

ASSEMBLY, No. 3637

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED APRIL 14, 2016

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

Assemblywoman L. GRACE SPENCER

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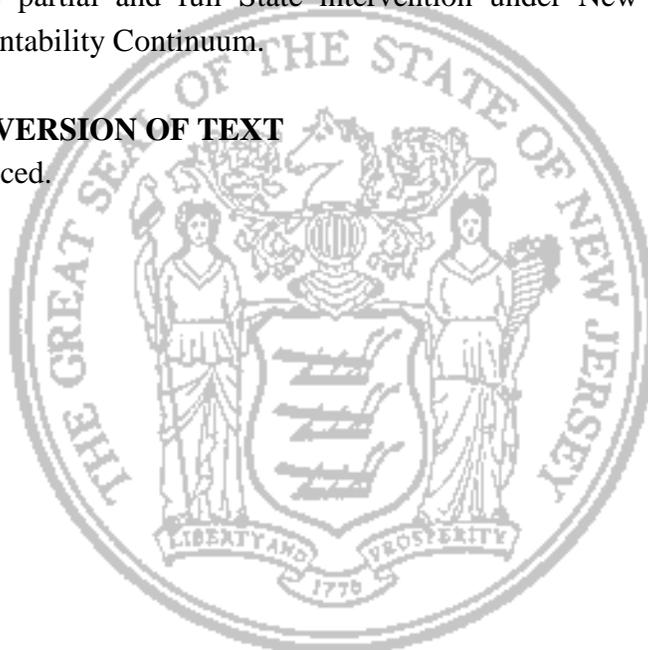
Assemblymen Giblin and Caputo

SYNOPSIS

Eliminates partial and full State intervention under New Jersey Quality Single Accountability Continuum.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/24/2016)

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2

1 AN ACT concerning school districts under full or partial State
2 intervention, amending and supplementing P.L.1975, c.212, and
3 repealing various parts of the statutory law.

4

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

7

8 1. (New section) a. Within one year of the effective date of
9 P.L. , c. (C.) (pending before the Legislature as this bill),
10 any school district that is under partial or full State intervention on
11 the effective date shall be returned to full local control.

12 b. Within four months of the effective date of P.L. ,
13 c. (C.) (pending before the Legislature as this bill), the board
14 of education of a school district that has not had the governance
15 component of school district effectiveness returned to local control
16 prior to that date shall call a special election for the purposes of
17 placing the question of classification status before the voters of the
18 district, which election shall be conducted in accordance with the
19 provisions of Title 19 of the Revised Statutes concerning school
20 elections.

21 (1) If the voters of the district elect to become a Type I district,
22 it shall be governed by the provisions of chapter 9 of Title 18A of
23 the New Jersey Statutes relating to Type I districts after January 31
24 next ensuing, unless the district is established in a city of the first
25 class, in which case it shall be governed after June 30 next ensuing.
26 The members of the district board of education at the time of said
27 election shall continue in office until expiration of their respective
28 terms and the qualification in office of their successors.

29 (2) If the voters of the district elect to become a Type II district,
30 it shall be governed by the provisions of chapter 9 of Title 18A
31 relating to Type II districts, and the members of the board of
32 education at the time of said election shall remain and continue in
33 office until the expiration of their respective terms and the
34 qualifications of their respective successors.

35

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

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

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.

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1 county vocational school district satisfies 80 percent to 100 percent
2 of the quality performance indicators in each of the five key
3 components of school district effectiveness, the commissioner shall
4 issue to the district a letter of recognition designating the district as
5 a high performing district, provided that the district has submitted
6 to the department a statement of assurance which attests that the
7 contents of the report are valid. The commissioner shall
8 recommend that the State board certify the school district for a
9 period of three years as providing a thorough and efficient system
10 of education, contingent on continued progress in meeting the
11 quality performance indicators.

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

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

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

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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**
28 **State board from directing the district to enter partial State**
29 **intervention 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

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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**
9 **State board from directing the district to enter full State intervention**
10 **prior 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. The following sections are repealed:

25 Sections 15, 16, 46, 47, and 53 of P.L.1975, c.212 (C.18A:7A-
26 15, C.18A:7A-16, C.18A:7A-29, C.18A:7A-30, and C.18A:7A-32);

27 Section 5 of P.L.1987, c.398 (C.18A:7A-15.1);

28 Sections 3 and 4 of P.L.1987, c.400 (C.18A:7A-31.2 and
29 C.18A:7A-31.3);

30 Sections 1 through 14, and 16 through 19 of P.L.1987, c.399 (C.
31 18A:7A-34 through C.18A:7A-47, C.18A:7A-49 through
32 C.18A:7A-52);

33 Sections 1 through 6 of P.L.1991, c.139 (C.18A:7A-46.1 through
34 C.18A:7A-46.6); and

35 Section 37 of P.L.2005, c.235 (C.18A:7A-53).

36

37 4. This act shall take effect immediately.

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STATEMENT

41

42 This bill eliminates the authority of the State Board of Education
43 to place a school district under full or partial State intervention
44 under the New Jersey Quality Single Accountability Continuum (NJ
45 QSAC), the State's system of monitoring school districts. The bill
46 also provides that any school district that is under partial or full
47 State intervention on its effective date will be returned to full local
48 control within one year of that date. Within four months of the bill's

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1 effective date, the board of education of a district that has not had
2 the governance component of school district effectiveness returned
3 to local control prior to that date will call a special election to place
4 the question of district classification as either a Type I or Type II
5 district before the voters. The district will then be governed by the
6 provisions of law concerning Type I or Type II districts as
7 applicable.