly with parents or guardians, provide direct services where appropriate, establish relationships with community social and health providers for services not available in the school, refer students to such providers, and follow-up to assure that student need was satisfied.

ii. The school three-year operational plan shall include an evaluation of the efficiency and effectiveness of any current Family Support Team and its relation to improved student performance.

2. The school shall operate an on-site clinic to provide social and health services if the SLC can successfully demonstrate that such services are not sufficiently available in the community, that on-site services would be more effective and efficient and that they would result in improved student achievement.

(g) Each school serving secondary students shall provide adequate social and health services and referrals to improve student readiness, performance, and attendance to identify student needs as they relate to mastering the CCCS, to assure that all students receive needed health care and social services that are documented to be necessary for improved achievement, and to reduce teacher time devoted to resolving non-academic matters. Each CSA shall ensure that school district staff assist schools seeking to determine the availability of community services to prevent the duplication of effort. Based on demonstrated need, the school shall provide a health and social services coordinator who shall:

1. Coordinate existing staff including the school nurse, guidance counselors, and others to identify student need; provide direct service where appropriate; refer students to community health and social service providers, and follow-up to assure student need was satisfied;

2. Conduct a formal study to determine if community-based services are sufficient and if on-site services would be more effective and efficient in improving student achievement; and

3. Coordinate an on-site clinic to provide health and social services, if needed.

(h) Each school shall provide an adequate technology program to help students master the CCCS; to ensure that school libraries have sufficient equipment to supplement books and the regular curriculum; and to assure that students become literate in the use and potential of computers and other technology. Based on demonstrated need, each school shall provide:

1. A library media specialist, who shall coordinate the mixed media instructional support programs;

2. A technology coordinator to instruct staff and students in the use and care of computers, to keep all technology in good repair, and to recommend needed software and hardware enhancements;

3. Sufficient computers, software and peripherals to assure a ratio of one computer for every five students in the school, as supported by space and electrical limitations of the school facility;

4. Adequate assistive technology and resources to address the needs of students with disabilities; and

5. A successful demonstration of need clearly related to student performance and of the efficiency and effectiveness in the use of current resources to support any planned and budgeted changes to the staffing pattern showing that less or more technology staff and equipment are required in the school.

(i) Each school serving secondary students shall provide a coherent program, as described below, to assure universal high school graduation. Based on demonstrated need, each school shall:

1. Identify students at risk of dropping out based on meeting at least three of the following criteria, which may be supplemented with additional criteria by the district:

i. Current achievement below proficiency for two consecutive years in reading and/or mathematics on State and District assessments;

ii. For purposes of this section, demonstration of poor academic skills, that is, failing two or more subjects in two of the past four school years;

iii. A student who is consistently absent or tardy and who has been absent 25 or more unexcused days in the last two school years and has an overall grade point average below a "C" (2.0);

iv. A student who has been suspended, which includes in-school alternative to home suspension or home suspension two or more times during the past school year;

v. A student who has a record of continuous disruptive behavior;

vi. A student who becomes pregnant;

vii. A student whose family has a history of dropping out or whose family does not support the student in the completion of school;

viii. A student who has a school health record that includes chronic illness, drug or alcohol abuse, or other general condition(s) that affect school performance; and

ix. Upon approval of the Department, other indicators supported by strong evidence may also be utilized to identify students at high risk for dropping out;

2. Assess the special needs of at-risk students for alternative education, extended day and year programs, tutoring, social and health services, school to work, and other interventions responsive to identified needs;

3. Include parents or guardians in the assessment of student needs;

4. Establish articulation with feeder schools to facilitate the transition to high school to connect middle school students to their prospective high school experience;

5. Assure that every middle and high school student has access to guidance and counseling and receives assistance from teachers, counselors and other educational professionals in addressing obstacles to academic achievement;

6. Provide a Dropout Prevention Coordinator if documented as necessary to improve student achievement to assure the placement of each at-risk student in appropriate programs and services responsive to individual student need;

7. Plan and budget sufficient programs, services, and staff to ensure that all programs and services documented as necessary for improved student achievement are available at the school;

8. Assure access to alternative education or comparable non-traditional programs for pregnant students and teenage parents; and

9. Establish annual targets for reduction of number and percent of students identified at-risk.

(j) Each school shall operate a comprehensive violence prevention and school security program based on demonstrated need. The school shall:

1. Provide adequate security personnel and electronic surveillance and security hardware as needed;

2. Establish and enforce a student code of conduct;

3. Conduct staff/parent/community forums to discuss school safety issues that may impact on school climate and student achievement; and

4. Include in the school's three-year operational plan specific plans to end, reduce, maintain, or upgrade existing violence prevention and school security measures, based on the physical needs of the school, data obtained from school and police reports, and an annual review.

(k) Each high school shall provide an adequate program of school to work and/or college transition, based on demonstrated need. The school shall provide:

1. Information about college and employment opportunities to each student;

2. Organization and facilitation of student attendance at college and workplace trips and internships;

3. Specialized course offerings and counseling to help students identify interests and strengths and to learn college and workplace readiness skills, including, but not limited to study habits, on the job cooperation with peers and superiors, interview presentation and techniques, timeliness and other skills identified by school staff as necessary and insufficiently treated in the regular curriculum; and

4. Annual review of the adequacy of the design, intensity and scope of the program and annual plans to end, reduce, maintain, or upgrade existing program components.

(l) Each school shall provide an adequate extended day program, if documented as needed, to provide continual learning opportunities for students. These programs and their need shall be evaluated annually as part of the school and district needs assessment and the three-year operational plan, and, if currently in place, shall include an evaluation of their contribution to improved student achievement.

(m) Each school shall provide an adequate extended year program, if documented as needed, to provide continual learning opportunities for students. Extended day programs and the need for these programs shall be evaluated annually for their contribution to improved student achievement as part of the school and district needs assessments and three-year operational plans.

(n) Each school shall provide an enriched, balanced, nutritional food program based on standards of the Department of Agriculture at N.J.A.C. 2:36. The need for these programs shall be evaluated annually as part of the school

and district needs assessments and three-year operational plans.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).

See: 36 N.J.R. 3167(a).

In (f), substituted "coordinate" for "provide" preceding "adequate social and health services" in the introductory paragraph; in (g), added the second sentence in the introductory paragraph; in (h), rewrote 1 and 3.

6A:10A-3.6 Supports for parents and families

(a) Abbott schools shall facilitate opportunities for families, teachers and other school staff to work together and get to know each other. Each school shall:

1. Provide collaboratively developed procedures for parents and other family members to meet with teachers, the principal, and others working directly with students;
2. Operate a volunteer program for parents, guardians, grandparents, and other family members to work in classrooms and on schoolwide projects; and
3. Establish and maintain an active schoolwide organization to promote parent participation. Such organization shall:
 - i. Meet regularly;
 - ii. Seek membership from all parents;
 - iii. Elect its officers;
 - iv. Provide regular opportunities for parents to learn about schoolwide issues and needs, school and district achievement, and to express their concerns and opinions;
 - v. Assure that information is available in a variety of parent native languages; and
 - vi. Operate under standards and procedures adopted by the district board of education.

(b) Abbott schools shall assure family participation on SLCs and, where practicable, on schoolwide committees as provided in this chapter.

(c) Abbott schools shall provide parent education programs, as needed.

(d) Abbott schools shall provide multiple forms of regular communication with every family, including, but not limited to, the provision of written notes sent home with students, telephone contact, email (where appropriate), letters mailed, teacher conferences, and home visits. Such communication shall take into account the native languages spoken and shall be used to inform families about individual student progress and needs and schoolwide events, including family education programs and elections to SLC; and to solicit family opinions and reaction to school, classroom, and individual student needs, problems and events.

(e) Abbott schools shall provide, as needed, one or more full-time parent liaisons or a part-time parent liaison. The parent liaison shall be responsible for coordinating family education and participation programs in the school as provided for in this section.

(f) Abbott schools shall annually review the level and extent of parent participation in the parent or parent/teacher organization, the SLC, and other schoolwide events in order to determine the effectiveness of policies, procedures and structures implemented under this chapter. Such review shall inform the school three-year operational plan to terminate, reduce, maintain, or upgrade components of the school's family engagement program.

SUBCHAPTER 4. THE DEPARTMENT OF EDUCATION'S ROLE IN SCHOOL IMPROVEMENT

6A:10A-4.1 Improving the Abbott Division's organizational capacity to support Abbott school improvement

(a) The Division will operate to the same standards it expects of Abbott districts and schools in respect to the recruitment, retention, professional development, evaluation and effective deployment of its professional staff. The Division shall:

1. Clearly define the roles and responsibilities of staff members;
2. Assess staff expertise and professional development, central to the Department's mission of improved teaching and student learning;
3. Ensure appropriate alignment of professional credentials, experience and training between assigned field staff and the intended recipient of their assistance; and
4. Assure that all staff members are sufficiently informed about and fluent with these rules.

(b) The Abbott Division shall prepare a three-year plan for the transformation of the Abbott Division to enable it to successfully lead the State's efforts to improve teaching and learning in the Abbott school districts. The plan will address the recruitment, retention, professional development, and effective deployment of Division staff and consultants, as well as the organizational issues to be addressed. The plan will solicit the advice of Abbott stakeholders and those knowledgeable about other state divisions of education or ministries of education in other nations going through the same process. The plan shall include annual goals and objectives with benchmarks to permit assessment of progress. The plan shall be approved by the Commissioner and disseminated by the Department to interested parties.

1. The plan shall estimate the funds that will be required to implement the instructional support and capacity-building goals of the Division as well as those other fiscal, organizational, and monitoring responsibilities. It will also account for the use of the current budget funds provided by designation of two percent parity aid.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).
See: 36 N.J.R. 3167(a).
Added (b).

6A:10A-4.2 Providing leadership for improved teaching and learning in the Abbott school districts

(a) The Abbott Division shall collect, analyze, and disseminate research and data about students and their schools. The Division shall:

1. Provide accurate, timely, and reliable information on Abbott students and their level of mastery of the CCCS through the implementation of a student-level database system, NJ SMART, for tracking, analyzing and disseminating data on student performance and demographics;

2. Serve as a clearinghouse for current research findings related to school improvement, central office reform, school and school district leadership, instructional practice, budgeting, high quality curriculum and professional development, parent engagement, data collection and analysis, collaborative planning and decision-making processes, and the special needs of Abbott students and their schools; and

3. Prepare an annual report that aggregates and disaggregates school and school district level achievement data for all students and coordinate with reports required by NCLB.

(b) The Department shall train district and school personnel to collect, analyze and apply, store and transmit accurate data for NJ SMART and in the use of the NJ SMART data warehouse and in the daily assessments.

(c) The Division shall assure full, effective and efficient local implementation of the Abbott reforms, programs and services. The Division shall:

1. Disseminate and provide assistance for central office personnel and others to become fully informed about these rules;

2. Provide on-going, high quality, collaborative assistance to school districts through the assignment of LSTs.

i. The Commissioner shall designate Department staff to serve on LSTs to be assigned to Abbott districts. Staff assignments shall be adjusted to serve the varying needs of Abbott districts.

ii. The primary role of the LST shall be to facilitate improvement in central office capacity to support

school-based assessment, planning, budgeting, implementation and improvement.

iii. LSTs shall attend Abbott Advisory Council or SLC meetings at the request of either the district central office or the SLC to provide assistance or guidance.

iv. LSTs shall be available to respond to public inquiries and other requests for information and/or their participation at the school, district or community levels in order to improve public understanding of and support for Abbott reforms, programs and services.

v. LSTs shall offer training and assistance to the district central office and schools in the collection and analysis of student and school needs assessment data utilizing the instruments developed and disseminated by the Division.

vi. LSTs shall participate in the formation of school district three-year operational plans and budgets to assure that need has been properly documented, as provided in these rules; that the plans reflect demonstrated need and sound research; and that school and central office budgets fully support such plans. On request, LSTs shall assist principals and their SLCs in the preparation of plans;

3. Collaborate with SLCs and district central office personnel to assure development of effective three-year school and district operational plans and budgets;

4. Issue a decision on Abbott district budgets in accordance with the Supreme Court's May 21, 2003 order, but in no case later than the last business day of May, 2004;

5. Develop guidance and technical assistance for districts to foster a coordinated and integrated delivery of programs and services for special education students, English language learners, homeless or displaced students, migratory students and gifted and talented students;

6. Assign a PAT with the approval of the CSA to each low-performing school, pursuant to N.J.A.C. 6A:10A-3.3(e);

7. Develop with the cooperation of the New Jersey School Boards Association and the Urban Superintendent's Association a program for training Abbott school board members about Abbott programs, budgeting, and instructional goals and their relation to NCLB requirements, and special education and ELL requirements pursuant to N.J.A.C. 6A:14 and 6A:15;

8. Assist district offices in the development of regular and continuous training of SLC members; and

9. Provide forms and guidance to permit districts to apply for waivers in accordance with N.J.A.C. 6A:5.

(d) The Department shall, in concert with the CSA:

1. Conduct orientation and/or training sessions for PAT members and PAT leaders in procedures and practices appropriate to their assignment; and

2. Provide protocols and other materials to assist PAT members.

(e) The Division shall establish partnerships with practitioners, researchers, providers of technical assistance and professional development, and recognized experts. The Division shall:

1. Collaborate with institutions of higher education, schools and districts to develop integrated and improved pre-service and in-service professional development programs to improve the supply of high quality teachers and administrators;

2. Contract with providers of technical assistance and/or professional development to schools and/or central offices, including model developers, universities, consultants and others;

3. Identify sources of expertise for district central office improvement and facilitate collaborations between districts and such sources of expertise; and

4. Encourage the evaluation and study of Abbott student achievement, reforms, programs, and services by recognized scholars and researchers.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).

See: 36 N.J.R. 3167(a).

In (a), deleted former 2, recodified former 3 and 4 as 2 and 3, and inserted "school" preceding "district" throughout; recodified former (c) and (d) as (d) and (e).

6A:10A-4.3 Dispute resolution

(a) The Department shall set forth standards and procedures to facilitate agreements or mediate disagreements between SLCs and school management, SLCs and the district central office, or complaints from SLC members that bear on the implementation of this chapter. Primary responsibility for resolving disagreements will remain with the district.

(b) Once the standards and procedures are set forth, the Department shall prepare its LSTs and other staff persons as appropriate to act in helping to settle such disagreements.

(c) The LST shall report its finding, recommendation, or settlement if any, to the Commissioner and to the interested parties.

6A:10A-4.4 The Statewide Council on Abbott Achievement

(a) The Commissioner shall establish the Statewide Council on Abbott Achievement to provide regular advice and counsel on achieving Abbott's goals. The Commissioner shall appoint the members of the Council in collaboration with the New Jersey Education Association, New Jersey American Federation of Teachers, New Jersey Principals and Supervisors Association, the Urban Superintendents Association, New Jersey School Boards Association, New Jersey Association of School Business Officials, the members of the facilitated regulations group established in *Abbott X*, and the Education Law Center. The Council shall:

1. Review and make recommendations about State policies, procedures, and three-year Divisional plans and annual budgets; and review and make recommendations concerning this chapter as needed;

2. Hold its first meeting by October 15, 2003 at which time it will advise on procedures, frequency of meetings, and priority agenda items for the year; and

3. Be chaired by the Commissioner.

SUBCHAPTER 5. THE ABBOTT SCHOOL DISTRICT'S ROLE IN SCHOOL IMPROVEMENT

6A:10A-5.1 Role of Abbott district board of education

(a) The district shall address student, staff and school needs through full, effective, and timely implementation of reforms, programs, and services mandated or authorized in the Abbott decisions, and in compliance with all Federal and State law and regulation. The district shall seek to become a collaborative learning organization focused on improving teaching and student learning through building its own and school-based capacity for self-improvement.

(b) The Abbott district board of education as required by N.J.A.C. 6A:10A-3.1(b) shall review and adopt not later than March 11, 2004 the school district three-year operational plan submitted by the CSA. The school district budget shall be adopted by the district board of education and submitted to the Department pursuant to N.J.S.A. 18A:7F-6c. In adopting the plan and budget, the board shall assure that the three-year operational plans and budgets adopted by each SLC have been incorporated into the school district's three-year operational plan and budget as approved by the school district; that each school has highly qualified teachers and able leaders; and that the school district and schools have budgeted for sufficient resources and facilities. The board shall provide for public review and comment at an advertised special or regular meeting. The district board of education shall consider recommendations from the CSA and input from the SLCs and shall:

1. Assure the appointment and regular performance review of a highly qualified superintendent, consistent with N.J.A.C. 6A:9, and be guided by the Professional Standards for the Superintendency, developed by the American Association of School Administrators, 1993, in appointing a new superintendent and in assessing superintendent effectiveness. The Professional Standards shall be incorporated herein by reference and may be obtained from the New Jersey Department of Education, Division of Abbott Implementation, 100 River View Plaza, PO Box 500, Trenton, N.J., 08025-0500 or found on the Department's website.

(c) The district board of education, administration, teaching staff and support staff of each district shall cooperate fully with the Department and its assigned LST in the implementation of Abbott programs and services; school-based decision-making and budgeting; the effective and efficient expenditure of funds; and the identification of reallocations necessary for the effective and efficient implementation of required or Department approved new programs and services.

(d) The district board of education shall submit secretary's reports, treasurer of school monies reports, minutes and reports of all transfers to the Department monthly.

(e) The board of education shall adopt policies on the duties and responsibilities of SLCs, established pursuant to N.J.A.C. 6A:10A-6.2.

(f) For the 2003-2004 school year, the district board of education shall budget an amount equal to two percent of the school district's Abbott v. Burke Parity Remedy Aid for the Department's costs to manage, improve, and supervise the implementation of programs and services authorized in this chapter as authorized in the appropriations act for Fiscal Year 2004.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).

See: 36 N.J.R. 3167(a).

In (b), rewrote the introductory paragraph and amended the N.J.A.C. reference in 1; added a new (d) and recodified former (d) as (e); added (f).

6A:10A-5.2 Role of Chief School Administrator and Central Office

(a) The Chief School Administrator (CSA) shall lead the district-wide improvement of teaching and learning. The CSA shall:

1. Encourage among central office staff a focus on professional inquiry and growth. The CSA shall:

i. Assess staff expertise and professional development needs through the use of regular and fair performance reviews, informed by best practices, and consistent with N.J.A.C. 6A:9;

ii. Provide opportunities for ongoing, targeted professional development, central to the district's mission of improved teaching and student learning; and

iii. Assure widespread awareness of the meaning and intent of this chapter to guide school, local and State implementation of the Abbott reforms, programs, and services;

2. Ensure that each school is led by a qualified and effective principal. The CSA shall:

i. Be guided by the 1996 Standards for School Leaders, developed by the Interstate School Leaders Licensure Consortium under the guidance of the Council of Chief School Administrators in assessing principal

effectiveness. The Standards for School Leaders shall be incorporated herein by reference as amended and supplemented and which may be obtained from the New Jersey Department of Education, Division of Abbott Implementation, 100 River View Plaza, PO Box 500, Trenton, NJ, 08025-0500 or found on the Department website;

ii. Regularly assess and provide for the needs of all principals to achieve the objectives of this chapter as a foundation for persistent professional development; and

3. Establish a comprehensive and effective human resource program that includes the following elements:

i. Identification and successful recruitment of highly qualified applicants to fill staff vacancies;

ii. Efficient compliance with State and Federal personnel requirements;

iii. Specific attention to the needs of first-time or returning professionals for coaching and mentoring; and

iv. Assurance of a fair, regular, and honest personnel evaluation system aligned with the district's instructional objectives; and

4. Develop and align curricula to CCCS. The CSA shall:

i. Assure and document in the three-year operational plan that collaboration, articulation and continuity occur between preschool and kindergarten, as required by N.J.A.C. 6A:10A-5.2; between elementary and middle school(s); and the high school(s) to ensure a smooth transition for students between grades and between schools. The CSA shall document that there is an unbroken curricular and instructional connection between preschool and kindergarten;

ii. Establish collaborative groups, which may include central office and school-specific teams comprised of teachers, principals, subject-area specialists and/or external experts, and parents, to develop, refine, and align curricula, based upon developments in the subject area and the CCCS;

iii. Assure any school-specific curriculum is aligned to the CCCS; and

iv. Assure that all staff are fully informed through professional development opportunities about new or revised curricula and is prepared to teach the curricula.

(b) The CSA shall establish a central research, assessment, and data management capacity in collaboration with schools and the Department as part of an evidence-driven culture of continuous examination and refinement. Each district shall collect and analyze student, teacher and school data including achievement, attendance, professional development and documented needs. The district shall:

1. Assist schools with data collection and analysis for assessing student instructional needs, preparing three-year operating plans, reviewing school budgets, and reporting student results as required by NCLB;

2. Provide adequate services and expertise to the schools to assist in the improvement of school operations, programs, and services, as needed; and

3. Intervene in schools where students consistently fail to master the CCCS that are not otherwise designated as "low-performing schools" by the Commissioner. Such schools include those in which 20 percent or more of the students continuously enrolled for three or more years are not proficient on State assessments. The CSA, SLC and principal shall assess the reasons for underperformance and agree on the steps to be taken to improve student achievement with interim benchmarks to gauge progress.

(c) The CSA shall lead the school and district improvement planning and budgeting process. The CSA shall:

1. Provide direct assistance to schools in planning and budgeting to assure the implementation of the school three-year operational plan by:

i. Drafting maintenance budgets by November 3, 2003 for the 2004-2005 school budget that continue current year expenditure, adjusted for the estimated cost of living increases for the following year;

ii. Revising draft budgets to accommodate any reallocation, restoration, modification and/or new reforms, programs, and services as identified by the SLC and any revisions required to conform to district policies; and

iii. Approving SLC plans and budgets for timely submission to the district board of education; and

2. Produce a district three-year operational plan, including:

i. Assessment of, and planning for, improved central office management of school, programs and district operations with priority to assisting school instruction and student achievement, particularly in underperforming schools; and

ii. A 2004-2005 district budget that is submitted to the Department pursuant to N.J.S.A. 18A:7F-5(c) and 6(c), that is balanced consistent with N.J.S.A. 18A:4-14 and 18A:22-8 and that supports adequately the combined approved budgets of the SLCs and the central office.

(d) The CSA shall create school and district level groups comprised of representative stakeholders to collaborate on school improvement. The CSA shall:

1. Ensure that each school establishes an SLC, pursuant to this chapter, adopt guidelines for its membership, selection, training and operation consistent with this chapter and district board of education policies;

2. Assist schools in ensuring high participation of parents and community members on SLCs by soliciting candidates and promoting election participation in local media outlets; and

3. Establish an Abbott Advisory Council. The Council shall:

i. Be comprised of representative stakeholders, including representatives from the same stakeholder groups that comprise the SLCs, and other advocates;

ii. Be chaired by the CSA or designee;

iii. Meet no less than bi-monthly during the school year;

iv. Be established no later than October 24, 2003;

v. Establish by-laws to govern its operation, based upon a draft supplied by the CSA, no later than December 8, 2003;

vi. Review the district three-year operational plan and budget and its annual modifications, prior to submission to the board of education;

vii. Review district policies and procedures to implement Abbott reforms, programs, and services prior to submission to the board of education; and

viii. Receive status reports on districtwide efforts to improve teaching and learning, celebrate examples of success, and assist in the identification and removal of widespread obstacles to improved teaching and learning.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).

See: 36 N.J.R. 3167(a).

In (a), amended the N.J.A.C. reference in 1i.

SUBCHAPTER 6. THE ABBOTT SCHOOL'S ROLE IN SCHOOL IMPROVEMENT

6A:10A-6.1 Role of the principal in leading and supporting school improvement

(a) The Abbott school principal's role as instructional and organizational leader is expanded to include managing daily school operations; program implementation; and staff assignment, supervision, and evaluation. An Abbott principal shall also ensure:

1. Effective, timely, and coordinated implementation of standards-based reform, whole school reform, and the adequate provision of teacher, student and parent supports, provided in this chapter;

2. The establishment of a culture of professional inquiry and growth among school staff leading to improved teaching and learning;

3. Growth of parent and family engagement in, and support for, the school;
4. The effective development and operation of the SLC, including SLC member professional development; and
5. Effective use of the district central office, the LST, model developers, or other providers of professional development and technical assistance.

6A:10A-6.2 Establishment of School Leadership Councils

(a) Each school shall have an SLC to facilitate the participation of the principal, teachers, staff, parents, grandparents or guardians, and the community to develop a culture of cooperation, accountability and commitment, all with a focus on improving student achievement.

1. The SLC shall assist in the development of the school three-year operational plan and the annual school budget.
2. The SLC shall concentrate on the objective of universal mastery of the CCCS. In this role, the principal and instructional staff are responsible for implementation. No SLC shall manage the day-to-day implementation of school policies. The primary responsibility of the SLC shall be to assist in the effective delivery of instruction.

(b) SLC membership shall include the building principal, teachers, the non-instructional support staff, parents, community representatives and, where applicable, the WSR facilitator. The SLC may include students. District board of education members shall not serve on the SLC. Parents employed by the school district, but not employed at the school, are eligible to serve on the school's SLC as a parent representative. No group identified above may constitute more than 50 percent of the SLC membership.

(c) Election of representatives to the SLC shall be as follows:

1. Certificated staff members shall elect representatives from certificated staff. The election process shall be agreed upon and conducted jointly by the principal and the building representative of the bargaining unit or his or her designee, if the building representative is a candidate in the election;
2. Non-certificated staff members shall elect non-certificated staff representatives. The election process shall be agreed upon and conducted jointly by the principal and the building representative of the bargaining unit or his or her designee, if the building representative is a candidate in the election;
3. Parents and guardians shall elect parent representatives. The election process shall be agreed upon and conducted jointly by the principal and the president or chairperson of the school's parent organization/association or his or her designee if the parent leader is a

candidate in the election. Such election shall occur after notifications sent home with the students and other effective means have been employed to attract a broad and diverse candidate pool and to assure maximum participation in the election. A parent who is an employee may not be a parent representative at the school where he or she is employed; and

4. The community representative(s) shall be nominated by the principal and approved by the SLC. The principal shall send the criteria for nomination to religious and community-based organizations/institutions, and other means of communication to attract a broad and diverse candidate pool.

(d) Every SLC shall operate as follows:

1. The minimum term for each representative is two years. Terms should be staggered to ensure continuity. A representative who has served his or her term may be eligible for re-election if nominated and elected in accordance with (c) above. A parent with children in more than one school may be elected to serve on more than one SLC, except as noted in (c)3 above and if permitted by the school district's guidelines.

2. The district shall issue guidelines for SLC election and removal of SLC members after review by the Abbott Advisory Council in accordance with this chapter. The guidelines shall include means of effective outreach to assure broad participation by parents, guardians and the community;

3. A member of the SLC shall receive no compensation for his or her services except that:

i. This provision shall not preclude payments to an employee pursuant to a collective bargaining agreement for hours beyond the school work day; and

ii. A member of the SLC may be reimbursed for reasonable expenses at the discretion of the district;

4. The SLC shall meet at least monthly. The times, place and dates of meetings shall be agreed to by a majority of the SLC membership with variations in time and place to accommodate all members, with particular attention to parents and community representatives;

5. The SLC may establish subcommittees and working groups as needed. Membership on subcommittees and working groups shall be open to members of the school community not serving on the SLC;

6. The SLC shall adopt bylaws that are consistent with district guidelines and requirements and the provisions of this chapter;

7. The SLC may report difficulties that threaten the orderly discharge of its responsibilities to the CSA, who shall assist in resolving such difficulties by providing mediation, additional training or technical support. The SLC may also report operating difficulties to the LST;

8. SLC members who were elected prior to the special adoption of this chapter shall serve out their terms, not to exceed two years. When vacancies occur, or if new members are added, this chapter applies; and

9. Any SLC not in compliance with this chapter or which has been characterized as ineffective by a performance assessment team, shall, with the LST and the CSA, produce a transition plan that identify actions to make the SLC more effective, which may include requests for appropriate waivers or equivalencies of the requirements pursuant to this chapter.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).

See: 36 N.J.R. 3167(a).

In (b), inserted "school" preceding "district" in the fourth sentence and added the last sentence; in (c), added the final sentence in 3; in (d), rewrote 1.

6A:10A-6.3 Roles and responsibilities of School Leadership Councils

(a) The SLC shall be the collaborative, decision-making body to improve teaching and learning in the school. The SLC shall, under the leadership of the principal:

1. Continuously analyze student and school needs assessment data; assess, review, and improve standards-based reform, whole school reform, and supports for teaching, student learning and parent engagement;
2. Review the school-based budget prepared by the central office for accuracy and to ensure that the needs of students, faculty and the school are addressed. The SLC may propose modifications, consistent with the district budgeting procedures and criteria. The SLC must document its recommendations and explain why the proposed budget is insufficient or excessive to meet the district's and the school's goals;
3. Participate in required district-or Department-provided training;
4. Interview and recommend at least three candidates for principal to the CSA, if the SLC has decided by majority vote to participate in personnel matters and has completed specific district training in that area. If the CSA determines that the SLC is eligible to participate in principal interviews, the principal vacancy shall not be filled without its recommendation;
5. Collaborate with the Performance Assessment Team if the school has been designated a low-performing school;
6. Review State assessment results and other performance data to determine strengths and weaknesses in student performance, instructional practice and/or curriculum, and to recommend steps to remove obstacles to improvement;

7. Review implementation of the school three-year operational plan and amend the plan and/or goals of the plan in light of performance data and circumstances, and make the revised school three-year operational plan available to the school community, the school district, and the Department. The revised three-year operational plan shall reflect a continuous evaluation of the impact of programs and services on student achievement, and recommend improvements. The revised school three-year operational plan for 2004-2005 and beyond shall be submitted to the school district not later than December 12, 2003; and

8. Maintain minutes and an agenda for all SLC meetings and make them available to the school community. Copies of the minutes shall be transmitted on a timely basis to the CSA.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).

See: 36 N.J.R. 3167(a).

In (a)7, inserted "school" preceding "district" in the first and last sentences and substituted "operational" for "operating" preceding "plan" in the second sentence.

6A:10A-6.4 Training of School Leadership Council members

(a) The district shall provide training to SLC members, for which it may request the assistance of the LST. The training shall include, but not be limited to:

1. Roles, relationships and responsibilities of the SLC;
2. Development, implementation and evaluation of the school three-year operational plan and the school portion of the annual budget;
3. School-based budget review process;
4. Needs assessment and continuous improvement process;
5. Curriculum and instruction including the scope and content of the CCCS; as well as programs and opportunities for ELL students and special education students;
6. Teamwork and consensus building;
7. Personnel, including certification requirements and the classroom observation and evaluation process; and
8. The requirements of NCLB and other laws or regulations that impact on school operations or the delivery of instruction.

(b) The CSA shall remove a SLC member who has not fulfilled the training requirement. Any member so removed may appeal to the Commissioner, pursuant to N.J.A.C. 6A:3.

(c) The LST shall make available to the district all Department training materials and information. The Department shall ensure that the district has adequate technical resources to provide training. Upon request, the Department shall assist the district in providing training.

SUBCHAPTER 7. DISTRICT REQUEST FOR
DISCRETIONARY EDUCATION
OPPORTUNITY AID (DEOA) FOR THE
2004-2005 SCHOOL YEAR

6A:10A-7.1 Application for discretionary education opportunity aid

(a) Discretionary education opportunity aid (DEOA) is provided to support the instructional needs of age-eligible residents of the school district assessed by the school district, and approved by the Commissioner, as essential to improved student achievement that cannot be otherwise funded with State categorical aid, and other State aid, education opportunity aid (EOA), Federal and local funds, or from the reallocation of funds from non-instructional or ineffective programs. The board shall submit to the Department pursuant to N.J.S.A. 18A:7F-5(c) and 6(c), a balanced budget for the 2004-2005 school year consistent with N.J.S.A. 18A:4-14 and 18A:22-8, this chapter and the Department's November 6, 2003 Guidance Document, "Improving Learning and Literacy in Abbott Classrooms," incorporated herein by reference and as Appendix B. This budget shall be consistent with the school district's revisions to its three-year operational plan to reflect the instructional priorities specified in the Department's February 9, 2004 letter to each school district. Any request for DEOA requires the applicant school district to complete the budget application and supporting documents provided by the Department in accordance with N.J.S.A 18A:7F-6.

(b) The board shall consider all available resources, reallocations and potential efficiencies before submitting an application for DEOA as follows:

1. Undesignated general fund balances in excess of two percent;
2. Salary appropriations for vacant positions in excess of the district's average salary for the position title;
3. Salary breakage for replacement of retiring staff during the upcoming budget year;
4. Positions, programs and services or other expenditures that are not effective in enabling some or all students to achieve the CCCS;
5. Appropriations in excess of actual documented need as contained in the approved district and school three-year operational plans;

6. Proper allocation of all costs eligible for funding under the Educational Facilities Construction and Financing Act;

7. For supplemental funding in the 2004-2005 school year, that the district's central office and administrative and non-instructional costs do not exceed the standards for effectiveness and efficiency established by the Department; and

8. That for 2004-2005 school year funding, the organization, supervision, and implementation of instructional and supplemental programs fully integrate and coordinate State, local, and Federal funds at the classroom level and that school staffing levels meet Department standards for the effective and efficient delivery of instructional and supplemental services.

(c) The Department shall review school district budgets and DEOA requests in a uniform and consistent fashion to determine:

1. That each school district's application for DEOA is complete. The Department shall notify any school district of information that is required that is missing in whole or in part. School districts supplying complete and timely information as requested will receive a decision of its DEOA request by May 28, 2004. School districts not supplying full and timely information may receive a conditional award and/or a delay of disbursement of DEOA subject to full compliance with the request for information;

2. That each school district provided a listing by program and associated cost for all new or expanded programs, services, contracts and positions that are included in the 2004-2005 budget that were not a part of the approved budget for 2003-2004;

3. That each school district properly reallocated inefficient spending from central office administrative accounts;

4. That each school district reallocated from expenditures that are not effective or efficient;

5. That each school district is attaining economies and efficiencies in the delivery of services and programs; and

6. That each school district document that essential programs or services cannot be funded through reallocation and that without DEOA the revisions to the district three-year operational plan that relate to the Department's February 9, 2004 letter cannot be implemented.

(d) In making the determination as to whether an existing program, service or expenditure should be exempt from reallocation, in whole or in part, the Department shall consider whether:

1. Elimination of the existing program, service or other expenditure would undermine the foundational education program of the school; and

2. The existing program, service or other expenditure is being delivered efficiently and integrates State, local, and Federal programs and funds.

(e) The Department shall employ a uniform approach to determine the most accurate costs in large cost categories such as salaries, health benefits, and special education, which shall be applied to the specific circumstances of each school district and used to determine the reasonableness of any proposed increase for these categories in FY2005.

1. Salaries. For school districts with settled contracts that have submitted all requested salary data that the Department is able to determine conformity with the bargaining agreement, the Department shall apply the appropriate percentage to determine FY2005. For districts with settled contracts that have not submitted the required salary data, the Department shall analyze the 2003-2004 salary file to determine the base contracted salary and apply the appropriate percentage to determine FY2005 contracted salary costs. For school districts with no settled contract, the 2003-2004 salaries shall be increased by the CPI or three percent, whichever is greater, subject to later review and adjustment. The review shall include comparisons with the settlements reached by school districts in the same region.

2. Health benefits. In the absence of certified rates for Fiscal Year 2005, the Department shall review one month of actual costs for enrollment and distribution of plans. If the school district is on a calendar year for health benefits, the one month shall be multiplied by six with no increase applied for the period July through December 2004; an eight percent increase shall be applied for the January through June 2005 period. For school districts on a fiscal year for health benefits, the one-month cost shall be multiplied by 12 and increased by four percent.

3. Special education. The Department shall analyze the past five years of special education enrollment to predict the school district's special education enrollment increase for Fiscal Year 2005. The Department shall then compare this projection to the school district's projection in Supporting Documentation Item 6B.2 for the Fiscal Year 2005 budget. If the school district's projection is higher, the Department shall take the average cost given in Supporting Documentation Item 6B.2, multiply by the enrollment differential, and deduct the product from the DEOA request.

(f) The Department shall issue a DEOA award letter on or before May 28, 2004. Therein, the Department shall direct reductions and/or reallocations of spending, reduction or elimination of specified inefficiencies/conditions of the award and shall establish the conditions for the distribution of DEOA.

1. The Department shall direct reductions including, but not limited to, the reduction of all capital reserves to one dollar and all tuition reserves, and any other reserves established by the school district that are not required by the Department to zero unless the tuition reserve has been designated for a Fiscal Year 2005 accounts payable.

2. The Department shall direct reallocation from categories including, but not limited to, the following:

i. Undesignated general and special State revenue fund balances in excess of two percent based in part on a review of the Advertised Recapitulation of Balances and of the documentation in Appendix E of the Budget Guidelines 2004-05 Budget Statement; as well as a review of the most recent board secretary report and the historical analysis of a school district's fund balance;

ii. Salary appropriations for vacant positions that are budgeted in excess of Step 1 on the school district's salary guide for the position title or for positions that are not likely to be filled based on the school district's actual vacancies over the past three years;

iii. Budget appropriations or transfers from the general fund to a capital reserve fund for any facility or project not eligible for full funding by the School Construction Corporation under the Educational Facilities Construction and Financing Act, P.L. 2000, c.72;

iv. Non-recurring costs;

v. Areas of under-budgeted revenues;

vi. The estimation of projected end-of-year surplus for Fiscal Year 2004 shall also be reviewed giving consideration to current spending in comparison to amounts budgeted, current estimates of miscellaneous revenues, revised State aid amounts, and open purchase orders that may be cancelled;

vii. Equipment;

viii. Aides that are not mandated for preschool, kindergarten and special education; and

ix. Charter school costs where the budgeted amount exceeds the amount certified by the Department for payment.

3. The Department shall make appropriate reductions from the school district's request for all proposed expenditures found to be inefficient. Inefficiencies shall include, but not be limited to, the following:

i. Central office administrative costs proposed for Fiscal Year 2005 that exceed the regional standards established for such costs;

ii. Maintenance and custodial services where the proposed costs exceed the average costs for school districts in the same region;

iii. Transportation, including courtesy busing, where the proposed costs exceed the average costs for school districts in the same region;

iv. Transfers to the Enterprise Fund deficit; and

v. Any expenditure that was proposed for Fiscal Year 2003–2004 that was determined to be inefficient that remains inefficient.

4. A school district seeking DEOA funding for new or expanded programs must demonstrate that it has analyzed the evidence of student instructional problems such that the proposed DEOA expenditures will permit the adoption and implementation of practices for which there is a reasonable expectation that student academic performance will improve as specified in this section and in the Guidance Document, “Improving Learning and Literacy in Abbott Classrooms,” chapter Appendix B. Requests for DEOA for new or expanded funding that are not consistent with the revisions in the school district three-year operational plan and the instructional priorities specified in the February 9, 2004 letter may be rejected with or without conditions. The school district’s request must be reflected in the revisions to the district three-year operational plan with the following:

i. School- and school district-level data on student performance on State tests must be organized longitudinally for at least three years for ESPA/NJASK4, GEPA, and HSPA and by demographic subgroups required by NCLB in addition to CES. There must be a connection between the evidence and analysis of student performance, the instructional priorities and responses set by the school district in its revisions to the School District Three-year Operational Plan, and the request for DEOA as required by N.J.A.C. 6A:10A-5.2(b).

5. The Department shall withhold the disbursement of DEOA to school districts that fail to meet minimal, customary, and statutory standards of efficient financial management and business operations and/or do not follow customary, basic, and required instructional standards, policies, and practices. School districts shall be advised in an attachment to the Department’s May 28, 2004 letter of any area in which the Department deems the school district to be presently deficient in any of the following prescribed areas:

i. The school district’s CAFR for 2002–2003 did not include any qualifications or an adverse opinion by the auditor to the school district’s adherence to generally accepted standards of accounting and financial management. School districts that received a qualified or adverse audit opinion must certify by July 1, 2004 that the reasons for the qualified or adverse audit opinion have been corrected and that the correction is confirmed by the Fiscal Year 2003 auditor;

ii. The school district did not incur a deficit in Fiscal Year 2003 as documented by its CAFR. School districts that incurred a deficit in that year shall demon-

strate in a plan filed by July 1, 2004 that the conditions producing the deficit have been corrected and that sufficient financial controls are in place to prevent a recurrence as confirmed by the Fiscal Year 2003 auditor and approved by the Department;

iii. The school district participates in available cost-savings programs that include at least the Alliance for Competitive Energy Services (ACES), the Alliance for Competitive Telecommunications (ACT), the New Jersey School Boards Association Insurance Group (NJSBAIG), the New Jersey State Health Benefits Plan, and is current in submitting all claims for reimbursable costs under the Federal “e-rate” program for encouraging the use of the internet. School districts that are currently not members of these cost-saving programs shall document their membership by September 1, 2004 or demonstrate savings equal to or greater than members;

iv. The school district operated its Enterprise Fund in Fiscal Year 2003 without a deficit as certified by the CAFR. School districts that operated at a deficit shall submit a plan by July 1, 2004 for reducing the deficit to zero by Fiscal Year 2006, and that the deficit certified for Fiscal Year 2003 can be reduced by at least 50 percent by the end of Fiscal Year 2005. The plan must demonstrate the targets for measuring interim progress during the school year. The plan will be reviewed for approval by the Department;

v. The school district maintains an accurate, complete, and timely roster of position control and therefore can certify the actual number of professional employees who are being paid for work performed. School districts without a roster of position control must implement and produce such a roster not later than October 1, 2004;

vi. The school district produces timely and accurate monthly Board Secretary and School Treasurer reports within 45 days of the month’s end, and pursuant to N.J.S.A. 18A:17–10, the Annual Report by August 1. All school districts shall demonstrate full and timely compliance during Fiscal Year 2005;

vii. The school district applies for, and implements, Federal grant programs in a timely and appropriate manner. School districts that fail to secure available Federal funds in a timely manner during Fiscal Year 2003 or Fiscal Year 2004 or return a material portion of Federal grant funds awarded for incomplete or inappropriate implementation, shall demonstrate full and timely compliance during Fiscal Year 2005;

viii. The school district demonstrates efficient financial management by not incurring penalties and interest payments for late payments and that it takes full advantage of discounts for prompt payment. A school district that incurs penalty and interest payments for late pay-

ment shall demonstrate the improvements to be made to its financial operations to avoid such payments;

ix. The school district has curriculum as specified at N.J.A.C. 6A:10A-3.2(a) and 5.2(a)4 that includes a clear and specific set of instructional expectations for teachers and students by grade level and by the content, sequence, and pacing of such instruction, and that the curriculum is fully aligned by specific reference to the Core Curriculum Content Standards and is used to guide the purchase of textbooks, instructional software and other materials, and offers guidance for best instructional practices and how to assist students who fall behind. School districts determined by the Department to be without such a curriculum shall document by September 1, 2004, subject to Departmental review, that such a curriculum is available for implementation during the 2004-2005 school year;

x. That a school district shall report the results and analysis on state assessments for the 2002-2003 school year in statistical subgroups for Continuously Enrolled Student-District, Continuously Enrolled Student-School, and for at least three years' results by the subgroups required by NCLB. School districts that have not produced the CES subgroup results, and the NCLB subgroup results and/or analyses, shall do so by September 1, 2004;

xi. The school district shall have documented in its revisions to the School District Three-year Operational Plan that it has taken all necessary steps to implement during the 2003-2004 school year the Intensive Early Literacy (IEL) standards as defined by N.J.A.C. 6A:10A-3.2(c). A school district that did not implement IEL shall document by September 1, 2004 the steps it will take in the 2004-2005 school year to incorporate the elements of IEL in all schools serving the K-3 grades, with indicators of progress and a timetable that must be met;

xii. The school district in which one or more schools was designated a "Low-Performing School" by Abbott X shall support and implement in 2004-2005 any written agreement with the Department such as for the implementation of Intensive Early Literacy practices, subsequent to the March 11, 2004 filing of the school district's budget. A school district that does not implement such agreement may seek to renegotiate the agreement with the Department or the Department may withhold disbursement of DEOA; and

xiii. The school district has in force a plan for the recruitment, retention, and professional development of highly qualified teachers and principals for each classroom and school respectively as required by N.J.A.C. 6A:10A-5.2(b). A school district that does not have an acceptable plan, shall file one by September 1, 2004.

(g) If, during the school year, the district board of education determines that, due to unanticipated expenditures or unforeseen circumstances, additional funds are required to implement the Department-approved programs in the school district three-year operational plan, a separate application for DEOA shall be filed consistent with the provisions of this subchapter.

1. The application shall document the nature of the unanticipated expenditures or unforeseen circumstances and the impact on the current approved budget and the specific budget lines and account numbers the DEOA will be used to fund.

2. The Department's review of the separate application shall be consistent with the provisions in (c), (d), (e) and (f) above and shall consider the current status of the approved budget.

3. Upon review of the current status of the school district's approved budget, the needs of the school district as presented in the application and the proximity of the application submission to the end of the school year, the Department may direct the reallocation of general fund balances below two percent prior to approving additional resources or order the reallocation of funds from accounts that are projected to be under spent.

4. Amounts approved by the Commissioner in response to the school district's separate application shall be available for expenditure during the 2004-2005 school year.

5. The revenue shall be recognized through the establishment of an accounts receivable subject to appropriation in the subsequent year's appropriations act, or by a supplemental appropriation.

6. The initial appropriation equal to the revenue recorded in (g)5 above shall be recorded in an account designated by the Department and shall be available only for the specific purposes identified in the award letter from the Department. All transfers out of that account into the individual appropriation accounts the funds were awarded to fund require Department approval prior to the transfer and use of the additional funds.

7. All transfers into and out of accounts DEOA was awarded to fund in (g)1 above, from the date of the award through the end of the school-year, require Commissioner approval prior to the transfer of funds.

(h) Any district board of education requesting DEOA shall ensure that all spending is necessary and aligned with the objectives and strategies for achieving the CCCS and ensuring all students read at grade level by the end of third grade. Expenditures related to Department-approved pre-school program plans and programs related to helping all students achieve the CCCS and read at grade level by the end of third grade shall be given the highest priority.

(i) Any district board of education receiving DEOA in the current year or requesting DEOA in the subsequent budget year shall not establish a tuition reserve at June 30 of the current year as provided for in N.J.A.C. 6A:23-3.1(f)8.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).

See: 36 N.J.R. 3167(a).
Rewrote the section.

SUBCHAPTER 8. ABBOTT SCHOOL LEVEL BUDGET AND FINANCIAL REPORTING REQUIREMENTS

6A:10A-8.1 School-level budget and financial reporting requirements

(a) Each Abbott district board of education shall conform to the following requirements:

1. The district board of education shall consider Comprehensive Education Improvement and Financing Act (CEIFA) generated revenue and all other State, local and Federal revenue as revenue available for the general fund unless expressly restricted by Federal law or written contract, for the purpose of implementing the Department review of the school district and school three-year operational plans and to reflect the instructional priorities specified in the Department's February 9, 2004 letter to each school district.

2. The district board of education shall apply for schoolwide status under Title 1, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) for each eligible school in the school district, as reauthorized under the No Child Left Behind Act of 2001 or submit a Federal waiver request to obtain permission to combine Federal, State and local funds.

3. The district board of education shall record appropriations and expenditures by school for classroom instruction, school level technology, student support services (family support team), educational media and library, professional development, security and school-level administration.

4. School-level appropriation transfers necessary during the year to effectuate the requirements and components of the approved WSR model or alternative WSR design require board approval. The school business administrator and chief school administrator shall certify availability of funds prior to submitting the request to the board for approval.

i. Notwithstanding this paragraph, each district board of education shall ensure that each school has the necessary resources to implement all components of its WSR model or alternative WSR design, and shall appropriate additional funds from unreserved general

fund balance or transfer amounts between schools during the year in accordance with N.J.A.C. 6A:23-2.11(a)3 and N.J.S.A. 18A:22-8.1, 18A:22-8.2, 18A:7F-6(c) and 18A:7G-31, except where prohibited by any Federal law. An Abbott district board of education may apply for additional State aid when necessary pursuant to N.J.A.C. 6A:10A-7.1(f).

5. Any appropriation balances remaining at the end of the year shall lapse and be commingled with the general fund balance of the school district, except where prohibited by any Federal law that may restrict such commingling.

6. Transfers into or out of charter school appropriation lines and any other transfers the school district deems necessary require prior Department approval on forms prescribed by the Commissioner.

7. Preschool Expansion Aid, Early Childhood Program Aid, other State aids and local funds may be used to support the Department approved preschool budget.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).

See: 36 N.J.R. 3167(a).
Rewrote the section.

SUBCHAPTER 9. APPEALS

6A:10A-9.1 Applicability of subchapter

(a) Commencing with decisions related to the 2004-2005 school year, an aggrieved applicant from any Department decision arising from this chapter with the exception of decisions on early childhood program and budget applications and district budgets may appeal to the Commissioner in accordance with the provisions of N.J.A.C. 6A:10A-9.2 through 9.6.

(b) Commencing with decisions related to the 2004-2005 school year, appeals of Department decisions on Early Childhood program and budget applications shall proceed in accordance with the provisions of N.J.A.C. 6A:10A-9.7.

(c) Commencing with decisions related to the 2004-2005 school year, appeals of Department decisions on District budgets shall proceed in accordance with the provisions of N.J.A.C. 6A:10A-9.8.

6A:10A-9.2 Filing, service and documentation of petition

(a) Any appeal filed pursuant to this subchapter shall, except as noted in (a)1 below, meet the filing, service and format requirements for petitions of appeal as set forth in N.J.A.C. 6A:3, and shall generally proceed as a contested case except as noted in this subchapter. Service of the petition is required on the Attorney General of the State of New Jersey, and should be directed to the Department of Law and Public Safety, Division of Law, PO Box 112,

Trenton, New Jersey 08625-0112; Attention: Education Section.

1. Except as provided N.J.A.C. 6A:10A-9.7 and 9.8, any appeal filed pursuant to this subchapter shall be filed within 30 days of the date of the decision which is the subject of the requested contested case hearing.

(b) Any appeal filed pursuant to this subchapter shall include, in addition to the petition required under (a) above, a copy of the complete application submitted to the Department and a copy of the determination from which the appeal is taken.

(c) Appeals may be filed by the entity that submitted the application under dispute, or by the district board of education in the case of applications filed by entities other than the district board of education. In any appeal in which the district board of education is not the petitioner, the district board of education shall be named as an indispensable party to the appeal.

6A:10A-9.3 Filing, service and documentation of answer

(a) Answers to petitions of appeal filed pursuant to this subchapter shall meet the filing, service and format requirements for answers as set forth in N.J.A.C. 6A:3. Nothing in this subchapter shall preclude the filing of a motion to dismiss in lieu of an answer.

1. Except as provided N.J.A.C. 6A:10A-9.7 and 9.8, any answer filed pursuant to this subchapter shall be filed within 20 days of the date of receipt of the petition.

6A:10A-9.4 Review of pleadings

Upon review of the petition, answer and supporting documentation, the Commissioner may use the procedure set forth in N.J.A.C. 6A:10A-7.5 to decide the matter. If so, he or she shall notify the parties and they shall be provided the opportunity to submit any additional documents submitted to the Department or considered by the Department in rendering the decision.

6A:10A-9.5 Submission of position statements and replies

If the Commissioner requires the submission of position statements and replies, within 20 days after receipt of the notice from the Commissioner pursuant to N.J.A.C. 6A:10A-7.4, the petitioner shall file a letter memorandum setting forth the basis for its position, referencing the criteria established for the application process and the materials submitted in conjunction with it. Within 10 days of receipt of petitioner's memorandum, each respondent shall file such reply as it may wish to make. Within five days of receipt of any reply, petitioner may file a final response thereto. All submissions shall be filed in triplicate (original and two copies) and served upon all other parties to the appeal at the same time they are filed with the Commissioner.

6A:10A-9.6 Commissioner review and decision

(a) If the Commissioner retains the matter pursuant to N.J.A.C. 6A:10A-7.5, upon receipt of the filings set forth above, or expiration of the time for their submission, the Commissioner shall review the total record before him or her and render a written decision. If the Commissioner transmits the matter to the Office of Administrative Law, such transmission shall be done on an expedited basis to resolve factual disputes.

(b) The Commissioner's decision shall include an appropriate order. Where the relief ordered includes additional funding, the Commissioner shall make the necessary request to the Governor and the Legislature.

(c) In rendering decisions pursuant to this subchapter, the Commissioner shall apply the same standards as are set forth for Department review in the operative rules for the type of application in dispute. The burden of proof shall be on the petitioning party to demonstrate that these standards were met by the applicant notwithstanding the Department's determination to the contrary. The record on appeal shall consist of those documents and information submitted to the Department in support of its application and any additional information relied upon by the Department in making the determination at issue.

6A:10A-9.7 Early Childhood Program appeals

(a) In accordance with the order of the New Jersey Supreme Court, appeals of Department decisions on Early Childhood Program and budget applications shall proceed as follows:

1. The Department shall issue program and budget decisions to districts on or before the 15th of January, which decisions shall include, at a minimum, the approved amount of the early childhood budget, and a list of each proposed program and expenditure not approved by the Department, with specific reasons for denying the program or expenditure;

2. A school district shall have 30 days from the date of the Department's determination to file an appeal otherwise meeting the requirements of N.J.A.C. 6A:10-9.2(a) and (b) with the Commissioner of Education, who shall forthwith transmit the matter to the Office of Administrative Law;

3. The Office of Administrative Law shall make its recommendation on the district appeal within 40 days of the date of the filing of the appeal with the Commissioner, through an initial decision, which shall include an itemization of the record;

4. The Commissioner of Education shall issue a final decision within 25 days of the decision of the Office of Administrative Law;

5. Any appeal from the final decision of the Commissioner shall be filed with the appellate division within six days of the Commissioner's decision; and

6. The Appellate Division shall expedite any appeal from the Commissioner's final decision.

(b) Notwithstanding the provisions of any rule to the contrary, Department answers to Early Childhood Program appeal petitions shall be filed not later than three days from receipt of a petition, and shall be filed directly with the Office of Administrative Law.

(c) Notwithstanding the provisions of any rule to the contrary, exceptions to initial decisions of the Office of Administrative Law in Early Childhood Program appeal matters shall be filed within five days of the date of mailing of the initial decision, and reply exceptions shall be filed within two days of receipt of exceptions.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).

See: 36 N.J.R. 3167(a).

In (a), substituted "A school district shall have 30 days" for "A district shall have five days" in 2.

6A:10A-9.8 Abbott school district budget appeals

(a) In accordance with the May 21, 2003 order of the New Jersey Supreme Court, appeals of Department decisions on Abbott school district budgets shall proceed as follows:

1. The Department shall issue budget decisions to school districts on or before the last business day in May of the pre-budget year;

2. A school district shall have seven days from the date of the Department's determination to file an appeal otherwise meeting the requirements of N.J.A.C.

6A:10A-9.2(a) and (b) with the Commissioner of Education, who shall forthwith transmit the matter to the Office of Administrative Law;

3. The Office of Administrative Law shall make its recommendation on the school district appeal within 50 days of the date of the filing of the appeal with the Commissioner, through an initial decision of the Administrative Law Judge, which shall include an itemization of the record;

4. The Commissioner of Education shall issue a final decision within 25 days of the decision of the Office of Administrative Law;

5. Any appeal from the final decision of the Commissioner shall be filed with the appellate division within five days of the Commissioner's decision; and

6. The Appellate Division shall expedite any appeal from the Commissioner's final decision.

(b) Notwithstanding the provisions of any rule to the contrary, Department answers to Abbott school district budget appeal petitions shall be filed not later than three days from receipt of a petition, and shall be filed directly with the Office of Administrative Law.

(c) Notwithstanding the provisions of any rule to the contrary, exceptions to initial decisions of the Office of Administrative Law in Abbott school district budget appeal matters shall be filed within five days of the date of mailing of the initial decision, and reply exceptions shall be filed within two days of receipt of exceptions.

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).

See: 36 N.J.R. 3167(a).

Rewrote the section.

APPENDIX A

Supplemental Programs in Abbott Schools

In *Abbott V*, the Supreme Court directed implementation of supplemental programs and services in Abbott schools. In some program areas, the Court established a “baseline” as the minimum requirement. In others, the programs are required without a baseline, but the design of the program must be based on need. In still others, the program is not required, but must be implemented and designed as needed.

In all program areas, the Court “stressed the importance of having the particularized needs of these children drive the determination of what programs should be developed,” concluding that the “provision of supplemental programs involving necessary services should not be detached from the actual needs of individual Abbott schools and districts.”

The determination of need must guide school and district plans and budgets in all program areas. Thus, where the Court established a baseline, schools must either provide the baseline or, depending on need, adjust it to provide none, less or more than the baseline, or an alternate design.

	Required Program Areas With Baseline	Objectives	Baseline	Options
1	Full-day kindergarten	(1) to help children at risk become effective learners in first grade (2) to increase the benefits deriving from the half-day program (502)	provide full day kindergarten by September '99	none
2	Early reading literacy	(1) to assure that each student reads “at the appropriate level” (495) (2) to prevent children from falling behind and needing remediation. (3) to intervene early and intensively if a student is experiencing difficulty in achievement (554)	(1) 90 minute reading block each day (all schools) (2) regular progress assessment of each student (all schools) (3) instructional facilitator (all schools) (4) reduce 1-3 reading class size to 15 (SFA schools) (5) 20 minutes of daily one-to-one tutoring by a certified teacher for each student in grades 1-3 not reading on grade level (SFA schools) (6) 20 minutes of daily small group tutoring by a certified teacher for students in higher elementary grades not reading on grade (SFA schools)	yes

3	Elementary Parent Involvement	<p>(1) to recruit parents to join parent participation programs and become involved with the schools and their schoolchildren (II, 373)</p> <p>(2) to involve parents in school decision-making (S,14)</p> <p>(3) to foster parenting skills and career development (S, 14)</p> <p>(4) increased parental education to support students' learning at home (556)</p>	<p>(1) parent liaison</p> <p>(2) parent representation in school management</p>	yes
4	Class size Limits	<p>(1) to increase the frequency of student-teacher interactions</p> <p>(2) to reduce distractions</p> <p>(3) to provide more opportunity for assessment, feedback, and reinforcement (560)</p>	<p>(1) preschool: 15</p> <p>(2) K-3: 21</p> <p>(3) 4 and 5: 23</p> <p>(4) 6 and above: 24</p>	none, except if early class size of 15 is needed
5	Elementary Social and Health Referral and Coordination	<p>(1) to use school and community resources to ensure that children come to school every day prepared to learn</p> <p>(2) to provide health, counseling, nutritional, tutorial and other needed services (496)</p> <p>(3) to focus on attendance, coordination of outside services, parent involvement and behavior (556)</p>	family support team comprised of nurse, social worker, counselor, and includes the parent liaison and instructional facilitator	yes

6	Middle and High School Social and Health Referral and Coordination	<p>(1) to provide for significant health and social service needs, including those stemming from poverty, substance abuse, teenage pregnancy and parenthood, inadequate housing, violence and crime</p> <p>(2) to improve student performance, attendance, and dropout rates</p> <p>(3) to reduce teacher time taken out to deal with such problems (509)</p> <p>(4) to ensure that services are actually available and provided quickly</p> <p>(5) to ensure that uninsured students receive needed services. (510)</p> <p>(6) to identify student needs</p> <p>(7) to arrange for community-based providers to furnish essential health and social services (512)</p>	community services coordinator	yes
7	Access to technology	<p>(1) to help students master the basic and advanced skills necessary to reach the CCCS</p> <p>(2) to improve student motivation and learning (514)</p> <p>(3) to ensure that school and classroom libraries have appropriate materials to supplement the curriculum</p> <p>(4) to facilitate the implementation and use of educational technology throughout the school (515)</p> <p>(5) to increase effective use of technology in Abbott classrooms (564)</p>	<p>(1) media specialist</p> <p>(2) technology coordinator</p> <p>(3) a ratio of 1 computer for every 5 students, including peripherals and software</p>	yes
8	Dropout prevention and alternative education	<p>(1) to prevent dropouts</p> <p>(2) to provide more individualized instruction</p> <p>(3) to provide additional supports, such as job counseling</p> <p>(4) to decrease disruption in the regular school</p> <p>(5) to increase achievement</p> <p>(6) to foster positive lifestyles</p> <p>(7) to reduce aggressive behavior (515)</p>	<p>(1) alternative middle and alternative high school program, both high quality</p> <p>(2) dropout prevention specialist</p>	yes

	Required Program Areas With No Baseline	Objectives	Baseline	Options
1	Early math literacy and mastery of other core subjects	(1) to develop student skills in higher-order thinking, problem solving, and discovery (2) to make the entire elementary curriculum relevant and useful (556, 557)	none	yes
2	Professional Development	(1) to provide ongoing, continuous opportunities for practitioners to improve practice (496) (2) to focus on all the core curriculum content standards (496) (3) to provide teachers and administrators with a variety of rich and meaningful learning experiences, based on student need (S,16) (4) to provide regular support and feedback for classroom teachers (S,16)	none	yes
3	Violence prevention and school security	(1) to assure adequate school security (2) to improve the education process (3) to remove a great barrier to learning (514) (4) to address problems of student disruptions and violence (5) to define acceptable student behavior and consequence for unacceptable behavior (564)	none	yes

4	School to work and college transition	(1) to increase the basic skills of students to support themselves responsibly (2) to provide access to information about college and employment opportunities (3) to match students with prospective employers (4) to help students become aware of their interests and strengths (570)	none	yes
	If Needed Program Areas	Objectives	Baseline	Options
1	On-site social and health services	(1) to provide an effective and realistic opportunity for these schools to provide on-site services that go beyond mere referral and coordination (2) to provide onsite services if it can be shown that they "either are not available within the surrounding community or cannot effectively and efficiently be provided off site." (512-513)	none	yes
2	Supplemental literacy supports for non-SFA schools	(1) to reduce 1-3 reading class size to 15 (2) to provide 20 minutes of daily one-to-one tutoring by a certified teacher for each student in grades 1-3 not reading on grade level (4) to provide 20 minutes of daily small group tutoring by a certified teacher for students in higher elementary grades not reading on grade	none	yes
3	Instructionally-based after school programs	(1) to increase instructional time (2) to provide homework and tutorial assistance (3) to provide computer training (4) to provide recreation opportunities (516) (5) to provide a structured alternative to unsupervised after school hours (6) to provide after school social and health services (587)	none	yes

4	Instructionally-based summer programs	(1) to prevent the summer learning loss of disadvantaged students (2) to provide structure during unsupervised months (3) to provide a summer program of instruction (4) to provide summer recreation (5) to provide summer employment (516)	none	yes
5	Enriched nutrition programs	(1) to provide high quality breakfast and lunch (516-17) (2) to provide high quality snack (3) to fill any gap left by current programs	none	yes
6	“Exemplary” music, art, and special education	to provide exemplary music, art and special education programs beyond those recommended by the Commissioner (518)	none	yes
7	School-based management and budgeting	(1) to fundamentally alter the way decisions are made (2) to establish a team of parents, administrators, and teachers (494) (3) to develop a school based budget (605) (4) to actively involve all stakeholders in planning, budgeting, and governance (5) to increase effectiveness and tenure of school reform (S,14)	none	yes

Special amendment, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).
See: 36 N.J.R. 3167(a).

APPENDIX B

NEW JERSEY DEPARTMENT OF EDUCATION

IMPROVING LEARNING AND
LITERACY IN ABBOTT CLASSROOMS

Guidance Document

Revision of the School and District Three-Year Operational
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INTRODUCTION

Focus on what works and "classroom out" thinking and planning. This document will guide the work of Abbott schools and districts during this school year for the preparation of plans and budgets for the 2004-05 school year based on the Three-year Operational Plans the schools submitted in July 2003. This guidance builds on the regulations promulgated by the Commissioner on September 9, 2003 (N.J.A.C. 6A:10A). The changes this year are evolutionary, not radical. You will notice a combined focus on literacy, math, and mastery of the Core Curriculum Content Standards (CCCS) as the criteria that will determine school and district plans and budgets for next year. Such focus is what is meant by "classroom out" thinking—how well students are learning, what explains their progress and problems, what actions we propose to ensure ambitious improvement in student achievement, and what specific targets we have set to meet the goal this year, next year and the year after. These questions will be at the core of classroom, school, district, and Department of Education (DOE) efforts this year. As school and district budgets are prepared, submitted, and reviewed, requests for supplemental funds will be judged on the connections between current and proposed programs and improved literacy and mastery of the CCCS.

Three objectives or standards drive the work we ask you to undertake. First, the evaluation and planning outlined has a single measurement—how well or poorly students perform academically. Therefore, we ask that every teacher in every school reaffirm the professional commitment to be a central part of the examination of student work. "Classroom out" assessments mean that the most likely answer to problems with student achievement will be found in improved instructional practices, more tailored support for teachers, continuous attention to, and discussion of, student work, a coherent curriculum closely aligned with the CCCS and continuous assessment of the evidence such as grades, writing samples, quizzes, and other performance measures.

In your planning and in our review, we will be looking at the performance of all students. The New Jersey Supreme Court's Abbott decisions included no specific remedies for English Language Learners and classified students, even though these two student categories now constitute almost half of all Abbott students. The federal *No Child Left Behind* (NCLB) Act requires that these students and other subgroups be accorded the same status as "general education" students—so too with Abbott students.

Please note that a new student category will be reported this year. With NCLB's ten subgroups that must be assessed, one would think that there is enough disaggregated information. However, to be fairer to schools and districts, we are asking that separate reports be filed for all students who have been continuously enrolled for three years or more. Called "continuously enrolled students" or "CES," this report will permit more comparisons across schools and districts for students who have been exposed to the district's reform, programs and practices for a significant amount of time.

Second, the work you must do to comply with Abbott is almost completely consistent with the requirements for NCLB. In fact, schools and districts that submitted "approvable" applications for federal funding on September 30, 2003 will see that much of the data collection, evaluation, and planning for improving teaching and learning will have already been completed. Again, both NCLB and Abbott give highest priority to improved student performance in achieving high standards for all students.

Third, the process of school-by-school assessment of student progress will work only if everyone is candid about how well students are doing, what is holding them back, and what needs to

be done to improve instruction and learning. Therefore, while each teacher is asked to complete the checklist that follows and to discuss it with faculty colleagues, none of these documents will be shared with either the district or the DOE. We will ask for a certification of the process that was used to reach conclusions, but not the content of the individual teacher evaluations.

By the time you receive this document, schools and their newly-christened "School Leadership Councils" (formerly School Management and Improvement Teams) will have fewer than two months to collect and analyze much more detailed student data than was required last year; review and draw conclusions from last year's academic results; determine effective current and proposed instructional responses; and prepare a school budget and revised School Three-year Operational Plan.

The district central office faces equally daunting deadlines. By November 15, 2003, the department will have completed face-to-face discussions with all 30 Abbott districts regarding their Three-year Operational Plans submitted this summer, how the 2002-03 test results might affect those plans, and whether they agree on the revisions and implications of the plan on next year's budget and instructional support programs. Then, districts must review all the school budgets and revise their own three-year plans by February 2, 2004. As with the school plans, almost all the work required of the central office is also needed for NCLB.

Finally, a word on the department's heavy emphasis on early literacy. We know based on research that students who do not become strong readers by the end of third grade have only a one in ten chance of ever reading on grade level. New Jersey is the first state to put together the combination of policies, including the opportunity for a high-quality preschool education followed by a literacy-rich curriculum in small classes, with adequate funding to enhance early literacy. Moreover, we know that dramatic improvements in literacy skills is possible because it is already happening in some Abbott districts with high concentrations of low-income students. Where children are strong readers by the end of third grade, they relish school and do much better in middle and high school. Hence, the urgent tone about early literacy.

Districts using EdSolution services may submit their forms and charts for the revised plan online. With online submission, one hard copy must be submitted to their respective Office of Program Planning and Design (OPPD) regional office. Teacher checklists can be completed anonymously online via EdSolution or any other provider used by the district. Schools using other providers or an internal system must submit one paper copy and an electronic version of their forms and charts to their respective OPPD regional office.

IMPROVING LITERACY AND LEARNING IN ELEMENTARY SCHOOLS

Providing Evidence of Student Work and Performance to Guide Plans and Budgets

"Classroom out" is the organizing idea for revising the three-year plan and preparing the 2004-05 school budget. This means, simply, that the criterion for planning and budgeting is a deep assessment of student achievement and what can be done to improve it. In previous years, equal attention was given to a list of possible programs, services, and positions, some of which were considered mandatory, while others were authorized by Abbott. Now, schools must begin with a profile of how students have performed and what best explains their achievement or lack thereof, something every teacher must help construct. The most likely solutions for inadequate student performance are to be found in the recruitment and support for qualified teachers and well-prepared principals in each school, the implementation of a coherent curriculum that is closely aligned with the CCCS, and the

constant review of the evidence as to how all these elements are working.

Only after a school's instructional and curricular practices have been evaluated and changes for their improvement proposed should schools and districts look to other noninstructional explanations and solutions for improved student achievement. **Schools and districts should reference the Chart of Supplemental Programs and Services found in the appendix to N.J.A.C. 6A:10A once they have completed this analysis.**

This rigorous evaluation of student academic achievement is the foundation of the revised school and district operational plans and the 2004-05 budget request.

Collecting and analyzing the evidence is the essential first step. Here, the central office should assist each school to assemble and analyze the required data. "Data" can be a daunting term, and many of us are not confident when we're asked to evaluate lots of numbers. "Data-driven instruction" is a hot topic among educators, but it could end up like other pedagogical fads—great expectations and low-to-no delivery of results. NCLB already requires that districts and the DOE report on how well all students are doing, including classified, English Language Learners (ELLs), African-American, Latino, and low-income students. When these subgroups don't perform adequately on state tests, a school can find itself categorized as "in need of improvement." Almost all the evidence DOE is asking each school to report should have already been reported for NCLB.

One new subgroup that schools and districts must report comprises those students who have been continuously enrolled for at least three years, a category called "continuously enrolled students" or "CES." CES will take away the unfairness of reporting results for students who only recently enrolled in a school or district. Districts must report those students who have been continuously enrolled in the district, but not the same school, for three years. Applications for supplemental aid will not be considered by DOE until the district has provided complete reports of CES.

Here is the information each elementary school will display on an Excel spreadsheet that DOE has prepared, an Access database, or its own form:

- Enrollments from the Application for State School Aid (ASSA) for each year 1999 through 2003 by grade;
- The total number of students who took the Elementary School Proficiency Assessment (ESPA) or New Jersey Assessment of Skills and Knowledge 4 (NJASK4) in each year 1999 through 2003 by category: general education, English Language Learners (ELLs), Special Education (SPED) and again for CES (a subset of the prior categories);
- Results for each year by student subgroup (e.g., ELL, SPED, African-American, Latino, free lunch eligible, white, Asian) by proficient, advanced proficient and partially proficient **and** by the mean scaled score for each year and each subtest; and
- The results reported in the same way for any standardized norm-referenced tests used for the K-3 and fifth grades by year and by student category. Please indicate the test version being reported (e.g., TerraNova Custom).

While this is a lot of data to collect, organize, and evaluate, no credible assessment of student learning can take place without them, and most of them have been already collected for NCLB. Schools or districts that want to "drill down" to mine richer data to produce better-informed decisions might consider the following:

- How many of your kindergarten students attended Abbott preschool programs, how many attended non-Abbott programs, and how many attended no programs? Are there any measurable differences in how well-prepared students from the various programs are for kindergarten?
- How well do students who have exited the ELL program perform on state and other assessments? Is there any difference

among students who were in dual language programs versus those in English-only or ESL programs?

- How well have students with disabilities performed on NJASK4 when viewed by disability? What percentage exceeded the average statewide cluster scores? Are there differences in performance among students who are in self-contained classrooms versus those receiving in-class support versus those in resource rooms?

Of course, there are many factors that may influence learning that are not strictly statistical, such as a change in whole school reform (WSR) model or curriculum, high teacher turnover, new leadership, or rapid changes in the demographics of the student body. These factors will be addressed in the body of the School Three-year Plan.

Assessing student needs means continuous judgment. While it is possible that the answers to what is holding students back might leap out from the collected evidence, it is far more likely that careful review, discussion and judgment are necessary. This process should be led by the principal and involve every teacher, the central office and the School Leadership Council (SLC). The place to start is to identify those problems that are best explained by policies and practices at the **district** level, those that are at the **school** level, and those at the **grade** or **classroom** level.

The following checklists are to help focus the search for both the diagnosis of, and prescriptions for, obstacles to student mastery of the CCCS. You will notice that there are separate checklists for literacy and math. These are not "tests," or compliance documents. The checklists are not comprehensive. They are merely a starting point. The school should tailor the assessment to the unique needs of its students. In assessing needs, the school should also consider the needs of special education and English Language Learners, as well as those programs, services and positions that the students may require in order to read at grade level by the end of third grade and to master the NJCCCS at every grade level.

To encourage candor, individual teacher checklists are not to be shared with the central office or DOE. They should be filled out by **all** teachers, discussed by teachers in grade-level meetings, and then in full faculty meetings with the principal. After teachers have completed the forms and held their discussions, the summaries should be reviewed by the SLC and principal to produce a single, school-wide assessment. Where a "no" is checked, a narrative response should be prepared.

**Intensive Early Literacy and Mathematics in Elementary Schools Checklist
2004-05**

Intensive Early Literacy	Yes	No
1. The DOE's Intensive Early Literacy model has been implemented in all K-3 classrooms as evidenced by:		
<ul style="list-style-type: none"> • A comprehensive reading program that includes all the components of "scientific-based reading research." Motivation and background knowledge, phonemic awareness, phonics, fluency, vocabulary and comprehension. 		
<ul style="list-style-type: none"> • An uninterrupted literacy block of at least 90 minutes daily. 		
<ul style="list-style-type: none"> • Read-alouds to the whole class occur at least once daily. 		
<ul style="list-style-type: none"> • The use of small learning centers that are clearly delineated for at least reading, computers and writing. 		
<ul style="list-style-type: none"> • A classroom library with at least 300 books that are aligned to the CCCS and the school's comprehensive reading program. 		
<ul style="list-style-type: none"> • A classroom library that includes books and assistive materials for special education, bilingual, and other students, as appropriate. 		
2. The curriculum developed by the district (or by the school, if applicable) is fully aligned with the NJ CCCS with citations of the connections to specific standards.		
<ul style="list-style-type: none"> • The curriculum for kindergarten is fully aligned with the district's preschool curriculum. 		
<ul style="list-style-type: none"> • The curriculum is based on eight-week units and includes benchmarks for measuring progress through the period. 		
<ul style="list-style-type: none"> • Teachers are given professional development to become acquainted with curriculum changes, to upgrade their content mastery when necessary, and to explore with their colleagues effective means to teach the curriculum. 		
3. Technology is fully integrated into the instructional practice of all classrooms.		
<ul style="list-style-type: none"> • Classroom computers are adequate in number and are configured as a learning center. 		
<ul style="list-style-type: none"> • Computers are networked, connected to the Internet, and have sufficient broadband to permit individualized student use. 		
<ul style="list-style-type: none"> • Teachers receive the assistance they need to employ computers in instruction and they're used daily. 		
<ul style="list-style-type: none"> • Instructional software was selected because of its effectiveness and its alignment with the comprehensive reading program and CCCS. 		
4. Assessment of student work is continuous, measured, and set against curricular and instructional		

standards that are clear, specific, and known by all teachers.		
<ul style="list-style-type: none"> A consistent practice is to seek family literacy backgrounds in terms of the language spoken at home and the parent's education level, particularly for ELL students. 		
<ul style="list-style-type: none"> The district uses standardized tests in kindergarten, first and second grades that permit cluster and item analysis to aid instruction. 		
<ul style="list-style-type: none"> The district curriculum provides interim assessments that teachers use to gauge progress against clear benchmarks. 		
<ul style="list-style-type: none"> Deeper assessments are used for students who are falling behind. 		
<ul style="list-style-type: none"> Accommodations are made for ELL and special education students. 		
<ul style="list-style-type: none"> Assessment results are shared with, and explained to, teachers, parents, students, the central office and SLC members. 		
<ul style="list-style-type: none"> A cluster analysis has been completed of the NJASK4 results. 		
5. The school expects, 95 percent of its students to be readers.		
<ul style="list-style-type: none"> At least 75 percent of the school's students can read at grade level by the end of first grade. 		
<ul style="list-style-type: none"> ELLs are carefully assessed and placed according to their dominant language into English only, ESL or native language-English programs. 		
<ul style="list-style-type: none"> Dual language classes are available for students with a strong background in their native language. 		
<ul style="list-style-type: none"> Inclusion is achieved by maximizing "in-class" instruction with SPED teachers or SPED-certified general classroom teachers. 		
<ul style="list-style-type: none"> The WSR model is fully compatible with the model for Intensive Early Literacy. 		
<ul style="list-style-type: none"> The school exchanges visits with preschool programs whose "graduates" attend the school's kindergarten and the school receives information on student work and the preschool curriculum. 		
<ul style="list-style-type: none"> Title I is integrated into the general classroom and its instruction and student support is fully coordinated with classroom teachers. 		

Intensive Early Mathematics	Yes	No
1. The district curriculum is aligned with the NJ CCCS with citations of the connections to specific standards and Cumulative Progress Indicators (CPIs).		
<ul style="list-style-type: none"> Students work in a variety of groupings, including in math centers, with instruction targeted at meeting or exceeding the NJCCCS and on the assessed needs of students in relationship to the standards. 		
<ul style="list-style-type: none"> The school implements a mathematics program that emphasizes the development of mathematical thinking and building meaning. 		
<ul style="list-style-type: none"> Students are required to communicate about mathematics, both orally and in writing, to explain their reasoning and to make connections among mathematical strands and the real world. 		
<ul style="list-style-type: none"> The mathematics curriculum for kindergarten is aligned with the district's preschool curriculum. 		
<ul style="list-style-type: none"> The district assures that mathematics print materials, instructional software, and manipulative materials are aligned with the CCCS and the five standards (the four content standards—Number and Numerical Operations, Geometry and Measurement, Patterns and Algebra, and Data Analysis, Probability, and Discrete Mathematics—and the Mathematical Processes Standard). 		
<ul style="list-style-type: none"> The curriculum includes multiple assessment and benchmarks for measuring progress through each content and process strand. 		
<ul style="list-style-type: none"> Learning styles: Students are offered choices of real life, auditory, visual, and kinesthetic applications of mathematics skills and concepts within each cluster. 		
<ul style="list-style-type: none"> Math across the curriculum: Students apply mathematics within each cluster and in other subjects: social studies, language arts, science, technology, art, music and physical education. 		
<ul style="list-style-type: none"> Students are given regular opportunities to manipulate objects and models to represent mathematical concepts. 		
<ul style="list-style-type: none"> Teachers are given professional development time to become acquainted with curriculum 		

changes; to upgrade their content mastery when necessary; to use data to differentiate instruction for groups of students within their classrooms; to plan cross-curricular mathematics applications; and to explore effective means to differentiate the curriculum based on students' needs and learning styles.		
2. Mathematics is integrated into technology in classrooms and in computer labs.		
<ul style="list-style-type: none"> • Software is selected because of its alignment with NJCCS at each grade level. 		
<ul style="list-style-type: none"> • Technology applications do not reduce time required for mathematics instruction. 		
<ul style="list-style-type: none"> • Technology provides experiences for advanced levels of critical thinking, simulation and application of skills. See http://www.doe.mass.edu/edtech/etreport/1998/milken.html 		

From evidence to improved instruction and learning. The principal will lead the School Leadership Council and the entire faculty in mapping improved instruction. The revised School Three-year Operational Plan and 2004-05 school budget must be submitted by December 12, 2003 to the district central office and to the department on January 8, 2004. October and November should be a time of intense scrutiny and discussion about the evidence of student performance. Since the Elementary School Proficiency Assessment (ESPA) results from 1999-2002 will have been included in the School Three-year Operational Plan, the New Jersey Assessment of Skills and Knowledge 4 (NJASK4) results for 2003 should be closely evaluated to see how they fit with 1999-2002 ESPA results by subgroup. In reviewing these results or those of any other grades, it is important to consider possible explanations for standardized test results for both strong and inadequate performance:

- Did all fourth-grade classrooms perform poorly on the same clusters? Or did all classrooms perform well on language arts, but not math or vice versa? Did other schools display the same patterns? If "yes," then one should determine if the curriculum is really aligned with the NJ CCCS for those clusters or subtests with poor performance across the board. This should be a topic of discussion with the central office, as it bears chief responsibility for producing a coherent and aligned curriculum.
- If there is a clear literacy or math problem, then the problem may be in curricular or instructional practices in earlier grades. Here the continuously enrolled students (CES) cohort may be a particularly valuable source of explanation. Using whatever national, district, or school assessments are available, the team should work backward from the fourth grade to kindergarten to see if there is a clear grade-level breakdown in reading progress. A grade-level problem may suggest that curriculum isn't aligned with the CCCS or that teachers, individually and/or collectively, need professional development. If nothing else credibly explains the problem, the school's comprehensive reading program should be scrutinized.
- If not a school-wide problem, is there a classroom-level explanation? There may be one or a few teachers in one or more grade levels who need more tailored assistance with content, good practices, or greater support. Such needs should be specifically identified and included in their Professional Improvement Plans (PIPs).
- If the rate of improvement is not strong over the past three or four years, then it is essential to examine programs, positions, and services that have been in place during the same time. Are computers in place but not tied in to daily classroom instruction? Is software directly connected to the comprehensive reading program and district curriculum? Does the parent liaison program connect parents directly to classroom work of their children and what is the evidence for the connection? How is the work of the Family Support Team determined? What contributions is the whole school reform (WSR) model making to student achievement and teacher support that can be documented?
- If English Language Learners (ELLs), low-income students, and special education (SPED) students are not making acceptable progress as measured by NCLB, the level of integration of all instructional resources should be examined. One indicator is

whether there is a wall between "general education" and other students. For example, do SPED, Title I or English as a Second Language (ESL) teachers pull out their students or do they work along with the classroom teacher in small-group instruction? If the former, the school should consider what progress can be made towards the goal of integrated and inclusive team-teaching and what assistance teachers may need this year to begin that process.

There are four Abbott-specific requirements that must be included in the evaluation leading up to a revised school plan: WSR, the School Leadership Council, technology, and supplemental services.

Whole School Reform. It is presumed that Abbott elementary schools will retain a contract with a DOE-approved national WSR model, either the first model implemented or another one identified as more suitable to student needs. All schools should have completed a detailed evaluation of the contributions and limitations of its model in spring 2003. Any elementary school that has documented that its WSR model is not contributing to improved student achievement, may apply to switch to another DOE-approved model. The standards for such a switch include evidence that a good-faith effort to implement the original model was made and that the model made no observable contribution to improved achievement. Schools seeking to switch among department-approved models should send a letter-application to their Chief School Administrator (CSA) and the Commissioner, following section B in the Alternative Whole School Reform Design application.

Schools in the following four categories may, under certain circumstances, choose to develop their own design in conjunction with their central offices:

1. Low-performing schools as defined at N.J.A.C. 6A:10A-3.3(e) in which 50 percent or more of the general education students did not attain proficiency on the 2002 Elementary School Proficiency Assessment Language Arts Literacy (ESPA LAL) subtest. In these cases, the performance assessment team assigned to the school may recommend a shift from the current developer to another DOE-approved WSR model or to an alternative WSR design generated by the school or district.
2. High-performing schools which are schools in which the percentage of general education students attaining proficiency on the 2002 ESPA LAL subtest exceeds the statewide proficiency level percentage. Such schools may shift models or implement an alternative WSR design.
3. Schools that did not have a WSR contract in 2002-03 are expected to contract with its WSR model from 2001-02, unless the school/SLC can demonstrate to the Commissioner that its original developer cannot meet the instructional needs of the school, in which case, a different WSR model or an alternative WSR design may be approved.
4. Schools that file a complaint with the Commissioner documenting that its WSR developer is not performing satisfactorily under the terms of its contract may, if the Commissioner determines that satisfactory performance by the developer is not feasible, explore the same options as schools in numbers two and three above.

Schools in categories 2-4, with the superintendent's approval, may apply to the Commissioner for approval to establish an Alternative Whole School Reform Design. Such applications should use Form B, which can be found in the application for an alternative WSR design.

All other elementary schools not in categories 1-4 will continue implementation of a DOE-approved WSR model (usually its current model). With the increased focus on "classroom out" planning and budgeting, it is especially important that the developer assist with the deeper assessment of student achievement and the evaluation of effective instructional practices. On the other hand, if a developer has been in the school for three years or more under a contract that promises improved student achievement that has not been realized, then the school should consider whether there is a problem with the WSR developer's performance under the terms of the contract and a complaint should be filed with the Commissioner per #4 above, or should determine whether the model cannot meet the school's instructional needs and another approved model should be adopted.

School Leadership Council. Abbott schools are distinguished by their use of a school-based body to advise on essential instructional, budgeting, and other issues. Newly named this year to more accurately reflect its intended role, the SLC works with the principal to assess and improve the instructional culture of the school. Its purpose is not to implement programs or manage the school. The SLC should also serve as the "school improvement plan committee" required by NCLB. As an integral part of the school community, the SLC should conduct a self-assessment this year as a part of its revisions to the School Three-year Operational Plan. Among the questions it should consider are the following:

- Is the SLC active and effective? Does it meet at least monthly? Does it communicate frequently and effectively with parents, teachers, and the community?
- Is the SLC representative? Have the teachers, noninstructional staff members, and parents been given a free voice in selecting their representatives on the council?
- Does it work well with the principal? The SLC is to offer advice and recommendations to the principal and central office on issues that influence the educational life of the school including, most importantly, the school-based budget, which it must adopt by a majority vote.
- Has the SLC voted to participate in personnel actions and completed the district training on personnel policies and procedures?
- Do all SLC members participate in the assessment of student achievement and the proposals to improve educational practices including setting specific annual goals for improvement? Do professional educators and parent and community representatives work well together?

The SLC from elementary, middle and high schools must approve revisions to the School Three-year Operational Plan as must the faculty in a separate vote.

Technology and Instruction. Since the *Abbott V* decision in 1998, Abbott schools have benefited from a significant investment in educational hard/software. Most schools have achieved the Court-mandated ratio of at least one computer to five students, are wired for the Internet, and have technology coordinators to provide classroom assistance. The plan should explain whether technology is integrated into the instructional life of students and teachers. Here, the grade-level and faculty conversation about the checklist should be particularly helpful in determining whether computers are an integral part of teaching and learning, or if they are used primarily as a student diversion, or hardly used at all.

Supplemental services. Supplemental services are used in at least three different ways for Abbott and NCLB purposes. NCLB uses the term to describe services that must be made available by

"schools in need of improvement" to parents for tutoring and other supplemental help. In *Abbott V*, the NJ Supreme Court described a range of educational and other remedies that were mandated, authorized, or noted. For example, preschool for three- and four-year-olds, full-day kindergarten, and class size reduction by grade level were called "supplemental" by the court in *Abbott III*, but are, in fact, mandated in *Abbott V*. Other services such as after-school programs or in-school health clinics were authorized if the school or district could document that the program, position, or service would contribute to improved student achievement.

For the purposes of revising the School Three-year Operational Plan and submitting the 2004-05 budget, supplemental services refer to those programs or services that are documented to be essential for the achievement of literacy and mastery of the CCCS. It is to be expected that not all obstacles to student achievement will be overcome by a single set of practices and programs in every Abbott school. It is possible that clusters of students will present unusual and unanticipated problems that prevent them from achieving early literacy or mastering the CCCS even with exposure to a rich instructional culture. Such examples must be fully documented, and proposed solutions must demonstrate potential effectiveness in improving student achievement.

As a part of the review of programs, positions, and services that are contributing or not to improved student achievement, schools must report separately on any consultants, vendors, WSR models, or providers that have worked at the school for the last three years or more. The premise of this requirement is that three years should be an adequate period for the expertise, philosophy, or technical capacity of the vendor to be absorbed by the school's staff. As a part of its revised three-year plan, the school should provide the evidence of the effectiveness of any provider or consultant being used beyond three years.

Revising the School Three-year Operational Plan

It is essential that the School Leadership Council (SLC) plan for the years 2004-05 and beyond document the evidence for the diagnosis of student performance and the revisions proposed to improve it. The revised plan should be consistent with the plans submitted for NCLB and include specific goals for improved student achievement that are simultaneously ambitious and credible. The goals should be tied directly to the evaluation of longitudinal and disaggregated student achievement results collected on the DOE's Excel spreadsheet, Access database, or the school's own form.

Here again, the consolidated federal funding application should provide each school, particularly those "in need of improvement," with the framework for revising the three-year plan. Specifically, the NCLB needs assessment, the school improvement plan, and the NCLB performance goals and indicators fit precisely into what is required for Abbott.

The federal needs assessment includes for a detailed checklist to report the performance of every *No Child Left Behind* (NCLB) subgroup on state tests. Since the Consolidated application was due before NJASK4 results were available, each school should update its NCLB analysis to include the 2003 results. The NJASK4 results include a "cluster" report that permits a school to determine the performance of students by the skills tested on both language arts and math. Moreover, schools will benefit from using the federal matrix to analyze the results of standardized national or district assessments in grades other than the fourth, so that a clearer pattern of grade-by-grade, subgroup-by-subgroup performance emerges. The results of this assessment should be shared with parents and the school so that everyone knows what instructional problems need attention.

The NCLB school improvement plan is the bridge between past performance (i.e. needs assessment) and this year's priorities for improved instructional focus and practice. Each school must not

only connect the longitudinal test results broken down for subgroups to specific, research-based improvements, but must also address the collective and individual needs of teachers and prescribe professional development to strengthen teacher performance. NCLB requires the district and schools to work together to better inform parents and involve them in the academic work of their children.

The revisions of the School Three-year Operational Plan for 2004-05 school year must include precise goals and indicators for how far the school will go in closing the achievement gaps in math and language arts literacy (LAL). Here the format required for NCLB can be used for Abbott's revised plan with the first four goals applicable to elementary schools. Working with the district, each school must indicate its current status and set ambitious but achievable goals for 2004-05 with respect to the following:

1. The performance and goals for all students and each subgroup in attaining proficiency in language arts and math;
2. The performance by English Language Learners, by number of years in bilingual and/or ESL programs, in achieving English proficiency and the number who will do so by the end of this school year;
3. The percentage of classrooms taught by "highly qualified teachers" as defined by New Jersey for compliance with NCLB; and
4. The achievement of learning environments that are safe, drug-free, and conducive to learning.

Charts A, B, and C in the final section must be used to outline the assessment results, performance targets, learning deficiencies/obstacles, and strategies/solutions for the 2004-05 school year.

INCREASING MASTERY OF THE CORE CURRICULUM CONTENT STANDARDS IN MIDDLE SCHOOLS

Background. In July of this year, Abbott middle schools submitted their first three-year plans, which were to be focused on the adoption and implementation of Whole School Reform models, if applicable, and on curriculum and instruction. In the meantime, schools were to submit their NCLB plans and goals for the current school year on September 30, 2003. If those plans were prepared with broad participation of the faculty and school community and all the reports and analyses were faithfully completed, then much of the background required for this year's revisions to the Abbott three-year plans and preparation of the 2004-05 school budgets will be readily available.

NCLB's second year. NCLB has spotlighted student achievement in the nation's public schools. By introducing ten subgroups whose progress on state tests must be measured and reported, NCLB has accelerated attention to Abbott's goal: to give every student a credible chance to master New Jersey's demanding CCCS and to make every third grader a strong reader. NCLB is particularly helpful in focusing on the needs of English Language Learners (ELL) and students classified as disabled (SPED), two groups that represent almost a majority of Abbott students, but whose needs were not addressed with specific remedies in the Abbott decisions.

The department has made every effort to incorporate NCLB procedures, standards, deadlines, and reports into those for Abbott. For example, any middle school now categorized as "in need of improvement" must produce an evaluation for NCLB of student performance going back three years for each subgroup, a school improvement plan, and a specific set of goals and indicators of progress for this school year. Each of these steps fits in with the revisions required for the Abbott three-year operational plan.

"Classroom out" assessment and planning

Improving student achievement is the criterion to be used for evaluating and planning the school's work for this and the next two years and for preparing the school-based budget. This year's

planning begins with a careful assessment of how students have performed on state, district or national standardized tests in a school over the past three or four years. This review should be broken out by the NCLB subcategories and by a new category that will depict performance for students who have been continuously enrolled in your school for at least three years, called "CES" for "continuously enrolled student." DOE has prepared an Excel spreadsheet to assist with the collection of the required information, but an Access database can be created, or the school can devise its own form, as long as the same information is reported.

Student achievement data are the beginning point in assessing how well students are learning, what obstacles stand in their way to improved performance, what steps the school will take to eliminate or lower those obstacles, what specific goals are set for improvement this year and for the next two years, and how that progress will be measured. The foregoing list defines the task ahead for every school to be completed by December 12, 2003 when plans and a school budget are submitted to the central office. The plans and budgets are due to the department on January 8, 2004. This will require that the 2003 Grade Eight Proficiency Assessment (GEPA) scores be included and evaluated.

Remember, the most likely solutions for inadequate student performance are to be found in the recruitment and support for qualified teachers and well-prepared principals, the implementation of a coherent curriculum that is closely aligned with the CCCS, and the constant review of the evidence as to how all these elements are working. These are the teaching and learning issues that should be addressed in October and November by all teachers, the principal and the SLC working together.

Because the classroom is the focus of this year's evaluation and planning, we ask that every teacher complete a checklist. These forms are not to be turned in to the central office or DOE. They are designed to encourage discussion among teachers and principals to enrich the assessment and planning process. Once completed, we ask teachers at the same grade level or in the same department to meet and compare their responses. We also ask that the same be done in a faculty meeting of all teachers and the principal. Once these meetings have been held, the principal should share the consolidated results with the SLC to help prepare the revisions to the current three-year plan.

The goal of this teacher survey is not to achieve consensus, nor to place blame or point fingers. Instead, the goal is to stimulate a very focused and frank conversation among the educators who are directly responsible for, and knowledgeable about, how well students are working and achieving. Candor and forthrightness are obviously required for this process to work.

The evidence of student achievement. Middle or K-8 schools will begin with the evidence already reported for NCLB for student performance on the Grade Eight Proficiency Assessment (GEPA) for the years 1999-2000 through 2001-02 by subgroup and continuously enrolled students (CES). For this analysis, the school may use the Excel spreadsheet prepared by the DOE, an Access database, or its own form. These results should be updated with the 2003 GEPA results. Whichever is used, the following should be displayed:

- Enrollments from the Application for State School Aid (ASSA) by grade for each year from 1999 through 2003;
- The GEPA performance by subtest and by NCLB subgroups for each year 1999 through 2003 both by percentage proficient and mean scale score; and
- The 2003 GEPA scores by subtest for all eighth-grade students who had been continuously enrolled in the school for at least three years.

These numbers are essential to a sensible review of student performance. There are other indicators that may be available for

analysis that the School Leadership Council (SLC) may want to investigate to gain a clearer picture of how well the school is achieving. For example, the performance of former English Language Learners (ELLs) students who exited in 2002 or earlier and took the GEPA as a "general" student can be reviewed against the performance of current ELL students and/or other general

students. The mean scale scores of disabled students can be plotted by disability and cluster and contrasted with the statewide averages for all students. The more data that are reviewed, the richer the school profile will be.

Teacher's Review of Instruction and Learning Checklist for Middle Schools		
	Yes	No
Expectations		
<ul style="list-style-type: none"> High expectations for all students and faculty are a part of our school culture and include academic work from the college preparatory curriculum for all students. 		
<ul style="list-style-type: none"> The curriculum makes very clear what teachers are expected to cover in their course(s), both as to content and skills. 		
<ul style="list-style-type: none"> Students are told what is expected of them for each term, unit, test, or assignment, and they are given frequent chances to attain the goals set. 		
<ul style="list-style-type: none"> The number of students taught is manageable and permits careful reviews of each student's work. 		
Curriculum and instructional materials		
<ul style="list-style-type: none"> The teacher knows the NJ Core Content Curriculum Standards 		
<ul style="list-style-type: none"> The curriculum is carefully aligned to the CCCS so that curricular goals and benchmarks to specific CCCS can be tracked. 		
<ul style="list-style-type: none"> If a textbook is used, it is one that is aligned to the CCCS and is supplemented with accessible and aligned instructional materials. 		
<ul style="list-style-type: none"> The curriculum allows the teacher and students to know how well they are doing in mastering standards in a timely way, so that extra attention can be given to those falling behind. 		
<ul style="list-style-type: none"> The school leadership and central office help the teacher when the <u>content</u> of the curriculum is unfamiliar or difficult for teachers and their colleagues. 		
Professional respect		
<ul style="list-style-type: none"> Teachers are given time, at least once weekly, to work with colleagues at grade or department level to share effective practices and discuss individual students. 		
<ul style="list-style-type: none"> Teachers from his or her grade or content area were involved in writing the district/school curriculum. 		
<ul style="list-style-type: none"> Professional development is given a high priority and is tailored to problems in the classroom, grade or department, and school. 		
<ul style="list-style-type: none"> The performance evaluation is based on adequate observation, is constructive in tone, timely, and fair. 		
<ul style="list-style-type: none"> The school/district has a responsive and sensible way to deal with problems that arise with computers in the classrooms or labs; software is effective, aligned with the CCCS and the district curriculum, and useful to teachers in daily teaching. 		
Literacy and writing		
<ul style="list-style-type: none"> Beyond textbooks and anthologies, students read widely from authentic text that is both age-appropriate and challenging. 		
<ul style="list-style-type: none"> Students read what they write and write about what they read. 		
<ul style="list-style-type: none"> Student writing samples that cover a wide range of assignments are planned, revised and published when the specific purpose of the assignment/writing is achieved (process writing). 		
<ul style="list-style-type: none"> Students write for a variety of purposes and audiences including literary response persuasive/argumentative, expository, poetry, etc., (GEPA tasks). 		
<ul style="list-style-type: none"> Students author books appropriate to their age and literacy experiences. 		

<ul style="list-style-type: none"> English Language Learners receive effective instruction geared to their literacy in their native language. 		
Math		
<ul style="list-style-type: none"> The school implements a mathematics program that emphasizes the development of mathematical thinking and building meaning. 		
<ul style="list-style-type: none"> The curriculum includes multiple assessment and benchmarks for measuring progress through each content and process strand. 		
<ul style="list-style-type: none"> The district assures that mathematics print materials, instructional software, and manipulative materials are aligned with the CCCS in Mathematics (the four content standards—Number and Numerical Operations, Geometry and Measurement, Patterns and Algebra, and Data Analysis, Probability, and Discrete Mathematics—and the Mathematical Processes standard). 		
<ul style="list-style-type: none"> Students are required to communicate about mathematics, both orally and in writing, to explain their reasoning and to make connections among mathematical strands and the real world. 		
<ul style="list-style-type: none"> Students are given regular opportunities to manipulate objects and models to represent mathematical concepts. 		
<ul style="list-style-type: none"> Students work in a variety of groupings with instruction targeted at meeting or exceeding the NJ CCCS and on the assessed needs of students in relationship to the standards. 		
<ul style="list-style-type: none"> Learning styles: students are offered choices of real life, auditory, visual, and kinesthetic applications of math skills and concepts. 		
<ul style="list-style-type: none"> Software is aligned with the NJCCCS, is effective in improving student performance, and provides students with opportunities for advanced levels of critical thinking, simulation and application of skills. 		
<ul style="list-style-type: none"> The curriculum applies mathematics across the curriculum in language arts, science, social studies, technology, art and music. 		
School culture		
<ul style="list-style-type: none"> No student “falls through the cracks” or is “just a number” as at least one teacher, administrator, counselor or other certified professional knows the work and struggles of every student. 		
<ul style="list-style-type: none"> Students, parents, and visitors are greeted with respect in a safe, clean, and hospitable environment . 		
<ul style="list-style-type: none"> School rules, procedures, and operations are designed to support students, not penalize them. 		

Revising the School Three-year Operational Plan

It is essential that the SLC plan for the years 2004-05 and beyond document the evidence for the diagnosis of student performance and the revisions proposed to improve it. Revisions must also reflect the knowledge gained from the teacher surveys. The revised plan should be consistent with the plans required by NCLB and include specific goals for improved student achievement that are simultaneously ambitious and credible. The goals should be tied directly to the evaluation of longitudinal and disaggregated student achievement results collected on the DOE’s Excel spreadsheet, Access database, or the school’s own form.

Here again, the work already completed for consolidated federal funding should provide each school, particularly those that are “in need of improvement,” with the framework for revising the three-year plan. Specifically, the NCLB needs assessment, the school improvement plan, and the NCLB performance goals and indicators fit very neatly into what is required for Abbott.

The NCLB needs assessment includes a detailed checklist to report the performance of every NCLB subgroup on state tests. Since the consolidated application was due before 2003 GEPA results were available, each school should update its NCLB analysis to include the 2003 results. The GEPA results include a “cluster” report that permits a school to gauge student performance by the skills and content tested on language arts,

math and science. Moreover, schools will benefit from using the federal matrix to analyze the results of other standardized national or district assessments in grades other than the eight, so that a clearer pattern of grade-by-grade, subgroup-by-subgroup performance emerges. The results of this assessment should be shared with parents and the school so that everyone knows the status of teaching and learning.

The NCLB school improvement plan is the bridge between past performance (i.e. needs assessment) and this year’s priorities for improved instructional focus and practice. Each school must not only connect the longitudinal test results broken down for subgroups to specific, research-based improvements, but must also address the collective and individual needs of teachers, and prescribe professional development to strengthen teacher performance. NCLB requires the district and schools to work together to better inform and involve parents in the academic work of their students. Although not mandated, schools should indicate the value added of their WSR model, if applicable.

The revised School Three-year Operational Plan should be very specific about how far the school can go in closing the achievement gaps in math and language arts by each subgroup and with measurable indicators. Here the NCLB format can be used for Abbott with the first four goals applicable to middle schools. Working with the district, each school must indicate its

status and set ambitious but achievable goals for 2004-05 with respect to:

1. The performance and goals for all students and each subgroup in attaining proficiency in language arts, math, and science;
2. The performance of English Language Learners, by years in bilingual and/or ESL program, in achieving English proficiency;
3. The percentage of classrooms taught by "highly qualified teachers" as defined by New Jersey for compliance with NCLB; and
4. The creation of learning environments that are safe, drug-free, and conducive to learning.

Charts A, B, and C in the final section must be used to outline the assessment results, performance targets, learning deficiencies/obstacles, and strategies/solutions for the 2004-05 school year.

INCREASING MASTERY OF THE CORE CURRICULUM CONTENT STANDARDS IN HIGH SCHOOLS

Background. In the summer of 2003, Abbott high schools submitted their first three-year plans, which were to be focused on curricular and instructional issues, including the implementation of WSR models. Schools were to submit their plans and goals to NCLB for the current school year on September 30, 2003. If those plans were prepared with broad participation of the faculty and school community and all the reports and analyses were faithfully completed, then much of the background required for this year's revisions to the Abbott three-year plans and preparation of the 2004-05 school budgets will be readily available.

NCLB's second year. NCLB has spotlighted student achievement in New Jersey's public schools. By introducing ten subgroups whose progress on state tests must be measured and reported, NCLB has accelerated attention to Abbott's goal: to give every student a credible chance to master New Jersey's demanding CCCS and to make every third grader a strong reader. This is particularly helpful in focusing on the needs of English Language Learners (ELL) and students classified as disabled (SPED), two groups that represent almost a majority of Abbott students, but whose needs were not specifically addressed in the Abbott decisions.

The department has made every effort to incorporate NCLB procedures, standards, deadlines, and reports into those for Abbott where it can. Because New Jersey's High School Proficiency Assessment (HSPA) is relatively new, high schools have not faced categorization as "schools in need of improvement." Instead, any high school in which at least one of the 10 subgroups did not meet the NCLB-New Jersey standards on either the language arts literacy (LAL) or math subtests of the 2003 HSPA was given a "warning" that a second-year repetition will lead to "in need of improvement" classification with its consequences for school choice and supplemental programs.

"Classroom out" assessment and planning

Improving student achievement is the criterion to be used for evaluating and planning the school's work for this and the next two years and for preparing the school-based budget. This year's planning begins with a careful assessment of how students have performed on state, district or national standardized tests in your school over the past three or four years. This review should be broken out by the NCLB subcategories and by a new category that will report performance for students who have been continuously enrolled in your school for at least three years, called "CES" for "continuously enrolled student." DOE has prepared an Excel spreadsheet to assist with the collection of the required test information, but an Access database can be created instead, or the school can devise its own form, as long as the same information is reported.

Student achievement data are the beginning point in assessing how well students are learning, what obstacles stand in their way to improved performance, what steps the school will take to eliminate or lower those obstacles, and what specific goals are set for improvement this year and for the next two years and how that progress will be measured. The foregoing sentence is a simple statement of the task ahead for every school that must be completed by December 12, 2003 when plans and a school budget are submitted to the central office. In high schools, this will require that the HSPA scores for 2003 be included.

Remember, the most likely solutions for inadequate student performance are to be found in the recruitment and support for qualified teachers and well-prepared principals, the implementation of a coherent curriculum that is closely aligned with the CCCS, and the constant review of the evidence as to how all these elements are working. These are the teaching and learning issues that should be addressed in October and November by all teachers, the principal and the SLC working together.

Because the classroom is the focus of this year's evaluation and planning, we ask that every teacher complete a checklist. These forms are not to be turned into the central office or DOE, but stay at the school to enrich assessment and planning. Once completed, we ask that teachers in the same department meet to compare their responses. We also ask that the same be done in a faculty meeting of all teachers and the principal. Once these meetings have been held, the principal should share the consolidated results with the SLC to help prepare the revisions to the current three-year plan.

The goal of this teacher survey is not to achieve consensus nor to place blame or point fingers. Instead, the goal is to stimulate a very focused and frank conversation among the educators who are directly responsible for, and knowledgeable about, how well students are working and achieving. Candor and forthrightness are obviously required for this process to work.

The evidence of student achievement. High schools will begin with the evidence already reported for NCLB for student performance on the High School Proficiency Assessment (HSPA) for the year 2001-02, updated for the 2002-03 results by subgroups and continuously enrolled students (CES). For this analysis, the school may use the Excel spreadsheet prepared by DOE, an Access database, or its own form. Whichever is used, the following should be displayed:

- Enrollments from the Application for State School Aid (ASSA) by grade for each year from 1999 through 2003,
- The NCLB-required 9th-12th grade cohort analysis depicting the numbers of ninth grade students four years earlier against the number of graduates four years later for the years 2001-2003,
- The number of high school graduates in the years 2001-2003 with the number graduating via the Special Review Assessment (SRA),
- The HSPA performance by subtest and by NCLB subgroups for each year 2001 through 2003 both by percentage proficient and mean scale score, and
- The 2003 HSPA scores by subtest for all eleventh grade students who had been continuously enrolled in the school for at least three years.

These numbers are essential to a sensible review of student performance. There are other indicators that may be available for analysis that the School Leadership Council (SLC) may want to investigate to gain a clearer picture of how well the school is achieving. For example, the performance of former English Language Learners (ELLs) who exited in 2002 or earlier and took the HSPA as a "general" student can be reviewed against the performance of current ELL students and/or other general students. The mean scale scores of disabled students can be plotted by disability and cluster and contrasted with the statewide

averages for all students. The more data that are reviewed, the richer the school profile and revised plans will be.

Teacher's Review of Instruction and Learning Checklist for High Schools

	Yes	No
Expectations		
<ul style="list-style-type: none"> The teacher expects all students to master academic subjects and content that will permit them to attend college. 		
<ul style="list-style-type: none"> High expectations for all students and faculty are a part of the school culture that includes academic work from the college preparatory curriculum for all students. 		
<ul style="list-style-type: none"> The curriculum makes clear to teachers what is expected to be covered in their course(s), both as to content and skills. 		
<ul style="list-style-type: none"> Students are told what is expected of them for each term, unit, test, or assignment and they are given frequent chances to attain the goals set. 		
<ul style="list-style-type: none"> The number of students taught is manageable and permits careful reviews of each student's work. 		
<ul style="list-style-type: none"> Even if all students take college preparatory courses, the school gives counseling and concrete opportunities for those not pursuing college to explore vocational, military, and business opportunities. 		
Curriculum and instructional materials		
<ul style="list-style-type: none"> The teacher knows the NJ Core Content Curriculum Standards that set the academic expectations for the students he or she teaches. 		
<ul style="list-style-type: none"> The curriculum that is used is carefully aligned to the CCCS and the teacher is able to track curricular goals and benchmarks to specific CCCS. 		
<ul style="list-style-type: none"> Textbooks are aligned to the CCCS and are supplemented with accessible and aligned instructional materials. 		
<ul style="list-style-type: none"> The curriculum allows the teacher and students to know how well they are doing in mastering standards as we go along, so that extra attention can be given to those falling behind. 		
<ul style="list-style-type: none"> The school leadership and central office help the teacher when the content of the curriculum is unfamiliar or difficult for them and their colleagues. 		
Professional respect		
<ul style="list-style-type: none"> Teachers are given time, at least once weekly, to work with colleagues at grade or department level to share effective practices and discuss individual students. 		
<ul style="list-style-type: none"> Teachers from a grade or content area were involved in writing the district/school curriculum. 		
<ul style="list-style-type: none"> Professional development is given a high priority and is designed to deal with problems in the classroom, grade or department, and school. 		
<ul style="list-style-type: none"> The teacher's performance evaluation is based on adequate observation, is constructive in tone, timely, and fair. 		
<ul style="list-style-type: none"> The teacher's school/district has a responsive and sensible way to deal with problems that arise with computers in the classroom or lab; software is effective, aligned with the CCCS and the district curriculum, and useful to the teacher in daily teaching. 		
Literacy and writing		
<ul style="list-style-type: none"> Students read widely, across genres, text that is challenging, motivational and relevant to their experience and lives. 		
<ul style="list-style-type: none"> Students write about what they read and critique what they and others write. 		
<ul style="list-style-type: none"> Student writing samples that cover a wide range of assignments are planned, revised and published when the specific purpose of the assignment/writing is achieved (process writing). 		
<ul style="list-style-type: none"> Students write for a variety of purposes, including, but not limited to response to literature, 		

expository, narrative, research, poetry, persuasive/argumentative, etc.		
<ul style="list-style-type: none"> Students review, critique and discuss text and its relevance across all content areas. 		
Math		
<ul style="list-style-type: none"> The school implements a mathematics program that emphasizes the development of mathematical thinking and building meaning. 		
<ul style="list-style-type: none"> All students should be given the opportunity to complete successfully the content of Algebra I by the end of ninth grade or by the second year of an integrated high school math course. 		
<ul style="list-style-type: none"> Math texts and supplemental materials cover the five standards: Number and Numerical Operations, Geometry and Measurement, Patterns and Algebra, and Data Analysis, Probability, and Discrete Mathematics—and the Mathematical Processes Standard. 		
<ul style="list-style-type: none"> Students are required to communicate about mathematics, both orally and in writing, to explain their reasoning and to make connections among mathematical strands and the real world. 		
<ul style="list-style-type: none"> Students work in a variety of groupings with instruction targeted at meeting or exceeding the NJ CCCS and on the assessed needs of students in relationship to the standards. 		
<ul style="list-style-type: none"> The curriculum includes multiple assessment strategies and benchmarks for measuring progress through each content and processes strand. 		
<ul style="list-style-type: none"> Students are given regular opportunities to manipulate objects and models to represent mathematical concepts. 		
<ul style="list-style-type: none"> Learning styles: students are offered choices of real life, auditory, visual, and kinesthetic applications of math skills and concepts. 		
<ul style="list-style-type: none"> The school uses software that is aligned with NJCCCS, is effective in improving student performance and provides students with opportunities for advanced levels of critical thinking, simulation and application of skills. 		
<ul style="list-style-type: none"> The curriculum applies mathematics across the disciplines of language arts, science, social studies, technology, art and music. 		
School culture		
<ul style="list-style-type: none"> No student “is just a number” because at least one teacher, administrator, counselor or other certified professional knows the work and struggles of every student. 		
<ul style="list-style-type: none"> The school offers opportunities to students not pursuing college to explore vocational, military and business opportunities. 		
<ul style="list-style-type: none"> Students, parents, and visitors are greeted with respect in a safe, clean, and hospitable environment. 		
<ul style="list-style-type: none"> School rules, procedures, and operations are designed to support students, not penalize them. 		

Revising the School Three-year Operational Plan

It is essential that the SLC plan for the years 2004-05 and beyond document the evidence for the diagnosis of student performance and the revisions proposed to improve it. Revisions must also reflect the knowledge gained from the teacher surveys. The revised plan should be consistent with any plans required by NCLB and include specific goals for improved student achievement that are simultaneously ambitious and credible. The goals should be tied directly to the evaluation of longitudinal and disaggregated student achievement results collected on the DOE's Excel spreadsheet, Access database, or the school's own form.

Here again, the work already completed for consolidated federal funding should provide each school with the framework for revising the three-year plan. Specifically, the NCLB needs assessment and the NCLB performance goals and indicators fit very neatly into what is required for Abbott.

The federal needs assessment includes a detailed checklist to report the performance of every NCLB subgroup on state tests. Since the consolidated application was due before 2003 High

School Proficiency Assessment (HSPA) results were fully distributed, each school should update its NCLB analysis to include the 2003 results. The HSPA results include a “cluster” report that permits a school to evaluate student performance by the skills tested on language arts, math and science. Moreover, schools will benefit from using the NCLB matrix to analyze the results of other standardized national or district assessments in grades other than the eleventh, so that a clearer pattern of grade-by-grade, subgroup-by-subgroup performance emerges. The results of this assessment should be shared with parents and the school so that everyone knows the status of teaching and learning.

NCLB does not yet require high schools to submit a “school improvement plan” as a part of its consolidated application. However, each high school should connect the longitudinal test results broken down for subgroups to specific improvements in practices and curriculum, but should also address the collective and individual needs of teachers with tailored professional development to strengthen their performance. NCLB also requires the district and schools to work together to better inform and involve parents in the academic work of their students.

The revised School Three-year Operational Plan should be very specific about how far the school can go in closing the achievement gaps in math, science, and language arts by each subgroup tied to measurable indicators of progress and achievement by year's end. Here the format required for NCLB can be used for Abbott. Working with the district, each school must document its current achievement status and set ambitious but achievable goals for 2004-05 with respect to the following:

1. The performance for all students and each subgroup in attaining proficiency in language arts and math;
2. The performance by English Language Learners in achieving English proficiency;
3. The percentage of classrooms taught by "highly qualified teachers" as defined by New Jersey for compliance with NCLB;
4. The creation of learning environments that are safe, drug-free, and conducive to learning; and
5. A reduction in the dropout rate, and moving to a higher graduation rate.

Charts A, B, and C at the end must be used to outline the assessment results, performance targets, learning deficiencies/obstacles, and strategies/solutions for the 2004-05 school year.

REVISING THE DISTRICT THREE-YEAR OPERATIONAL PLAN

The District Three-year Operational Plan for this school year and beyond will be the subject of a DOE review and face-to-face meeting to assess the capacity of the central office to assist schools in closing the achievement gap for all students. This first plan was to focus on two basic questions:

- How well does the district assist all schools by recruiting highly qualified teachers and instructional leaders; producing a preschool-12 curriculum that is coherent, closely aligned between grades and schools, and fully aligned with the CCCS; assuring a program of professional development that meets the individual and school-wide needs of teachers for mastery of the CCCS and of effective classroom practices; and providing aligned instructional materials, software, and other resources; and
- What special measures does the district take to work effectively with schools that are persistently underperforming when compared to other district schools and schools with similar demographics in other Abbott districts?

Once again, the requirements for district compliance with NCLB and expectations for Abbott districts are closely matched with the consequence that much of what is required for revising the district

plan should already have been produced by districts for their recently submitted consolidated application. The goal is the same: to identify the obstacles in the way of all students mastering the CCCS. For NCLB, the district must review the plans for each school individually and lay out the steps to be taken to improve student performance, support teachers to improve their instruction, and more deeply involve parents in the academic lives of their children. The district must submit a unified plan that integrates all federal resources to assist all schools identified as "in need of improvement." All this will accelerate preparation of the three-year plan.

DOE-district review of the District Three-year Operational Plan

Before completing revisions to the plan for the 2004-05 school year and beyond, the DOE will distribute a profile of each district which will be one of the subjects of the review. The profile will be based on the same longitudinal data on student performance by subgroups as provided for NCLB and last spring's planning. The DOE will update the review for NJASK4 results and provide comparative information on how other Abbott schools and districts are performing. Special attention will be given to continuously enrolled students, English Language Learners (ELLs) and special education (SPED) students.

The purpose of this review is to reach an agreement on the revisions most important to the early literacy and CCCS mastery goals, the reasonable but ambitious goals to be achieved, and the integration of all available resource at the classroom level. The quality of the district's assistance to schools, the existence of a coherent preschool to grade 12 curriculum, and professional development plans will be at the heart of the discussion. We hope to base these conversations on the evidence of achievement and progress. The goal is to reach an agreement that will include the implications for the 2004-05 budget and that should accelerate the process both of budget preparation by the district and approval by DOE.

The following checklist is not a compliance review. It is, instead, an efficient way to get to the fundamental issues involved in providing high-quality instruction. It recognizes the difficulty Abbott districts confront in competing with other districts for talented educators and in developing effective approaches to a student population in rapid flux. The checklist will not work unless it is answered candidly and directly. We do not assume all "yes" answers for any district.

Checklist for District/DOE Review

	Yes	No
1. Highly qualified teachers in every classroom		
• There are no teachers with emergency certificates.		
• There are no permanent substitutes or "19-day subs."		
• Contracts for new teachers are completed by June 1.		
• The district is successful in recruiting for specialties in short supply, i.e. special education, bilingual, ESL, math, science.		
• The DOE seeks alternate route teachers.		
• Professional development is a district-led effort.		
• Professional development is driven by an assessment of student performance and aligned to the CCCS.		
• Professional development exceeds the state minimum of 100 hours/five years.		
• District policy encourages weekly grade-level and departmental meetings.		
2. Highly qualified principals in every school:		

<ul style="list-style-type: none"> Improved student achievement is the leading criterion in the performance assessments of principals. 		
<ul style="list-style-type: none"> Principals participate in district-organized professional development. 		
<ul style="list-style-type: none"> Time is built in at least each month for principals to meet professionally and socially. 		
<ul style="list-style-type: none"> The district brings together principals with similar instructional problems, e.g. growing ELL populations or fourth grade math problems. 		
<ul style="list-style-type: none"> The district identifies, encourages, and challenges teachers, supervisors, and others who might make strong principals. 		
<ul style="list-style-type: none"> Principals in schools making inadequate progress are warned, supported, but removed if the trend continues. 		
3. A coherent, aligned district curriculum.		
<ul style="list-style-type: none"> There is a district-wide curriculum from preschool through twelfth grade. 		
<ul style="list-style-type: none"> The curriculum is aligned with the NJ CCCS. 		
<ul style="list-style-type: none"> The curriculum is the subject of continuous scrutiny and revision when necessary. 		
<ul style="list-style-type: none"> The cluster results on state assessments are screened for curricular alignment. 		
<ul style="list-style-type: none"> Recently, the district has intentionally reviewed the articulation between the preschool curriculum with the K-3 comprehensive reading program. 		
<ul style="list-style-type: none"> The district selects the instructional software to ensure its alignment with the district curriculum and the CCCS. 		
<ul style="list-style-type: none"> The curriculum includes instructional materials selected for their effectiveness with ELL students. 		
4. Continuous, rigorous assessment of student work.		
<ul style="list-style-type: none"> The district uses an electronic student database, including pre-K students. 		
<ul style="list-style-type: none"> The district has identified all students continuously enrolled in district schools for three years or more. 		
<ul style="list-style-type: none"> The district prepares a school-by-school cluster analysis for all state tests, district tests, or standardized national tests and shares it with all schools. 		
<ul style="list-style-type: none"> The central office sets an example in the review and application of evidence about student work and performance and assists schools to do the same. 		
<ul style="list-style-type: none"> The district tracks the progress of ELLs, e.g., it reports the percentage of third year ELLs who were proficient on state tests or the proficiency of exited ELLs on state tests two or three years later. 		
5. Underperforming schools.		
<ul style="list-style-type: none"> The district sets with the principals of underperforming schools interim and annual benchmarks for improvement in instruction and student achievement. 		
<ul style="list-style-type: none"> The district has conducted an evaluation of the school leadership, has agreed to areas of improvement and effort, and set measurable indicators of progress. 		
<ul style="list-style-type: none"> The district has conducted an evaluation of each classroom teacher to determine strengths and weaknesses and agreed on a professional development program for each. 		
<ul style="list-style-type: none"> The district, principal, and SLC have agreed on a plan that complies with NCLB requirements and sets schoolwide goals and indicators for the 2003-04 and 2004-05 school years. 		
<ul style="list-style-type: none"> There is one central office person responsible for oversight and assistance to underperforming schools. 		
6. Service to schools, teachers, and other customers		
<ul style="list-style-type: none"> Central office professionals are evaluated on how well they serve the district's "customers." 		
<ul style="list-style-type: none"> The district uses anonymous "customer satisfaction" surveys of principals, a random sample of teachers, and other school-based professionals. If "no" we will initiate such surveys this year. 		
<ul style="list-style-type: none"> All textbooks and other instructional materials and supplies are delivered to all schools in advance of school opening. 		
<ul style="list-style-type: none"> Repair orders for broken windows, graffiti, heating, and other building problems are handled 		

quickly and with as little intrusion on instruction as possible.		
<ul style="list-style-type: none"> This school year, no new teachers who had accepted offers were lost to other districts because contracts were not completed in a timely way. 		
<ul style="list-style-type: none"> A student referred for evaluation by a child study team will be reviewed within twenty days and a diagnosis completed within ninety days. 		
<ul style="list-style-type: none"> Nutritious, healthy, and tasty food is served for lunch. 		

The foregoing indicators begin and end with the longitudinal, disaggregated evidence of student performance.

Budget preparation for 2004-05

As is the case with all other elements of this year's guidance, budget preparation and review for 2004-05 will be driven by the relationship of school and district spending to improvement in student achievement. Since implementation of the 2004-05 budget policy will not require Supreme Court approval, as it did in each of the last two years, the department expects to approve most budgets during April.

In its July 23, 2003 order, the NJ Supreme Court intensified its attention to the effective and efficient expenditure of Abbott funds. In it, the court directed the department to create a new standard for both "efficiency" and "effectiveness" and establish procedures to review the 2003-04 Abbott proposed noninstructional and central office expenditures. For 2004-05, districts should expect two changes in those efficient and effective standards. First, the standards themselves will be modified, broadened, and strengthened to be more transparent, easier to use, and more uniformly applied. The department is working with a number of outside persons with experience and expertise in these questions and intends to share a draft of its standards with representatives of Abbott districts. Second, the new standards will be applied to all expenditures, including, of course, instructional spending at the school level.

While the new standards for judging efficiency and effectiveness must be in place by February, it is our intent to develop and promulgate them well before then, if at all possible.

Please note that draft school budgets for 2004-05 based on the 2003-04 school budgets are to be prepared by the districts and distributed to schools by November 3. School budgets are to be submitted to the district on December 12, 2003 and to the DOE by January 8, 2004.

Much of the schedule is determined by the date of the Governor's Budget Message which contains state aid recommendations to the Legislature and the statutory February 25, 2004 date for submitting Abbott district budgets to the department. While the court has approved a budget schedule that permits departmental approval no later than the last business day in May, it is our intention to advance that date for Abbott districts. Districts that submit complete budgets electronically on time and that meet the formal budget guidance the department will provide in February, can expect an approval in April.

There are two additional procedures to consider as the 2003-05 budget planning proceeds. First, the November face-to-face meetings between the department and Abbott districts are intended to sort through both educational and budgetary issues so that there is an earlier and stronger agreement about priorities and revisions. The department will share a student achievement profile for each district in advance of the meeting that will serve as the agenda meeting. We will seek agreement on the strengths and weaknesses in each district's instructional program, the most productive approach to dealing with problems, and the implications for curriculum, professional development, instructional technology and materials, and budgets.

To facilitate both the November meeting and budget preparation, districts should give immediate attention to the requirement for disaggregating student data by those students who have been continuously enrolled in a given school for three or more years, and those that have been continuously enrolled in the district for three or more years (if at more than one school). This category provides a much fairer picture of the contributions made by Abbott schools than other sub groupings that do not reflect mobility. These "continuously enrolled students" or "CES" data are a condition for consideration of supplemental funding requests.

The second important procedure involves the revisions to the School and District Three-year Operational Plans. As indicated in this guidance, revisions this year will be framed by the assessment of longitudinal student performance by subgroups as required by both NCLB and Abbott as a guide to evaluating classroom-, school-and-district-level responsibilities for improved instruction and student achievement. The assessment of what students need in order to be literate and to master the CCCS is the basis for three-year plan revisions and budget requests. The department's review of the revisions will assume that the most likely explanation for instructional problems is classroom-related e.g., teacher preparation, tailored professional development opportunities, instructional materials fully aligned with a coherent district curriculum and the CCCS, school leadership to assist and support teachers, and a central office that creates a clear curriculum and recruits highly qualified educators.

"Classroom out" means that the academic needs of students and the instructional needs of teachers guide the planning for student achievement. This focus will be the signature for the 2003-05 and subsequent budgets.

APPLICATION TO CHANGE WSR MODELS

APPLICATION FOR IMPLEMENTING AN ALTERNATIVE WHOLE SCHOOL REFORM DESIGN

OVERVIEW

Purpose. State regulations pertaining to schools in the Abbott district presume that elementary schools will implement a national model of Whole School Reform (WSR) to assure universal literacy by third grade and attainment of the Core Curriculum Content Standards (CCCS) at every grade level. For eligible schools under certain circumstances, however, a school may apply to the Commissioner, if it decides that Abbott's goals will be achieved better with an alternative WSR design. Schools that want to select another DOE-approved WSR model may use Section B of this application. This document provides the information and the forms for approval of an Alternative Whole School Reform Design and to select a new WSR model.

Literacy and learning. In reviewing applications for the alternative WSR design, the DOE will give greatest weight to evidence that the applicant school has completed a rigorous assessment of student achievement, analyzed the reasons for inadequate performance, and demonstrated the relationship of the proposed alternative WSR design to those findings and prescriptions for improvement. Only alternative WSR designs built on improved student achievement will be considered.

Note that Abbott districts interested in developing a single

model for all of their elementary schools should not use this form, but should instead set up a meeting with the Division of Abbott Implementation.

Section B includes the application for schools to select a new WSR model.

In accordance with N.J.A.C. 6A:10A, *Improving Learning and Literacy in Abbott Districts*, schools in the following categories are eligible to apply for an Alternative WSR design:

1. High-performing schools, that are schools in which the percentage of general education students attaining proficiency on the Language Arts Literacy (LAL) section of the 2002 Elementary School Proficiency Assessment (ESPA) exceeds the statewide percentage, as may be adjusted by the Commissioner.
2. Schools that did not have a whole school reform (WSR) contract in 2002-03 are expected to have reinstated their original WSR model in the current school year. The Commissioner and superintendent will collaborate with the School Leadership Council (SLC) to examine each school without a contract to determine if the school should adopt another WSR model, or if a WSR model is not available that meets its needs, implement an alternative WSR design.
3. Schools and model developers that file a complaint with the Commissioner of Education, asserting failure of the other party to comply with the WSR contract will undergo a review of the issues by the Commissioner with the intent of directing actions required to ensure satisfactory performance of the contract and to determine if the contract should be continued or modified. If performance under the contract is not feasible, the Commissioner may authorize the school to apply for an alternative WSR design.
4. Low-performing schools are those in which 50 percent or more of general education students were not proficient on the Language Arts Literacy (LAL) Section of the 2002 Elementary School Proficiency Assessment (ESPA). These schools will undergo an assessment by a Performance Assessment Team. If the Performance Assessment Team, working with a low-performing school and its central office, determines that satisfactory results cannot be achieved with the current WSR model, it may recommend an alternative WSR design as part of the agreement reached with the school. Once the agreement is approved by the Commissioner, the alternative WSR design may be implemented. The improvement agreement replaces this application.

Alternative Whole School Reform Design Requirements

Below are the requirements for schools to meet in order to be considered for an alternative WSR design.

High-Performing Schools:

1. The school must be on the list of high-performing schools. See www.nj.gov/njded/abbotts for the list of high-performing schools, which the Commissioner will update annually.
2. The department will defer to the superintendent and SLC on the selection of another WSR model or the development of an alternative WSR design.
3. The principal, SLC and superintendent will submit a letter-application to the department indicating if the 2003-04 year will be used to plan or to implement the alternative WSR design. High-performing schools need not submit Form A.
4. If the school intends to implement the alternative WSR design in 2003-04, the school must revise its Three-year Operational Plan to include the following:
 - a. The transition from the current WSR model to the alternative WSR design;
 - b. The schedule for the introduction of new materials and

- c. The pace, magnitude and nature of the professional development required of the faculty; and
 - d. A description of how the alternative WSR design will contribute to increased student achievement.
5. If implementation is to occur in 2004-05, the school must submit all of the information in item four above and document changes in the School Three-year Operational Plan and annual school-based budget.

Schools without a contract in 2002-03:

1. The Commissioner and superintendent will collaborate with the principal and SLC of schools without a contract to assess the following:
 - a. Whether the requirements of the original WSR model have been fully and fairly implemented, or whether the school can document the reasons for incomplete implementation;
 - b. Whether the model has contributed to early literacy and sufficient improvement in student proficiency on the CCCS;
 - c. Whether the philosophy and practices of the WSR model have been fully integrated into the school; and
 - d. Whether the conditions essential for sustained school improvement can be achieved by resuming the contract with the previous WSR model.
2. If the evaluation concludes that restoration of the original WSR contract is neither feasible nor desirable for improved student achievement, the school will contract with another approved WSR model. If no other approved WSR model can meet the needs of the school, it may apply for an alternative WSR design, completing Form A to document the following:
 - a. That the alternative WSR design is consistent with N.J.A.C. 6A:10A-3.3(b), the nine elements of whole school reform;
 - b. That there is a clear transition plan to the alternative WSR design;
 - c. That the alternative WSR design is fully aligned with the district's professional development activities, curriculum, CCCS, goals of early literacy and other district priorities; and
 - d. That the school-based budget is sufficient to implement the alternative WSR design.

Schools and WSR model developers that file a successful complaint with the Commissioner and the Chief School Administrator (CSA).

1. The school and superintendent file a complaint with the Commissioner.
2. The Commissioner reviews the complaint and takes whatever steps he deems necessary to resolve the problems raised by the complaint so that satisfactory performance under the contract can be achieved.
3. If the Commissioner determines that satisfactory performance under the contract is not feasible, the school may select another DOE-approved WSR model. If none of the other models meet the school's needs, it may apply for an alternative WSR design.

Schools, other than those designated low- or high-performing, that did not have a contract in 2002-03 or that assert failure by another party to comply with the WSR contract, will have to do the following to terminate the WSR contract:

1. Demonstrate that the requirements of the WSR model have been fully and fairly implemented, or document the reasons for incomplete implementation; that the model has not contributed to sufficient improvement in student achievement; or that the philosophy and practices of the model have been integrated fully into the school;

2. Select a Department-approved WSR model or submit an application for an AWSRD;
3. Ensure that the new WSR model will be consistent with standards-based reform in accordance with N.J.A.C. 6A:10A-3.3 (a); and
4. Include a transition plan to the new model.

The purpose of encouraging an alternative WSR design for eligible schools is to avoid a "cookie cutter" approach that characterizes some WSR models. The DOE believes that educators at the school and district level are in the best position to gauge the progress of their students and to determine what instructional practices will best respond to their academic needs. Hence, there are no mandatory elements for the alternative WSR design, as long as there is a demonstration that the instructional needs of students have been fully assessed and addressed and that the requirements of the nine elements of whole school reform are included.

Schools must submit the following information with the attached application:

1. Evidence from its revised Three-year Operational Plan that the school community, including all teachers, has carefully and deeply assessed student achievement using state, district, and school measures of performance;
2. A modified school Three-year Operational Plan and annual budget that illustrates how the requirements described in N.J.A.C. 6A:10A-3.6 are to be satisfied by the alternative WSR design, which must be approved by the SLC and a vote of the school's certificated staff; and
3. A letter from the superintendent that details how the school will be supported and the role the central office played in developing the alternative WSR design.

The application for an alternative WSR design and selecting a new WSR model should be submitted to your regional center with a copy to **Gordon MacInnes, Assistant Commissioner, Division of Abbott Implementation, New Jersey Department of Education, 100 Riverview Plaza, P.O. Box 500, Trenton, NJ 08625-0500** or by electronic transmission to **Gordon.MacInnes@doe.state.nj.us**.

FORM A: APPLICATION FOR AN ALTERNATIVE WHOLE SCHOOL REFORM DESIGN

District: _____	School: _____	Grades: _____
Current WSR Model: _____		Cohort: _____

General Information

1. If approved, the school will implement the alternative WSR design:
 - ___ this school year ___ in 2004-05.
2. Check eligibility:
 - ___ The school did not have a WSR contract in 2002-03 and no department- approved WSR model can meet the current needs of the school.
 - ___ The school filed a complaint with the Commissioner who determined that satisfactory performance under the contract was not possible and no department-approved WSR model can meet the needs of the school.
3. *No Child Left Behind* (NCLB) status:
 - ___ Our school has been designated a "school in need of improvement."
 - ___ Yes ___ No

If "no," our school has received a "warning" that some subgroup(s) did not make adequate progress last year. ___ Yes ___ No

 - ___ If "in need of improvement," our school was cited for not achieving ___ of 40 indicators (e.g. for 95 percent test-taking, math, language arts, NCLB subgroups special education students (SPED), etc).
 - ___ The percentage of our students categorized as English Language Learners (ELL) is _____ and as classified disabled is _____.
 - ___ Our school improvement plan required by NCLB is consistent with this alternative WSR design proposal.
 - ___ Yes ___ No

Student Performance Profile

1. The percentage of our general education students who were proficient or advanced proficient on the New Jersey Assessment of Skills and Knowledge (NJASK4) was _____.
2. The percentage of students continuously enrolled for at least three years in our school achieving proficient or advanced proficient status was _____.
3. Having reviewed the NJASK4 results by cluster, we have concluded that the area of strongest teaching and learning was _____.
4. Similarly, we have concluded that the area of weakest performance by last year's fourth graders was _____.
5. We use standardized tests such as TerraNova for kindergarten, first, second, and third grades. ___ Yes ___ No
If yes, the percentage of our first graders who were reading on grade level in 2002-03 was _____.

Intensive Early Literacy check

1. We have classroom libraries. ___ Yes ___ No
If yes, the average number of books in our second grade classrooms is _____.
If we have ELL students, we also have books in their native language. ___ Yes ___ No
2. All K-3 classrooms are organized around "learning centers" or small-group instruction areas for computers, reading, writing

- and science. ___Yes ___No
- All K-3 classes devote at least 90 minutes each morning to a language arts/literacy block of uninterrupted instruction.
___Yes ___No
 - Dual language classes are available for ELLs, as appropriate. ___Yes ___No

Our Alternative Whole School Design Proposal

- The main reason we seek approval to implement an alternative WSR design is _____

- If implemented, the most striking change that will be noticeable to classroom teachers will be the following:

- The most striking change that will be noticeable to students will be the following: _____

- The most striking change that will be noticeable to parents will be the following: _____

- The student performance objectives most likely to be achieved by the alternative WSR design are the following:

- If the design is successfully implemented, we expect the percentage of first grade readers to increase to _____ by June 2004 and to _____ by June 2005.
- The following members of the school community were involved in the development of the design (give names and titles):

- The following members of the central office were also involved in the development of the design, by name and title:

- The three largest revisions (with amounts) to the school budget required to implement or plan the alternative WSR design are as follows:

- If approved, we expect to begin professional development for teachers by _____(date) and that approximately _____ hours will be required in the first full year of implementation.
- If applicable, we expect new instructional materials required by the alternative WSR design to be introduced by _____(date).
The following training will be offered to noninstructional SLC members _____

- Our alternative WSR design is consistent with the nine elements of WSR.
___Yes ___No.
- Which of the elements is not included in the alternative WSR design?

- How will your school address missing elements?

WSR Model Information

- We began implementation of the WSR model (date): _____
Implementation has been continuous? ___Yes ___No
- On a scale of one to 10, with 10 representing full implementation of all WSR model requirements and one no implementation, our level of implementation was _____.
- The faculty vote to abandon our current WSR model was taken on _____ by a vote of _____ to _____.
- Our school does not want to continue its WSR model for the following most important reason:

- What other department-approved WSR models did the school reviewed? On what basis did the faculty and/or SLC determine that each model would not address the instructional needs of the students? Provide information for at least three

models.

Models	Rationale for not Selecting Model
A:	
B:	
C:	

Signatures:

TITLE	SIGNATURE	DATE
Chief School Administrator		
Principal		
SLC Chairperson		

APPLICATION FOR SELECTING A NEW WSR MODEL

Overview

The same schools that are eligible to implement an alternative WSR design may instead switch to another WSR model, if the principal and SLC conclude that another WSR model best addresses the school's needs. If a school decides to select a new WSR model, it must first consider the models on the department-approved list. See www.nj.gov/njded/abbotts/resources/. If a school is interested in implementing a WSR model that is not on the department- approved list, it may work with the provider of the model to complete an alternative WSR design application or it may petition the department to add the model to the approved list. The department will review all such requests separately and notify the schools of its decision.

All other schools that do **not** fall into one of the four categories eligible for AWSRD that are not satisfied with their WSR model may apply to switch to another approved model. These schools will have to demonstrate that they have made a good-faith effort to implement their WSR models and that the current WSR model is not contributing to improved student performance.

Schools selecting a new WSR model, **except high-performing schools**, should complete and submit Form B to their regional center with a copy to Gordon MacInnes, **Division of Abbott Implementation or by electronic transmission to gordon.macinnes@doe.state.nj.us**.

FORM B: APPLICATION TO SELECT A NEW WHOLE SCHOOL REFORM (WSR) MODEL

District: _____ School: _____ Grades: _____
Current WSR Model: _____ Cohort: _____

<p>Check one:</p> <ol style="list-style-type: none"> _____ Our school did not have a WSR contract in 2002-03 and no department-approved model meets the school's needs. _____ Our school filed a complaint with the Department of Education (DOE) and Chief School Administrators (CSA). The Commissioner determined that satisfactory performance under the contract was not possible . _____ Our school is not satisfied with its current WSR model and wants to select a new WSR model.

<p>Check one and include name of model.</p> <ol style="list-style-type: none"> Our school is interested in adopting _____ from the list of department-approved WSR models: Our school is interested in adopting _____ which is not on the department- approved list. We reviewed other WSR models. Our faculty and/or SLC determined that each model would not address the instructional needs of the students. Please provide information for at least three models below.
--

Models	Rationale for not Selecting Model
A:	
B:	
C:	

4. Our school has been implementing **all** components of the WSR model as specified by the WSR developer since _____.
5. We have prepared a list of components of the WSR model which have not been implemented and the reasons why. Yes No
6. We have included statements of the two most important reasons why our school does not want to continue with its WSR model. Yes No
7. We are providing the following evidence to demonstrate that our WSR model has not been contributing to improving student performance. The percentage of students that are proficient and advanced proficient is as follows:

Elementary School Proficiency Assessment (ESPA)/NJ Assessment of Skills and Knowledge (NJASK4)

	Language Arts Literacy			Mathematics		
	Total Students	ELLs	SPED	Total Students	ELLs	SPED
1999-2000						
2000-2001						
2001-2002						
2002-2003						

Grade Eight Proficiency Assessment (GEPA)

	Language Arts Literacy			Mathematics		
	Total Students	ELLs	SPED	Total Students	ELLs	SPED
1999-2000						
2000-2001						
2001-2002						
2002-2003						

8. We are providing evidence from other standardized tests to demonstrate that the current WSR model is not contributing to improved student performance on language arts literacy and mathematics. We have included name of test and year(s) of administration and we have provided subgroup analyses, if available.

Check those that apply:

9. Our new WSR model is consistent with the following nine elements of WSR:
 - Improved student achievement and mastery of the CCCS through standards-based reform at the school level;
 - Assessment, planning, budgeting and implementation of reforms, programs, and services driven by data, including student outcomes, student and school needs, best practices, national research, and evidence of effectiveness in a similar school context;
 - School-based leadership and decision-making;
 - Integration and alignment of school-level reforms, programs and services;
 - Educational technology;
 - Teacher supports;
 - A safe school environment;
 - Student and family support; and
 - Accountability.
10. Our school has made a good-faith effort to implement the requirements of the original WSR model. Yes No
11. The faculty vote on the current WSR model was taken on _____ with the following results: _____ in favor of retaining the

WSR model and _____ in favor of eliminating the WSR model.

12. If approved, we expect to begin professional development for teachers by _____(date) and that approximately _____hours will be required in the first full year of implementation.

If applicable, we expect new instructional materials required by the new WSR model to be introduced by _____(date).

The following training will be offered to noninstructional SLC members _____

Signatures:

TITLE	SIGNATURE	DATE
Chief School Administrator		
Principal		
SLC Chairperson		

REVISION OF SCHOOL THREE-YEAR OPERATIONAL PLAN FOR 2004-05 SCHOOL YEAR

**Revision of School Three-year Operational Plan
for 2004-05 School Year**

Purpose and Planning Process

This document will be used by principals and School Leadership Councils (SLC) as a step-by-step outline to assess student work, identify obstacles to improved performance, propose the actions to be taken to overcome the obstacles, and to set the benchmarks for monitoring progress during the 2004-05 school year. Completion of this document constitutes a revision to the School Three-year Operational Plan submitted July 15, 2003 to take effect in the 2004-05 school year.

In its guidance document for Abbott schools and districts, *Improving Literacy and Learning*, the Department of Education sets the policies and procedures for "classroom out" assessment and planning. Learning starts and ends with what happens, or should happen, between teachers and students in classrooms. One of the first changes you will note is the requirement that every teacher complete a checklist that is provided as a part of the guidance. These checklists are to remain with the school and are not to be shared with the district or DOE. The purpose of the checklists is to ensure that those educators who are closest to students every day share their perspective in a more systematic way so that the school plan reflects the realities of its classrooms. After each teacher completes the checklist, he/she should take part in a grade-level discussion of similarities and differences with his/her colleagues, and then in a full faculty meeting with the principal. After these discussions, the information should be summarized for the SLC to guide the preparation of a revised three-year plan for 2004-05.

The information in this section should guide the discussions and the revision of the School Three-year Operational Plan.

Schools must submit to the central office and to DOE a revision to their School Three-year Operational Plan for the 2004-05 school year. To update the plan, schools must engage in a two-tiered process that includes the perspective of classroom teachers, and an in-depth analysis of the assessment data. These two processes will serve as the backdrop for revising and implementing the School Three-year Operational Plan for 2004-05.

Intensive Early Literacy

If all students are not strong readers by the end of third grade, schools and districts must assess the literacy program to determine if all the elements of New Jersey's Intensive Early Literacy program have been fully or appropriately implemented. Each elementary school should review those elements and map a specific plan for implementing elements beginning this school year. For example, if read-alouds are not now a part of literacy instruction each morning, then the principal and teachers should determine how this essential practice can be introduced. In the same way, other elements such as classroom libraries, small learning centers, and continuous assessment of progress should be scheduled for full implementation, but in no case later than the beginning of the 2004-05 school year. You can use Form C to describe the school's intensive early literacy implementation level.

Completing the Revision of the School Three-year Operational Plan

The School Leadership Council, led by the principal, should involve all school staff in the analysis of student performance and teacher perceptions (i.e., checklists for elementary, middle school and high school teachers), identification of learning deficiencies and obstacles to student performance, and the identification of solutions and strategies. The SLC and the principal, after a careful analysis of state and local test results, must establish performance targets for 2004-06. The results of the data analysis should assist in completing Charts A, B and C for both language arts literacy and math.

The district central office must ensure that schools have access to the data listed below to conduct the necessary data analyses.

To revise and update the School Three-year Operational Plan for the 2004-05 school year, each school must analyze the following data:

—Annual school- and district-level data from the state assessment Cycle II reports (1999-2002) and Cycle I from 2003 with

- percentage of students proficient, advanced proficient and partially proficient for language arts literacy (LAL) and mathematics, disaggregated by total students, special education students, and English language learners (ELL);
- Cluster area mean scores for the school, the district, and the state, disaggregated by the same subgroups in the bullet above;
 - English language proficiency levels and exit rates for all ELLs;
 - Summary of teacher checklists, identifying especially those areas/components of intensive early literacy that need further development;
 - Needs assessment completed for No Child Left Behind (NCLB) by subgroup, including identification of priority areas and Adequate Yearly Progress (AYP) performance targets;
 - Student attendance;
 - Graduation and dropout rates (secondary schools);
 - Teacher attrition rates;
 - Percentage of highly qualified classroom teachers as defined by NCLB; and
 - Results on non-state standardized tests disaggregated by the same subgroups as the state tests.

Step I. Review the summary of the teachers' checklist. The teachers' checklists for elementary schools, middle schools and high schools are located in the guidance document, *Improving Literacy and Learning*. Review the checklists and use the following questions to guide discussions about the possible causes of learning deficiencies and obstacles. The conclusions drawn from these discussions should be reflected on Charts A, B and C (located at the end of this document).

1. What components of early literacy are currently being implemented and which are not?
2. What do teachers' responses suggest are possible obstacles to improved student mastery of reading, writing and the other CCCS?
3. Do teachers' responses imply that a closer review of curriculum and materials is needed? Of the professional development plan? Of the school culture?

Step II. Review and analyze state test results. It is strongly suggested that the following questions guide the school's discussions related to revision of the School Three-year Operational Plan for 2004-05.

1. After careful analysis and synthesis of the assessment data (1999-2003), what learning deficiencies are revealed? For total students? English Language Learners? Special Education students?
2. How does your **total student population** who take the math and LAL sections compare with other Abbott districts ("special needs") and the state average?
3. How do your **English Language Learners** who take the math and LAL sections compare with other Abbott districts and the state average?
4. How do your **special education** students who take the math and LAL sections compare with other Abbott districts and the state average?
5. What does the analysis of cluster results suggest are schoolwide areas of deficient learning and instruction that must be addressed for total population, ELLs and special education students?
6. What changes in classroom practice, professional development and curriculum are necessary to improve performance of all students?
7. Based on an analysis of state assessment data, English language proficiency and exit rate data, what changes in programs, practice and professional development are needed for ELLs?
8. Based on the results of the state assessment cluster analysis, which of the NJCCCS must be better aligned to classroom instruction/grade-level planning?
9. How does performance on the state tests compare with performance on local or national standardized tests for total population, ELLs, and special education?
10. How is instruction affected by staff attrition rates, number of highly qualified teachers in classrooms, and recruitment procedures for the district?
11. How does the school explain any upward or downward trend(s) in performance revealed by the data?
12. What areas of deficiency are best explained and addressed by policies, procedures and practices at the **district level**, those at the **school level**, and those at the **grade/classroom level**—as well as those explained by **more than one** of these?
13. What other factors, including those that may be distinctive to the school, should be considered in your analysis.

Step Three: Complete Charts A, B, and C, located at the end of this document. After analyzing the teacher survey (i.e., checklist) results, assessment results, and other data, the SLC must complete Charts A, B, and C. These charts should clearly identify the performance targets for the 2004-06 school years, the learning deficiencies and obstacles that stand in the way of improving student performance, and the steps the school will take to eliminate or lower those obstacles.

**No Child Left Behind
Incremental Increases in Expectations**

This chart contains the New Jersey Adequate Yearly Progress (AYP) incremental benchmarks in language arts literacy and mathematics. The figures below represent the percentage of total students (including the disaggregated student subgroups) that

scored proficient or advanced proficient. Beginning in 2003-04 school year, the incremental benchmark for the NJ ASK3 will be added. Consider these benchmarks when establishing the school's performance targets.

		2002	2005	2008	2011	2014
Language Arts/Literacy	Grade 4	68	75	82	91	100
	Grade 8	58	66	76	87	100
	Grade 11	73	79	85	92	100
Math	Grade 4	53	62	73	85	100
	Grade 8	39	49	62	79	100
	Grade 11	55	64	74	86	100

THREE-YEAR OPERATIONAL PLAN TITLE PAGE - FORM A

SCHOOL:		DISTRICT:	
SCHOOL CODE:		DISTRICT CODE:	
CURRENT DATE:		REGION: <input type="checkbox"/> North <input type="checkbox"/> Central <input type="checkbox"/> South	
WSR MODEL: _____		Date model initially adopted _____	
Newly selected WSR model? <input type="checkbox"/>		Newly selected alternative WSR design? <input type="checkbox"/>	
APPROVED TITLE I SCHOOLWIDE: <input type="checkbox"/> Yes <input type="checkbox"/> No		NCLB SCHOOL IN NEED OF IMPROVEMENT: <input type="checkbox"/> Yes <input type="checkbox"/> No	
COUNTY:	COUNTY CODE:		
DISTRICT CONTACT:	SCHOOL PRINCIPAL:		
DISTRICT CONTACT PHONE:	PRINCIPAL PHONE:		
DISTRICT CONTACT FAX:	PRINCIPAL FAX:		
DISTRICT CONTACT E-MAIL:	PRINCIPAL E-MAIL:		
DISTRICT BUSINESS ADMINISTRATOR NAME:	SCHOOL ADDRESS—CITY, STATE, ZIP		
DISTRICT BUSINESS ADMINISTRATOR PHONE/FAX:	GRADE SPAN OF SCHOOL: Grades ___ - ___ Elementary _____ Middle _____ High School _____		
DISTRICT ADDRESS—CITY, STATE, ZIP	TOTAL SCHOOL-BASED BUDGET FUNDS:		
Signature of School Principal & Date:	Signature of School Facilitator & Date:		
The revised Three-Year Operational Plan has been approved by the SLC of the _____ School.			
Signature of School Leadership Council Chair & Date:	SLC Chair Address:		
SLC Phone:	SLC Fax:		
School Three-Year Operational Plan and Annual Budget Due Date: District: December 12, 2003			
DOE: January 8, 2004			

PARTICIPANTS IN THE PLANNING PROCESS
FORM B

School _____

Checklists/Survey

Utilize the appropriate checklists for elementary, middle and high schools located in the guidance, *Improving Literacy and Learning*, to answer the following questions:

Number of teachers in the school	Number of teachers who completed the checklist	Number of teachers participating in grade-level discussions	Number of teachers at full faculty discussion of checklist issues
Explanation for less than 100 percent participation of teachers?			

Indicate which of the following steps was completed:

- Grade-level meetings were held to discuss the checklist.
- Full-faculty meeting was held by the principal to discuss the checklist.
- A summary of consensus areas was prepared for the School Leadership Council.

SLC/Faculty Vote. SLC Vote: Indicate the number of votes for and against adopting the plan by the SLC and the school faculty. Number of SLC members: _____ Number of SLC members voting for adoption of Operational Plan: _____ Number of SLC members voting against adoption of the Operational Plan: _____

Faculty Vote: Number of faculty members voting to adopt the Operational Plan: _____
 Number of faculty members voting against adopting the Operational Plan: _____

Planning Process

Include the names and titles of other individuals who were involved in the planning process. Ensure that plan development involves district-level bilingual/ESL, special education, and NCLB supervisors/directors. Attach an additional sheet, if necessary.

Name	Title	Signature

**INTENSIVE EARLY LITERACY IMPLEMENTATION LEVEL
 ELEMENTARY SCHOOLS—FORM C**

School _____

This table contains a partial listing of the Intensive Early Literacy requirements. Each elementary school must indicate below the extent of its current implementation of the following components of Intensive Early Literacy and the schedule for achieving full implementation of these components.

Intensive Early Literacy Element	Current Level of Implementation	Schedule for Achieving Full Implementation
Scientifically based reading curriculum that includes motivation, background knowledge, phonemic awareness, phonics, fluency, vocabulary and comprehension.		
Uninterrupted 90-minute literacy block.		
Read aloud to the whole class daily.		
Reading, computer, and writing learning centers.		
Classroom library with at least 300 books aligned to Core Curriculum Content Standards and the district reading program, including assistive materials for special education students and English Language Learners.		
The district curriculum is aligned with the CCCS and includes citations to the CCCS.		
Kindergarten curriculum is aligned with district's preschool curriculum.		
Teachers receive the assistance they need to employ computers in instruction and they are used daily.		

The district uses standardized tests in kindergarten, first and second grades that permit cluster and item analysis to aid instruction.		
Assessment results are shared with, and explained to, teachers, parents, students, the central office and SLC members.		
A cluster analysis has been completed of the NJASK4 results.		
At least 75 percent of our students can read at grade level by the end of first grade.		
Dual language classes are available for students with a strong background in their native language.		
Exchange visits occur with preschool programs whose "graduates" attend kindergarten and receive information on student work and the preschool curriculum.		

Chart A-LAL	Goals and Strategies for Implementation—2004-05
TOTAL STUDENT POPULATION	
School _____	
Subtest <u>LAL</u>	Check one: NJASK4 <input type="checkbox"/> GEPA <input type="checkbox"/> HSPA <input type="checkbox"/>

Indicate your school's baseline data and performance targets in language arts literacy. Consider the relationship between your school's baseline data and the NCLB Adequate Yearly Progress (AYP) benchmark. Set your school's performance targets for 2004, 2005, and 2006, with the goal of closing the achievement gaps for all students.

2003 Baseline Data	2004-06 Performance Targets
TOTAL STUDENT POPULATION	
Percent passing LAL:* 2003 _____%	Percent passing LAL:* 2004 _____% 2005 _____% 2006 _____%

*Percent passing = percentage of students achieving proficiency and advanced proficiency

After a careful analysis and synthesis of the teacher checklists and the assessment data, what deficiencies/obstacles in literacy have been identified for the total student population? Describe below (a) the learning deficiencies and obstacles that contribute to low student achievement in language arts literacy and (b) the strategies/solutions to be implemented. Add rows as needed to complete the chart for each learning deficiency identified for the total student population.

Learning Deficiencies/Obstacles	Strategies/Solutions 2004-05
TOTAL STUDENT POPULATION	

Explain what type(s) of curriculum/instructional materials and professional development will be needed to address the deficiencies identified with particular emphasis on areas of need revealed in the cluster analyses.

Chart A-MATH	Goals and Strategies for Implementation—2004-05
TOTAL STUDENT POPULATION	
School _____	
Subtest <u>Math</u>	Check one: NJASK4 <input type="checkbox"/> GEPA <input type="checkbox"/> HSPA <input type="checkbox"/>

Indicate your school's baseline data and performance targets. Consider the relationship between your school's baseline data and the NCLB Adequate Yearly Progress (AYP) benchmark. Set your school's performance targets for 2004, 2005, and 2006, with the goal of closing the achievement gaps for all students.

2003 Baseline Data	2004-06 Performance Targets
TOTAL STUDENT POPULATION	
Percent passing Math:* 2003 ___%	Percent passing Math:* 2004 ___% 2005 ___% 2006 ___%

*Percent passing = percentage of students achieving proficiency and advanced proficiency

After a careful analysis and synthesis of the teacher checklists and the assessment data, what deficiencies/obstacles in math have been identified for the total student population? Describe below (a) the learning deficiencies and obstacles that contribute to low student achievement and (b) the strategies/solutions to be implemented. Add rows as needed to complete the chart for each learning deficiency identified for the total student population.

Learning Deficiencies/Obstacles	Strategies/Solutions 2004-05
TOTAL STUDENT POPULATION	

Explain what type(s) of curriculum/instructional materials and professional development will be needed to address the deficiencies identified with particular emphasis on areas of need revealed in the cluster analyses.

Chart B-LAL

Goals and Strategies for Implementation—2004-05

ENGLISH LANGUAGE LEARNERS

School _____

Subtest LAL Check one: NJASK4 ___ GEPA ___ HSPA ___

Indicate your school's baseline data and performance targets in language arts literacy. Consider the relationship between your school's baseline data and the NCLB Adequate Yearly Progress (AYP) benchmark. Set your school's performance targets for 2004, 2005, and 2006, with the goal of closing the achievement gaps for all students.

2003 Baseline Data	2004-06 Performance Targets
ENGLISH LANGUAGE LEARNERS	
Percent passing LAL:* 2003 ___%	Percent passing LAL:* 2004 ___% 2005 ___% 2006 ___%

*Percent passing = percentage of students achieving proficiency and advanced proficiency

After a careful analysis and synthesis of the teacher checklists and the assessment data, what deficiencies/obstacles in literacy have been identified for English Language Learners? Describe below (a) the learning deficiencies and obstacles that contribute to low student achievement and (b) the strategies/solutions to be implemented. Add rows as needed to complete the chart for each learning deficiency identified for the ELs.

Learning Deficiencies/Obstacles	Strategies/Solutions 2004-05
ENGLISH LANGUAGE LEARNERS	
<p>EXAMPLE: Reading subcluster mean score is below district, Abbott and DFG-A for comparable population. Item analysis of TerraNova shows core deficiency in vocabulary.</p>	<p>EXAMPLE: Provide professional development in reading, emphasizing vocabulary acquisition through utilization of semantic and concept maps. Build background knowledge by</p>

	<i>aligning oral ESL curriculum to content of reading program.</i>
Explain what type(s) of curriculum/instructional materials and professional development will be needed to address the deficiencies identified with particular emphasis on areas of need revealed in the cluster analyses.	

Chart B-MATH	Goals and Strategies for Implementation—2004-05 ENGLISH LANGUAGE LEARNERS School _____
Subtest <u>Math</u>	Check one: NJASK4 <input type="checkbox"/> GEPA <input type="checkbox"/> HSPA <input type="checkbox"/>

Indicate your school's baseline data and performance targets. Consider the relationship between your school's baseline data and the NCLB Adequate Yearly Progress (AYP) benchmark. Set your school's performance targets for 2004, 2005, and 2006, with the goal of closing the achievement gaps for all students.

2003 Baseline Data	2004-06 Performance Targets
ENGLISH LANGUAGE LEARNERS	
Percent passing Math:* 2003 _____%	Percent passing Math:* 2004 _____% 2005 _____% 2006 _____%

*Percent passing = percentage of students achieving proficiency and advanced proficiency

After a careful analysis and synthesis of the teacher checklists and the assessment data, what deficiencies/obstacles in math have been identified for English Language Learners? Describe below (a) the learning deficiencies and obstacles that contribute to low student achievement and (b) the strategies/solutions to be implemented. Add rows as needed to complete the chart for each learning deficiency identified for the ELIs.

Learning Deficiencies/Obstacles	Strategies/Solutions 2004-05
ENGLISH LANGUAGE LEARNERS	
Explain what type(s) of curriculum/instructional materials and professional development will be needed to address the deficiencies identified with particular emphasis on areas of need revealed in the cluster analyses.	

Chart C-LAL	Goals and Strategies for Implementation—2004-05 SPECIAL EDUCATION STUDENTS School _____
Subtest <u>LAL</u>	Check one: NJASK4 <input type="checkbox"/> GEPA <input type="checkbox"/> HSPA <input type="checkbox"/>

Indicate your school's baseline data and performance targets in language arts literacy. Consider the relationship between your school's baseline data and the NCLB Adequate Yearly Progress (AYP) benchmark. Set your school's performance targets for 2004, 2005, and 2006, with the goal of closing the achievement gaps for all students.

2003 Baseline Data	2004-06 Performance Targets
SPECIAL EDUCATION STUDENTS	
Percent passing LAL:* 2003 _____%	Percent passing LAL:* 2004 _____% 2005 _____% 2006 _____%

*Percent passing = percentage of students achieving proficiency and advanced proficiency

After a careful analysis and synthesis of the teacher checklists and the assessment data, what deficiencies/obstacles in literacy have been identified for the special education population? Describe below (a) the learning deficiencies and obstacles that contribute to low student achievement and (b) the strategies/solutions to be implemented. Add rows as needed to complete the chart for each learning deficiency identified for the special education population.

Learning Deficiencies/Obstacles	Strategies/Solutions 2004-05
SPECIAL EDUCATION STUDENTS	
Explain what type(s) of curriculum/instructional materials and professional development will be needed to address the deficiencies identified with particular emphasis on areas of need revealed in the cluster analyses.	

Chart C-MATH

Goals and Strategies for Implementation—2004-05

SPECIAL EDUCATION STUDENTS

School _____

Subtest Math Check one: NJASK4 GEPA HSPA

Indicate your school's baseline data and performance targets. Consider the relationship between your school's baseline data and the NCLB Adequate Yearly Progress (AYP) benchmark. Set your school's performance targets for 2004, 2005, and 2006, with the goal of closing the achievement gaps for all students.

2003 Baseline Data	2004-06 Performance Targets
SPECIAL EDUCATION STUDENTS	
Percent passing Math:* 2003 _____%	Percent passing Math:* 2004 _____% 2005 _____% 2006 _____%

*Percent passing = percentage of students achieving proficiency and advanced proficiency

After a careful analysis and synthesis of the teacher checklists and the assessment data, what deficiencies/obstacles in math have been identified for the special education population? Describe below (a) the learning deficiencies and obstacles that contribute to low student achievement and (b) the strategies/solutions to be implemented. Add rows as needed to complete the chart for each learning deficiency identified for the special education population.

Learning Deficiencies/Obstacles	Strategies/Solutions 2004-05
SPECIAL EDUCATION STUDENTS	
Explain what type(s) of curriculum/instructional materials and professional development will be needed to address the deficiencies identified with particular emphasis on areas of need revealed in the cluster analyses.	

SUBMISSION REQUIREMENTS

- School Three-year Operational Plans are due to NJDOE January 8, 2004.
- Districts using EdSolution services may submit their forms and charts for the revised plan online. With online submission, one hard copy must be submitted to their respective Office of Program Planning and Design (OPPD) regional office. Teacher checklists can be completed anonymously online via EdSolution or any other provider used by the district.

- Schools using other providers or an internal system must submit one copy of their forms and charts to their respective OPPD regional office.
- Copies of the Application for Implementing an Alternative Whole School Reform and Selecting a New Whole School Reform Model should be sent to your regional center and to Gordon MacInnes by electronic transmission at Gordon.MacInnes@doe.state.nj.us.
- Note: Individual teacher checklists need not be shared with the district central office or with DOE.

Office of Program Planning and Design Regional Offices

<p>Office of Program Planning & Design Northern Region 240 South Harrison Street East Orange, NJ 07018</p>
<p>Office of Program Planning & Design Central Region 240 West State Street, PO Box 500 Trenton, NJ 08625</p>
<p>Office of Program Planning & Design Southern Region 1492 Tanyard Road Sewell, NJ 08080</p>

November 6, 2003

Special new rule, R.2004 d.231, effective May 25, 2004 (to expire June 30, 2004).
See: 36 N.J.R. 3167(a).