

**ASSEMBLY, No. 1042**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**SYNOPSIS**

Places five-year limit on State control of any school district; requires local control to be returned in any area of district effectiveness under State intervention for which district meets 80 percent or more of standards.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **AN ACT** concerning the State monitoring of school districts,  
2       supplementing chapter 7A of Title 18A of the New Jersey  
3       Statutes, and amending P.L.1987, c.400.

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

7  
8       1. (New section)   a.   Except as otherwise provided in  
9       subsection d. of this section, no later than five years after the State  
10      Board of Education issues an order placing a school district under  
11      partial or full State intervention, the State shall completely  
12      withdraw from intervention in the school district and the school  
13      district shall be returned to local control.

14      b.   Upon return to local control:

15       (1) The term of any additional school board members appointed  
16      by the commissioner shall expire;

17       (2) If a Capital Projects Control Board has been established in  
18      the district, it shall cease to exist;

19       (3) All rights, power, and duties shall be returned to the board of  
20      education;

21       (4) The board of education shall be permitted to extend the  
22      contract of a superintendent of schools or State district  
23      superintendent appointed by the State Board of Education who  
24      holds the position at the time the district is returned to local control,  
25      provide 18-months' notice to the superintendent to modify the  
26      contract, or allow the contract in effect to expire with the  
27      appropriate statutory notice pursuant to subsection b. of section 4 of  
28      P.L.1991, c.267 (C.18A:17-20.1); and

29       (5) The employment of any highly skilled professional  
30      appointed by the commissioner to provide technical assistance or to  
31      provide direct oversight shall expire.

32      c.   For a five-year period following return to local control  
33      pursuant to the provisions of subsection a. of this section, a school  
34      district may not be placed under partial or full State intervention.

35      d.   The commissioner may seek approval from the Superior  
36      Court to extend the five-year period under which a school district  
37      may remain under partial or full State intervention by demonstrating  
38      to the court by clear and convincing evidence that the district has  
39      failed to make sustained and substantial progress in one or more of  
40      the five key components of school district effectiveness and that  
41      with the extension of State intervention for an additional one-year  
42      period the district is likely to successfully meet the quality  
43      performance indicators for the five key components of school  
44      district effectiveness.

**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       2. (New section) a. Notwithstanding the provisions of section  
2 1 of this act or any other section of law to the contrary, in the case  
3 of a school district under full State intervention or partial State  
4 intervention on the effective date of this act, the State shall  
5 completely withdraw from intervention in the school district and the  
6 school district shall be returned to local control no later than one  
7 month following the effective date of this act.

8       b. Upon return to local control:

9       (1) The term of any additional school board members appointed  
10 by the commissioner shall expire;

11       (2) If a Capital Projects Control Board has been established in  
12 the district, it shall cease to exist;

13       (3) All rights, power, and duties shall be returned to the board of  
14 education;

15       (4) The board of education shall be permitted to extend the  
16 contract of a superintendent of schools or State district  
17 superintendent appointed by the State Board of Education who  
18 holds the position at the time the district is returned to local control,  
19 provide 18-months' notice to the superintendent to modify the  
20 contract, or allow the contract in effect to expire with the  
21 appropriate statutory notice pursuant to subsection b. of section 4 of  
22 P.L.1991, c.267 (C.18A:17-20.1); and

23       (5) The employment of any highly skilled professional  
24 appointed by the commissioner to provide technical assistance or to  
25 provide direct oversight shall expire.

26       c. For a five-year period following return to local control  
27 pursuant to the provisions of subsection a. of this section, a school  
28 district may not be placed under partial or full State intervention.

29

30       3. (New section) Notwithstanding any law, rule, or regulation  
31 to the contrary, if a school district under partial or full State  
32 intervention satisfies 80 percent or more of the quality performance  
33 indicators in any of the areas of school district effectiveness under  
34 State intervention, the State shall immediately withdraw from  
35 intervention in those areas. The Commissioner of Education and  
36 State Board of Education may not use any other factor in  
37 determining to withdraw from intervention in an area of school  
38 district effectiveness.

39

40       4. Section 4 of P.L.1987, c.400 (C.18A:7A-31.3) is amended to  
41 read as follows:

42       4. a. Within six months following the establishment of a  
43 school district under full State intervention, the commissioner shall  
44 present to the Joint Committee on the Public Schools the  
45 improvement plan developed by the district.

46       b. On **an annual** a semiannual basis the commissioner shall  
47 provide a report to the committee on the progress made by a district  
48 under full or partial State intervention in the implementation of the

1 improvement plan and the **【prospects for the State's withdrawal**  
2 **from intervention】** progress made by the district in satisfying 80  
3 percent or more of the quality performance indicators in any area of  
4 school district effectiveness under State intervention.

5 c. The Joint Committee on the Public Schools, in cooperation  
6 with the commissioner, may develop a plan for monitoring the  
7 administration of a school district under full State intervention and  
8 the implementation of the improvement plan. The plan developed  
9 by the committee shall include provisions for independent  
10 documentation and assessment.

11 (cf: P.L.2005, c.235, s.8)

12  
13 5. This act shall take effect immediately.

#### 14 15 16 STATEMENT

17  
18 This bill provides that under the school district monitoring  
19 system, New Jersey Quality Single Accountability Continuum  
20 (NJQSAC), a school district will not be placed under full or partial  
21 State intervention for longer than a five-year period. Upon the  
22 district's return to local control:

23 (1) The terms of any additional school board members  
24 appointed by the commissioner will expire;

25 (2) If a Capital Projects Control Board was established in the  
26 district, that board will expire;

27 (3) All rights, power, and duties will be returned to the board of  
28 education;

29 (4) The board of education will be permitted to extend the  
30 contract of the superintendent of schools or State district  
31 superintendent who holds the position at the time the district is  
32 returned to local control, provide 18-months' notice to the  
33 superintendent to modify the contract, or allow the contract in effect  
34 to expire with the appropriate statutory notice; and

35 (5) The employment of any highly skilled professional  
36 appointed to work in the district will expire.

37 The bill provides a process whereby the five-year limit may be  
38 extended for an additional year. Under this process the  
39 commissioner must seek approval from the Superior Court and must  
40 demonstrate to the court by clear and convincing evidence that the  
41 district has failed to make sustained and substantial progress in one  
42 or more of the five key components of school district effectiveness  
43 and that with the extension of State intervention for an additional  
44 one-year period the district is likely to successfully meet the quality  
45 performance indicators for the five key components of school  
46 district effectiveness.

47 The bill also provides that once local control is returned to the  
48 district, the school district may not be placed under partial or full

1 State intervention for five years following that return to local  
2 control.

3 In the case of school districts which are under full State  
4 intervention or partial State intervention on the effective date of this  
5 bill, the bill requires the State to completely withdraw from  
6 intervention in the school district and return the district to local  
7 control no later than one month following the bill's effective date.

8 The bill explicitly states that if a school district under partial or  
9 full State intervention satisfies 80 percent or more of the quality  
10 performance indicators in any of the areas of school district  
11 effectiveness under State intervention, the State is required to  
12 immediately withdraw from intervention. The Commissioner of  
13 Education and the State board may not use any other factor in  
14 determining to withdraw from intervention.

15 Finally, the bill provides for a semiannual report by the  
16 commissioner to the Joint Committee on the Public Schools on the  
17 progress made by a district under partial or full State intervention in  
18 satisfying 80 percent or more of the quality performance indicators  
19 in any area of school district effectiveness under State intervention.  
20 Current State law requires the commissioner to report annually to  
21 the joint committee on the prospects of State withdrawal from  
22 intervention.