

**CHAPTER 10A****IMPROVING STANDARDS-DRIVEN INSTRUCTION  
AND LITERACY AND INCREASING EFFICIENCY  
IN ABBOTT SCHOOL DISTRICTS****Authority**

P.L. 2005, c. 132.

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Chapter 10A, Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts, expires on June 30, 2006.

**Chapter Historical Note**

Chapter 10A, Improving Learning and Literacy in Abbott Districts: Implementing Standards-Driven Instruction, Reforms, Programs and Services Under Abbott v. Burke, was adopted as special new rules by R.2003 d.394, effective September 9, 2003. See: 35 New Jersey Register 4759(a). Chapter 10A, Improving Learning and Literacy in Abbott Districts: Implementing Standards-Driven Instruction, Reforms, Programs, and Services Under Abbott v. Burke, expired on June 30, 2004.

Chapter 10A, Improving Learning and Literacy in Abbott School Districts: Implementing Standards-Driven Instruction and Effective and Efficient Practices Under Abbott v. Burke, was adopted as Special New Rules by R.2005 d.2, effective November 30, 2004. See: 37 N.J.R. Register 104(a). Chapter 10A expired on June 30, 2005.

Chapter 10A, Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts, was Special adopted as New Rules by R.2005 d.358, effective September 22, 2005. See: Source and Effective Date.

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

(a) These rules are adopted to implement the *Abbott v. Burke* decisions and are promulgated pursuant to P.L. 2005, c. 132 to ensure that all students in poor urban school districts 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, c. 136, as CCCS. These rules will also ensure that the instructional needs of students are continuously assessed, that all school districts operate in a cost-effective and efficient manner, are focused on improving learning, literacy and student mastery of the CCCS, and are supported by adequate funding. Additionally, these rules establish procedures and standards for those Abbott school districts receiving DEOA funding for fiscal year 2005-2006.

(b) These rules, promulgated by the Commissioner of Education under the authority of the Fiscal Year 2006 Appropriations Act, shall be effective through June 30, 2006. 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:23 and 6A:23A 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-1 et 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.

### 6A:10A-1.2 Definitions

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

"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.

"Abbott school district" means each of the following 28 urban school 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 school districts

not included above but designated Abbott school districts pursuant to statute, Neptune Township and Plainfield, P.L. 1999, c. 110, and Salem City, P.L. 2004, c. 61, and such other school districts as may qualify in the future. An Abbott school district shall not include any charter school.

"Administrative cost" means total administrative costs as defined by the Comparative Spending Guide and in accordance with the Uniform Minimum Chart of Accounts for New Jersey Public Schools and the National Center for Education Statistics classifications and other reporting directives published and distributed by the Commissioner pursuant to N.J.S.A. 18A:4-14 and N.J.A.C. 6A:23-2.

"Advertised per-pupil administrative costs" means the per-pupil administrative costs as defined by the Comparative Spending Guide and advertised in the school district budget software pursuant to N.J.S.A. 18A:22-11.

"Alternative Whole School Reform Design" or "AWSRD" means a plan approved by the Commissioner on the recommendation of the chief school administrator (CSA) and the school leadership council (SLC), in the case of a school AWSRD, that documents how elementary student performance in a school or entire school district can be improved by the implementation of a comprehensive program of instruction, governance and support adapted to the documented needs of its students and/or students district-wide and which the school district has documented to be more effective than the implementation of a national WSR model.

"Annual Audit Program" means the uniform program, including the Abbott Addendum, published and distributed by the Commissioner for each district board of education for preparing the Comprehensive Annual Financial Report pursuant to N.J.A.C. 6A:23-2.2(i).

"Appropriations Act" means the unitary appropriations law covering a single fiscal year as required by the New Jersey Constitution Article 8, Section 2, paragraph 2.

"CAPA Team" means the Collaborative Assessment and Planning for Achievement (CAPA) team of educational practitioners, parents and other individuals assembled, trained and assigned by the Commissioner and the chief school administrator to implement the CAPA process in low performing schools.

"CAPA Team Report" means the written report on the CAPA Team's findings and recommendations, developed by the CAPA Team with the SLC and school district central office, that is consistent with *Abbott X* and addresses at least the following: quality of instruction and school leadership; effectiveness of the SLC; level of parent participation, WRS model implementation, support from the Department, and the school district central office; the adequacy of supplemental programs and services to meet student needs, the status and quality of the school district's foundational education program with reference to curriculum, professional development, instructional materials and the use of student performance

evidence and such other areas of inquiry as the Commissioner shall deem appropriate. The findings and recommendations in the Report shall result in a written Improvement Agreement consistent with *Abbott X*.

“Certified Childcare Professional” or “CCP” means a credential earned by teachers for their knowledge of early child-

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

“Chief school administrator” or “CSA” means the superintendent of an Abbott school district, or the State school 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” or “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.

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

“Community and parent involvement specialist” means the school district staff member charged with furthering family/school partnerships for the preschool program. The specialist coordinates community and parent involvement plans and activities.

“Comparative Spending Guide” means the annual report of comparative financial statistics of school districts compiled and published for general distribution by the Commissioner pursuant to N.J.S.A. 18A:4-30.

“Comprehensive Annual Financial Report” or “CAFR” means as defined in N.J.A.C. 6A:23-1.2.

“Continuously Enrolled Students-District or “CES-District” means a statistical subgroup of those students who:

1. Were enrolled in the school district by July 1, 2002 or earlier;
2. Took the 2005 New Jersey Assessment of Skills and Knowledge 3 (NJ ASK3), 4 (NJ ASK4), Grade Eight Performance Assessment (GEPA) or High School Proficiency Assessment (HSPA); and
3. Were enrolled in more than one school in the school district after July 1, 2002. Any student enrolled in an Abbott school after July 1, 2002 who transferred directly from another school in the same school district will be categorized as one of “Continuously Enrolled Students—District.”

hood 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.

“Continuously Enrolled Students School” or “CES-School” means a statistical subgroup of those students who:

1. Were enrolled in an Abbott school by July 1, 2002 or earlier and continued to be enrolled through the 2004-2005 school year; and
2. Took the 2005 NJ ASK3, NJ ASK4, GEPA or the HSPA.

“Core Curriculum Content Standards” or “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.

“Cost of living” means the consumer price index or CPI pursuant to N.J.S.A. 18A:7F-3.

“Demonstrably Effective Program Aid” or “DEPA” means State aid pursuant to N.J.S.A. 18A:7F-18.

“Decodable books” means books with limited vocabulary that can be understood by applying acquired phonetic skills.

“Demonstrated need” means an obstacle to improved student performance that is documented by evidence.

“Department” means the New Jersey Department of Education.

“Department Efficiency Study” or “DES” means the Department’s cost efficiency study based on the McKinsey Group analysis, to review nine key cost centers based on median spending across the following six groups: statewide, Abbott school districts, operating type and size, county, region and district factor grouping (DFG). The nine key cost centers are administration and student support salaries, health benefits, facilities, regular transportation, special education transportation, supplies and equipment, utilities, adjusted classroom instruction and purchased professional services.

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

“Distance Learning Network Aid” or “DLNA” means State aid pursuant to N.J.S.A. 18A:7F-22.

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

“District Factor Grouping” or “DFG” means an index of socioeconomic status established by the Department of Education based on the 2000 decennial census.

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

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

“Early Learning Assessment System” or “ELAS” is an ongoing performance-based assessment process that measures the child’s progress in meeting the Preschool Teaching and Learning Expectations: Standards of Quality.

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

“Effective” means a conclusion that a practice, expenditure, program or service is achieving its intended result by 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 a reform, program, expenditure category or service or a component thereof, maximizes the use of time, effort, and resources, including funding, as demonstrated through site-specific evaluation and comparative data analyses against standards for efficiency and comparisons with the same expenditure category in other school districts.

“Emergent circumstance” means a circumstance that must be addressed expeditiously to avoid peril to the health and safety of students and staff and/or to avert an operating deficit from the implementation of the requirements of this chapter and the CCCS.

“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.

“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 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 by the school district and reflected in its two-year report on instructional priorities and annual budget.

“Fiscal specialist” means the school district preschool program staff member responsible for managing the financial aspects of the school district’s contractual obligations with child care center providers.

“Fiscal Year 2006 Discretionary Education Opportunity Aid” or “FY 2006 DEOA” means the State funding that exceeds FY 2006 EOA, applied for by an Abbott school district and awarded by the Department, to fund specific effective and efficient foundational education and supplemental programs in 2005-2006 to enable students to achieve the CCCS.

“Fiscal Year 2006 Education Opportunity Aid” or “FY 2006 EOA” means the State funding provided to support an Abbott school district’s fiscal year budget under the presumptive budget formula or parity (as defined in *Abbott v. Burke* 136 N.J. 444 (1994) and 119 N.J. 287 (1990)), whichever is greater.

“Foundational education” means the policies, standards and practices of a school district that include a coherent and clear curriculum aligned closely to the CCCS that guides the use of instructional materials and technology, the professional development and support for certified educators; the recruitment and retention of highly qualified educators; and the provision of continuous and effective support for all schools including supervision of instructional practice, a student database and support and assistance in using evidence of student work to guide instruction and specified assistance to schools in the timely delivery of goods, services, and support required for the maintenance of a safe, orderly, clean and educationally effective environment in each school.

“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 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, 40 hours per week.

(5) Approaches to helping English Language Learners acquire English while maintaining their home language;

(6) Inclusion of preschool children with special needs in general education settings to the maximum extent possible;

(7) The effectiveness of current family involvement activities and programs; and

(8) The articulation of the preschool program with kindergarten, including evidence that preschool and kindergarten teachers exchange program and curricular information with the individual results of the ELAS included for the kindergarten teacher, and a transition plan for preschool families to prepare for kindergarten;

ii. The school district's status of, and plans for, fully implementing the practices and standards of intensive early literacy to the standards set forth in N.J.A.C. 6A:10A-3.1(e) and middle grades literacy to the standards set forth in N.J.A.C. 6A:10A-3.1(f);

iii. The school district's status of, and plans for, assuring that every student is taught the CCCS for math with particular attention to the cumulative content required in grades five through eight to prepare all students for the GEPA mathematics subtest and the specific steps to be taken in 2005-2006 to eliminate math courses with titles like "business math," "essentials of math," and "fundamentals of math";

iv. The status of, and plans for, assuring that every student is taught the CCCS for science;

v. With respect to the instructional objectives in (b)2i through iv above, the status of ELLs as measured by the standards set forth in N.J.A.C. 6A:10A-3.1(a);

vi. With respect to preschool, literacy, math, and science, the status and performance of students classified as disabled; and

vii. The current status of efforts to plan for the conversion of large schools serving students in grades six through 12 to small schools or small learning communities as set forth in N.J.A.C. 6A:10A-3.2.

(c) A school district may include in its report any instructional priority adopted by the school district to meet a demonstrated need and documented instructional needs not covered by (b)1 and 2 above.

#### SUBCHAPTER 4. SCHOOL DISTRICT RESPONSIBILITIES FOR IMPROVED STANDARDS-BASED INSTRUCTION AND LEARNING.

##### **6A:10A-4.1 Role of the Abbott district board of education**

(a) The district board of education is responsible for the education of all its students and the effective and efficient operation of all schools and the school district.

(b) Each Abbott district board of education shall approve and submit by November 15 of the pre-budget year, the school district two-year report on instructional priorities as prescribed in N.J.A.C. 6A:10A-3.3.

(c) The Abbott district board of education shall adopt a school district budget for the 2006-2007 year on the schedule prescribed by the Department, which shall reflect the instructional priorities set forth in the school district two-year report on instructional priorities and the priority to maximally efficient operations and business practices.

(d) The district board of education shall be responsible for the appointment and performance review of a highly qualified superintendent, consistent with N.J.A.C. 6A:9, Professional Licensure and Standards, and be guided by the Professional Standards for the Superintendent, 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, P.O. Box 500, Trenton, N.J., 08625-0500 or found on the Department's website at [www.state.nj.us/education](http://www.state.nj.us/education).

(e) The district board of education shall adopt policies on the duties and responsibilities of SLCs, established in N.J.A.C. 6A:10A-5.3.

##### **6A:10A-4.2 Role of the Abbott school district central office in improved teaching and learning and efficient operations**

(a) The Chief School Administrator shall be responsible for the guarantee that every Abbott student shall be instructed and supported to master the CCCS and graduate from high school. The CSA is responsible for a coherent and clear district-wide implementation of standards-based instruction as detailed in N.J.A.C. 6A:10A-3.1(a) through (e), N.J.A.C. 6A:10A-3.2, and AWSRD regulations, N.J.A.C. 6A:10A-4.3(d) and (e).

(b) The CSA is responsible for achieving the foundational education standards set forth in N.J.A.C. 6A:10A-3.1 including a continuously-evaluated school district curriculum, a school district professional development plan, improved use of student achievement evidence throughout the school

district, a human resources effort to recruit and retain qualified instructional leadership and classroom teachers, and concrete assistance to schools categorized as "in need of improvement" by NCLB or as "low performing" as defined in this chapter.

1. In ensuring that each school is led by a qualified and effective school principal, the CSA shall:

i. Be guided by the 1996 Standards for School Leaders, developed by the Interstate School Leaders Licensure Consortium (ISLLC) under the guidance of the Council of Chief School Administrators in assessing school principal effectiveness. The Interstate 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, P.O. Box 500, Trenton, N.J., 08625-0500 or found on the Department's web site at [www.state.nj.us/education](http://www.state.nj.us/education);

ii. Regularly assess, and provide for, the professional needs of all school principals to achieve the objectives of this chapter and to evaluate them on the improvements in student achievement; and

iii. Establish a comprehensive and effective human resource program that includes the identification and nurture of potential instructional leaders from the teacher ranks, special support and mentoring for inexperienced or ineffective instructional staff, and a close connection of human resources efforts to the instructional priorities set forth in the school district two-year report on instructional priorities.

#### **6A:10A-4.3 School district central office support for schools**

(a) The CSA shall establish a central research, assessment, and data management capacity in collaboration with schools and the Department including an electronic student-level database. Each school district shall collect and analyze student, teacher and school data including State and non-State summative tests and at least quarterly interim assessments specified in the school district curriculum, attendance, professional development and documented needs. The school district shall:

1. Assist schools with data collection and analysis for assessing student instructional needs, including the subgroup for Continuously Enrolled Students-District and Continuously Enrolled Students-School, to be used to prepare the school two-year report on instructional priorities, review school budgets, and report disaggregated and longitudinal student results as required by NCLB; and

2. Report at least annually to the district board of education and the public the school-level and

disaggregated by NCLB subgroup data on student performance on the State assessments.

(b) The Abbott school district central office shall provide direct assistance to schools in planning and budgeting to assure the implementation of the school two-year report on instructional priorities and the school budget for FY 2007 by:

1. Preparing complete, accurate and timely draft school budgets for FY 2007 by December 1, 2005 that include 2004-2005 actual expenditures, 2005-2006 budgeted appropriations and current year line items, and providing guidance to SLCs in reviewing and making recommendations about school budgets; and

2. Revising the preliminary school budgets to accommodate any reallocation, increase, restoration, modification, reduction or elimination and/or reforms, programs, and services as identified by the SLC and/or school district through the process specified in N.J.A.C. 6A:10A-5.2(b) and any revisions required to conform to school district policies.

(c) The CSA shall ensure that each school establishes an SLC, pursuant to this chapter; adopts school district policies for its membership, selection, training and operation consistent with this chapter and district board of education policies.

(d) The CSA shall ensure that each elementary school continues to implement a Department-approved national WSR model or the school district may implement a school- or school district-developed alternative whole school reform design (AWSRD), through the process described herein.

1. The CSA shall be responsible for documenting that each school provides the programs and services identified in Abbott V and reinforced in Abbott X as referenced by the Chart of Supplemental Programs (incorporated herein by reference as chapter Appendix A), and that they are contributing to improved teaching and learning. Such programs and services, depending on documented need and effectiveness, shall be adjusted to provide none, less, or more than any Court-identified baseline in the Chart. School districts that determine that "more" of any of the programs and services on the chart are required to address documented student needs, shall report those additions and the documentation for their need and effectiveness in the school district report on instructional priorities. The school district shall list on its report on instructional priorities any contract that has been in force since July 1, 2002 or earlier together with the documentation of the contribution that contract provider has made to improved student academic achievement, directly or indirectly.

2. Schools that document that the objectives, practices, and standards of their WSR model have been fully incorporated into their operations and/or can demonstrate that the model distracts from the realization of the academic goals specified in N.J.A.C. 6A:10A-3, and/or did