

CHAPTER 8

THOROUGH AND EFFICIENT SYSTEM OF FREE PUBLIC SCHOOLS

Authority

N.J.S.A. 18A:1-1, 18A:4-15, as supplemented and amended by 18A:7A-1 et seq., P.L. 1990, c.52, P.L. 1991, c.3 and P.L. 1991, c.62.

Source and Effective Date

R.2000 d.358, effective August 3, 2000.
See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Executive Order No. 66(1978) Expiration Date

Chapter 8, Thorough and Efficient System of Free Public Schools, expires on August 3, 2005.

Chapter Historical Note

Chapter 8, Thorough and Efficient System of Free Public Schools, was adopted as R.1976 d.3, effective January 7, 1976. See: 7 N.J.R. 543(a), 8 N.J.R. 58(a).

Pursuant to Executive Order No. 66(1978), Chapter 8, Thorough and Efficient System of Free Public Schools, was readopted as R.1984 d.282, effective June 18, 1984. See: 16 N.J.R. 597(a), 16 N.J.R. 1719(a).

Chapter 8, Thorough and Efficient System of Free Public Schools, was repealed and Chapter 8, Thorough and Efficient System of Free Public Schools, was adopted as new rules by R.1987 d.32, effective January 5, 1987. See: 18 N.J.R. 1984(a), 19 N.J.R. 63(c).

Subchapter 9, Approved Public Elementary and Secondary School Summer Sessions, was adopted as R.1989 d.601, effective December 18, 1989. See: 21 N.J.R. 2441(c), 21 N.J.R. 3933(a).

Pursuant to Executive Order No. 66(1978), Chapter 8, Thorough and Efficient System of Free Public Schools; was readopted as R.1992 d.22, effective December 11, 1991, and Subchapter 8, Interim Rules for the Evaluation of Elements and Standards for School Districts Monitored Between January 1, 1984 and December 31, 1986, was repealed and former Subchapter 9, Approved Public Elementary and Secondary School Summer Sessions, was recodified as Subchapter 8, Approved Public Elementary and Secondary School Summer Sessions, by R.1992 d.22, effective January 6, 1992. See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

Petition for Rulemaking. See: 24 N.J.R. 653(b), 24 N.J.R. 1400(d).

Subchapter 1, Definitions, Subchapter 2, State Educational Goals and Standards, Subchapter 3, Annual Reporting and Staffing of School Districts, and Subchapter 4, Interim Rules for the Evaluation of the Performance of Each Public School District, were repealed and Subchapter 1, Definitions, Subchapter 2, State Education Goals and Standards, Subchapter 3, Reporting and Staffing of School Districts, and Subchapter 4, Procedures for the Evaluation of the Performance of Each Public School District, were adopted as new rules, Subchapter 5, Interim Rules for Level II and III Districts, was recodified as Subchapter 5A, Interim Rules for Districts Placed in Level II and III Monitoring Prior to July 1, 1993, and Subchapter 5, Rules for Level II and III Districts, was adopted as new rules by R.1992 d.510, effective December 21, 1992. See: 24 N.J.R. 3039(a), 24 N.J.R. 4508(a).

Subchapter 6, Preventive and Remedial Programs in Reading, Writing and Mathematics, was repealed and Subchapter 6, Programs and

Services for Pupils at Risk, was adopted as new rules by R.1993 d.40, effective January 19, 1993. See: 24 N.J.R. 3494(a), 25 N.J.R. 299(c).

Subchapter 9, Educational Improvement Plans in Special Needs Districts, was adopted as R.1992 d.396, effective October 5, 1992. See: 24 N.J.R. 2323(a), 24 N.J.R. 3535(b).

Public Notice: Public testimony sessions held June 17, 1992. See: 24 N.J.R. 2081(a).

Pursuant to Executive Order No. 22(1994), Chapter 8, Thorough and Efficient System of Public Schools, expired on June 11, 1998. See: 26 N.J.R. 3783(a), 26 N.J.R. 3942(a).

Chapter 8, Thorough and Efficient System of Free Public Schools, was adopted as new rules, former Subchapter 2, State Educational Goals and Standards, was repealed and former Subchapter 4, Procedures for the Evaluation of the Performance of Each Public School District, was recodified as Subchapter 2, former Subchapter 3, Reporting and Staffing of School Districts, was recodified as N.J.A.C. 6:3-1.6 and former Subchapter 5, Rules for Levels II and III Districts, was recodified as Subchapter 3, Subchapter 5A, Interim Rules for Districts Placed in Level II and III Monitoring Prior to July 1, 1993, and Subchapter 6, Programs and Services for Pupils at Risk, were repealed, Subchapter 7, Promotion and High School Graduation Requirements and Procedures, was recodified as N.J.A.C. 6:3-4A, Subchapter 8, Approved Public Elementary and Secondary School Summer Sessions, was recodified as N.J.A.C. 6:3-1.8, and Subchapter 9, Educational Improvement Plans in Special Needs Districts, was recodified as N.J.A.C. 6:19-4.2 by R.1998 d.457, effective September 8, 1998. See: 30 N.J.R. 1479(a), 30 N.J.R. 3261(b).

Pursuant to Executive Order No. 66(1978), Chapter 8, Thorough and Efficient System of Free Public Schools, was readopted as R.2000 d.358, effective August 3, 2000. See: Source and Effective Date. See, also, section annotations.

Law Review and Journal Commentaries

Toward parity in education: *Abbott v. Burke* and the future of New Jersey school systems. 5 Temp.Pol. & Civ.Rts.L.Rev. 183 (1996).

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SUBCHAPTER 1. DEFINITIONS

6:8-1.1 Words and terms defined

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

“Average daily attendance” means the total number of days present divided by the total possible number of days of attendance.

“Challenge objective” means a school-level objective which is developed when student performance or behavior is at or above minimum State standards.

“Community” means the community at large, including, but not limited to, the parents of pupils.

“Objective” means a written statement of the intended outcome of a specific educational process.

“School-level plan” means a two-year plan which is developed by each school, is based on school report card data and includes student performance objectives, progress review by teaching, and administrative staff and parent involvement.

“School report card” means a profile of each school which is compiled annually by the district and which contains statistical information specified by the State Department of Education.

“Statement of assurance” means a document submitted by the chief school administrator to the county superintendent which verifies the development and implementation of the school-level plan, conduct of school-level meetings, written curricula, curriculum articulation and the development and implementation of a substance abuse prevention program.

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

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

Amended by R.2000 d.358, effective September 5, 2000.
See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Rewrote the section.

SUBCHAPTER 2. ANNUAL REPORTING AND PLANNING REQUIREMENTS

6:8-2.1 Reporting requirements

(a) By October 30 of each year, the chief school administrator shall provide a quality assurance annual report to the public at a regular board of education meeting, which includes:

1. Implementation of school-level plans (N.J.A.C. 6:8-2.2(a)2);
2. Achievement of performance objectives (N.J.A.C. 6:8-2.2(a)3);
3. Each school report card, including pupil performance results and student behavior data (N.J.A.C. 6:8-2.2(a)1);
4. Professional development activities (N.J.A.C. 6:3-4.1 and 4.3);
5. Condition of school facilities (N.J.A.C. 6:22 and 6:53);
6. Status of mandated program reviews (N.J.A.C. 6:8-4); and
7. Community support data contained in (e) and (f) below.

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

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

(d) The documentation/activities for Group 2 school districts shall be:

1. The quality assurance annual report; and
2. Board minutes.

(e) Over a seven-year period, the district shall document community support through the following components:

1. A review of demographic data;
2. A community survey;
3. Identification of available resources and linkages to social service agencies;
4. Strategies to overcome any community and environmental conditions that hinder learning;
5. Methods to eliminate any barriers to community participation;
6. Planned level of community involvement; and
7. Strategies for parental involvement and parent-teacher interaction.

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

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

In (a), changed N.J.A.C. references throughout, changed the deadline from September 30 to October 30 in the introductory paragraph of 1i, changed the deadline from October 30 to November 15 in 1ii, inserted a new 1iii, recodified former 1iii as 1iv and inserted a reference to Group 2 school districts, and inserted a reference to Group 1 and Group 2 school districts in 2ii. Recodified from N.J.A.C. 6:8-2.3 and amended by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Rewrote the section. Former N.J.A.C. 6:8-2.1, General requirements, repealed.

Law Review and Journal Commentaries

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

Case Notes

Commissioner's monitoring function under the Public School Education Act to measure and achieve a thorough and efficient education for all public school children failed to accomplish that goal and operated largely as a self-improvement system. *Abbott v. Abbott v. Burke*, 119 N.J. 287, 575 A.2d 359 (1990).

Establishment of music curriculum within local board's discretion; no requirement for employment of certified music teachers. *Popovich v. Bd. of Ed., Wharton Boro., Morris Cty.*, 1977 S.L.D. 440.

6:8-2.2 School-level planning

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

1. School report card:

i. By September 30 of each year, the district shall compile a report card of each school, which shall contain statistical information specified by the State Department of Education. This report card shall be disseminated to all staff and parents, and made available to the media.

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

2. School-level plan:

i. By September 30, each school in the district shall develop and implement a two-year plan based on school report card data. This plan shall include pupil performance objectives, a review of progress by teaching and administrative staff, and the involvement of parents.

ii. At least once per semester, each school shall conduct meetings by grade level, Department, team or similarly appropriate group to review the school level plan. Such review shall include:

- (1) School report card data;
- (2) Progress toward achieving pupil performance objectives; and
- (3) Progress toward achieving core curriculum content standards.

iii. The documentation/activities for Group 1 and Group 2 school districts shall be a statement of assurance, signed by each principal, and submitted on the form prescribed by the Commissioner; and

3. Pupil performance objectives:

i. Each school in the district shall develop two or more objectives based on pupil performance or behavior standards as defined in N.J.A.C. 6A:8-4.4(a) and 6:8-3.1 and 3.2. The objectives shall cover a period of no more than two years.

ii. The objectives shall be developed according to the following criteria:

(1) If pupil performance is below minimum State standards as defined in N.J.A.C. 6A:8-4.4(a) and 6:8-3.1 and 3.2, objectives to meet such standards shall be established. Benchmarks (interim performance levels) shall be set to measure the school's progress toward the achievement of minimum State standards.

(2) If pupil performance is at or above minimum State standards, challenge objectives shall be established.

iii. By August 1 of each year, the chief school administrator shall submit each school's objectives to the county superintendent for review and approval. The report on the achievement of objectives or progress towards benchmarks for the previous year shall be contained in the October 30 annual report.

iv. Each school shall achieve its pupil performance objectives by:

(1) Meeting established benchmarks for minimum State standards; and/or

(2) Achieving challenge objectives or demonstrating progress toward meeting such objectives.

v. Each school that does not meet established benchmarks for pupil performance objectives or demonstrate progress toward meeting challenge objectives for two successive years shall be assigned a technical assistance team by the county superintendent to facilitate accomplishment of these objectives.

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

- (1) The quality assurance annual report; and
- (2) Performance objectives.

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

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

a reference to October 30 annual reports for a reference to September 30 annual reports at the end of 3iii.

Recodified from N.J.A.C. 6:8-2.4 and amended by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

In (a)li, substituted "By September 30 of each year" for "Annually" in first sentence and updated N.J.A.C. references throughout. Former N.J.A.C. 6:8-2.2, Evaluation Procedures, repealed.

6:8-2.3 (Reserved)

Recodified to N.J.A.C. 6:8-2.1 by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

6:8-2.4 (Reserved)

Recodified to N.J.A.C. 6:8-2.2 by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

6:8-2.5 (Reserved)

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

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

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

Repealed by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Section was "Curriculum and instruction".

6:8-2.6 (Reserved)

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

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

In (a), substituted a reference to two indicators for a reference to five indicators in the introductory paragraph, deleted former 1, 4 and 5, recodified former 2 and 3 as 1 and 2, substituted references to core curriculum content standards for references to content standards in 1ii and 2ii, and inserted references to Group 1 and Group 2 school districts in 1iii and 2iii.

Repealed by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Section was "Pupil performance: skills and competencies".

6:8-2.7 (Reserved)

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

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

Rewrote the section.

Recodified to N.J.A.C. 6:8-3.1 through 6:8-3.3 by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Section was "Pupil behavior".

6:8-2.8 (Reserved)

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

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

Rewrote the section.

Repealed by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Section was "Teaching staff and professional development".

6:8-2.9 (Reserved)

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

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

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

Repealed by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Section was "School resources: finance and facilities".

6:8-2.10 (Reserved)

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

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

In (a)li, deleted former (2) and (7) through (9), and recodified former (3) through (6) as (2) through (5).

Recodified to N.J.A.C. 6:8-4.1 and 6:8-4.2 by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Section was "State and Federally mandated programs and services".

6:8-2.11 (Reserved)

Repealed by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Section was "Findings".

6:8-2.12 (Reserved)

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

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

In (b), changed N.J.A.C. references and substituted references to the Division of Field Services for references to the Division of County and Regional Services throughout.

Repealed by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Section was "Certifying a district with or without conditions".

SUBCHAPTER 3. PUPIL BEHAVIOR

6:8-3.1 Pupil attendance

(a) The average daily attendance rate for each district shall average 90 percent or higher as calculated for the three years prior to the school year in which the district is monitored.

(b) Each school with a three-year average below 90 percent shall develop performance objectives to improve pupil attendance, pursuant to N.J.A.C. 6:8-2.2(a)3.

(c) The documentation/activities for Group 1 school districts shall be:

1. The "New Jersey School Register Summary" provided by the Department; and

2. Pupil performance objectives, if below State standard.

(d) The documentation/activities for Group 2 school districts shall be:

1. The "New Jersey School Register" provided by the Department;

2. The "School Register Summary Report," prepared by the Department of Education; and

3. Pupil performance objectives, if below State standard.

Recodified from N.J.A.C. 6:8-2.7 and amended by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Made internal designation changes throughout; and in (b), changed N.J.A.C. reference. Former N.J.A.C. 6:8-3.1, Level II districts, repealed.

6:8-3.2 Dropouts

(a) The dropout rate for pupils in grades seven through 12 shall not exceed 10 percent, as calculated for the years prior to the school year in which the district is monitored.

(b) Dropouts are defined as students who were 16 years of age or older who failed to complete the school year.

(c) Each school with a three-year average dropout rate exceeding 10 percent, as calculated for the years prior to monitoring, shall develop performance objectives to reduce the dropout rate, pursuant to N.J.A.C. 6:8-3.2(a)3.

(d) The documentation/activities for Group 1 and Group 2 school districts shall be:

1. The fall report (consolidated enrollment: dropout information);
2. The application for State school aid; and
3. Pupil performance objectives, if required.

Recodified from N.J.A.C. 6:8-2.7 and amended by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Made internal designation changes throughout; and in (c), changed N.J.A.C. reference. Former N.J.A.C. 6:8-3.2, Level III districts, repealed.

6:8-3.3 Guidance and counseling

(a) The district shall provide all pupils with a board-approved program of guidance and counseling services.

(b) The documentation/activities for Group 1 school districts shall be:

1. A written description of guidance and counseling services; and
2. Board minutes.

(c) The documentation/activities for Group 2 school districts shall be:

1. A written description of guidance and counseling services;
2. Board minutes;
3. Staff interviews; and
4. School visits.

Recodified from N.J.A.C. 6:8-2.7 and amended by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Rewrote the section. Former N.J.A.C. 6:8-3.3, Comprehensive compliance investigation, repealed.

6:8-3.4 (Reserved)

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

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

Inserted a reference to Title 6A.

Repealed by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Section was "Corrective action by Commissioner of Education".

SUBCHAPTER 4. STATE AND FEDERALLY MANDATED PROGRAMS AND SERVICES

6:8-4.1 Review of mandated programs and services

(a) Regularly scheduled reviews will be conducted in each district by the appropriate division of the State Department of Education to determine compliance according to State or Federal law or regulation. The mandated reviews shall cover the following areas:

1. Affirmative action;
2. Bilingual education;
3. English as a second language;
4. Desegregation; and
5. Special education.

(b) If the district is rated compliant as a result of the review, it shall not be required to undergo additional monitoring as part of the seven-year monitoring cycle.

(c) If the district is rated noncompliant as a result of the review, it shall develop and implement a corrective action plan. The status of the corrective action plan shall be reviewed prior to monitoring.

(d) The documentation/activities for Group 1 and Group 2 school districts shall be State Department of Education program and service review reports and corrective action plans, if required.

Recodified from N.J.A.C. 6:8-2.10 and amended by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Made internal designation changes throughout.

6:8-4.2 Grants management

(a) Each district shall expend funds allocated through grants for State and Federally mandated programs and services in accordance with the contract.

(b) The documentation/activities for Group 1 and Group 2 school districts shall be State Department of Education program and service review reports.

Recodified from N.J.A.C. 6:8-2.10 and amended by R.2000 d.358, effective September 5, 2000.
See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).
Made internal designation changes throughout.