

CHAPTER 19

COMPREHENSIVE EDUCATIONAL IMPROVEMENT
AND FINANCING PROGRAM

Authority

N.J.S.A. 18A:7F-34 (P.L. 1996, c.138) and 18A:7A-1 et seq.

Source and Effective Date

R.1997 d.372, effective September 2, 1997.
See: 29 N.J.R. 2591(a), 29 N.J.R. 3806(a).

Executive Order No. 66(1978) Expiration Date

Chapter 24, Comprehensive Educational Improvement and Financing Program, expires on September 2, 2002.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 6:19-1.1 Purpose
- 6:19-1.2 Definitions

SUBCHAPTER 2. BUDGET REVIEW AND APPROVAL

- 6:19-2.1 Review of budget proposals for thoroughness and efficiency
- 6:19-2.2 Review of Abbott district budgets
- 6:19-2.3 Commissioner to ensure achievement of the Core Curriculum Content Standards
- 6:19-2.4 Additional spending proposals
- 6:19-2.5 Designation of general fund balances
- 6:19-2.6 Public notice and inspection
- 6:19-2.7 Adjustments to spending growth limitation

SUBCHAPTER 3. EARLY CHILDHOOD PROGRAM
AID

- 6:19-3.1 Requirement to establish early childhood programs
- 6:19-3.2 Requirements for fiscal operations and program operational plans

SUBCHAPTER 4. DEMONSTRABLY EFFECTIVE
PROGRAMS

- 6:19-4.1 Required uses of Demonstrably Effective Programs Aid
- 6:19-4.2 Requirements for fiscal operations and program operational plans
- 6:19-4.3 Sanctions for failure to use aid as required

SUBCHAPTER 5. RESTORATION OF BUDGET
REDUCTIONS

- 6:19-5.1 Authority
- 6:19-5.2 Procedures following voter defeat or board of school estimate reduction of proposed budget
- 6:19-5.3 Application to Commissioner for restoration of reductions; automatic review of budgets below minimum T&E amount
- 6:19-5.4 Procedures for submission of application or budget subject to automatic review
- 6:19-5.5 Grounds for application or review
- 6:19-5.6 Commissioner review and determination

SUBCHAPTER 1. GENERAL PROVISIONS

6:19-1.1 Purpose

These rules are adopted pursuant to N.J.S.A. 18A:7F-34 to effectuate the provisions of the Comprehensive Educational Improvement and Financing Act of 1996 and to integrate within the new procedures, procedures related to existing statutory provisions, such as N.J.S.A. 18A:7A-1 et seq., and the general authority conferred pursuant to the "thorough and efficient" clause of the New Jersey Constitution in order to produce a well coordinated and efficient system of rules. The Act establishes procedures for defining the substantive content of a thorough education in the form of rigorous Core Curriculum Content Standards which are uniformly required of all districts in the State. The Act also establishes procedures for setting and maintaining standards for the efficient delivery of programs and services that will accomplish these goals. In addition, the Act provides a funding mechanism to ensure that each school district has a level of financial support sufficient to provide those programs and services. Finally, it establishes an accountability system to ensure that public funds will be expended prudently and effectively to enable all students to meet the established substantive standards.

Petition for Rulemaking.

See: 31 N.J.R. 902(a), 31 N.J.R. 3532(a).

6:19-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings:

"Abbott district," as defined by N.J.S.A. 18A:7F-3, means one of the 28 urban districts in district factor groups A and B specifically identified in the appendix to *Raymond Abbott, et al. v. Fred G. Burke, et al.* decided by the New Jersey Supreme Court on June 5, 1990 (119 N.J. 287, 394) as follows: Asbury Park City, Bridgeton City, Burlington City, Camden City, East Orange City, Elizabeth City, Garfield City, Gloucester City, Harrison Town, Hoboken City, Irvington Township, Jersey City, Keansburg Borough, Long Branch City, Millville City, New Brunswick City, Newark City, City of Orange Township, Passaic City, Paterson City, Pemberton Township, Perth Amboy City, Phillipsburg Town, Pleasantville City, Trenton City, Union City, Vineland City, and West New York Town.

"Adjusted for inflation," as defined by N.J.S.A. 18A:7F-5, means the greater of the CPI or three percent.

"Base budget" means the district board of education's school budget which contains a net budget at its adjusted spending growth limitation pursuant to N.J.S.A. 18A:7F-5, but exclusive of additional spending proposals submitted to the voters or board of school estimate.

“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.

“Core Curriculum Content Standards” means the seven academic and five workplace readiness areas adopted by the State Board of Education May 1, 1996 and as thereafter revised by the State Board. These standards communicate the common expectations for the achievement to which all New Jersey students will be held throughout their 13 year public education experience. The standards are articulated in areas including: visual and performing arts, comprehensive health/physical education, language arts literacy, mathematics, science, social studies and world languages and cross content areas for: career planning, use of technology information and other tools, critical thinking/decision making/problem solving, self management and safety principles.

“CPI,” as defined by N.J.S.A. 18A:7F-3, means the average annual increase, expressed as a decimal, in the consumer price index for the New York City and Philadelphia areas during the fiscal year preceding the prebudget year as reported by the United States Department of Labor.

“Debt service,” as defined by N.J.S.A. 18A:7F-3, means payments of principal and interest upon school bonds and other obligations issued to finance the purchase or construction of school facilities, additions to school facilities, or the reconstruction, remodeling, alteration, modernization, renovation or repair of school facilities, including furnishings, equipment, architect fees and the costs of issuance of such obligations and shall include payments of principal and interest upon bonds issued to fund or refund such obligations, and upon municipal bonds and other obligations which the Commissioner approves as having been issued for such purposes. Debt service pursuant to the provisions of P.L. 1978, c.74 (N.J.S.A. 18A:58-33.22 et seq.), P.L. 1971, c.10 (N.J.S.A. 18A:58-33.6 et seq.) and P.L. 1968, c.177 (N.J.S.A. 18A:58-33.2 et seq.) is excluded.

“Demonstrably effective programs” means those programs, strategies or services pursuant to N.J.S.A. 18A:7F-18 that are established through State resources and are research-based or have demonstrated through strong, logical, empirical, research evidence that improvement in academic performance is educationally significant. Such programs, strategies or services result in high student achievement. These programs, strategies or services are either expressly identified in N.J.S.A. 18A:7F-18 or are approved by the State Board in accordance with N.J.A.C. 6:19-4.1(a) or 6:8-9.8(b).

“Early childhood program aid” means State aid pursuant to N.J.S.A. 18A:7F-16 which is distributed to all school districts with high concentrations of low-income students, for the purpose of providing full-day kindergarten and pre-school classes and other early childhood programs and services.

“Educationally Meritorious Programs,” as used in the Comprehensive Educational Improvement and Financing Act of 1996, means programs that are established through State resources and are research-based programs or services that have demonstrated effectiveness, and have been evaluated and proven successful in promoting high student achievement in any type of district regardless of socio-economic conditions. Such programs or services directly support student achievement of the Core Curriculum Content Standards, and demonstrate fiscal and administrative efficiency.

“Efficiency standards,” established pursuant to N.J.S.A. 18A:7F-4b, means the efficiency standards contained in the biennial Report on the Cost of Providing a Thorough and Efficient Education.

“GAAP,” as defined by N.J.S.A. 18A:7F-3, means the generally accepted accounting principles established by the Governmental Accounting Standards Board as prescribed by the State Board pursuant to N.J.S.A. 18A:4-14.

“Lease purchase payment,” as defined by N.J.S.A. 18A:7F-3, means payments of principal and interest for lease purchase agreements in excess of five years approved pursuant to subsection f of N.J.S.A. 18A:20-4.2 to finance the purchase or construction of school facilities, additions to school facilities, or the reconstruction, remodeling, alteration, modernization, renovation or repair of school facilities, including furnishings, equipment, architect fees and issuance costs.

“Low-income pupils,” as defined by N.J.S.A. 18A:7F-3, means those pupils from households with a household income at or below the most recent Federal poverty guidelines available on October 15 of the prebudget year multiplied by 1.30.

“Net budget,” as defined by N.J.S.A. 18A:7F-3, means the sum of the net T&E budget and the portion of the district’s local levy that is above the district’s maximum T&E budget.

“Net T&E budget,” as defined by N.J.S.A. 18A:7F-3, means the sum of the T&E program budget, early childhood program aid, demonstrably effective program aid, instructional supplement aid, transportation aid, and categorical program aid received pursuant to N.J.S.A. 18A:7F-19 through 22, 28 and 29.

“Prebudget year,” as defined by N.J.S.A. 18A:7F-3, means the school fiscal year preceding the year in which the school budget is implemented.

“Prebudget year net budget” for the 1997-98 school year, as defined by N.J.S.A. 18A:7F-3, means the sum of the foundation aid, transition aid, transportation aid, special education aid, bilingual education aid, aid for at-risk pupils, technology aid, and county vocational program aid received by a school district or county vocational program aid received by a school district or county vocational school district in the 1996-97 school year pursuant to P.L. 1996, c.42, and the district’s local levy for the general fund.

“School Report Card” means the school report card prepared and disseminated to parents and other interested taxpayers within each local school district pursuant to N.J.S.A. 18A:7E-2.

“Spending growth limitation,” as defined by N.J.S.A. 18A:7F-3, means the annual rate of growth permitted in the net budget of a school district, county vocational school district or county special services school district as measured between the net budget of the prebudget year and the net budget of the budget year as calculated pursuant to N.J.S.A. 18A:7F-5d.

“T&E amount,” as defined by N.J.S.A. 18A:7F-3, means the cost per elementary pupil of delivering programs and services including extracurricular and cocurricular activities that enable all students to achieve the Core Curriculum Content Standards which constitute a thorough regular education under the assumptions of reasonableness and efficiency contained in the Report on the Cost of Providing a Thorough and Efficient Education.

“T&E program budget,” as defined by N.J.S.A. 18A:7F-3, means the sum of core curriculum standards aid, supplemental core curriculum standards aid, stabilization aid, designated general fund balance, miscellaneous local general fund revenue and that portion of the district’s local levy that supports the district’s T&E budget.

“T&E range,” as defined by N.J.S.A. 18A:7F-3, means the range of regular education spending which shall be considered thorough and efficient. The range shall be expressed in terms of T&E budget spending per elementary pupil, and shall be delineated by alternatively adding to and subtracting from the T&E amount the T&E flexible amount to establish the minimum T&E budget and maximum T&E budget when applied to each district’s weighted resident enrollment.

“Thoroughness standards,” as referenced in N.J.S.A. 18A:7F-4a, means the Core Curriculum Content Standards as approved by the State Board on May 1, 1996 and as thereafter revised by the State Board.

“Weighted resident enrollment,” as used in N.J.S.A. 18A:7F-12, means the differentials in costs based on the efficiency standards established pursuant to N.J.S.A. 18A:7F-4b of providing education at the kindergarten, elementary (grades 1 through 5), middle school (grades 6

through 8) and high school levels (grades 9 through 12) which are determined by dividing the elementary cost per pupil into each category. The weights are applied to resident enrollment in each category pursuant to N.J.S.A. 18A:7F-13.

SUBCHAPTER 2. BUDGET REVIEW AND APPROVAL

6:19-2.1 Review of budget proposals for thoroughness and efficiency

(a) The Commissioner shall prepare and distribute a budget application which shall be referred to as the School District Budget Statement and Supporting Documentation.

(b) The Commissioner shall as necessary require the submission of supplemental information such as documents, contracts, reports, and financial records and statements required by law or regulation, or other information necessary to conduct a review of the district’s annual spending plan.

(c) A district board of education shall use the budget application prescribed by the Commissioner in (a) above in its submission to the county superintendent for review and approval.

(d) The county superintendent as designated by the Commissioner shall review and approve each district board of education’s proposed budget prior to its advertisement. The county superintendent shall not approve any budget unless:

1. The base budget portion of the budget application and supporting documentation submitted by the district board of education provides curriculum and instruction that are designed and will be delivered in such a way that all students will have the opportunity to achieve the knowledge and skills defined by the Core Curriculum Content Standards; and
2. The base budget contains funds sufficient to meet all existing statutory and regulatory mandates.

(e) In reaching a determination, the county superintendent’s review shall include, but not be limited to, the following information and records of the district board of education:

1. The thoroughness and efficiency standards established pursuant to N.J.S.A. 18A:7F-4a and b;
2. The annual report required under N.J.S.A. 18A:7A-11;
3. District curriculum guides;

4. Pupil achievement on or progress in meeting existing State assessment standards;
5. District status in the existing certification process;
6. Annual independent audits and other external reviews by a State or Federal agency or reviews required by statute and regulation;
7. Pupil transportation practices;
8. The comparative spending guide;
9. The school report card; and
10. Contractual obligations.

(f) The county superintendent shall not approve any base budget unless it has been determined that it ensures that curriculum and instruction are designed and shall be delivered in such a way that all students shall have the opportunity to achieve the knowledge and skills defined by the Core Curriculum Content Standards, and that all proposed expenditures are suitable and appropriate as school district expenditures. The county superintendent shall order any changes in expenditure proposals that are found unsuitable or inappropriate except that no modification of non-remote busing proposals shall be made, pursuant to N.J.S.A. 18A:7F-6e.

(g) The county superintendent's review of expenditures shall be conducted annually. Determinations shall not be predicated on past practices and nothing shall preclude the county superintendent from directing an increase, decrease or the elimination of expenditures contained in the prior year's approved budget.

Case Notes

School board's informational bond materials restricted from explicitly advocating affirmative message. *Schoen v. Board of Education of the Township of Edison, Middlesex County*, 97 N.J.A.R.2d (EDU) 491.

6:19-2.2 Review of Abbott district budgets

(a) In addition to the budget approval requirements for all districts, the Commissioner or his or her designee shall take additional actions during the review of an Abbott district budget, which pursuant to N.J.S.A. 18A:7F-6c must be submitted seven days prior to the normal submission date, or as necessary during the school year to ensure that funds are optimally directed to support student attainment of the Core Curriculum Content Standards.

(b) The Commissioner shall conduct an assessment of efforts in each Abbott district to reduce class sizes in furtherance of the efficiency standards established pursuant to N.J.S.A. 18A:7F-4b, increase the breadth of program offerings and direct funds to support direct instruction of students to the optimum degree.

1. The assessment shall include a review of each Abbott district's school facilities for idle or underutilized capacity, and the district's ability to reassign students to other existing school facilities in a way that maximizes the efficient and effective educational usage of existing school facilities. If the district, upon request, does not provide adequate information so that the Commissioner can perform the assessment, the Commissioner may contract with an outside consultant to compile such information and may direct that the cost of such contracts be included in the districts' budgets pursuant to the authority granted under N.J.S.A. 18A:7F-6;

2. The assessment shall include a review of the central office and school level administrative functions of each district to determine their operational effectiveness and to identify economies. If the district, upon request, does not provide adequate information so that the Commissioner can perform the assessment, the Commissioner may contract with an outside consultant to compile such information and may direct that the cost of such contracts be included in the districts' budgets pursuant to the authority granted under N.J.S.A. 18A:7F-6;

3. The assessment shall include a review of the curriculum, extracurricular and cocurricular activities and student support services existing in each district and to identify economies that would not adversely affect student achievement of the Core Curriculum Content Standards or would not address the special needs of students living in districts with high concentrations of low-income families. If the district, upon request, does not provide adequate information so that the Commissioner can perform the assessment, the Commissioner may contract with an outside consultant to compile such information and may direct that the cost of such contracts be included in the districts' budgets pursuant to the authority granted under N.J.S.A. 18A:7F-6.

(c) Based on the findings of such assessments, the Commissioner shall as practicable direct modification or augmentation of the budget pursuant to N.J.S.A. 18A:7F-6a to achieve appropriate class sizes and other efficiency standards established pursuant to N.J.S.A. 18A:7F-4b and contained in the Report on the Cost of Providing a Thorough and Efficient Education. Where appropriate and necessary, the Commissioner shall also order the addition of specific programs and services for the purpose of achieving the Core Curriculum Content Standards and/or addressing the special needs of students in disadvantaged communities, accelerate the implementation of or expand early childhood programs pursuant to N.J.A.C. 6:19-3.

6:19-2.3 Commissioner to ensure achievement of the Core Curriculum Content Standards

(a) The Commissioner shall, as part of the budget approval process, take actions upon the failure of one or more schools within the district to achieve the Core Curriculum Content Standards as evidenced by existing statewide assessment methods or other statutory or regulatory methods of evaluation. The Commissioner shall:

1. Upon the initial year of failure, the Commissioner shall, minimally, direct the district board of education to prepare within 60 days an assessment of the weaknesses in the current educational program and a corrective action

plan. The Commissioner shall consider that assessment as part of the district's next annual budget submission and shall also exercise as appropriate the powers granted him or her under N.J.S.A. 18A:7F-6a.

2. For the first year of this aid, the district's five-year early childhood operational program plan shall be submitted to the Department by January 1, 1998 and thereafter shall be submitted by July 1 of the year of implementation. The operational program plan shall include the following components: district and school wide planning, community collaboration and planning, parent involvement, curriculum development and implementation, professional development and training.

i. District boards of education shall demonstrate that programs are based on a district and school wide needs and resource assessment that is a subset of the district's comprehensive strategic plan pursuant to N.J.S.A. 18A:7F-16. The early childhood program shall be developmentally appropriate to the age and skill level of the young child, coordinated with all other relevant district programs, for example, Special Education or Title I, and include an annual program evaluation.

ii. District boards of education shall demonstrate that community health and social service agencies have been included in the planning, operations and, if appropriate, the fiscal support of the early childhood program.

iii. Parent education activities shall be included in the early childhood program with specific strategies identified that assist parents in remaining actively involved in their child's education throughout their school years.

iv. Early childhood programs and curriculums shall be based on student needs, strengths and interests that focus on all aspects of development: cognitive, social, emotional and physical. Curriculum and assessment strategies/resources shall be developmentally appropriate and include performance-based measures. The curriculum must support the Core Curriculum Content Standards.

v. Instructional methods/strategies shall be congruent with the cognitive, social, emotional and physical skills of the young child. Instruction shall balance teacher-directed and child-initiated experiences. District boards of education shall provide appropriate professional development and training to prepare instructors in the early childhood program.

(f) Early Childhood Program Aid shall be a dedicated, nonlapsing source of funds. Early Childhood Program Aid revenue which is not expended or encumbered by June 30 of the budget year shall be classified as deferred revenue in the financial accounts and statements of the district and shall either be added to the Early Childhood Program Aid revenue of the subsequent year when identified prior to the preparation of the subsequent year budget, appropriated during the subsequent year with the approval of the Commissioner or his or her designee, or retained as deferred revenue until the second subsequent year budget. A district board of education shall use all new or deferred revenues

only for the purpose of early childhood programs or as otherwise permitted during the first four years pursuant to N.J.S.A. 18A:7F-16 and the provisions of this subchapter.

SUBCHAPTER 4. DEMONSTRABLY EFFECTIVE PROGRAMS

6:19-4.1 Required uses of Demonstrably Effective Programs Aid

(a) A district board of education receiving Demonstrably Effective Programs Aid shall utilize these funds exclusively for demonstrably effective programs in the schools for which the aid eligibility and amount was determined.

1. Demonstrably effective programs shall include alternative schools, community schools, class size reduction programs, parent education programs, job training programs, training institutes to improve homework response, telephone tutorial programs, teleconference and video tutoring programs, and HSPT/Early Warning Test before school/after school preparation programs pursuant to N.J.S.A. 18A:7F-18; programs that are annually adopted by the State Board of Education in accordance with N.J.A.C. 6:8-9.8(b); and specific supplemental programs shown to be beneficial for districts with high concentrations of students from low-income families including health services, comprehensive guidance counseling, programs to ensure that schools are safe and drug free, summer school and outreach for dropouts.

6:19-4.2 Requirements for fiscal operations and program operational plans

(a) A district board of education receiving Demonstrably Effective Programs Aid shall develop school level operational plans which provide a detailed budget for each program, a description of the demonstrably effective program or programs in use in the school, and a mechanism for annual program evaluation. The operational plan shall include goals, objectives, activities, annual benchmarks and an evaluation process.

1. As part of the budget review process in accordance with N.J.A.C. 6:19-2.1, a district board of education receiving Demonstrably Effective Programs Aid shall submit the school-level operational plan with the budget for each program to the county superintendent for approval.

2. The provisions of this paragraph concern educational improvement plans in special needs districts.

i. The following pertain to district educational improvement plans:

(1) Each board of education in a special needs district shall submit annually as part of the annual school district budget an educational improvement plan for the district. The plan shall be:

(A) Based on student outcome goals consistent with State educational goals pursuant to N.J.A.C. 6:8;

(B) Responsive to recommendations made by the Department of Education, analysis of student performance, and other evaluation reports and studies of district, school and student needs, including recommendations of external review teams;

(C) Consistent with the elements and indicators required for district certification through the monitoring process pursuant to N.J.A.C. 6:8-2;

(D) Designed to support comprehensive district-level planning to improve student outcomes through improvement of management, governance, finance and facilities;

(E) Designed to support and coordinate school-level planning and other reform efforts;

(F) Developed collaboratively by staff, parents, community members, and students, where appropriate;

(G) Adequately funded; and

(H) Formally adopted by the district board of education.

(2) The chief school administrator shall be responsible for developing, implementing and evaluating the district educational improvement plan.

(3) The plan shall be reviewed by the county superintendent and the staff of the Division of Urban Education and Field Services and approved by the Commissioner based on the requirements specified in (a)2i(1) above and (a)2iii below.

(4) In the case of State-operated school districts, the corrective action plan, required pursuant to N.J.A.C. 6:8-3.2, shall substitute for the district educational improvement plan.

(5) The Commissioner shall review each line item in the district budget to determine if the expenditure is appropriate. The Commissioner shall reallocate funds from any line item to ensure that demonstrably effective programs which will improve specific educational outcomes for students are implemented in the district.

(6) For special needs districts, the district educational improvement plan shall substitute for required district-level planning objectives required pursuant to N.J.A.C. 6:8-2.2.

ii. The following pertain to school educational improvement plans:

(1) Beginning with the 1993-94 school year, an educational improvement plan shall be developed for each school in a special needs district.

(2) Each school shall establish and maintain a planning team to coordinate the development, implementation and evaluation of the plan.

(A) The district shall ensure that time and resources are allocated to support planning team activities.

(B) Membership on the planning team shall include, but not be limited to, the principal, teachers and parents. A majority of the planning team shall be composed of classroom teachers and 25 percent of the team shall be composed of parents.

(C) The board of education shall establish fair and reasonable policies and procedures by which teachers shall select their representatives and parents shall select their representatives.

(3) School educational improvement plans shall be approved at the district level before the beginning of the school year.

(4) Beginning with the 1994-95 school year, the district shall submit for Department approval, a review and approval process, consistent with (a)2iii below and with other State-mandated local planning requirements as per N.J.A.C. 6:8.

(5) The Division of Urban Education and Field Services shall conduct an on-site review of selected school plans each year.

(6) For schools where students are not meeting minimum State requirements on student performance as per N.J.A.C. 6:8, objectives in the areas of deficiency shall be integrated into the school educational improvement plan.

iii. District and school educational improvement plans shall be developed using a process which includes the following components:

(1) Involvement of broad-based representation from different parts of the educational community, including administrators, supervisors, teachers, parents, community members, and students, where appropriate, in the development and implementation of the plan;

(2) Input from parents and community members at a public meeting;

(3) Analysis of student performance at the district and school levels;

(4) Identification of specific student outcomes goals, indicators for the outcomes, and measurable objectives based on these indicators;

(5) Development of a school-level data base which allows analysis of needs and evaluation of success of all students in reaching targeted student outcomes;

(6) Selection of demonstrably effective improvement strategies and programs which could reasonably be expected to result in improvements in student learning based on research results. Such demonstrably effective strategies and programs include, but are not limited to, the following areas:

- (A) Early childhood;
- (B) Instructional uses of technology;
- (C) Drop-out prevention;
- (D) School-based management;
- (E) Staff development;
- (F) Enriched curricula;
- (G) Increased instructional time;
- (H) Interagency collaboration; and
- (I) Student/family support services; and

(7) Specification of activities, needed resources, staff responsibility, timelines, costs, and evaluation strategies.

iv. The following pertain to fiscal requirements for district and school educational improvement plans:

(1) Special needs districts shall at a minimum dedicate 70 percent of all permitted net budget increases above the state average cap percentage increase to the implementation and/or continuation of demonstrably effective improvement strategies and programs, identified as per (a)2viii below. Part of this minimum amount shall be allocated to schools as specified in (a)2iv(2) below.

(2) For the 1993-94 school year, the district shall allocate a minimum of \$50.00 per pupil to each school for the implementation and/or continuation of demonstrably effective improvement strategies and programs selected by the school planning team. Beginning with the 1994-95 school year, the district shall increase the amount allocated to each school to a minimum of \$100.00 per pupil. The provisions of this subsection shall apply to all special needs districts, regardless of the amount of funds dedicated pursuant to (a)2iv(1) above.

(3) If the Commissioner determines that the amount of funds dedicated to demonstrably effective improvement strategies and programs at the district or school level is insufficient to meet student needs, the Commissioner shall order a reallocation pursuant to (a)2i(5) above.

v. Staff from the Division of Urban Education and Field Services shall assist district and school staff in developing, implementing and evaluating the district and school educational improvement plans by:

- (1) Providing technical assistance to school planning teams, task forces, and district facilitators;
- (2) Identifying exemplary programs and practices;
- (3) Providing training on school-based planning to district and school staff and parents; and
- (4) Linking districts and schools to resources.

vi. The following pertain to verification and evaluation of educational improvement plans in the special needs districts:

(1) The district educational improvement plan shall be implemented as approved. The educational improvement plan can be formally amended only upon approval of the district board of education and the Department.

(2) Staff from the Division of Urban Education and Field Services are responsible for verifying the implementation of district educational improvement plans as follows:

(A) Each special needs district shall be visited monthly by a Division liaison to assess progress and identify needs in implementing the district educational improvement plan. Each visit shall be documented by a written progress report completed by the liaison and sent to the district chief school administrator and the county superintendent.

(B) An annual verification visit shall be conducted in each special needs district. Within two weeks of completion of the visit, a findings letter shall be sent by the Department to the chief school administrator. This letter shall analyze the extent to which the district is successfully implementing each objective in the district educational improvement plan and shall include commendations, and recommendations which must be acted upon within a designated time frame.

(C) A special needs district which fails to satisfactorily implement the district educational improvement plan shall be subject to appropriate sanctions, including, but not limited to, the withholding of State aid.

(3) The district shall develop and implement a process to verify the progress of each school educational improvement plan, beginning with the 1993-94 school year. The verification process shall include the use of the school planning team in tracking and reporting progress at the school to the chief school administrator. During the verification visits for the district educational improvement plans, the Division of Urban Education and Field Services shall review the process and shall visit schools to ensure that the process is being implemented.

(4) Each district and each school shall communicate with the parents and community on a quarterly basis to report on the implementation and evaluation of the educational improvement plan.

(5) The district shall submit to the director of the urban assistance center on August 15 of each year an evaluation report which:

(A) Assesses district and school progress in meeting the student outcomes targeted in the educational improvement plan;

(B) Identifies specific accomplishments; and

(C) Addresses progress in implementing recommendations from the external review team, where appropriate.

(6) The evaluation report shall be distributed to parents, staff and communities in September of each year.

(7) The Department shall collect annually the data which is necessary to create comprehensive school-level profiles of each school in the special needs districts. These school profiles shall include data on:

(A) Student performance, including assessed knowledge, student attainment and participation;

(B) Student population characteristics;

(C) Programs and services; and

(D) Staff characteristics.

vii. Under no circumstances will waiver be allowed of this title or any of its subchapters in their entirety. The Commissioner may, however, on a case by case basis, recommend the approval of waivers of specific rules contained in Title 6, Education to the State Board of Education, if the application of those rules interferes with the ability of a special needs district to implement demonstrably effective programs to improve educational outcomes, as specified in the educational improvement plan.

(1) The district may request a waiver by submitting a written request signed by the chief school administrator and approved by the district board of education. Such requests shall include:

(A) Conditions or reasons for the waiver of the specific rule(s);

(B) Duration of the waiver; and

(C) Supporting documentation, including, where appropriate, notice to affected parties.

(2) Upon recommendation from the Commissioner, the State Board of Education may act to relax or waive, with or without conditions, such rules in the specific circumstance presented, if the State Board is satisfied that:

(A) The spirit and intent of Title 18A and applicable Federal laws and regulations are served by the granting of such waiver;

(B) The provision of a thorough and efficient education to the pupils in the district is not compromised as a result of the waiver; and

(C) There will be no risk to pupil welfare and safety by granting such waiver.

(3) Waivers shall not be granted for a duration of more than three years.

viii. The following pertain to demonstrably effective improvement strategies and programs:

(1) For the 1993-94 school year, the Commissioner, in consultation with experts in the field, shall develop a list of demonstrably effective improvement strategies and programs in the areas listed in (a)2iii(6) above to be used by special needs districts as per (a)2iv above in developing the 1993-94 educational improvement plans at the district and school levels.

(2) Beginning with the 1994-95 school year, special needs districts and schools shall select from a list of demonstrably effective improvement strategies and programs, in meeting the requirements in (a)2iv above, to be developed as follows:

(A) By July 15, 1993 and annually thereafter, the Commissioner shall convene an advisory panel which includes researchers and practitioners from institutions and agencies such as colleges and universities, educational laboratories, foundations, business and industry, social and human services agencies, and school districts to review and update the list of improvement strategies and programs.

(B) By October 1, 1993 and annually thereafter, the advisory panel shall present its recommendations to the Commissioner.

(C) After reviewing the recommendations of the advisory panel, the Commissioner shall present a recommended list of strategies and programs to the State Board for approval. Advanced notice(s) of the State Board meeting at which the recommended list of demonstrably effective improvement strategies and programs will be considered shall be published in the New Jersey Register.

(D) Once the list of demonstrably effective improvement strategies and programs has been approved by the State Board, the list shall be published in the New Jersey Register.

(3) Districts may request special approval from the Commissioner to implement demonstrably effective improvement strategies and programs which are not included on the recommended list.

(4) Districts may request special approval from the Commissioner to allocate some of these designated funds to address critical facilities needs.

(b) District boards of education shall maintain separate program and service accounts in the special revenue section of district budget and financial records in accordance with GAAP and N.J.A.C. 6:20-2A.

(c) Demonstrably Effective Programs Aid shall be a dedicated, nonlapsing source of funds. Demonstrably Effective Programs Aid revenue which is not expended or encumbered by June 30 of the budget year shall be classified as deferred revenue in the financial accounts and statements of the district and shall either be added to the Demonstrably Effective Programs Aid revenue of the subsequent year when identified prior to the preparation of the subsequent year budget, appropriated during the subsequent year with the approval of the Commissioner or his or her designee, or retained as deferred revenue until the second subsequent year budget. A district board of education shall use all new or deferred revenues only for approved demonstrably effective programs, strategies or services pursuant to N.J.A.C. 6:19-4.1(a)1.

Amended by R.1993 d.112, effective March 1, 1993.

See: 24 N.J.R. 4467(b), 24 N.J.R. 4419(a), 25 N.J.R. 922(a).

Public Notice: Consideration of list of improvement strategies and programs.

See: 27 N.J.R. 3634(a).

Public Notice: Consideration of list of improvement strategies and programs.

See: 28 N.J.R. 4118(b).

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

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

Recodified former N.J.A.C. 6:8-9.1 through 6:8-9.8 as (a)2; and rewrote the provisions of the former sections.

Law Review and Journal Commentaries

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

6:19-4.3 Sanctions for failure to use aid as required

District boards of education receiving Demonstrably Effective Programs Aid that fail to use such aid as required by N.J.A.C. 6:19-4.1 shall be subject to rescission of aid and additional monetary penalties as established by the Commissioner on a case-by-case basis.

SUBCHAPTER 5. RESTORATION OF BUDGET REDUCTIONS

6:19-5.1 Authority

Unless otherwise expressly noted, the provisions of this subchapter, which establish an expedited budget review process in lieu of appeals provided for in N.J.S.A. 18A:7F-5e(1) and 5e(2), have been prescribed by the Commissioner and approved by the State Board of Education in

accordance with the provisions of N.J.S.A. 18A:7F-5e(3). This subchapter shall not apply to State-operated school districts.

6:19-5.2 Procedures following voter defeat or board of school estimate reduction of proposed budget

(a) Procedures following voter defeat of the proposed budget or review of the budget by board of school estimate shall be as follows:

1. If the voters of a district reject the general fund tax levy proposed in the base budget or any amounts contained in a separate question or questions by the district board of education at the annual school election, the district board of education shall, within two days of the certification of election results, supply to the governing body or bodies comprising the district, and to the county superintendent, the following information:

i. A complete line-item budget listing each item by code and line description, including actual expenditures for the previous school year, actual budgeted amount for the current school year, and proposed budgeted amount for the ensuing school year as proposed to the voters;

ii. A copy of the annual report submitted to the Commissioner pursuant to N.J.S.A. 18A:7A-11 as amended by P.L. 1996, c.138;

iii. A copy of the district's most recent annual audit;

iv. Where applicable, the narrative explanation and documentation provided to the public pursuant to N.J.S.A. 18A:7F-5d(10) for any spending in excess of the T&E range;

v. An explanation of any action(s) to reallocate, direct additional expenditures, and so forth, taken by the Commissioner, or the county superintendent on behalf of the Commissioner, pursuant to N.J.S.A. 18A:7F-5 through 7 or a statement to the effect that no such actions were taken;

vi. The numbers of professional and nonprofessional staff during the current school year and projected staff for the ensuing school year, together with reasons for any increase or decrease;

vii. Pupil enrollment by grade for the district as of the preceding June 30, the last school day prior to the preceding October 16 and as projected for October of the ensuing school year;

viii. Salary schedules for all employees;

ix. The number of schools and classrooms in each;

x. Tuition received or paid during the previous school year, anticipated for the current school year and projected for the ensuing school year;

xi. Advertised budget for the ensuing school year;

xii. Substantiation of need for any proposed capital projects;

xiii. Any information required for submission to the county superintendent pursuant to N.J.A.C. 6:19-2.1 and not specifically enumerated above;

xiv. The comparative spending guide;

xv. The school report card; and

xvi. Any other documentary materials or records the Commissioner deems appropriate for a specific district board of education.