

CHAPTER 24

URBAN EDUCATION REFORM IN THE ABBOTT DISTRICTS

Authority

N.J.S.A. 18A:4-15, and P.L. 1996, c.138 and P.L. 1999, c.142.

Source and Effective Date

R.2000 d.278, effective June 8, 2000.  
See: 32 N.J.R. 1329(a), 32 N.J.R. 2470(a).

Executive Order No. 66(1978) Expiration Date

Chapter 24, Urban Education Reform in the Abbott Districts, expires on June 8, 2005.

Chapter Historical Note

Chapter 24, Urban Education Reform in the Abbott Districts, was originally codified in Title 6 as Chapter 19A, Implementation of Court Decision in *Abbott v. Burke*. Chapter 19A was adopted as R.1997 d.377, effective July 23, 1997. See: 29 N.J.R. 3721(b). Chapter 19A expired on June 30, 1998.

Chapter 19A, Implementation of Court Decision in *Abbott v. Burke*, was adopted as new rules by R.1998 d.418, effective July 20, 1998. See 30 N.J.R. 3019(a). Chapter 19A expired on June 30, 1999.

Chapter 19A, Urban Education Reform in the Abbott Districts, was adopted as new rules by R.1999 d.344, effective September 10, 1999, to expire June 30, 2000. See: 31 N.J.R. 2029(a), 31 N.J.R. 2924(a).

Pursuant to Executive Order No. 66(1978), Chapter 19A, Urban Education Reform in the Abbott Districts, was readopted as R.2000 d.278, effective June 8, 2000. Chapter 19A was recodified as N.J.A.C. 6A:24 by R.2000 d.278, effective July 3, 2000. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 6A:24-1.1 Purpose and applicability of rules
- 6A:24-1.2 Definitions
- 6A:24-1.3 Assignment of Department School Review and Improvement Teams
- 6A:24-1.4 Responsibilities of local district
- 6A:24-1.5 Accountability
- 6A:24-1.6 Abbott districts established pursuant to P.L. 1999, c.110

SUBCHAPTER 2. SCHOOL MANAGEMENT TEAMS

- 6A:24-2.1 Establishment of School Management Teams
- 6A:24-2.2 Responsibilities of School Management Teams
- 6A:24-2.3 Training of School Management Team members

SUBCHAPTER 3. EARLY CHILDHOOD EDUCATION

- 6A:24-3.1 Early childhood education general provisions
- 6A:24-3.2 Full-day kindergarten
- 6A:24-3.3 Early childhood education programs
- 6A:24-3.4 Early childhood education program operational plan

SUBCHAPTER 4. WHOLE SCHOOL REFORM

- 6A:24-4.1 Implementation of whole school reform model
- 6A:24-4.2 Whole school alternative program design
- 6A:24-4.3 Submission of WSR implementation plan
- 6A:24-4.4 School-based budgets

6A:24-4.5 WSR implementation issues

SUBCHAPTER 5. SUPPLEMENTAL PROGRAMS AND SERVICES

- 6A:24-5.1 Demonstration of particularized need
- 6A:24-5.2 Application for supplemental programs or services

SUBCHAPTER 6. REQUIRED PROGRAMS IN SECONDARY SCHOOLS

- 6A:24-6.1 Implementation of required programs in secondary schools

SUBCHAPTER 7. DISTRICT BUDGET AND REQUEST FOR ADDITIONAL STATE AID

- 6A:24-7.1 Application for additional State aid

SUBCHAPTER 8. FACILITIES

- 6A:24-8.1 Long-range facilities plan

SUBCHAPTER 9. APPEALS

- 6A:24-9.1 Applicability of subchapter
- 6A:24-9.2 Filing, service and documentation of petition
- 6A:24-9.3 Filing, service and documentation of answer
- 6A:24-9.4 Review of pleadings
- 6A:24-9.5 Submission of position statements and replies
- 6A:24-9.6 Commissioner review and decision

SUBCHAPTER 1. GENERAL PROVISIONS

6A:24-1.1 Purpose and applicability of rules

These rules are adopted pursuant to N.J.S.A. 18A:4-15 and P.L. 1999, c.142 and P.L. 1996, c.138 in order to implement educational programs necessary to provide urban education reform initiatives that ensure that public school children, including students with disabilities and limited English proficient students, from the poorer urban districts receive the educational entitlements guaranteed them by the Constitution and to meet the requirements of the decision of the New Jersey Supreme Court in *Abbott v. Burke*, decided May 21, 1998. The rules apply to "Abbott districts" as defined in N.J.A.C. 6A:24-1.2, and are adopted to ensure the provision of a thorough and efficient system of education (T & E), as defined by the Core Curriculum Content Standards, to the students attending the public schools of those districts. The rules apply to Abbott districts, in addition to the requirements of the Comprehensive Educational Improvement and Financing Act and rules otherwise promulgated to implement that act; except that where differences in rules occur, the rules herein shall take precedence.

Amended by R.2000 d.278, effective July 3, 2000.  
See: 32 N.J.R. 1329(a), 32 N.J.R. 2470(a)  
Inserted N.J.S.A. reference and changed N.J.A.C. reference.

**6A:24-1.2 Definitions**

As used in this chapter, unless the context clearly indicates otherwise, the following words shall have these meanings:

“Abbott district” means one of the following 28 urban districts in district factor group 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, 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 a charter school located within any of these districts.

“Abbott VI” means the Supreme Court decision in *Abbott v. Burke* dated March 7, 2000 (Dkt. No. m-1336-98) relating to early childhood education programs.

“Area cost allowance” means \$131.00 per square foot for the school year 1999-2000 and shall be adjusted annually according to a market index selected by the State Treasurer unless a different amount is established by statute enacted subsequent to the effective date of this chapter. The area cost allowance used in determining preliminary eligible costs of school facilities projects shall be that of the year of application for approval of the project.

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

“Chief School Administrator” means the superintendent or administrative principal of an Abbott district, or the State district superintendent in the case of a State-operated school district.

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

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

“Department” means the New Jersey Department of Education.

“Developer” means an expert or team of experts that has effectively integrated research-based programs and strategies to develop a Department-approved whole school reform model.

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

“Early childhood expenditures” means those expenditures related to the provision of kindergarten for five-year-olds and approved early childhood education programs for three- and four-year-olds.

“Facilities efficiency standards” means standards of educational adequacy for the delivery of programs and services necessary for the attainment of the Core Curriculum Content Standards used to determine the necessity and efficiency of school construction or renovation.

“FTE” means a full-time equivalent student which shall be calculated as follows: each student in grades kindergarten through 12 shall be counted at 100 percent of the actual count of students; and the number of preschool students approved by the Commissioner to be served in the district shall be counted at 50 percent or 100 percent of the actual count of preschool students for an approved half-day or full-day program, respectively. In addition, each preschool handicapped child who is entitled to receive a full-time program pursuant to N.J.S.A. 18A:46-6 shall be counted at 100 percent of the actual count of these students in the district.

“Functional capacity” means the number of students that can be housed in a building in order to have sufficient space for it to be educationally adequate for the delivery of programs and services necessary for student achievement of the Core Curriculum Content Standards. Functional capacity is determined by dividing the existing gross square footage of a school building by the minimum area allowance per full time equivalent (FTE) student for the grade level students contained herein. The existing gross square footage for the purposes of defining functional capacity is exclusive of existing spaces that are not contained in the facilities efficiency standards but which are used to deliver programs and services aligned to the Core Curriculum Content Standards or to provide support services directly to students or other existing spaces that the district can demonstrate would be structurally or fiscally impractical to convert to other uses contained in the facilities efficiency standards.

“Illustrative budget” means a budget that was developed in consultation with the WSR model developer to provide guidance to schools in preparing school-based budgets. It includes all costs that are generally believed to be necessary to implement the model consistent with Department requirements, including the requirements of *Abbot v. Burke* and the Core Curriculum Content Standards, at a specified enrollment level.

“Long-range facilities plan” means the plan required to be submitted to the Commissioner by all districts pursuant N.J.A.C. 6A:24-8.

“Needs assessment” means an evaluation of impediments and deficiencies that prevent students from achieving the Core Curriculum Content Standards identified by a valid assessment methodology. Once identified, the needs are compared to existing programs and services using data to determine their effectiveness in addressing each need. If the needs are not addressed by existing programs and services, the needs assessment is expanded to identify a proven program or strategy that should be implemented.

“Particularized need” means a need that is supported by an assessment of needs of a specific population of students in a given school or for early childhood programs in the district, that has been demonstrated to be the cause of student failure in achieving the Core Curriculum Content Standards, that can be remedied or corrected by a program or service, which has been formally evaluated to demonstrate its effectiveness, and is a need that is not effectively addressed by a WSR model or a whole school alternative program design and by the required supplemental programs.

“School-based budget” means a school budget for an individual school that includes the instructional and support, staffing, programs and services designated for that school site.

“School facility” means and includes any structure, building or facility used wholly or in part for academic purposes by a district but shall exclude athletic stadiums, grandstands, and any structure, building or facility used solely for school administration.

“School facilities project” means the acquisition, demolition, construction, improvement, repair, alteration, modernization, renovation, reconstruction or maintenance of all or any part of a school facility or of any other personal property necessary for, or ancillary to, any school facility, and shall include fixtures, furnishings, equipment, site acquisition, site development, services of design professionals such as engineers and architects, construction management, legal services and financing costs incurred in connection with the school facilities project.

“School Management Team” or “SMT” means a school-based planning and decision-making team established pursuant to N.J.A.C. 6A:24-2.

“School Review and Improvement Team” or “SRI Team” means a team of Department of Education staff assigned by the Commissioner to work with Abbott schools in supplementing the Court’s decision pursuant to N.J.A.C. 6A:24-1.3.

“Secondary” means middle and high school grades six through 12, except in districts having an elementary struc-

ture incorporating grades six through eight, in which case it means grades nine through 12.

“Success for All—Roots and Wings” or “SFA/R&W” means a nationally-proven research-based whole school reform model developed by Dr. Robert Slavin and other researchers at Johns Hopkins University to serve students in high-poverty urban schools who are at risk of academic failure. As used in this chapter, SFA/R&W shall include the enhancements made by Dr. Slavin to the model so as to meet New Jersey requirements.

“Supplemental program or service” means any existing or requested program or service that is in addition to the components of the chosen WSR model, required programs in secondary schools or the alternative program design that may result from the needs that are essential to ensure educational success for a specified population of students and without which such students cannot achieve the Core Curriculum Content Standards.

“Unapproved costs” means the additional costs, if any, of a school facilities project which result from design factors that are not required to meet the facilities efficiency standards and were not approved by the Department as a particularized need pursuant to N.J.A.C. 6A:24-5, and which shall be borne by the district.

“Unhoused students” means the number of students to be housed in a school building, but which cannot be housed in an existing building without additional space or a new building in order to maintain educational adequacy. Unhoused students are calculated by subtracting the projected enrollment for a school building from its functional capacity.

“Whole school alternative design” or “design” means that whole school alternative program or “home grown proposal” established pursuant to N.J.A.C. 6A:24-4.2.

“Whole school reform implementation plan” means a comprehensive school plan that includes the necessary components to implement the WSR model or the whole school alternative program design and the required secondary programs, as well as the integration of all State, Federal and local resources to support those components.

“Whole school reform model” or “WSR model” or “model” means the whole school reform model as established in N.J.A.C. 6A:24-4.

“Whole school reform school” or “WSR school” means any school approved by the Department to implement a whole school reform model and any school approved by the Department to begin implementation of a whole school reform model or a whole school alternative program design.

“Zero-based budget” means a budget in which there has been a concentration of all available resources to support a district’s or school’s current objectives and strategies for

achieving the Core Curriculum Content Standards, after an annual assessment and determination of those objectives and strategies. It also means a budget in which resources are allocated and reallocated to support those objectives and strategies, and individual budget items are justified on the basis of needs, directly related to the achievement of those objectives and strategies.

Amended by R.2000 d.278, effective July 3, 2000.  
See: 32 N.J.R. 1329(a), 32 N.J.R. 2470(a)  
Rewrote the section.

### 6A:24-1.3 Assignment of Department School Review and Improvement Teams

(a) The Commissioner shall designate Department staff to serve on School Review and Improvement (SRI) Teams. An SRI Team shall be assigned to each elementary and secondary school implementing Whole School Reform (WSR) pursuant to N.J.A.C. 6A:24-4. The primary role of such teams shall be to work with the School Management Teams established pursuant to N.J.A.C. 6A:24-2, schools, school district administrators, and with the developers and experts identified by the Department, in order to implement the directives of the Court. SRI Teams shall additionally serve as liaisons between schools and the Department and as sources of technical assistance in programmatic and fiscal areas.

(b) The Commissioner shall ensure that SRI Team members complete appropriate training in WSR.

Amended by R.2000 d.278, effective July 3, 2000.  
See: 32 N.J.R. 1329(a), 32 N.J.R. 2470(a)  
In (a), amended N.J.A.C. references.

### 6A:24-1.4 Responsibilities of local district

(a) The board, administration, teaching staff and support staff of each district shall cooperate fully with the Department and its assigned SRI Team(s) in effectuating the directives of Abbott V and VI, including, but not limited to, implementation of whole school reform, school-based decision making, school-based budgeting, and identification of reallocations necessary for the implementation of required or Department approved new programs and services.

(b) The Chief School Administrator shall ensure that each school is led by an effective principal. Where a principal is not effective, the Chief School Administrator, in consultation with the SMT and the SRI Team, shall recommend to the board the transfer or removal of that principal. The Chief School Administrator shall be guided by the Standards for School Leaders, developed by the Interstate School Leaders Licensure Consortium, or any successor document, in assessing principal effectiveness.

1. Copies of The Standards for School Leaders can be obtained from the following sources:

The Department of Education  
Division of Executive Services  
100 Riverview Plaza, Route 29  
PO Box 500  
Trenton, NJ 08625-0500  
www.state.nj.us/education  
Council of Chief State School Officers  
1 Massachusetts Ave. Northwest  
Washington, DC 20001-1431  
www.ccsso.org

(c) The Chief School Administrator shall notify the SMT and the SRI Team assigned to a WSR school prior to the effective date of any transfer or removal of any teacher in schools implementing WSR.

(d) The board shall accord the programs and services required pursuant to this chapter the highest priority in development of the school budget and shall make such reallocations and dedicate such resources as are necessary to ensure their full implementation within the prescribed time frames. To the extent resources are insufficient after all possible reallocation at the school and district levels, the board shall apply for additional funding pursuant to N.J.A.C. 6A:24-7.

(e) The board shall seek from the Commissioner such equivalency or waiver determinations in accordance with N.J.A.C. 6A:5 as are necessary to permit it to implement required or approved programs in an efficient and effective manner, or to effectuate necessary reallocations.

(f) The board shall provide for a full-time media specialist responsible for ensuring that school libraries have appropriate materials to supplement the curriculum and to address the Core Curriculum Content Standards.

(g) The board shall provide for a full-time technology coordinator at each secondary school in the district and each WSR elementary school. The technology coordinators shall assist with the development and integration of educational technology consistent with the requirements of N.J.A.C. 6A:24-2, 4 and 6. The coordinator shall, in addition to such other duties as he or she may be assigned, provide assistance to the SMT as needed.

(h) The board shall provide for a full-time dropout prevention officer and a full-time staff member responsible for the coordination of health and social services and the referral of students to such services for each secondary school within the district. These staff members shall, in addition to such other duties as they may be assigned, provide assistance to the SMT as needed.

(i) The board shall implement a Department approved district wide security plan that includes a Code of Student Conduct, and one security guard for each elementary school building and one for each 225 students at the secondary level as part of the board's plan. As part of the board's plan, it may apply for a waiver of the required number of security guards pursuant to (e) above.