

# ASSEMBLY, No. 2994

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 24, 2014

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblyman JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Assemblyman TIMOTHY J. EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblyman RALPH R. CAPUTO**

**District 28 (Essex)**

**Co-Sponsored by:**

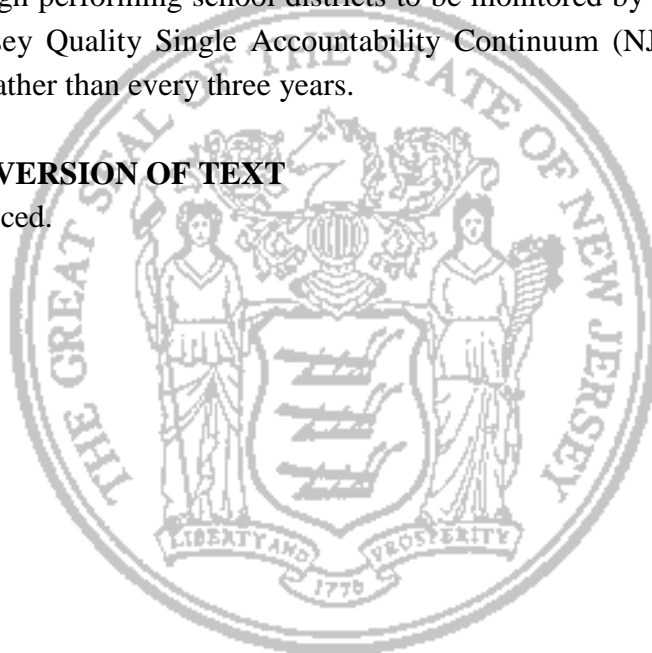
**Assemblyman Diegnan and Assemblywoman Phoebus**

**SYNOPSIS**

Permits high performing school districts to be monitored by the DOE under the New Jersey Quality Single Accountability Continuum (NJ QSAC) every seven years rather than every three years.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/18/2015)**

1 AN ACT concerning the New Jersey Quality Single Accountability  
2 Continuum and amending P.L.1975, c.212.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 11 of P.L.1975, c.212 (C.18A:7A-11) is amended to  
8 read as follows:

9 11. Each school district and county vocational school district  
10 shall make a report of its progress in complying with all of the  
11 quality performance indicators adopted pursuant to section 10 of  
12 P.L.1975, c.212 (C.18A:7A-10) every three years, or seven years  
13 for high performing districts as defined in section 14 of P.L.1975,  
14 c.212 (C.18A:7A-14), pursuant to a schedule to be established by  
15 the commissioner. In the years intervening between the district's  
16 **[three-year]** review, whenever the commissioner determines that  
17 conditions exist in a district that significantly and negatively impact  
18 the educational program or operations of the district, the  
19 commissioner may direct that the department immediately conduct  
20 a comprehensive review of the district. Nothing in this section shall  
21 preclude the commissioner, in his discretion, from conducting a  
22 random review of a school district to assess the district's  
23 compliance with the quality performance indicators.

24 The district reports shall be submitted to the commissioner on a  
25 date and in such form as prescribed by the commissioner, who shall  
26 make them the basis for an annual report to the Governor and the  
27 Legislature, describing the condition of education in New Jersey,  
28 the efforts of New Jersey schools in meeting the standards of a  
29 thorough and efficient education, the steps underway to correct  
30 deficiencies in school performance, and the progress of New Jersey  
31 schools in comparison to other state education systems in the  
32 United States.

33 (cf: P.L.2007, c.16, s.3)

34

35 2. Section 14 of P.L.1975, c.212 (C.18A:7A-14) is amended to  
36 read as follows:

37 14. a. The commissioner shall review the results of the report  
38 submitted pursuant to sections 10 and 11 of P.L.1975, c.212  
39 (C.18A:7A-10 and 18A:7A-11) and after examination of all relevant  
40 data, including student assessment data, determine where on the  
41 performance continuum the district shall be placed. The  
42 commissioner, through collaboration, shall establish a mechanism  
43 for parent, school employee and community resident input into the  
44 review process. If the commissioner finds that a school district or  
45 county vocational school district satisfies 80 percent to 100 percent

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 of the quality performance indicators in each of the five key  
2 components of school district effectiveness, the commissioner shall  
3 issue to the district a letter of recognition designating the district as  
4 a high performing district, provided that the district has submitted  
5 to the department a statement of assurance which attests that the  
6 contents of the report are valid. The commissioner shall  
7 recommend that the State board certify the school district for a  
8 period of **【three】** seven years as providing a thorough and efficient  
9 system of education, contingent on continued progress in meeting  
10 the quality performance indicators.

11 b. If a school district satisfies 50 percent to 79 percent of the  
12 quality performance indicators in any of the five key components of  
13 school district effectiveness, the commissioner shall require the  
14 district to develop an improvement plan to address the quality  
15 performance indicators with which the district has not complied and  
16 to increase district capacity through the provision of technical  
17 assistance and other measures designed to meet the district's needs.  
18 The improvement plan shall be submitted to and approved by the  
19 commissioner. In accordance with the improvement plan, the  
20 commissioner shall provide technical assistance to the district. If  
21 necessary, the commissioner may authorize an in-depth evaluation  
22 of the district to determine the causes for the district's  
23 noncompliance with the quality performance indicators.

24 The commissioner shall review the district's progress in  
25 implementing the improvement plan not less than every six months.  
26 If the commissioner finds, based on those reviews, that after two  
27 years the district has not satisfied 80 to 100 percent of the quality  
28 performance indicators in each of the five key components of  
29 school district effectiveness, the commissioner may require the  
30 district to amend the improvement plan. The amended plan shall be  
31 submitted to the commissioner for approval.

32 If a district effectively implements its improvement plan and is  
33 able to satisfy 80 to 100 percent of the quality performance  
34 indicators in each of the five key components of school district  
35 effectiveness through the interventions set forth in this subsection,  
36 the commissioner shall issue the district a letter of recognition  
37 designating the district as a high performing district. The  
38 commissioner shall recommend that the State board certify the  
39 school district for a period of **【three】** seven years as providing a  
40 thorough and efficient system of education, contingent on continued  
41 progress in meeting the quality performance indicators. If the  
42 district has not effectively implemented its improvement plan and  
43 has not satisfied 80 to 100 percent of the quality performance  
44 indicators in each of the five key components of school district  
45 effectiveness through the interventions set forth in this subsection,  
46 the commissioner shall issue the district a letter detailing the areas  
47 in which the district remains deficient.

1 c. (1) If a school district satisfies less than 50 percent of the  
2 quality performance indicators in four or fewer of the five key  
3 components of school district effectiveness, the commissioner shall  
4 authorize an in-depth evaluation of the district's performance and  
5 capacity unless the commissioner determines that a comprehensive  
6 evaluation of the district by or directed by the department has  
7 occurred within the last year. Based on the findings and  
8 recommendations of that evaluation, the district, in cooperation  
9 with the department, shall develop an improvement plan to address  
10 the quality performance indicators with which the district has not  
11 complied and to increase district capacity through the provision of  
12 technical assistance and other measures designed to meet the  
13 district's needs. The improvement plan shall be submitted to the  
14 commissioner for approval. Upon approval, the commissioner shall  
15 provide the district with the technical assistance outlined in the plan  
16 and shall assure that the district's budget provides the resources  
17 necessary to implement the improvement plan.

18 The commissioner shall review the district's progress in  
19 implementing the improvement plan not less than every six months.  
20 The reviews shall include an on-site visit. If the commissioner  
21 finds, based on those reviews, that after two years the district has  
22 not satisfied at least 50% of the quality performance indicators in  
23 each of the key components of school district effectiveness, the  
24 commissioner may require the district to amend the improvement  
25 plan. The amended plan shall be submitted to the commissioner for  
26 approval.

27 Nothing in this paragraph shall be construed to prohibit the State  
28 board from directing the district to enter partial State intervention  
29 prior to the expiration of the two-year period.

30 (2) The district's improvement plan may include the  
31 appointment by the commissioner of one or more highly skilled  
32 professionals to provide technical assistance to the district in the  
33 areas in which it has failed to satisfy the quality performance  
34 indicators. Each highly skilled professional shall work  
35 collaboratively with the district to increase local capacity in the  
36 areas of need identified in the improvement plan. The cost for the  
37 compensation of the highly skilled professionals shall be a shared  
38 expense of the school district and the State, with the State assuming  
39 one-half of the cost and the school district being responsible for  
40 one-half of the cost.

41 (3) If the district satisfies less than 50% of the quality  
42 performance indicators in one to four of the five key components of  
43 school district effectiveness, the commissioner may also order the  
44 district board of education to show cause why an administrative  
45 order placing the district under partial State intervention should not  
46 be implemented. The plenary hearing before a judge of the Office  
47 of Administrative Law pursuant to the "Administrative Procedure  
48 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), upon said order to show

1 cause, shall be conducted on an expedited basis and in the manner  
2 prescribed by subdivision B of article 2 of chapter 6 of Title 18A of  
3 the New Jersey Statutes. In the proceeding the State shall have the  
4 burden of showing that the recommended administrative order is  
5 not arbitrary, unreasonable or capricious.

6 If, after a plenary hearing, the commissioner determines that it is  
7 necessary to take corrective action, the commissioner shall have the  
8 power to order necessary budgetary changes within the district or  
9 other measures the commissioner deems appropriate to establish a  
10 thorough and efficient system of education.

11 If the board fails to show cause why an administrative order  
12 placing the district under partial State intervention should not be  
13 implemented, the commissioner shall recommend to the State board  
14 that it issue an order placing the district under partial State  
15 intervention. Notwithstanding any other provision of law to the  
16 contrary and upon its determining that the school district is not  
17 providing a thorough and efficient system of education, the State  
18 board may place the district under partial State intervention.  
19 Nothing herein shall limit the right of any party to appeal the State  
20 board's order to the Superior Court, Appellate Division.

21 (4) If the position of superintendent of schools is vacant in a  
22 district under partial State intervention, the State board upon the  
23 recommendation of the commissioner may appoint a superintendent  
24 who shall serve for an initial period not to exceed two years.

25 (5) In addition to the highly skilled professionals appointed  
26 pursuant to paragraph (2) of this subsection to provide technical  
27 assistance to the district in implementing its improvement plan, the  
28 commissioner, in consultation with the local board of education,  
29 may appoint one or more highly skilled professionals in a district  
30 under partial State intervention to provide direct oversight in the  
31 district regarding the quality performance indicators with which the  
32 district has failed to comply. The highly skilled professional shall  
33 represent the interests of the commissioner in all matters relating to  
34 the component of school district effectiveness that is under  
35 intervention and over which the highly skilled professional is  
36 providing direct oversight. The powers and authorities of the  
37 highly skilled professional shall include, but not be limited to:

38 (a) overseeing the operations of the district in the area of  
39 intervention over which the highly skilled professional is assigned  
40 to provide direct oversight;

41 (b) ensuring the development and implementation of the district  
42 improvement plan with respect to the area over which the highly  
43 skilled professional is assigned to provide direct oversight;

44 (c) overriding a chief school administrator's action and a vote by  
45 the board of education regarding matters under direct oversight of  
46 the highly skilled professional;

47 (d) attending all meetings of the board of education, including  
48 closed sessions; and

1 (e) obligating district funds for matters relating to the area under  
2 State intervention over which the highly skilled professional is  
3 providing direct oversight.

4 In the event that there is a need to hire, promote, or terminate  
5 employees working in the area of intervention over which the  
6 highly skilled professional is assigned to provide direct oversight,  
7 the hiring, promotion, and termination of those employees shall be  
8 determined by the State board upon the recommendation of the  
9 commissioner.

10 The highly skilled professional shall work collaboratively with  
11 the superintendent, the board of education and the employees of the  
12 district working in the area of the oversight to address areas  
13 identified in the improvement plan.

14 When the commissioner appoints more than one highly skilled  
15 professional in a district under partial State intervention, he shall  
16 delineate the scope and extent of authority of each highly skilled  
17 professional appointed and shall establish a decision-making  
18 hierarchy for the highly skilled professionals and personnel in the  
19 district. The highly skilled professional shall report directly to the  
20 commissioner or his designee on a bi-weekly basis and shall report  
21 monthly to the board of education and members of the public at the  
22 regularly scheduled board of education meeting. The salary of a  
23 highly skilled professional appointed pursuant to this paragraph  
24 shall be fixed by the commissioner and adjusted from time to time  
25 as the commissioner deems appropriate. The cost of the salaries of  
26 the highly skilled professionals shall be a shared expense of the  
27 school district and the State, with the State assuming one-half of the  
28 cost and the school district being responsible for one-half of the  
29 cost. For the purpose of the New Jersey Tort Claims Act,  
30 N.J.S.59:1-1 et seq., the highly skilled professional appointed  
31 pursuant to this paragraph shall be considered a State officer.

32 (6) With the State board's approval the commissioner may  
33 appoint up to three additional members to the board of education of  
34 a district under partial State intervention. The board of education's  
35 membership shall remain increased by these additional seats until  
36 the State withdraws from intervention. If the commissioner  
37 appoints three additional members pursuant to this paragraph, the  
38 commissioner shall appoint one of these additional members from a  
39 list of three candidates provided by the local governing body of the  
40 municipality in which the school district is located. The  
41 commissioner shall make every effort to appoint residents of the  
42 district. A board member appointed by the commissioner shall be a  
43 nonvoting member of the board and shall have all the other rights,  
44 powers and privileges of a member of the board. A board member  
45 appointed by the commissioner shall report to the commissioner on  
46 the activities of the board of education and shall provide assistance  
47 to the board of education on such matters as deemed appropriate by  
48 the commissioner, including, but not limited to, the applicable laws

1 and regulations governing specific school board action. A member  
2 appointed by the commissioner shall serve for a term of two years.  
3 The commissioner shall obtain approval of the State board for any  
4 extension of the two-year term. Any vacancy in the membership  
5 appointed by the commissioner shall be filled in the same manner as  
6 the original appointment.

7 If a board of education is subject to additional appointments  
8 pursuant to section 67 of P.L.2002, c.43 (C.52:27BBB-63), then the  
9 provisions of this paragraph shall not be applicable during the  
10 period in which the board is subject to those appointments.

11 Six months following the district being placed under partial State  
12 intervention, the commissioner shall determine whether or not the  
13 board members he has appointed shall become voting members of  
14 the board of education. If the commissioner determines that the  
15 board members he has appointed shall become voting members, the  
16 school district shall have 30 days to appeal the commissioner's  
17 determination to the State Board of Education.

18 (7) Based on the district's success in implementing its  
19 improvement plan, the commissioner shall make a determination to  
20 withdraw from intervention in one or more of the areas that have  
21 been under State intervention, to leave one or more areas under  
22 State intervention or to recommend to the State Board of Education  
23 that the district be placed under full State intervention.

24 If the commissioner determines that the district has successfully  
25 implemented the improvement plan and achieved sufficient progress  
26 in satisfying the performance indicators in one or more areas under  
27 intervention, the State shall withdraw from intervention in the  
28 district in those areas.

29 d. (Deleted by amendment, P.L.2005, c.235.)

30 e. (1) If a school district satisfies less than 50 percent of the  
31 quality performance indicators in each of the five key components  
32 of school district effectiveness, the commissioner shall authorize an  
33 in-depth evaluation of the district's performance and capacity,  
34 unless the commissioner determines that a comprehensive  
35 evaluation of the district by or directed by the department has  
36 occurred within the last year. Based on the findings and  
37 recommendations of that evaluation, the district, in cooperation  
38 with the department, shall develop an improvement plan to address  
39 the quality performance indicators with which the district has not  
40 complied and to increase district capacity through the provision of  
41 technical assistance and other measures designed to meet the  
42 district's needs. The improvement plan shall be submitted to the  
43 commissioner for approval. Upon approval, the commissioner shall  
44 provide the district with the technical assistance outlined in the plan  
45 and shall assure that the district's budget provides the resources  
46 necessary to implement the improvement plan.

47 The commissioner shall review the district's progress in  
48 implementing the improvement plan not less than every six months.

1 The reviews shall include an on-site visit. If the commissioner  
2 finds, based on those reviews, that after two years the district has  
3 not satisfied at least 50% of the quality performance indicators in  
4 each of the key components of school district effectiveness, the  
5 commissioner may require the district to amend the improvement  
6 plan. The amended plan shall be submitted to the commissioner for  
7 approval.

8 Nothing in this paragraph shall be construed to prohibit the State  
9 board from directing the district to enter full State intervention prior  
10 to the expiration of the two-year period.

11 (2) The district's improvement plan may include the  
12 appointment by the commissioner of one or more highly skilled  
13 professionals to provide technical assistance to the district in the  
14 areas in which it has failed to satisfy the quality performance  
15 indicators. Each highly skilled professional shall work  
16 collaboratively with the district to increase local capacity in the  
17 areas of need identified in the improvement plan. The cost for the  
18 compensation of the highly skilled professionals shall be a shared  
19 expense of the school district and the State, with the State assuming  
20 one-half of the cost and the school district being responsible for  
21 one-half of the cost.

22 (cf: P.L.2007, c.16, s.4)

23

24 3. This act shall take effect immediately.

25

26

27

#### STATEMENT

28

29 Under the current school district monitoring system, the New  
30 Jersey Quality Single Accountability Continuum (NJ QSAC), every  
31 school district must submit a report every three years on its progress  
32 in complying with all of the quality performance indicators. The  
33 quality performance indicators comprise standards for each of five  
34 key components of school district effectiveness – instruction and  
35 program; personnel; fiscal management; operations; and  
36 governance. Based on a district's compliance with the indicators,  
37 the Commissioner of Education assesses district capacity and  
38 effectiveness and places the district on a performance continuum  
39 that determines the type and level of oversight and technical  
40 assistance and support the district receives. Districts that satisfy 80  
41 percent to 100 percent of the quality performance indicators in each  
42 of the five key components of school district effectiveness are  
43 deemed "high performing districts."

44 This bill would permit high performing districts to submit the  
45 report every seven years, rather than every three.