

18A: 7A-6

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 18A:7A-6 et al

(Schools--
evaluation &
monitoring--revise
system)

LAWS OF: 1991

CHAPTER: 3

Bill No: A3606

Sponsor(s): Naples and others

Date Introduced: May 24, 1990

Committee: Assembly: Education

Senate: -----

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: December 3, 1990

Senate: December 13, 1990

Date of Approval: January 16, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: No

Fiscal Note: Yes

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: Yes

(over)

974.90
S372
1990a

New Jersey. Legislature. Joint Committee on Public Schools.
Public meeting, held 2-20-90 and 3-7-90.
Trenton, 1990.

See newspaper clippings--attached:

KBG/SLJ

[SECOND REPRINT]
ASSEMBLY, No. 3606

STATE OF NEW JERSEY

INTRODUCED MAY 24, 1990

By Assemblymen NAPLES, MECCA, Cimino, Baer and Mazur

1 AN ACT concerning the evaluation of local school districts,
2 establishing a ¹[taskforce] task force¹ on educational
3 assessment and monitoring and amending and supplementing
4 P.L.1975, c.212.

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

8 1. (New section) The Legislature finds and declares that:

9 a. It is the constitutional obligation of the Legislature to
10 provide all children in New Jersey with a thorough and efficient
11 system of free public schools;

12 b. The breadth and scope of such a system were defined by the
13 Legislature in P.L.1975, c.212 so as to insure quality educational
14 programs for all children;

15 c. In the rapidly changing educational and occupational
16 environment of the 1990s it is imperative that the program in
17 every school district in this State includes all of the major
18 elements identified as essential for that system;

19 d. It is the responsibility of the State to insure that any school
20 district which is shown to be deficient in one or more of these
21 major elements takes corrective actions without delay in order to
22 remedy those deficiencies;

23 e. This responsibility can best be fulfilled through an effective
24 and efficient system of evaluation and monitoring which will
25 insure quality and comprehensive instructional programming in
26 every school district and provide for immediate and direct
27 corrective action to insure that identified deficiencies do not
28 persist, and which does so within the context of the maximum of
29 local governance and management and the minimum of paperwork
30 and unnecessary procedural requirements.

31 2. Section 6 of P.L.1975, c.212 (C.18A:7A-6) is amended to
32 read as follows:

33 6. The State board, after consultation with the commissioner
34 and review by the Joint Committee on the Public Schools shall (a)
35 establish State goals ¹[concerning] for¹ pupil proficiency in
36 communications skills, mathematical skills, and core concepts
37 and principles in] reading, writing, mathematics,¹ science ¹and
38 health¹, geography, history ¹, civics, physical education,¹ and the

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AED committee amendments adopted October 4, 1990.

² Senate floor amendments adopted December 6, 1990.

1 arts ¹[and], (b) establish¹ State standards which shall be
2 applicable to all public schools in the State, including uniform
3 Statewide standards of pupil proficiency ¹[in basic
4 communications and computational skills]¹ at appropriate points
5 in the educational careers of the pupils of the State, which
6 standards of proficiency shall be reasonably related to those
7 levels of proficiency ultimately necessary as part of the
8 preparations of individuals to function politically, economically
9 and socially in a democratic society, and which shall be
10 consistent with the goals and guidelines established pursuant to
11 sections 4 and 5 of this act, and ¹[(b)] (c)¹ make rules concerning
12 procedures for the establishment of particular educational goals,
13 objectives and standards by local boards of education.

14 (cf: P.L.1976, c.97, s.2)

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

17 14. a. (1) The commissioner shall review the results of the
18 evaluations conducted and reports submitted pursuant to sections
19 10 and 11 of ²[this act] P.L.1975, c.212 (C.18A:7A-10 and
20 18A:7A-11)². The commissioner shall establish a mechanism for
21 parent, ¹[teacher] school employee¹ and community ¹resident¹
22 input into the review process. If the commissioner shall find that
23 a school district satisfies the evaluation criteria, the
24 commissioner shall recommend that the State board certify the
25 school district for a period of ¹[eight] seven¹ years as providing a
26 thorough and efficient system of education. If the commissioner
27 finds that ¹[a school district is deficient in areas which do not
28 affect the health, safety or educational programs of the pupils] a
29 school district can correct the deficiency or deficiencies without
30 additional diagnostic monitoring or technical assistance¹, the
31 commissioner may certify the school district with the condition
32 that the district correct the deficiency within a period of time to
33 be determined by the commissioner. If the commissioner shall
34 find that a school district has failed to show sufficient progress
35 toward the goals, guidelines, objectives and standards, including
36 the State [goal] goals and any local interim [goal] goals
37 concerning pupil proficiency in [basic communications and
38 computational] ¹[communications skills, mathematical skills, and
39 core concepts and principles in] reading, writing, mathematics,¹
40 science ¹and health¹, geography, history ¹, civics, physical
41 education¹ and the arts established in and pursuant to this act,
42 the commissioner shall advise the local board of education of
43 such determination, and shall direct that the district enter level
44 II monitoring, as defined pursuant to law and regulation.

45 (2) The board of education of a school district which is
46 directed to enter level II monitoring may appeal that decision to
47 the State Board of Education. The State board may refer the
48 hearing of that appeal to a committee of not less than three of
49 its members, which committee shall hear the appeal and report

1 thereon, recommending its conclusions, to the board and the
2 board shall decide the appeal by resolution in open meeting. A
3 determination of the appeal by the State board shall be
4 considered final.

5 b. (1) When a district enters level II monitoring, the
6 commissioner shall [direct the local board to prepare an
7 improvement plan and submit the plan to the commissioner for
8 approval. The improvement plan shall be based upon the school
9 district's own internal review and assessment of those remedial
10 activities necessary to correct those deficiencies noted in the
11 evaluations and reports. If the commissioner approves the plan,
12 the commissioner shall assure its implementation in a timely and
13 effective manner.] establish procedures whereby¹ [a
14 representative group of parents of students in the district]
15 parents, school employees and community residents¹ may meet
16 with the commissioner or the commissioner's designee to discuss
17 their concerns and the county superintendent shall appoint an
18 external review team whose members shall be qualified by
19 training and experience to examine the conditions in the specific
20 district. In conjunction with the Department of Education, the
21 team¹, at the direction of the commissioner,¹ shall¹ either¹
22 examine¹ [all] only those¹ aspects of the district's operations
23 bearing on the areas of deficiency,¹ or shall examine all aspects
24 of the district's operation,¹ including but not limited to
25 education, governance, management and finance. ¹In addition,
26 the team shall examine conditions in the community which may
27 adversely affect the ability of the pupils to learn and the team
28 may recommend measures to mitigate the effects of those
29 conditions.¹ The team shall report its findings and conclusions,
30 including directives to be utilized by the district in the
31 preparation of a corrective action plan to achieve certification
32 and recommendations as to the technical assistance which the
33 district will require in order to effectively implement the
34 corrective action plan, to the commissioner. The commissioner
35 shall direct the district to respond to the report of the external
36 review team in establishing a corrective action plan. The
37 corrective action plan shall be submitted to and approved by the
38 commissioner. The commissioner shall assure that the local
39 district's budget provides the resources necessary to implement
40 the approved plan, including the necessary technical assistance.
41 The entire cost of those activities associated with the review
42 team shall be paid by the Department of Education.

43 (2) If the commissioner finds that the district is unsuccessful
44 in correcting the deficiencies noted in the evaluation process, the
45 commissioner shall direct that the district enter level III
46 monitoring, as defined pursuant to law and regulation. However,
47 if the commissioner determines that a district is making
48 reasonable progress toward correcting deficiencies, the
49 commissioner may grant an extension for a specific period of

1 time. During this extension the district will remain under level II
2 monitoring. At the end of the extension the commissioner shall
3 determine whether the district is eligible for certification or if
4 the district must be directed to enter level III monitoring.

5 c. (1) When a district [enters] ¹which has had a comprehensive
6 examination of all aspects of the district's operations by an
7 external review team pursuant to subsection b. of this section¹ is
8 directed to enter level III monitoring the commissioner shall
9 establish procedures whereby parents of students in the district
10 may meet with the commissioner or the commissioner's
11 representative to discuss their concerns and the commissioner
12 shall designate the county superintendent to appoint an external
13 review team whose members shall be qualified by training and
14 experience to examine the conditions in the specific district. In
15 conjunction with the Department of Education, the team shall
16 examine all aspects of the district's operations including but not
17 limited to education, governance, management and finance. In
18 addition, the team should examine factors external to the
19 district's schools which may contribute to the district's
20 deficiencies in educational achievement and may recommend
21 measures to mitigate the effects of those external factors in the
22 schools. The team will report its findings and conclusions,
23 including directives to be utilized by the district in the
24 preparation of a corrective action plan to achieve certification,
25 to the commissioner. The commissioner will direct the district to
26 use the report of the external review team to establish a
27 corrective action plan. The corrective action plan must be
28 submitted to and approved by the commissioner. The
29 commissioner shall assure that the local district's budget
30 provides the resources necessary to implement the approved
31 plan. The entire cost of those activities associated with the
32 review team shall be paid by the Department of Education.]
33 prepare an administrative order directing the corrective actions
34 which shall be taken by the district based upon the findings and
35 conclusions of the level II external review team and the
36 department's monitoring of the level II plan. The commissioner
37 shall insure that technical assistance is provided to the district in
38 order to implement those actions. The commissioner shall also
39 have the power to order necessary budgetary reallocations within
40 the district, or such other measures as the commissioner deems
41 necessary and appropriate.

42 ¹(2) When a district which has not had a comprehensive
43 examination of all aspects of the district's operations by an
44 external review team pursuant to subsection b. of this section is
45 directed to enter level III monitoring, the commissioner shall
46 designate the county superintendent to appoint an external
47 review team whose members shall be qualified by training and
48 experience to examine the conditions in the specific district. In
49 conjunction with the Department of Education, the team shall

1 examine all aspects of the district's operations including but not
2 limited to education, governance, management and finance. The
3 team shall report its findings and conclusions, including directives
4 to be utilized in the preparation of a corrective action plan to
5 achieve certification, to the commissioner. The commissioner
6 shall prepare an administrative order directing the corrective
7 actions which shall be taken by the district based upon the
8 findings and conclusions of the level III external review team and
9 the department's monitoring of the level II plan. The
10 commissioner shall insure that technical assistance is provided to
11 the district in order to implement those actions. The
12 commissioner shall also have the power to order necessary
13 budgetary reallocations within the district, or such other
14 measures as the commissioner deems necessary and appropriate.¹

15 ¹(3)¹ The board of education of a school district which is
16 directed to enter level III monitoring may appeal that decision to
17 the State Board of Education. The State board may refer the
18 hearing of that appeal to a committee of not less than three of
19 its members, which committee shall hear the appeal and report
20 thereon, recommending its conclusions, to the board and the
21 board shall decide the appeal by resolution in open meeting. A
22 determination of the appeal by the State board shall be
23 considered final.

24 ¹[(2)] (4)¹ If the commissioner finds, based upon the findings
25 and directives of the level II ¹or level III¹ review team and the
26 Department of Education, that conditions within the district may
27 preclude the successful implementation of a corrective action
28 plan or that the district has failed to make reasonable progress in
29 the implementation of a corrective action plan to achieve
30 certification, the commissioner shall direct that a comprehensive
31 compliance investigation be conducted by the Department of
32 Education. If the commissioner directs that a comprehensive
33 compliance investigation be conducted, the commissioner may
34 order any necessary action to insure the security of the books,
35 papers, vouchers and records of the district.

36 d. Whenever a district in Level II monitoring is directed to
37 establish a corrective action plan or whenever a district in Level
38 III monitoring shall be required to implement an approved
39 corrective action plan pursuant to this section, the commissioner
40 shall determine the cost to the district of implementation of
41 those portions of the corrective action plan which are directly
42 responsive to the district's deficiencies as identified in the
43 report of the external review team or, where applicable, by the
44 commissioner. In making this fiscal assessment, the
45 commissioner shall identify those aspects of the corrective action
46 plan which are already contained in the district's current expense
47 budget. Where appropriate, the commissioner shall reallocate
48 funds within the district's budget to support the corrective
49 action plan. Once reallocated, any transfers among line items of

1 the district's budget may occur only with the commissioner's
2 approval. The commissioner shall further determine the amount
3 of additional revenue, if any, needed to implement the corrective
4 action plan and shall recertify a budget for the district. ²[The
5 State shall provide additional State aid at the district's State
6 support level on a current year basis for any portion of the budget
7 recertified by the commissioner pursuant to this subsection that
8 exceeds the original budget of the district for that fiscal year.
9 Whenever the commissioner shall determine that conditions in a
10 district in Level III monitoring preclude successful
11 implementation of a corrective action plan and shall order such a
12 district into comprehensive compliance investigation, the district
13 shall not be eligible for the additional State education aid made
14 available pursuant to this subsection.]²

15 e. A comprehensive compliance investigation shall entail a
16 thorough and detailed examination of a district's educational
17 programs, fiscal practices, governance and management. Based
18 on the investigation, the commissioner shall issue a report which
19 will document any irregularities and list all those aspects of the
20 corrective action plan established pursuant to [subsection]
21 subsections b. and c. of this section which have not been
22 successfully implemented by the district or the conditions which
23 would preclude the district from successfully implementing a
24 plan. A copy of this report shall be given to the district. The
25 commissioner shall also order the local board to show cause why
26 an administrative order, subject to the provisions of section 15 of
27 [this act] P.L.1975, c.212 (C.18A:7A-15) and section 1 of
28 P.L.1987, c.399 (C.18A:7A-34) should not be implemented. The
29 plenary hearing before a judge of the Office of Administrative
30 Law, pursuant to the "Administrative Procedure Act," P.L.1968,
31 c.410 (C.52:14B-1 et seq.), upon said order to show cause shall be
32 conducted in the manner prescribed by subdivision B of article 2
33 of chapter 6 of Title 18A of the New Jersey Statutes.

34 In the proceeding the State shall have the burden of showing
35 that the recommended administrative order is not arbitrary,
36 unreasonable or capricious.

37 (cf: P.L.1990, c.52, s.31)

38 4. (New section) a. There is established the ¹[Taskforce] Task
39 Force¹ on Educational Assessment and Monitoring. The
40 ¹[taskforce] task force¹ shall be chaired by the Commissioner of
41 Education ¹or his designee¹, and shall include a representative of
42 the Office of the Governor, the Chancellor of Higher Education
43 or his designee, ¹[two members of the Joint Committee on the
44 Public Schools, appointed by the chairman thereof,]¹ and nine
45 members appointed by the commissioner to include experts on
46 education assessment, practitioners, and representatives of
47 business and the public at large.

48 Members of the ¹[taskforce] task force¹ shall serve without
49 compensation, but shall be reimbursed for their expenses actually

1 incurred in the performance of their duties.

2 b. The ¹[taskforce] task force¹ shall organize as soon as may
3 be ¹practicable¹ after the appointment of its members and shall
4 select a ¹[chairman from among its members and a]¹ secretary
5 who need not be a member of the commission. It shall be entitled
6 to the assistance and services of the employees of any State,
7 county or municipal department, board, bureau, commission or
8 agency which it may require and which may be available to it for
9 these purposes, and to employ stenographic and clerical assistants
10 and incur traveling and other miscellaneous expenses necessary to
11 perform its duties, within the limits of funds appropriated or
12 otherwise made available to it for these purposes. The
13 ¹[taskforce] task force¹ may meet and hold hearings at the place
14 or places it designates.

15 c. The ¹[taskforce] task force¹ shall review the uniform,
16 statewide system for evaluating the performance of each school
17 as established pursuant to section 10 of P.L.1975, c.212
18 (C.18A:7A-10), in order to determine the State performance
19 standards which would most effectively achieve the legislative
20 goal of a thorough and efficient system of free public schools and
21 the criteria suitable for the assessment of those standards. This
22 shall include criteria for the certification of school districts and
23 performance indicators for certified school districts. Within
24 ¹[six] eight¹ months of its appointment, the ¹[taskforce] task
25 force¹ shall submit a report to the State Board of Education ¹and
26 the Joint Committee on the Public Schools¹. It shall include in
27 its report recommendations for a uniform, statewide system for
28 evaluating the performance of each school which shall be based
29 upon State performance standards which will enable local boards
30 of education to establish particular educational goals, learning
31 objectives and performance standards and which will insure the
32 implementation of these goals, objectives and standards with the
33 maximum of local governance and management and the minimum
34 of paperwork and unnecessary procedural requirements.

35 5. (New section) ¹[Within six months of] Subsequent to¹ the
36 receipt of the report from the ¹[taskforce] task force and not
37 later than December 1, 1992¹, the State board shall ¹[review the]
38 establish¹ State goals and standards ¹[established by the board,]
39 as required pursuant to section 6 of P.L.1975, c.212
40 (C.18A:7A-6)¹ and shall adopt rules concerning procedures for
41 the establishment and assessment of particular educational goals,
42 learning objectives and performance standards by local boards of
43 education. Within six months of the adoption of the rules by the
44 State board, each local board of education shall establish,
45 pursuant to those rules, particular educational goals, learning
46 objectives and performance standards.

47 6. (New section) ¹a.¹ The procedure for the evaluation of all
48 public schools in the State as established pursuant to section 3 of
49 this act ¹[, and the rules adopted by the State Board of Education
50 for the establishment and assessment of particular educational

1 goals, learning objectives and performance standards by local
2 boards of education pursuant to section 5 of this act]¹ shall first
3 apply ¹on July 1, 1993¹ to local boards of education ¹[18 months
4 following the effective date of this act and shall be implemented
5 as follows:

6 a.] which are certified as providing a thorough and efficient
7 system of education as of ²[June 30] January 1², 1991.¹ For
8 each ¹such¹ school district ¹[which is certified as providing a
9 thorough and efficient system of education on the effective date
10 of this act]¹, the period of certification shall be extended to
11 ¹[eight] seven¹ years from the date of certification ¹[and the act
12 shall first apply on the next scheduled reevaluation and
13 recertification of that district;

14 b. For all other school districts, the act shall first apply 18
15 months following the effective date of this act, and the State
16 Board of Education shall establish a schedule of implementation
17 appropriate for each such district]¹.

18 ¹b. For each school district which is in level II monitoring as
19 of the effective date of this act, the evaluation procedures
20 established pursuant to subsection b. of section 3 of this
21 amendatory and supplementary act shall take effect immediately
22 unless the commissioner shall determine that a school district can
23 correct the deficiency or deficiencies without additional
24 diagnostic monitoring or technical assistance, in which case the
25 commissioner may certify the school district with the condition
26 that the district correct the deficiency within a period of time to
27 be determined by the commissioner.

28 c. For each school district which is in level III monitoring as of
29 the effective date of this act, the evaluation procedures
30 established pursuant to subsection c. of section 3 of this
31 amendatory and supplementary act shall take effect immediately.
32 If a school district in level III monitoring has not had a
33 comprehensive examination of all aspects of the district's
34 operations by an external review team as of that date, the
35 commissioner shall provide for that examination pursuant to the
36 provisions of subparagraph (2) of subsection c. of section 3 of this
37 amendatory and supplementary act.

38 d. The rules adopted by the State Board of Education for the
39 establishment and assessment of particular educational goals,
40 learning objectives and performance standards by local boards of
41 education pursuant to sections 2 and 5 of this act shall first apply
42 to all local boards of education on July 1, 1993.¹

43 7. This act shall take effect immediately, but shall be subject
44 to the limitations provided for in section 6 of the act.

46 EDUCATION

47
48 Revises system for the evaluation and monitoring of public
49 schools; establishes the Task Force on Educational Assessment
50 and Monitoring.

1 schools in the State as established pursuant to section 3 of this
2 act, and the rules adopted by the State Board of Education for
3 the establishment and assessment of particular educational goals,
4 learning objectives and performance standards by local boards of
5 education pursuant to section 5 of this act shall first apply to
6 local boards of education 18 months following the effective date
7 of this act and shall be implemented as follows:

8 a. For each school district which is certified as providing a
9 thorough and efficient system of education on the effective date
10 of this act, the period of certification shall be extended to eight
11 years from the date of certification and the act shall first apply
12 on the next scheduled reevaluation and recertification of that
13 district;

14 b. For all other school districts, the act shall first apply 18
15 months following the effective date of this act, and the State
16 Board of Education shall establish a schedule of implementation
17 appropriate for each such district.

18 7. This act shall take effect immediately, but shall be subject
19 to the limitations provided for in section 6 of the act.
20

21 STATEMENT

22
23
24 This bill revises the system of State monitoring of the public
25 schools. These modifications do not replace the current system
26 but correct its deficiencies. The changes will mean less
27 paperwork, more attention to districts that have low levels of
28 student achievement and will provide assistance and direction to
29 districts failing to meet State standards.

30 This bill expands the State goals to include not only proficiency
31 in communications and mathematical skills but also core concepts
32 and principles in science, geography, history and the arts. It
33 requires that standards be set in these disciplines.

34 The bill lengthens the period of State certification for school
35 districts meeting State standards from five years to eight years.
36 It also permits the State Board of Education to certify districts
37 conditionally in order to reduce the number of situations in which
38 districts are denied certification for non-compliance with minor
39 regulations that do not affect the health, safety or academic
40 performance of pupils.

41 If a district is not certified, an external team will visit the
42 district. The team visit will take place immediately after the
43 failure to meet significant State standards is identified by State
44 monitors. This will increase the likelihood that districts will
45 succeed at the Level II phase and avoid Level III. The
46 commissioner is also required to provide assistance to districts
47 developing Level II plans to increase the likelihood that effective
48 plans are developed and implemented.

49 The Level III phase is revised to require more direct

1 involvement by the Commissioner of Education to ensure that the
2 district addresses its problems directly and effectively. The
3 takeover procedures remain the same.

4 The Commissioner of Education is directed to create a 15
5 members Taskforce on Educational Assessment and Monitoring.
6 This taskforce will include representatives from the Legislature,
7 the Governor's office, th Department of Higher Education,
8 practitioners and representatives of the business community and
9 the public at large. They will review the current monitoring
10 standards and make recommendations to the commissioner for
11 revisions in the State standards. The taskforce will report in six
12 months from the date of its appointment.

13

14

15

EDUCATION

16

17 Revises system for the evaluation and monitoring of public
18 schools; establishes the Taskforce on Educational Assessment and
19 Monitoring.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3606

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 4, 1990

The Assembly Education Committee favorably reports Assembly Bill No. 3606 as amended.

As amended, this bill makes a number of revisions in the standards and procedures for the evaluation and monitoring of local school districts.

The bill expands the State goals which must be met in order to achieve certification to include reading, writing, mathematics, science and health, geography, history, civics, physical education and the arts.

Once the new system is in place, districts which are determined to be providing a thorough and efficient education will be certified for a period of seven years. The bill also permits a conditional certification if the commissioner finds that a district can correct its deficiency or deficiencies without additional monitoring or assistance. If a district fails to be certified, and is ordered into level II monitoring, an external review team is to be appointed to examine either the areas of deficiency or all aspects of the district's operations and report its findings to the Commissioner of Education. In addition, the team will examine conditions in the community which impact adversely on student achievement and may make recommendations regarding those conditions. The report is to include directives to be used by the district in preparing a corrective action plan and recommendations as to technical assistance necessary for the implementation of such a plan.

If a district fails to implement a corrective action plan, the commissioner can order the district into level III monitoring. In level III, the commissioner is to issue an administrative order directing the corrective actions to be taken. The commissioner is to insure that technical assistance is provided, and is given the authority to order budgetary reallocations within the district, and to take other necessary and appropriate measures.

When a district is directed to enter level II or level III monitoring, the local board of education may appeal that order to the State Board of Education. A decision by the State board is deemed final.

A district which fails to implement the corrective action plan as required by the commissioner could then be subject to a comprehensive compliance investigation.

The bill does not alter the provisions for comprehensive compliance and for ultimate State operation of a school district.

To assist in defining those new State performance standards which will most effectively achieve the goals, and the criteria

suitable for the assessment of those standards, the bill establishes a Task Force on Educational Assessment and Monitoring. The task force is to consist of the Commissioner of Education or his designee, as chairman, a representative of the Office of the Governor, the Chancellor of Higher Education or his designee, and nine public members to be appointed by the commissioner.

Within eight months, the task force is to make recommendations on evaluation and monitoring to the State Board of Education. By December 1, 1992, the State board is to establish the State goals and standards and adopt rules for the establishment and assessment of the State and local performance standards within six months. Local boards will then have six months to adopt local educational goals, learning objectives and performance standards. The new monitoring requirements will become effective on July 1, 1993.

The committee amendments expand the State goals and standards to include reading, writing, health, physical education and civics. They also clarify the criteria for conditional certification, provide for the external review team in level II monitoring to examine either areas of deficiency or all areas of the district's operations and to review and make recommendations regarding conditions in the community which adversely effect student learning, and specify that each special needs district in level II or III on July 1, 1990 must develop and implement an educational improvement plan.

In addition, the amendments make various changes to the time lines for the implementation of the new monitoring system. The period of certification is reduced from eight years to seven, the task force is given an additional two months to complete its report, and the State Board is to adopt new regulations by December 1, 1992. The new system is to become effective beginning on July 1, 1993.

The amendments also provide that the certification of any district which is approved as of July 1, 1991 will be extended for seven years from the date of certification, so that the monitoring of those districts will resume in 1993 on the basis of the new standards.

Under these amendments, districts scheduled for level I monitoring prior to July 1, 1991 will be assessed as scheduled. No level I monitoring will then occur until July 1, 1993 when the new standards come into effect. Monitoring of districts in level II and level III will continue, using the existing standards and the new procedures established by this bill.

Representatives of the Department of Education, the New Jersey Education Association, the New Jersey School Boards Association, and the New Jersey Association of School Administrators indicated general support for the bill. A representative of the Education Law Center expressed serious reservations.

LEGISLATIVE FISCAL ESTIMATE TO

[SECOND REPRINT]

ASSEMBLY, No. 3606

STATE OF NEW JERSEY

DATED: January 4, 1991

Assembly Bill No. 3606 (2R) of 1990 revises the standards and procedures for the evaluation and monitoring of local school districts.

The bill expands the State goals which must be met in order to achieve certification to include reading, writing, mathematics, science and health, geography, history, civics, physical education and the arts, and provides that, once the new system is in place, districts which are determined to be providing a thorough and efficient education will be certified for a period of seven years. The bill also permits a conditional certification if the commissioner finds that a district can correct its deficiency or deficiencies without additional monitoring or assistance.

If a district fails to be certified and is ordered into level II monitoring, then the current level III process will apply, including the appointment of an external review team and the development of a corrective action plan. If a district fails to implement a corrective action plan, the commissioner can order the district into level III monitoring. In level III, the commissioner is to issue an administrative order directing the corrective actions to be taken. The commissioner is to insure that technical assistance is provided, and is given the authority to order budgetary reallocations within the district and to take other necessary and appropriate measures.

A district which fails to implement the corrective action plan as required by the commissioner could then be subject to a comprehensive compliance investigation. The bill does not alter the provisions of the current law regarding comprehensive compliance and the establishment of a State-operated school district.

To assist in defining the new State performance standards which will most effectively achieve the goals and the criteria suitable for the assessment of those standards, the bill establishes a Task Force on Educational Assessment and Monitoring, which is to make recommendations on evaluation and monitoring to the State Board of Education. By December 1, 1992, the State board is to establish the State goals and standards and adopt rules for the establishment and assessment of the State and local performance standards. Local boards will then have six months to adopt local educational goals, learning objectives and performance standards.

The new monitoring requirements will become effective on July 1, 1993. In the interim, any district which is approved as of January 1, 1991, will have its certification extended for seven years from the date of certification. The monitoring of those districts will resume in 1993 on the basis of the new standards.

The Department of Education has not provided fiscal information regarding this bill. The Office of Legislative Services (OLS) estimates that there should be little if any additional costs associated with this legislation. The monitoring system is already in place, and local school districts must currently prepare for State evaluation. The Department of Education also is prepared to monitor and evaluate local school districts. While the bill does accelerate the process for external review teams and mandatory corrective action, there are a number of provisions which will offset any additional costs which might be involved, including the provision for conditional certification and the limitation on the focus of the external review team in level II.

OLS also notes that the bill suspends level I monitoring beginning in January, 1991. No level I monitoring will then occur until July 1, 1993, when the new standards come into effect. This will permit the department to utilize its resources for those districts already in level II and level III. It should also provide sufficient resources for the task force and for the development of the new standards and procedures.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.



OFFICE OF THE GOVERNOR NEWS RELEASE

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GOVERNOR FLORIO SIGNS SCHOOL MONITORING BILL; Major Education Accountability Measure

ELIZABETH -- Citing the need for stricter accountability, Governor Jim Florio today signed a law strengthening the state's school monitoring system and the standards for evaluation of public schools.

"This law sets up the way we're going to monitor, or evaluate, schools to make sure they're doing a good job of teaching," said Governor Florio, during a visit to the Halloran Middle School. "It means schools that need help will get it more quickly. Schools that are doing a good job and don't need help, will be able to go about their business with less interference and less paperwork. Instead of weighing down our best school districts, we'll give them the freedom to be innovative."

"With this law, we're also going to combine the 'Three R's' with the 'Big A': Accountability. And we're going to make sure that the taxpayer investment in our schools yields the dividends promised," Governor Florio said.

The new law is aimed at:

- Expanding state standards to include communications, science, geography, history and the arts as part of the "basic" education curriculum.
- Cutting red tape for school districts that already meet state standards
- Earlier intervention in ailing school districts
- Increasing parent and community participation

The law creates a Task Force on Educational Assessment and Monitoring which will review the current statewide system for evaluating district performance and determine the state performance standards needed to meet the goal of a thorough and efficient education. The task force, which will be headed by Education Commissioner John Ellis, is required to submit a report within six months of its creation to the State Board of Education who will evaluate the

recommendations and implement a new set of standards for the 1992-93 school year.

"Our plan for world-class schools depends on maintaining the public's trust in our education system," Governor Florio said. "And the way we're going to maintain that trust is by giving the people the straight truth on how good a job our schools are doing. And by getting in there quickly to iron out any problems."

The current five-year monitoring cycle was established in 1983 and the second cycle is underway. Monitoring is carried out by approximately 250 Department of Education staff housed in 21 county education offices. There are presently 273 districts have been monitored during cycle two; 45 districts are in Level II and 8 districts are in Level III.

During the task force's study, monitoring will continue for districts in Level II and III. Level I is the stage of initial evaluation. A district that fails to meet these state standards during regular Level I monitoring is moved into Level II. At Level II, the district is directed to develop an implement a plan to correct its deficiencies. If deficiencies persist, the district moves into Level III at which point the state steps in to direct the district on steps to correct their deficiencies. State takeover of a district still remains the ultimate sanction.

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SCHOOL MONITORING FACT SHEET

WHAT'S FIRST:

Education Commissioner John Ellis will appoint members to the newly created Task Force on Education Assessment and Monitoring. The task force will review the current monitoring system and recommend new standards for evaluating New Jersey's public schools. Their report will be submitted to the State Board of Education six months after the task force's creation.

WHAT HAPPENS TO MONITORING:

Monitoring will shift from procedural requirements to student performance. During the task force's study, Level I evaluations - the initial process for certification - will be suspended until a new system of standards is in place for the 1992-93 school year. To date, 273 districts have been monitored under the second cycle. The remaining schools will be evaluated upon enactment of the new standards. The Department of Education will continue to monitor districts in Level II and Level III, which are those districts that have been identified as having deficiencies.

WHAT ABOUT STATE TAKEOVER:

State takeover will remain the ultimate sanction. Under the new law, takeover could happen more quickly because no external team review is required at Level III and the Commissioner could order a Comprehensive Compliance Investigation in any Level II district that failed to make adequate progress to correct deficiencies.

HOW THE NEW SYSTEM OF STANDARDS DIFFERS:

<u>CURRENT</u>	<u>NEW (1992-93)</u>
<u>LEVEL I</u>	
<ul style="list-style-type: none">• Must meet all standards to be certified.	Certification can be contingent on correcting minor deficiencies that do not require additional monitoring or technical assistance.
<ul style="list-style-type: none">• Nine out of ten areas focus on input or procedures rather than results; the only student performance measure is basic reading, math and writing.	Includes standards for pupil performance in all areas of the core curriculum.

CURRENT

- Process requires little input from teachers and no input from parents and community.
- District that meets standards is certified for five years.

LEVEL II

- District determines on its own how to address deficiencies; State approves improvement plan.
- Severe problems in education governance, operations and fiscal management are not investigated until Level III.
- Process does not assess conditions outside the schools that may impede student progress.
- District that meets standards is certified for five years.

LEVEL III

- District develops CAP based on Department of Education and external team recommendations. CAP must be approved by the Commissioner and implemented by the district.
- Problems in education, governance, management and finance are investigated and may be more thoroughly investigated through CCI after the Level III review.

NEW (1992-93)

School staff, parents and community will have input.

District that meets standards is certified for seven years.

District receives immediate outside assistance from external review team; State works with district to develop a Corrective Action Plan (CAP).

Problems in these areas are investigated in Level II.

External review team would be required to examine circumstances in the community that may impede student progress.

District that meets standards is certified for seven years.

Problems in these areas are investigated in Level II. Districts would be working from the outset of Level III to correct such problems which were identified in Level II. A Comprehensive Compliance Investigation (CCI) could be initiated at the beginning of Level III. This shortens the time required for direct state intervention or takeover.

Commissioner prepares Administrative Order directing actions to be taken based on Level II.