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RWH 3/27/08

§39 of 2005, c.235 as
amended by
§23 - C.18A:7A-53.1
§24 - C.18A:7A-14a
§25 - Repealer

P.L. 2007, CHAPTER 16, *approved January 24, 2007*
Assembly, No. 3676 (*First Reprint*)

1 **AN ACT** concerning school district monitoring, revising various
2 parts of the statutory law and supplementing chapter 7A of Title
3 18A of the New Jersey Statutes.

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

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

10 3. For the purposes of this act, unless the context clearly
11 requires a different meaning:

12 "Administrative order" means a written directive ordering
13 specific corrective action by a district which has shown insufficient
14 compliance with the quality performance indicators.

15 "Highly skilled professional" means a designee of the
16 commissioner deemed to have the skills and experience necessary
17 to assist a school district in improving its effectiveness or to
18 provide oversight in a school district in one or more of the five key
19 components of school district effectiveness.

20 "Joint Committee on the Public Schools" means the committee
21 created pursuant to P.L.1975, c.16 (C.52:9R-1 et seq.).

22 **["Targeted assistance" means the assistance provided to a school
23 district in a specific area to support the teaching and learning
24 process and overall district effectiveness.]**

25 "Technical assistance" means guidance and support provided to a
26 school district to enable the district to meet State and federal policy
27 and regulatory requirements and to ensure the provision of a
28 thorough and efficient education. "Technical assistance" may
29 include, but shall not be limited to, support of the teaching and
30 learning process and overall school district effectiveness.

31 (cf: P.L.2005, c.235, s.1)

32

33 2. Section 10 of P.L.1975, c.212 (C.18A:7A-10) is amended to
34 read as follows:

35 10. For the purpose of evaluating the thoroughness and
36 efficiency of all the public schools of the State, the commissioner,
37 with the approval of the State board and after review by the Joint
38 Committee on the Public Schools, shall develop and administer the
39 New Jersey Quality Single Accountability Continuum for

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:

¹Assembly AED committee amendments adopted December 4, 2006.

1 evaluating the performance of each school district. The goal of the
2 New Jersey Quality Single Accountability Continuum shall be to
3 ensure that all districts are operating at a high level of performance.
4 The system shall be based on an assessment of the degree to which
5 the thoroughness and efficiency standards established pursuant to
6 section 4 of P.L.1996, c.138 (C.18A:7F-4) are being achieved and
7 an evaluation of school district capacity in the following five key
8 components of school district effectiveness: instruction and
9 program; personnel; fiscal management; operations; and
10 governance. A school district's capacity and effectiveness shall be
11 determined using quality performance indicators comprised of
12 standards for each of the five key components of school district
13 effectiveness. The quality performance indicators shall take into
14 consideration a school district's performance over time, to the
15 extent feasible. Based on a district's compliance with the indicators,
16 the commissioner shall assess district capacity and effectiveness
17 and place the district on a performance continuum that will
18 determine the type and level of oversight and technical assistance
19 and support the district receives.
20 (cf: P.L.2005, c.235, s.2)

21

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

24 11. Each school district and county vocational school district
25 shall make **[an annual]** a report of its progress in complying with
26 all of the quality performance indicators adopted pursuant to section
27 10 of P.L.1975, c.212 (C.18A:7A-10) every three years, pursuant to
28 a schedule to be established by the commissioner. In the years
29 intervening between the district's three year review, ¹[the
30 commissioner shall assess the district's performance against a series
31 of objective benchmarks to be determined by the commissioner.
32 Upon a determination that a district has failed to meet one or more
33 of the benchmarks,] whenever the commissioner determines that
34 conditions exist in a district that significantly and negatively impact
35 the educational program or operations of the district,¹ the
36 commissioner may direct that the department immediately conduct
37 a comprehensive review of the district. Nothing in this section shall
38 preclude the commissioner, in his discretion, from conducting a
39 random ¹[audit] review¹ of a school district to assess the district's
40 compliance with the quality performance indicators.

41 The district reports shall be submitted to the commissioner
42 **[annually]** on a date and in such form as prescribed by the
43 commissioner, who shall make them the basis for an annual report
44 to the Governor and the Legislature, describing the condition of
45 education in New Jersey, the efforts of New Jersey schools in
46 meeting the standards of a thorough and efficient education, the
47 steps underway to correct deficiencies in school performance, and

1 the progress of New Jersey schools in comparison to other state
2 education systems in the United States.

3 (cf: P.L.2005, c.235, s.3)

4

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

7 14. a. (1) The commissioner shall review the results of the
8 report submitted pursuant to sections 10 and 11 of P.L.1975, c.212
9 (C.18A:7A-10 and 18A:7A-11) and after examination of all relevant
10 data, including student assessment data, determine where on the
11 performance continuum the district shall be placed. The
12 commissioner, through collaboration, shall establish a mechanism
13 for parent, school employee and community resident input into the
14 review process. If the commissioner finds that a school district or
15 county vocational school district satisfies 80 percent to 100 percent
16 of the quality performance indicators in each of the five key
17 components of school district effectiveness, the commissioner shall
18 issue to the district a letter of recognition designating the district as
19 a high performing district, provided that the district has submitted
20 to the department a statement of assurance which attests that the
21 contents of the report are valid. The commissioner shall
22 recommend that the State board certify the school district for a
23 period of **[seven]** three years as providing a thorough and efficient
24 system of education, contingent on continued progress in meeting
25 the quality performance indicators.

26 b. If a school district satisfies 50 percent to 79 percent of the
27 quality performance indicators **[**, the district shall be considered a
28 moderate performing district. **The]** in any of the five key
29 components of school district effectiveness, the commissioner shall
30 require the district to develop an improvement plan to address the
31 quality performance indicators with which the district has not
32 complied and to increase district capacity through the provision of
33 technical assistance and other measures designed to meet the
34 district's needs. The improvement plan shall be submitted to and
35 approved by the commissioner. In accordance with the
36 improvement plan, the commissioner shall provide **[targeted**
37 **assistance,]** technical assistance **[**, or both,**]** to the district. If
38 necessary, the commissioner may authorize an in-depth
39 **[examination]** evaluation of the district to determine the causes for
40 the district's noncompliance with the quality performance
41 indicators.

42 The commissioner shall review the district's progress in
43 implementing the improvement plan not less than every six months.
44 If the commissioner finds, based on those reviews, that after two
45 years the district has not satisfied 80 to 100 percent of the quality
46 performance indicators in each of the five key components of
47 school district effectiveness, the commissioner **[shall]** may require

1 the district to amend the improvement plan. The amended plan
2 shall be submitted to the commissioner for approval.

3 If a district effectively implements its improvement plan and is
4 able to satisfy 80 to 100 percent of the quality performance
5 indicators in each of the five key components of school district
6 effectiveness through the interventions set forth in this subsection,
7 the commissioner shall issue the district a letter of recognition
8 designating the district as a high performing district. The
9 commissioner shall recommend that the State board certify the
10 school district for a period of ~~seven~~ three years as providing a
11 thorough and efficient system of education, contingent on continued
12 progress in meeting the quality performance indicators. If the
13 district has not effectively implemented its improvement plan and
14 has not satisfied 80 to 100 percent of the quality performance
15 indicators in each of the five key components of school district
16 effectiveness through the interventions set forth in this subsection,
17 the commissioner shall issue the district a letter detailing the areas
18 in which the district remains deficient.

19 c. (1) If a school district satisfies less than 50 percent of the
20 quality performance indicators in four or fewer of the five key
21 components of school district effectiveness, the commissioner shall
22 authorize an in-depth evaluation of the district's performance and
23 capacity 'unless the commissioner determines that a comprehensive
24 evaluation of the district by or directed by the department has
25 occurred within the last year'¹. Based on the findings and
26 recommendations of that evaluation, the district, in cooperation
27 with the department, shall develop an improvement plan to address
28 the quality performance indicators with which the district has not
29 complied and to increase district capacity through the provision of
30 technical assistance and other measures designed to meet the
31 district's needs. The improvement plan shall be submitted to the
32 commissioner for approval. Upon approval, the commissioner shall
33 provide the district with the technical assistance outlined in the plan
34 and shall assure that the district's budget provides the resources
35 necessary to implement the improvement plan.

36 The commissioner shall review the district's progress in
37 implementing the improvement plan not less than every six months.
38 The reviews shall include an on-site visit. If the commissioner
39 finds, based on those reviews, that after two years the district has
40 not satisfied at least 50% of the quality performance indicators in
41 ~~one or more~~ each of the key components of school district
42 effectiveness, the commissioner ~~shall~~ may require the district to
43 amend the improvement plan. The amended plan shall be submitted
44 to the commissioner for approval.

45 Nothing in this paragraph shall be construed to prohibit the
46 ~~commissioner or the~~ State board ~~], as applicable,]~~ from directing

1 the district to enter partial State intervention prior to the expiration
2 of the two-year period.

3 (2) The district's improvement plan may include the
4 appointment by the commissioner of one or more highly skilled
5 professionals to provide technical assistance to the district in the
6 areas in which it has failed to satisfy the quality performance
7 indicators. Each highly skilled professional shall work
8 collaboratively with the district to increase local capacity in the
9 areas of need identified in the improvement plan. The cost for the
10 ~~salaries~~ compensation of the highly skilled professionals shall be
11 a shared expense of the school district and the State, with the State
12 assuming one-half of the cost ~~of these salaries~~ and the school
13 district being responsible for one-half of the ~~costs~~ cost. ¹~~For the~~
14 purpose of the New Jersey Tort Claims Act, N.J.S.59:1-1 et seq.,
15 the highly skilled professional shall be considered a State officer.¹

16 (3) ~~If~~ the district satisfies less than 50% of the quality
17 performance indicators in one of the five key components of school
18 district effectiveness, the commissioner may also order the district
19 to enter partial State intervention. The board of education which is
20 directed to enter partial State intervention may appeal that decision
21 to the State Board of Education. The State board may refer the
22 hearing of that appeal to a committee of not less than three of its
23 members, which committee shall hear the appeal and report thereon,
24 recommending its conclusions, to the board and the board shall
25 decide the appeal by resolution in open meeting. A determination
26 of the appeal by the State board shall be considered final.

27 (4) ~~If~~ the district satisfies less than 50% of the quality
28 performance indicators in ~~two~~ one to four of the five key
29 components of school district effectiveness, the commissioner may
30 also order the district board of education to show cause why an
31 administrative order placing the district under partial State
32 intervention should not be implemented. The plenary hearing
33 before a judge of the Office of Administrative Law pursuant to the
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.), upon said order to show cause, shall be conducted on an
36 expedited basis and in the manner prescribed by subdivision B of
37 article 2 of chapter 6 of Title 18A of the New Jersey Statutes. In
38 the proceeding the State shall have the burden of showing that the
39 recommended administrative order is not arbitrary, unreasonable or
40 capricious.

41 If, after a plenary hearing, the commissioner determines that it is
42 necessary to take corrective action, the commissioner shall have the
43 power to order necessary budgetary changes within the district or
44 other measures the commissioner deems appropriate to establish a
45 thorough and efficient system of education.

46 If the board fails to show cause why an administrative order
47 placing the district under partial State intervention should not be

1 implemented, the commissioner shall recommend to the State board
2 that it issue an order placing the district under partial State
3 intervention. Notwithstanding any other provision of law to the
4 contrary and upon its determining that the school district is not
5 providing a thorough and efficient system of education, the State
6 board may place the district under partial State intervention.
7 Nothing herein shall limit the right of any party to appeal the State
8 board's order to the Superior Court ¹, Appellate Division¹.

9 ~~[(5)]~~ (4) If the position of superintendent of schools is vacant
10 in a district under partial State intervention, the State board upon
11 the recommendation of the commissioner may appoint a
12 superintendent who shall serve for ~~[a]~~ an initial period not to
13 exceed two years.

14 ~~[(6)]~~ (5) In addition to the highly skilled professionals
15 appointed pursuant to paragraph (2) of this subsection to provide
16 technical assistance to the district in implementing its improvement
17 plan, the commissioner, in consultation with the local board of
18 education, may appoint one or more highly skilled professionals in
19 a district under partial State intervention to provide direct oversight
20 in the district regarding the quality performance indicators with
21 which the district has failed to comply. The highly skilled
22 professional shall ¹~~[have authority in the areas of oversight that the~~
23 ~~commissioner designates]~~ represent the interests of the
24 commissioner in all matters relating to the component of school
25 district effectiveness that is under intervention and over which the
26 highly skilled professional is providing direct oversight. The
27 powers and authorities of the highly skilled professional shall
28 include, but not be limited to:

29 (a) overseeing the operations of the district in the area of
30 intervention over which the highly skilled professional is assigned
31 to provide direct oversight;

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

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

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

40 (e) obligating district funds for matters relating to the area under
41 State intervention over which the highly skilled professional is
42 providing direct oversight¹.

43 ¹In the event that there is a need to hire, promote, or terminate
44 employees working in the area of intervention over which the
45 highly skilled professional is assigned to provide direct oversight,
46 the hiring, promotion, and termination of those employees shall be

1 determined by the State board upon the recommendation of the
2 commissioner.¹

3 The highly skilled professional shall work collaboratively with
4 the superintendent, the board of education and the employees of the
5 district working in the area of the oversight to address areas
6 identified in the improvement plan.

7 ¹When the commissioner appoints more than one highly skilled
8 professional in a district under partial State intervention, he shall
9 delineate the scope and extent of authority of each highly skilled
10 professional appointed and shall establish a decision-making
11 hierarchy for the highly skilled professionals and personnel in the
12 district. The highly skilled professional shall report directly to the
13 commissioner or his designee on a bi-weekly basis and shall report
14 monthly to the board of education and members of the public at the
15 regularly scheduled board of education meeting. The salary of a
16 highly skilled professional appointed pursuant to this paragraph
17 shall be fixed by the commissioner and adjusted from time to time
18 as the commissioner deems appropriate.¹ The cost ¹【for the
19 【salaries】 compensation】 of the salaries¹ of the highly skilled
20 professionals shall be a shared expense of the school district and the
21 State, with the State assuming one-half of the 【costs of these
22 salaries】 cost and the school district being responsible for one-half
23 of the 【costs】 cost. For the purpose of the New Jersey Tort Claims
24 Act, N.J.S.59:1-1 et seq., the highly skilled professional¹ appointed
25 pursuant to this paragraph¹ shall be considered a State officer.

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

1 vacancy in the membership appointed by the commissioner shall be
2 filled in the same manner as the original appointment.

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

7 Six months following the district being placed under partial State
8 intervention, the commissioner shall determine '【, pursuant to
9 criteria promulgated by the State Board of Education,】' whether or
10 not the board members he has appointed shall become voting
11 members of the board of education. If the commissioner determines
12 that the board members he has appointed shall become voting
13 members, the school district shall have 30 days to appeal the
14 commissioner's determination to the State Board of Education.

15 **【(8)】** (7) Based on the district's success in implementing its
16 improvement plan, the commissioner shall make a determination to
17 withdraw from intervention in one or more of the areas that have
18 been under State intervention, to leave one or more areas under
19 State intervention or to recommend to the State Board of Education
20 that the district be placed under full State intervention.

21 If the commissioner determines that the district has successfully
22 implemented the improvement plan 【, the commissioner shall issue
23 a letter of recognition to the district designating the district as a
24 high performing district】 and achieved sufficient progress in
25 satisfying the performance indicators in one or more areas under
26 intervention, the State shall withdraw from intervention in the
27 district in those areas. **【The commissioner shall recommend that**
28 **the State board certify the school district for a period of seven years**
29 **as providing a thorough and efficient system of education,**
30 **contingent on continued progress in meeting the quality**
31 **performance indicators】.**

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

33 e. (1) If a school district satisfies less than 50 percent of the
34 quality performance indicators in each of the five key components
35 of school district effectiveness, the commissioner shall authorize an
36 in-depth evaluation of the district's performance and capacity ¹,
37 unless the commissioner determines that a comprehensive
38 evaluation of the district by or directed by the department has
39 occurred within the last year¹. Based on the findings and
40 recommendations of that evaluation, the district, in cooperation
41 with the department, shall develop an improvement plan to address
42 the quality performance indicators with which the district has not
43 complied and to increase district capacity through the provision of
44 technical assistance and other measures designed to meet the
45 district's needs. The improvement plan shall be submitted to the
46 commissioner for approval. Upon approval, the commissioner shall
47 provide the district with the technical assistance outlined in the plan

1 and shall assure that the district's budget provides the resources
2 necessary to implement the improvement plan.

3 The commissioner shall review the district's progress in
4 implementing the improvement plan not less than every six months.
5 The reviews shall include an on-site visit. If the commissioner
6 finds, based on those reviews, that after two years the district has
7 not satisfied at least 50% of the quality performance indicators in
8 **【one or more】** each of the key components of school district
9 effectiveness, the commissioner **【shall】** may require the district to
10 amend the improvement plan. The amended plan shall be submitted
11 to the commissioner for approval.

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

15 (2) The district's improvement plan may include the
16 appointment by the commissioner of one or more highly skilled
17 professionals to provide technical assistance to the district in the
18 areas in which it has failed to satisfy the quality performance
19 indicators. Each highly skilled professional shall work
20 collaboratively with the district to increase local capacity in the
21 areas of need identified in the improvement plan. The cost for the
22 **【salaries】** compensation of the highly skilled professionals shall be
23 a shared expense of the school district and the State, with the State
24 assuming one-half of the cost **【of these salaries】** and the school
25 district being responsible for one-half of the **【costs】** cost. ¹**【For the**
26 purpose of the New Jersey Tort Claims Act, N.J.S.59:1-1 et seq.,
27 the highly skilled professional shall be considered a State officer.】¹
28 (cf: P.L.2005, c.235, s.4)

29

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

32 15. a. In addition to procedures established pursuant to
33 subsection e. of section 14 of P.L.1975, c.212 (C.18A:7A-14), the
34 commissioner may order the local board to show cause why an
35 administrative order placing the district under full State intervention
36 should not be implemented. The plenary hearing before a judge of
37 the Office of Administrative Law, pursuant to the "Administrative
38 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), upon said
39 order to show cause, shall be conducted on an expedited basis and
40 in the manner prescribed by subdivision B of article 2 of chapter 6
41 of Title 18A of the New Jersey Statutes. In the proceeding the State
42 shall have the burden of showing that the recommended
43 administrative order is not arbitrary, unreasonable or capricious.

44 If, after a plenary hearing, the commissioner determines that it is
45 necessary to take corrective action, the commissioner shall have the
46 power to order necessary budgetary changes within the district or

1 other measures the commissioner deems appropriate to establish a
2 thorough and efficient system of education.

3 If the board fails to show cause why an administrative order
4 placing the district under full State intervention should not be
5 implemented, the commissioner shall recommend to the State board
6 that it issue an order placing the district under full State
7 intervention. Notwithstanding any other provision of law to the
8 contrary and upon its determining that the school district is not
9 providing a thorough and efficient system of education, the State
10 board may place the district under full State intervention. Nothing
11 herein shall limit the right of any party to appeal the State board's
12 order to the Superior Court ¹, Appellate Division¹.

13 b. In districts under full State intervention the State board,
14 upon the recommendation of the commissioner, may appoint a State
15 district superintendent to serve for **[a period]** an initial term not to
16 exceed three years.

17 c. In addition to the highly skilled professionals appointed
18 pursuant to paragraph (2) of subsection e. of section 14 of P.L.1975,
19 c.212 (C.18A:7A-14), to provide technical assistance to the district
20 in implementing its improvement plan, the commissioner, in
21 consultation with the local board of education, may appoint one or
22 more highly skilled professionals in a district under full State
23 intervention to provide direct oversight in the district regarding the
24 quality performance indicators with which the district has failed to
25 comply. The highly skilled professional shall ¹**[have authority in**
26 **the areas of oversight that the commissioner designates]** represent
27 the interests of the commissioner in all matters relating to the
28 component of school district effectiveness that is under the
29 intervention and over which the highly skilled professional is
30 providing direct oversight. The powers and authorities of the
31 highly skilled professional shall include, but not be limited to:

32 (1) overseeing the operations of the district in the area of
33 intervention over which the highly skilled professional is assigned
34 to provide direct oversight;

35 (2) ensuring the development and implementation of the district
36 improvement plan with respect to the area over which the highly
37 skilled professional is assigned to provide direct oversight;

38 (3) overriding a chief school administrator's action and a vote
39 by the board of education regarding matters under direct oversight
40 of the highly skilled professional;

41 (4) attending all meetings of the board of education, including
42 closed sessions; and

43 (5) obligating district funds for matters relating to the area under
44 State intervention over which the highly skilled professional is
45 providing direct oversight¹.

46 The highly skilled professional shall work collaboratively with
47 the superintendent ¹or the State district superintendent, as

1 applicable¹ , the board of education and the employees of the
2 district working in the area of the oversight to address areas
3 identified in the improvement plan.

4 'When the commissioner appoints more than one highly skilled
5 professional in a district under full State intervention, he shall
6 delineate the scope and extent of authority of each highly skilled
7 professional appointed and shall establish a decision-making
8 hierarchy for the highly skilled professionals, district personnel and
9 the State district superintendent, if applicable. The highly skilled
10 professional shall report directly to the commissioner or his
11 designee on a bi-weekly basis and shall report monthly to the board
12 of education and members of the public at the regularly scheduled
13 board of education meeting. The salary of the highly skilled
14 professional appointed pursuant to this paragraph shall be fixed by
15 the commissioner and adjusted from time to time as the
16 commissioner deems appropriate.' The cost '[for the [salaries]
17 compensation] of the salaries' of the highly skilled professionals
18 shall be a shared expense of the school district and the State, with
19 the State assuming one-half of the [costs of these salaries] cost and
20 the school district being responsible for one-half of the [costs] cost.
21 For the purpose of the New Jersey Tort Claims Act, N.J.S.59:1-1 et
22 seq., the highly skilled professional 'appointed pursuant to this
23 paragraph' shall be considered a State officer.

24 d. If the district has successfully implemented the improvement
25 plan [, the commissioner shall issue a letter of recognition to the
26 district designating the district as a high performing district and]
27 and achieved sufficient progress in satisfying the performance
28 indicators in one or more areas under intervention, the State shall
29 withdraw from intervention in the district in those areas in
30 accordance with the provisions of section 16 of P.L.1987, c.399
31 (C.18A:7A-49). [The commissioner shall recommend that the State
32 board certify the school district for a period of seven years as
33 providing a thorough and efficient system of education, contingent
34 on continued progress in meeting the quality performance
35 indicators.]

36 (cf: P.L.2005, c.235, s.5)

37

38 6. Section 5 of P.L.1987, c.398 (C.18A:7A-15.1) is amended to
39 read as follows:

40 5. Pursuant to section 15 of P.L.1975, c.212 (C.18A:7A-15),
41 the State board [, upon the recommendation of the commissioner,]
42 shall have authority to:

43 a. approve the appointment by the commissioner of up to three
44 additional members to the school board;

45 b. upon recommendation of the commissioner create a school
46 district under full State intervention; and

1 c. appoint, upon recommendation of the commissioner, a State
2 district superintendent of schools to direct the operations of the
3 district in accordance with the improvement plan established
4 pursuant to section 14 of P.L.1975, c.212 (C.18A:7A-14).
5 (cf: P.L.2005, c.235, s.6)

6
7 7. Section 2 of P.L.1987, c.399 (C.18A:7A-35) is amended to
8 read as follows:

9 2. a. The schools of a school district under full State
10 intervention may be conducted by and under the supervision of a
11 State district superintendent of schools appointed by the State board
12 upon recommendation of the commissioner. The individual
13 selected shall be qualified by training and experience for the
14 particular district and shall work collaboratively with any highly
15 skilled professionals appointed by the commissioner, in
16 consultation with the local board of education.

17 The State board may, upon the recommendation of the
18 commissioner, choose to retain the person who holds the position of
19 superintendent of schools in the school district at the time the State
20 board issues the administrative order pursuant to section 15 of
21 P.L.1975, c.212 (C.18A:7A-15). If the State board chooses to
22 retain the superintendent of schools, the person shall have the
23 powers and duties of a State district superintendent of schools and
24 shall comply with the directives of the commissioner or his
25 designee, including any highly skilled professional appointed by the
26 commissioner.

27 b. If the State board appoints a State district superintendent the
28 appointment shall be for an [original] initial term not to exceed
29 three years. Notwithstanding any other provision of law, no person
30 so appointed shall acquire tenure nor shall the commissioner, with
31 approval of the State board, be precluded from terminating the
32 superintendent's services pursuant to the terms of the
33 superintendent's individual contract of employment. For the
34 purpose of the New Jersey Tort Claims Act, N.J.S.59:1-1 et seq.,
35 the State district superintendent shall be considered a State officer.

36 c. The salary of the State district superintendent shall be fixed
37 by the commissioner and adjusted from time to time as the
38 commissioner deems appropriate. The cost for said salary and for
39 the salaries of all persons appointed pursuant to this amendatory
40 and supplementary act, except the highly skilled professionals, shall
41 be an expense of the local school district.

42 d. The State district superintendent shall perform such duties
43 and possess such powers as deemed appropriate by the
44 commissioner.

45 e. Except as otherwise provided in this amendatory and
46 supplementary act, the State district superintendent shall have the
47 power to perform all acts and do all things that the commissioner

1 deems necessary for the proper conduct, maintenance and
2 supervision of the schools in the district.

3 f. The State district superintendent may, if deemed appropriate
4 by the commissioner, make, amend and repeal district rules,
5 policies and guidelines, not inconsistent with law for the proper
6 conduct, maintenance and supervision of the schools in the district.

7 g. The State district superintendent shall provide in each school
8 a mechanism for parent, teacher and community involvement. In
9 addition, the State district superintendent shall provide for at least
10 one public meeting in both the fall and the spring semesters to
11 advise parents and members of the community on the activities
12 within the district and to provide an opportunity for those parents,
13 teachers and community members who wish to be heard. The
14 meetings shall be at such times and places as to ensure maximum
15 public participation.

16 h. The State district superintendent [, or such other person as
17 the commissioner shall designate,] shall ensure that the district is in
18 compliance with all federal and State laws, rules and regulations
19 relating to equal employment opportunities, affirmative action and
20 minority business opportunities.

21 (cf: P.L.2005, c.235, s.10)

22

23 8. Section 5 of P.L.1987, c.399 (C.18A:7A-38) is amended to
24 read as follows:

25 5. Except as otherwise provided in this amendatory and
26 supplementary act, the State district superintendent in a school
27 district under full State intervention [or any other person designated
28 by the commissioner] may be given the power to:

29 a. Enforce the rules of the State board; and

30 b. Perform all acts and do all things, consistent with law and
31 the rules of the State board, necessary for the lawful and proper
32 conduct, equipment and maintenance of the public schools of the
33 district.

34 (cf: P.L.2005, c.235, s.12)

35

36 9. Section 6 of P.L.1986, c.399 (C.18A:7A-39) is amended to
37 read as follows:

38 6. a. The State district superintendent [or any other person
39 designated by the commissioner] may in a school district under full
40 State intervention:

41 (1) Sue in the district's corporate name and likewise submit to
42 arbitration and determination disputes and controversies in the
43 manner provided by law;

44 (2) Cause a report of the condition of the public schools and the
45 public school property and an itemized account of the condition of
46 the finances of the district to be printed and published as soon as
47 practicable after the close of each school year; and

1 (3) Cause an exact census to be taken annually of all children
2 residing in the district between the ages of five and 18 years,
3 including such other information as he or she may deem necessary
4 or proper and appoint, for the purpose of taking that census, as
5 many suitable persons as may be necessary to act as enumerators
6 and fix their compensation, which compensation shall be paid as a
7 current expense.

8 b. A school district under full State intervention may be sued
9 under its corporate name.

10 c. School districts under full State intervention may join with
11 local boards of education for the purpose of affording the districts
12 those benefits which may accrue pursuant to P.L.1983, c.108
13 (C.18A:18B-1 et seq.).

14 d. A school district under full State intervention shall be
15 subject to all provisions of chapter 19 of Title 18A of the New
16 Jersey Statutes except that all warrants for claims or expenditures
17 approvable by a district board of education or any action required of
18 a district board of education pursuant to chapter 19 may be
19 authorized by the State district superintendent [or any other person
20 designated by the commissioner].

21 e. Authority for the implementation of any provision of chapter
22 20 of Title 18A of the New Jersey Statutes relative to the
23 acquisition and disposition of property which requires action by a
24 district board of education may, in a school district under full State
25 intervention, be exercised by the State district superintendent [or
26 any other person designated by the commissioner].

27 f. The authority 'and powers'¹ vested in boards of education by
28 chapter 21 of Title 18A of the New Jersey Statutes may in a school
29 district under full State intervention be vested in the State district
30 superintendent [or any other person designated by the
31 commissioner].

32 g. School districts under full State intervention shall be subject
33 to all requirements set forth in chapter 18A of Title 18A of the New
34 Jersey Statutes except that such determination as may be required of
35 a district board of education by the provisions of said law may be
36 rendered by the State district superintendent [or any other person
37 designated by the commissioner].

38 (cf: P.L.2005, c.235, s.13)

39
40 10. Section 9 of P.L.1987, c.399 (C.18A:7A-42) is amended to
41 read as follows:

42 9. a. In a school district under full State intervention, all
43 officers, employees and consultants, professional and
44 nonprofessional, certified and noncertified, shall be employed or
45 retained, transferred and removed in accordance with the
46 improvement plan which has been approved by the commissioner.
47 In accordance with that plan:

1 (1) The State district superintendent [or any other person
2 designated by the commissioner] may appoint, transfer and remove
3 clerks, pursuant to the provisions of Title 11A (Civil Service) of the
4 New Jersey Statutes and the provisions of N.J.S.18A:17-1 et seq.

5 (2) The State district superintendent [or any other person
6 designated by the commissioner], subject to the approval of the
7 commissioner, shall appoint and set the salaries of such State
8 assistant superintendents as the superintendent shall deem necessary
9 and assign to them their duties and responsibilities. No State
10 assistant superintendent shall acquire tenure, notwithstanding any
11 other provision of law.

12 (3) The State district superintendent of schools [or any other
13 person designated by the commissioner] shall, subject to the
14 approval of the commissioner or his designee, make all personnel
15 determinations relative to employment, transfer and removal of all
16 officers and employees, professional and nonprofessional, except
17 that the services of the district auditor or auditors and attorney or
18 attorneys shall be immediately terminated by creation of a school
19 district under full State intervention.

20 b. The State district superintendent [or any other person
21 designated by the commissioner] may delegate to subordinate
22 officers or employees in the district any of his powers and duties as
23 he may deem desirable to be exercised under his supervision and
24 direction.

25 (cf: P.L.2005, c.235, s.16)

26

27 11. Section 11 of P.L.1987, c.399 (C.18A:7A-44) is amended to
28 read as follows:

29 11. a. Notwithstanding any other provision of law or contract,
30 the positions of the district's chief school administrator and those
31 executive administrators responsible for curriculum, business and
32 finance, and personnel may be abolished upon creation of the
33 school district under full State intervention. The affected
34 individuals shall be given 60 days' notice of termination or 60 days'
35 pay. The notice or payment shall be in lieu of any other claim or
36 recourse against the employing board or the school district based on
37 law or contract. Any individual whose position is abolished by
38 operation of this subsection shall be entitled to assert a claim to any
39 position or to placement upon a preferred eligibility list for any
40 position to which the individual may be entitled by virtue of tenure
41 or seniority within the district. No individual whose position is
42 abolished by operation of this subsection shall retain any right to
43 tenure or seniority in the positions abolished herein.

44 b. Within 180 days of the establishment of the school district
45 under full State intervention, the State district superintendent [or
46 any other person designated by the commissioner] may prepare a
47 reorganization of the district's central administrative and

1 supervisory staff and may evaluate all individuals employed in
2 central administrative and supervisory staff positions. The State
3 district superintendent [or any other person designated by the
4 commissioner] may implement the reorganization on the July 1
5 next following its preparation, unless otherwise directed by the
6 commissioner. The State district superintendent [or any other
7 person designated by the commissioner] shall retain the authority to
8 prepare a reorganization and to evaluate all employed individuals
9 after the expiration of the 180-day period.

10 c. Notwithstanding any other provision of law or contract, the
11 positions of the central administrative and supervisory staff,
12 instructional and noninstructional, other than those positions
13 abolished pursuant to subsection a. of this section, may be abolished
14 upon the reorganization of the staff of the school district under full
15 State intervention. The State district superintendent [or any other
16 person designated by the commissioner] may hire an individual
17 whose position is so abolished, based upon the evaluation of the
18 individual and the staffing needs of the reorganized district staff.
19 These individuals shall be hired with tenure if they had tenure in
20 their prior position. If they did not have tenure in their prior
21 position, they may obtain tenure pursuant to the provisions of
22 N.J.S.18A:28-6. Individuals hired as State assistant superintendents
23 shall not be hired with tenure and shall not acquire tenure.
24 Employees or officers not hired for the reorganized staff shall be
25 given 60 days' notice of termination or 60 days' pay. The notice or
26 payment shall be in lieu of any other claim or recourse against the
27 employing board or the school district based on law or contract.
28 Notwithstanding this limitation, nothing herein shall preclude an
29 individual from asserting upon separation from service any legal
30 contractual right to health care coverage, annuities, accrued
31 vacation days, accrued sick leave, insurance and approved tuition
32 costs. Any employee whose position is abolished by operation of
33 this subsection shall be entitled to assert a claim to any position or
34 to placement upon a preferred eligibility list for any position to
35 which the employee may be entitled by virtue of tenure or seniority
36 within the district. No employee whose position is abolished by
37 operation of this subsection shall retain any right to tenure or
38 seniority in the positions abolished herein.

39 (cf: P.L.2005, c.235, s.18)

40

41 12. Section 12 of P.L.1987, c.399 (C.18A:7A-45) is amended to
42 read as follows:

43 12. a. The Commissioner of Education shall adopt criteria for
44 the evaluation of building principals and vice-principals in a school
45 district under full State intervention.

46 b. Upon appointment, the State district superintendent [or
47 other person designated by the commissioner] may establish an

1 assessment unit to conduct on-site evaluations of each building
2 principal and vice-principal in accordance with the criteria
3 established by the commissioner and render evaluation reports to
4 the State district superintendent [or any other person designated by
5 the commissioner]. No less than three evaluations shall be
6 performed for each building principal and vice-principal within 18
7 months following the establishment of the school district under full
8 State intervention. All personnel records for building principals and
9 vice-principals prepared before the establishment of the district
10 under full State intervention shall be sealed upon issuance of the
11 State Board of Education order establishing the school district
12 under full State intervention.

13 c. Notwithstanding any other provision of law or contract, the
14 State district superintendent [or any other person designated by the
15 commissioner], after completion of an assessment cycle of not less
16 than 12 months, may dismiss any tenured building principal or vice-
17 principal for inefficiency, incapacity, unbecoming conduct or other
18 just cause as defined by the criteria for principal or vice-principal
19 performance in districts under full State intervention established by
20 the commissioner pursuant to subsection a. of this section. Nothing
21 herein shall preclude the dismissal of a tenured building principal or
22 vice-principal prior to the completion of an assessment cycle of not
23 less than 12 months if the basis for the dismissal is incapacity or
24 unbecoming conduct. All dismissals of tenured building principals
25 or vice-principals shall be conducted in accordance with the
26 procedures set forth in sections 10, 11, 13, 14, 16 and 17 of chapter
27 6 of Title 18A of the New Jersey Statutes, except that the State
28 district superintendent [or any other person designated by the
29 commissioner] shall act as the board of education in all respects.

30 d. The commissioner and the Office of Administrative Law are
31 empowered and directed to take any necessary action to expedite
32 hearings for dismissal of tenured principals or vice-principals,
33 including relaxation of any time requirements established by law or
34 practice. In no event shall a hearing commence later than 45 days
35 after certification of charges. Hearings shall be completed within
36 45 days of commencement. In no event shall a final decision be
37 issued later than 120 days following the certification of charges.

38 e. Evaluations of building principals or vice-principals
39 conducted by district personnel prior to the establishment of the
40 school district under full State intervention shall not be admissible
41 in a tenure hearing for any building principal or vice-principal
42 except in the following circumstances:

43 (1) Evaluations of building principals or vice-principals
44 performed by members of the central administrative and
45 supervisory staff who are hired to fill one of the positions in the
46 reorganized central office of the district under full State
47 intervention shall be admissible;

1 (2) Evaluations of building principals or vice-principals made
2 by individuals who were no longer employed by the school district
3 as of the date it became a school district under full State
4 intervention shall be admissible only if the evaluation was
5 performed more than five years preceding the date of the
6 establishment of the district under full State intervention.

7 (cf: P.L.2005, c.235, s.19)

8
9 13. Section 1 of P.L.1991, c.139 (C.18A:7A-46.1) is amended to
10 read as follows:

11 1. a. In any school district under full State intervention created
12 pursuant to the provisions of P.L.1975, c.212 (C.18A:7A-1 et seq.)
13 there may be established a Capital Project Control Board,
14 hereinafter the board, to be responsible for the review of any capital
15 project proposed by the State district superintendent **[or a person**
16 **designated by the commissioner]**, provided that the State district
17 superintendent **[or person designated by the commissioner]**
18 proposes that the capital project be financed in whole or in part by
19 school bonds or notes, or through a lease purchase agreement
20 pursuant to subsection f. of N.J.S.18A:20-4.2. The board shall also
21 be responsible for the certification to the State district
22 superintendent of schools **[or person designated by the**
23 **Commissioner of Education]** and the commissioner of the necessity
24 for the capital project and the certification of the appropriation to be
25 made by the governing body of the municipality.

26 b. The board shall consist of five voting members. One
27 member shall be appointed by the Commissioner of Education and
28 two members shall be appointed by the chief executive officer with
29 the consent of a majority of the full membership of the local
30 governing body of the municipality or municipalities in which the
31 school district is located. If the school district is comprised of two
32 municipalities, each municipality shall be entitled to one member,
33 appointed by the executive officer with the consent of the governing
34 body. If the school district is comprised of more than two
35 municipalities, each of the two municipalities with the largest
36 population according to the most recent federal decennial census
37 shall be entitled to one member, appointed by the executive officer
38 with the consent of the governing body. However, if a local
39 governing body fails to agree upon the selection of either board
40 member appointed by an executive officer, then the Commissioner
41 of Education shall make the appointment. One member shall be
42 appointed by the Director of the Division of Local Government
43 Services in the Department of Community Affairs who shall have
44 experience in the area of local finance and capital projects. The fifth
45 member shall be the State district superintendent of schools **[or any**
46 **other person designated by the commissioner]** who shall serve ex-
47 officio and shall act as chairperson of the board. The board

1 members, except for the State district superintendent **[**or the person
2 designated by the commissioner**]**, shall each serve for a term of one
3 year commencing on July 1 of each year and expiring on June 30 of
4 the following year. Any vacancy in the membership of the board
5 shall be filled for the unexpired term in the manner provided by the
6 original appointment. Members of the board may be employees of
7 the State or any subdivision thereof. All members of the board
8 shall serve without compensation.

9 c. The board shall meet from time to time upon the request of
10 the State district superintendent **[**or person designated by the
11 commissioner**]**. All meetings of the board shall be conducted
12 pursuant to the provisions of the "Open Public Meetings Act,"
13 P.L.1975, c.231 (C.10:4-6 et seq.). The State district superintendent
14 **[**, or the person designated by the commissioner,**]** shall be charged
15 with the responsibility of preparing a transcript of the proceedings
16 and all votes shall be recorded in writing.

17 (cf: P.L.2005, c.235, s.21)

18

19 14. Section 2 of P.L.1991, c.139 (C.18A:7A-46.2) is amended to
20 read as follows:

21 2. In the event that a capital projects **[**review**]** control board is
22 established pursuant to section 1 of P.L.1991, c.139 (C.18A:7A-
23 46.1) the board shall hear the recommendation of the State district
24 superintendent **[**or the person designated by the commissioner**]**
25 concerning any proposed capital project, which is to be financed in
26 whole or in part by school bonds or notes, or through a lease
27 purchase agreement pursuant to subsection f. of N.J.S.18A:20-4.2,
28 and shall undertake all actions necessary to review the proposed
29 capital project to determine whether the project will assist the
30 school district under full State intervention in providing a thorough
31 and efficient system of education in that district. In making this
32 determination it may take into consideration factors such as the
33 conditions in the school district, any applicable educational goals,
34 the objectives and standards established by the State, the need for
35 the capital project, the reasonableness of the amount to be expended
36 for the capital project, the estimated time for the undertaking and
37 completion of the capital project, and any other factors which the
38 board may deem necessary including the relationship of the capital
39 project to the long-term capital budget or plan of the school district
40 and the fiscal implications thereof.

41 Following its review and within 60 days of the date on which the
42 State district superintendent **[**or the person designated by the
43 commissioner**]** submits the recommendation to the board, the board
44 shall adopt a resolution as to whether the school district under full
45 State intervention should undertake the capital project and
46 providing its reasons therefor. The board shall adopt a resolution
47 indicating the necessity for the capital project and shall also fix and

1 determine by resolution the amount necessary to be raised locally
2 for the capital project. If the board fails to act within 60 days of the
3 submission date, the State district superintendent [or the person
4 designated by the commissioner] shall submit the recommendation
5 to the commissioner who shall approve or disapprove the capital
6 project. If the board makes a decision which is contrary to the
7 recommendation of the superintendent [or the person designated by
8 the commissioner], the superintendent [or the person designated by
9 the commissioner] may, within 30 days from the date of the board's
10 action, submit the matter to the commissioner for final decision. If
11 the commissioner determines that a capital project should be
12 undertaken, the commissioner shall so notify the board and shall
13 indicate the amount necessary to be raised locally for the capital
14 project. Upon notification, the board shall adopt a resolution
15 indicating the necessity for the capital project and shall also fix and
16 determine by resolution the amount necessary for the capital project
17 as indicated by the commissioner. Certified copies of any
18 resolution requesting the authorization and issuance of bonds and
19 notes or the authorization of a lease purchase agreement shall be
20 delivered to the State district superintendent [or the person
21 designated by the Commissioner of Education], the Commissioner
22 of Education, the Director of the Division of Local Government
23 Services in the Department of Community Affairs and the
24 governing body of the municipality or municipalities in which the
25 school district is located. The board shall not approve or
26 recommend any capital project which is inconsistent with the
27 provisions of N.J.S.18A:21-1.
28 (cf: P.L.2005, c.235, s.22)

29
30 15. Section 3 of P.L.1991, c.139 (C.18A:7A-46.3) is amended to
31 read as follows:

32 3. Notwithstanding the provisions of any law to the contrary,
33 the cost of any capital project authorized pursuant to this act which
34 is to be funded by bonds or notes and certified by the board to the
35 State district superintendent [or the person designated by the
36 commissioner], the Commissioner of Education, the Director of the
37 Division of Local Government Services in the Department of
38 Community Affairs and the governing body of the municipality or
39 municipalities in which the school district is located shall be
40 financed by the issuance of school bonds or notes pursuant to the
41 provisions of chapter 24 of Title 18A of the New Jersey Statutes
42 and the "Local Bond Law" (N.J.S.40A:2-1 et seq.) and the notes,
43 school bonds or other obligations shall be authorized, issued, sold
44 and delivered in the manner prescribed by the "Local Bond Law"
45 (N.J.S.40A:2-1 et seq.).
46 (cf: P.L.2005, c.235, s.23)

1 16. Section 4 of P.L.1991, c.139 (C.18A:7A-46.4) is amended to
2 read as follows:

3 4. Any authorization of notes or bonds effective prior to the
4 date of the appointment of the State district superintendent **[or the**
5 **person designated by the commissioner]** shall be issued in the
6 manner prescribed by the "Local Bond Law," (N.J.S.40A:2-1 et
7 seq.).
8 (cf: P.L.2005, c.235, s.24)

9
10 17. Section 14 of P.L.1987, c.399 (C.18A:7A-47) is amended to
11 read as follows:

12 14. a. The State board shall retain the board of education in
13 place at the time that the State board issues the administrative order
14 creating the school district under full State intervention. With the
15 State board's approval the commissioner may appoint up to three
16 additional nonvoting members to the board of education. The board
17 of education's membership shall remain increased by these
18 additional seats until the State withdraws from intervention ¹ in the
19 governance component of school district effectiveness ¹ . If the
20 commissioner appoints three additional members pursuant to this
21 subsection, the commissioner shall appoint one of these additional
22 members from a list of three candidates provided by the local
23 governing body of the municipality in which the school district is
24 located. The commissioner shall make every effort to appoint
25 residents of the district. The board of education shall have only
26 those rights, powers and privileges of an advisory board. The
27 members appointed by the commissioner shall serve for a term of
28 two years. The commissioner shall obtain approval of the State
29 board for any extension of the two-year term. Any vacancy in the
30 membership appointed by the commissioner shall be filled in the
31 same manner as the original appointment.

32 Six months following the district being placed under full State
33 intervention, the commissioner shall determine ¹ **[**, pursuant to
34 criteria promulgated by the State Board of Education,**]** ¹ whether or
35 not the board members he has appointed shall become voting
36 members of the advisory board of education. If the commissioner
37 determines that the board members he has appointed shall become
38 voting members, the school district shall have 30 days to appeal the
39 commissioner's determination to the State Board of Education.

40 b. The State district superintendent **[or the person designated**
41 **by the commissioner]** may meet with the board as frequently as
42 necessary for the effective operation of the school district. The
43 meetings of the board shall be convened and scheduled at the
44 direction of the State district superintendent **[or the person**
45 **designated by the commissioner]**, and the State district
46 superintendent **[or the person designated by the commissioner]**
47 shall determine the agenda. At the meetings, the State district

1 superintendent [or the person designated by the commissioner]
2 shall report to the board on all actions taken and on pending actions
3 in a timely fashion, and provide an opportunity for a full discussion
4 by the board and by the public of those actions. Meetings shall be
5 conducted pursuant to the provisions of the "Open Public Meetings
6 Act," P.L.1975, c.231 (C.10:4-6 et seq.). On a regular basis, but no
7 less than twice each year, the board of education shall report in
8 writing directly to the State district superintendent [or the person
9 designated by the commissioner] concerning its assessment of the
10 progress of the district. Copies of the report shall be forwarded to
11 the commissioner and the State board. The State district
12 superintendent [or the person designated by the commissioner]
13 shall make such clerical and other resources available as are
14 necessary for the effective operation of the board of education.

15 c. The commissioner, in consultation with the New Jersey
16 School Boards Association, shall provide the members of the board
17 of education with appropriate in-service training in school matters.
18 (cf: P.L.2005, c.235, s.26)

19

20 18. Section 16 of P.L.1987, c.399 (C.18A:7A-49) is amended to
21 read as follows:

22 16. a. A school district under full State intervention shall make
23 an annual report of its progress in complying with the quality
24 performance indicators adopted pursuant to section 10 of P.L.1975,
25 c.212 (C.18A:7A-10). The commissioner shall formally report to
26 the State board and to the Governor and the Legislature on the
27 district's progress.

28 b. Based upon the annual report of progress, but not sooner
29 than three years after the establishment of the school district under
30 full State intervention, the commissioner may recommend that the
31 State board place the school district under partial State intervention
32 or elsewhere on the performance continuum. If the State board so
33 determines, the school district shall be placed under partial State
34 intervention or designated as [a high performing or moderate
35 performing district] transitioning to local control or placed
36 elsewhere on the performance continuum effective on the July 1
37 next ensuing.

38 c. Notwithstanding any other provision of law to the contrary,
39 if a district 'under full State intervention' is placed under partial
40 State intervention ' [or elsewhere on the performance continuum] ',
41 the board of education shall continue to have the rights, powers, and
42 duties of an advisory board, until the district successfully meets the
43 quality performance indicators for the governance component of
44 school district effectiveness.

45 Despite the continuation of the board of education as an advisory
46 board, the State board, upon the recommendation of the
47 commissioner, may return some voting functions to the board of

1 education as part of and in furtherance of the process of a transition
2 to local control ¹[of the governance component of school district
3 effectiveness]¹. ¹If some voting functions are returned to the board
4 of education, the commissioner or his designee shall have the
5 authority to veto any action by the board of education until the
6 governance component of school district effectiveness is returned to
7 local control. A true copy of the minutes of every meeting of the
8 board of education shall be forthwith delivered by and under the
9 certification of the secretary thereof to the commissioner or his
10 designee. No action taken at that meeting of the board of education
11 shall have force or effect until 15 days after a copy of the minutes
12 shall have been so delivered unless during that 15-day period the
13 commissioner or his designee shall approve those minutes, in which
14 case the action shall become effective upon that approval. If, in the
15 15-day period, the commissioner or his designee returns the copy of
16 those minutes with a veto of any action taken by the board of
17 education or any member thereof at that meeting, the action shall be
18 null and void and of no effect.¹

19 d. In the event that the State board, upon the recommendation
20 of the commissioner, has appointed a State district superintendent in
21 a district under full State intervention **[and if]** , the State district
22 superintendent shall continue to hold that position until the district
23 successfully meets the quality performance indicators for the
24 governance component of school district effectiveness. If the
25 district is placed under partial State intervention and has
26 successfully met the quality performance indicators for the
27 governance component of school district effectiveness, or [is
28 designated as a high performing or moderate performing district] if
29 the State has completely withdrawn from intervention and returned
30 the district to local control, then the board of education shall be
31 permitted to extend the contract of the superintendent who holds the
32 position at the time that the district is placed under partial State
33 intervention or is **[designated a high performing or moderate**
34 **performing district]** returned to local control, provide 18-months'
35 notice to the superintendent to modify the contract, or allow the
36 contract in effect to expire with the appropriate statutory notice
37 pursuant to subsection b. of section 4 of P.L.1991, c.267
38 (C.18A:17-20.1).

39 **[d. Not]** e. If the district successfully meets the quality
40 performance indicators for the governance component of school
41 district effectiveness, not more than one year following the
42 placement of the district under partial State intervention or
43 **[designation as a high performing or moderate performing district]**
44 return to local control, the board shall call a special election for
45 purposes of placing the question of classification status before the
46 voters of the district, which election shall be conducted in

1 accordance with the provisions of Title 19 of the Revised Statutes
2 concerning school elections.

3 **[e.] f.** If the voters of the district shall elect to become a type I
4 district, it shall be governed by the provisions of chapter 9 of Title
5 18A of the New Jersey Statutes relating to type I districts after
6 January 31 next ensuing, unless the district is established in a city
7 of the first class, in which case it shall be governed after June 30
8 next ensuing. The members of the district board of education at the
9 time of said election shall continue in office until expiration of their
10 respective terms and the qualification in office of their successors.

11 **[f.] g.** If the voters of the district shall so select that the district
12 shall become a type II district, it shall be governed by the
13 provisions of chapter 9 of Title 18A relating to type II districts and
14 the members of the board of education at the time of said election
15 shall remain and continue in office until the expiration of their
16 respective terms and the qualification of their respective successors.

17 **[g.] h.** If the commissioner cannot recommend that the
18 school district under full State intervention be placed under partial
19 State intervention within three years, then the commissioner shall
20 provide a comprehensive report to the State board and to the
21 Governor and the Legislature, including a detailed analysis of the
22 causes for the failure of the district to comply with the quality
23 performance indicators and an assessment of the amount of time
24 necessary for the continuation of the school district under full State
25 intervention. On the basis of that report the State board shall
26 determine whether to continue the school district under full State
27 intervention or return the district to partial State intervention.

28 (cf: P.L.2005, c.235, s.27)

29

30 19. Section 17 of P.L.1987, c.399 (C.18A:7A-50) is amended to
31 read as follows:

32 17. The State district superintendent **[or the person designated**
33 **by the commissioner]** in a school district under full State
34 intervention shall develop a budget on or before March 22 and shall
35 present this budget to the board of education to elicit the board's
36 comments and recommendations. This budget shall conform in all
37 respects with the requirements of chapter 22 of Title 18A of the
38 New Jersey Statutes and shall be subject to the limitations on
39 spending by local school districts otherwise required by P.L.1996,
40 c.138 (C.18A:7F-1 et al.).

41 (cf: P.L.2005, c.235, s.28)

42

43 20. Section 18 of P.L.1987, c.399 (C.18A:7A-51) is amended to
44 read as follows:

45 18. Upon the preparation of its budget, the State district
46 superintendent **[or the person designated by the commissioner]**
47 shall fix a date, place and time for the holding of a public hearing

1 upon the budget and the amounts of money necessary to be
2 appropriated for the use of the public schools for the ensuing school
3 year, and the various items and purposes for which the same are to
4 be appropriated, which hearing shall be held between March 22 and
5 March 29. Notice of the hearing, contents of the notice and the
6 format and purpose of the hearing shall be as provided in
7 N.J.S.18A:22-11, N.J.S.18A:22-12 and N.J.S.18A:22-13.

8 (cf: P.L.2005, c.235, s.29)

9

10 21. Section 19 of P.L.1987, c.399 (C.18A:7A-52) is amended to
11 read as follows:

12 19. a. After the public hearing provided for by section 18 of
13 P.L.1987, c.399 (C.18A:7A-51) but not later than April 8, the State
14 district superintendent **【or the person designated by the**
15 **commissioner】** shall fix and determine the amount of money
16 necessary to be appropriated for the ensuing school year and shall
17 certify the amounts to be raised by special district tax for school
18 purposes as well as the sum necessary for interest and debt
19 redemption, if any, to the county board of taxation and the amount
20 or amounts so certified shall be included in the taxes assessed,
21 levied and collected in the municipality or municipalities
22 comprising the district. The State district superintendent **【or the**
23 **person designated by the commissioner】** shall follow the procedures
24 established pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5).

25 b. (Deleted by amendment, P.L.1996, c.138).

26 c. (Deleted by amendment, P.L.1996, c.138).

27 (cf: P.L.2005, c.235, s.30)

28

29 22. Section 37 of P.L.2005, c.235 (C.18A:7A-53) is amended to
30 read as follows:

31 37. a. A district which has been certified as a Level I district by
32 the State Board of Education as of the effective date of this act,
33 shall be phased into the three-year evaluation process and, in
34 accordance with a schedule established by the commissioner, be
35 evaluated by the commissioner in the five key components of
36 school district effectiveness as set forth in section 10 of P.L.1975,
37 c.212 (C.18A:7A-10). Based on a district's compliance with the
38 quality performance indicators, the commissioner shall assess
39 district effectiveness and place the district on the performance
40 continuum. During the phase-in, a district which has not undergone
41 an evaluation in the five key components of school district
42 effectiveness shall continue to complete and submit a quality
43 assurance annual report in accordance with State board regulations
44 in effect prior to the effective date of P.L. , c. (pending before
45 the Legislature as this bill).

46 b. A State-operated district or a district which has been
47 certified as a Level II or a Level III district by the State Board of
48 Education as of the effective date of this act, shall be evaluated by a

1 team of highly skilled professionals in the five key components of
2 school district effectiveness as set forth in section 10 of P.L.1975,
3 c.212 (C.18A:7A-10). The evaluation shall be completed within
4 ~~[45]~~ 120 days of the date on which rules promulgated by the
5 ~~'[State Board of Education] commissioner'~~ pursuant to section 39
6 of this act become effective. The commissioner shall establish a
7 process for the receipt of comments from the public during the
8 evaluation. The commissioner shall provide a report of the
9 evaluation to the district within ~~[15]~~ 30 days of the completion of
10 the evaluation. The report shall contain the commissioner's
11 determination of the district's placement on the performance
12 continuum. The district shall have 30 days from the date of receipt
13 of the report to appeal the placement decision to the
14 ~~[commissioner]~~ State board. The commissioner shall make a
15 recommendation to the State Board of Education if the
16 recommendation is to place the district under partial or full State
17 intervention. The commissioner and State board shall take
18 whatever action is appropriate based on the district's placement on
19 the performance continuum.

20 c. ~~'Notwithstanding any other provision of law to the contrary,~~
21 ~~if a State-operated district is placed under partial State intervention,~~
22 ~~the board of education shall continue to have the rights, powers, and~~
23 ~~duties of an advisory board, until the district successfully meets the~~
24 ~~quality performance indicators for the governance component of~~
25 ~~school district effectiveness.~~

26 ~~Despite the continuation of the board of education as an advisory~~
27 ~~board, the State board, upon the recommendation of the~~
28 ~~commissioner, may return some voting functions to the board of~~
29 ~~education as part of and in furtherance of the process of a transition~~
30 ~~to local control. If some voting functions are returned to the board~~
31 ~~of education, the commissioner or his designee shall have the~~
32 ~~authority to veto any action by the board of education until the~~
33 ~~governance component of school district effectiveness is returned to~~
34 ~~local control. A true copy of the minutes of every meeting of the~~
35 ~~board of education shall be forthwith delivered by and under the~~
36 ~~certification of the secretary thereof to the commissioner or his~~
37 ~~designee. No action taken at that meeting of the board of education~~
38 ~~shall have force or effect until 15 days after a copy of the minutes~~
39 ~~shall have been so delivered unless during that 15-day period the~~
40 ~~commissioner or his designee shall approve those minutes, in which~~
41 ~~case the action shall become effective upon that approval. If, in the~~
42 ~~15-day period, the commissioner or his designee returns the copy of~~
43 ~~those minutes with a veto of any action taken by the board of~~
44 ~~education or any member thereof at that meeting, the action shall be~~
45 ~~null and void and of no effect.~~

46 ~~d.'~~ If a State-operated school district evaluated pursuant to
47 subsection b. of this section successfully meets the quality

1 performance indicators for the governance component of school
2 district effectiveness, then **[three years]** one year following the
3 State's withdrawal from intervention 'in that component', the board
4 of education shall call a special election for purposes of placing the
5 question of classification status before the voters of the district,
6 which election shall be conducted in accordance with the
7 provisions of Title 19 of the Revised Statutes concerning school
8 elections.

9 If the voters of the district elect to become a type I district, it
10 shall be governed by the provisions of chapter 9 of Title 18A of the
11 New Jersey Statutes relating to type I districts after January 31 next
12 ensuing, unless the district is established in a city of the first class,
13 in which case it shall be governed after June 30 next ensuing. The
14 members of the district board of education at the time of said
15 election shall continue in office until expiration of their respective
16 terms and the qualification in office of their successors.

17 If the voters of the district elect to become a type II district, it
18 shall be governed by the provisions of chapter 9 of Title 18A
19 relating to type II districts and the members of the board of
20 education at the time of said election shall remain and continue in
21 office until the expiration of their respective terms and the
22 qualification of their respective successors.

23 **'[d.] e.'** The board of education of a State-operated school
24 district that successfully meets the quality performance indicators
25 for the governance component of school district effectiveness shall
26 be permitted to extend the contract of the superintendent who holds
27 the position at the time of the evaluation conducted pursuant to
28 subsection b. of this section, provide 18-months' notice to the
29 superintendent to modify the contract, or allow the contract in effect
30 to expire with the appropriate statutory notice pursuant to
31 subsection b. of section 4 of P.L.1991, c.267 (C.18A:17-20.1).

32 **'[e. Any capital projects control board established pursuant to**
33 **section 1 of P.L.1991, c.139 (C.18A:7A-46.1) which is in existence**
34 **in a school district on the effective date of P.L. , c. (pending**
35 **before the Legislature as this bill) shall be abolished upon the return**
36 **of that district to local control.]'**

37 (cf: P.L.2005, c.235, s.37)

38

39 **'23. Section 39 of P.L.2005, c.235 is amended to read as**
40 **follows:**

41 **39. a.** The State Board of Education shall **[promulgate]** adopt
42 rules and regulations pursuant to the "Administrative Procedure
43 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the
44 provisions of this act; except that notwithstanding any provision of
45 P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the
46 commissioner may for a period of 12 months following the effective
47 date of P.L. , c. (pending before the Legislature as this bill).

1 adopt, immediately upon filing with the Office of Administrative
2 Law, such rules and regulations as the commissioner deems
3 necessary to implement the New Jersey Quality Single
4 Accountability Continuum. The commissioner shall engage in a
5 collaborative process with interested stakeholders in the education
6 community prior to the adoption of rules and regulations for the 12-
7 month period. All such rules and regulations adopted by the
8 commissioner shall expire no later than 12 months following the
9 effective date of P.L. , c. (pending before the Legislature as this
10 bill) and shall thereafter be amended, adopted or re-adopted during
11 the following 24-month period by the commissioner in accordance
12 with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

13 b. All such rules and regulations adopted by the commissioner
14 pursuant to subsection a. of this section shall expire no later than 36
15 months following the effective date of P.L. , c. (pending before
16 the Legislature as this bill) and shall thereafter be amended, adopted
17 or re-adopted by the State board in accordance with the provisions
18 of P.L.1968, c.410 (C.52:14B-1 et seq.).¹
19 (cf: P.L.2005, c.235, s.39)

20

21 ¹**[23.] 24.**¹ (New section) The Legislature finds and declares
22 that:

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

26 b. The breadth and scope of such a system are defined by the
27 Legislature through the commissioner and the State board pursuant
28 to P.L.1996, c.138 (C.18A:7F-1 et al.) so as to insure quality
29 educational programs for all children;

30 c. It is imperative that the program in every school district in
31 this State includes all of the major elements identified as essential
32 for that system consistent with standards adopted pursuant to
33 section 10 of P.L.1975, c.212 (C.18A:7A-10);

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

38 e. This responsibility can be fulfilled, in addition to the
39 mechanism for ensuring compliance established pursuant to section
40 6 of P.L.1996, c.138 ¹**[(c.18:7A-7F-6)] (C.18A:7F-6)**¹, through an
41 effective and efficient system of evaluation and monitoring which
42 will insure quality and comprehensive instructional programming in
43 every school district and provide for immediate and direct
44 corrective action to insure that identified deficiencies do not persist,
45 and which does so within the context of the maximum of local
46 governance and management and the minimum of paperwork and
47 unnecessary procedural requirements.

ASSEMBLY, No. 3676

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED NOVEMBER 9, 2006

Sponsored by:

Assemblyman CRAIG A. STANLEY

District 28 (Essex)

SYNOPSIS

Revises various provisions of the New Jersey Quality Single Accountability Continuum (NJ QSAC) public school district monitoring system.

CURRENT VERSION OF TEXT

As introduced.



A3676 STANLEY

2

1 AN ACT concerning school district monitoring, revising various
2 parts of the statutory law and supplementing chapter 7A of Title
3 18A of the New Jersey Statutes.

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

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

10 3. For the purposes of this act, unless the context clearly
11 requires a different meaning:

12 "Administrative order" means a written directive ordering
13 specific corrective action by a district which has shown insufficient
14 compliance with the quality performance indicators.

15 "Highly skilled professional" means a designee of the
16 commissioner deemed to have the skills and experience necessary
17 to assist a school district in improving its effectiveness or to
18 provide oversight in a school district in one or more of the five key
19 components of school district effectiveness.

20 "Joint Committee on the Public Schools" means the committee
21 created pursuant to P.L.1975, c.16 (C.52:9R-1 et seq.).

22 **["Targeted assistance" means the assistance provided to a school
23 district in a specific area to support the teaching and learning
24 process and overall district effectiveness.]**

25 "Technical assistance" means guidance and support provided to a
26 school district to enable the district to meet State and federal policy
27 and regulatory requirements and to ensure the provision of a
28 thorough and efficient education. "Technical assistance" may
29 include, but shall not be limited to, support of the teaching and
30 learning process and overall school district effectiveness.

31 (cf: P.L.2005, c.235, s.1)

32

33 2. Section 10 of P.L.1975, c.212 (C.18A:7A-10) is amended to
34 read as follows:

35 10. For the purpose of evaluating the thoroughness and
36 efficiency of all the public schools of the State, the commissioner,
37 with the approval of the State board and after review by the Joint
38 Committee on the Public Schools, shall develop and administer the
39 New Jersey Quality Single Accountability Continuum for
40 evaluating the performance of each school district. The goal of the
41 New Jersey Quality Single Accountability Continuum shall be to
42 ensure that all districts are operating at a high level of performance.
43 The system shall be based on an assessment of the degree to which
44 the thoroughness and efficiency standards established pursuant to
45 section 4 of P.L.1996, c.138 (C.18A:7F-4) are being achieved and

**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.

A3676 STANLEY

1 an evaluation of school district capacity in the following five key
2 components of school district effectiveness: instruction and
3 program; personnel; fiscal management; operations; and
4 governance. A school district's capacity and effectiveness shall be
5 determined using quality performance indicators comprised of
6 standards for each of the five key components of school district
7 effectiveness. The quality performance indicators shall take into
8 consideration a school district's performance over time, to the
9 extent feasible. Based on a district's compliance with the indicators,
10 the commissioner shall assess district capacity and effectiveness
11 and place the district on a performance continuum that will
12 determine the type and level of oversight and technical assistance
13 and support the district receives.

14 (cf: P.L.2005, c.235, s.2)

15

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

18 11. Each school district and county vocational school district
19 shall make **[an annual]** a report of its progress in complying with
20 all of the quality performance indicators adopted pursuant to section
21 10 of P.L.1975, c.212 (C.18A:7A-10) every three years, pursuant to
22 a schedule to be established by the commissioner. In the years
23 intervening between the district's three year review, the
24 commissioner shall assess the district's performance against a series
25 of objective benchmarks to be determined by the commissioner.
26 Upon a determination that a district has failed to meet one or more
27 of the benchmarks, the commissioner may direct that the
28 department immediately conduct a comprehensive review of the
29 district. Nothing in this section shall preclude the commissioner, in
30 his discretion, from conducting a random audit of a school district
31 to assess the district's compliance with the quality performance
32 indicators.

33 The district reports shall be submitted to the commissioner
34 **[annually]** on a date and in such form as prescribed by the
35 commissioner, who shall make them the basis for an annual report
36 to the Governor and the Legislature, describing the condition of
37 education in New Jersey, the efforts of New Jersey schools in
38 meeting the standards of a thorough and efficient education, the
39 steps underway to correct deficiencies in school performance, and
40 the progress of New Jersey schools in comparison to other state
41 education systems in the United States.

42 (cf: P.L.2005, c.235, s.3)

43

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

46 14. a. (1) The commissioner shall review the results of the
47 report submitted pursuant to sections 10 and 11 of P.L.1975, c.212
48 (C.18A:7A-10 and 18A:7A-11) and after examination of all relevant

1 data, including student assessment data, determine where on the
2 performance continuum the district shall be placed. The
3 commissioner, through collaboration, shall establish a mechanism
4 for parent, school employee and community resident input into the
5 review process. If the commissioner finds that a school district or
6 county vocational school district satisfies 80 percent to 100 percent
7 of the quality performance indicators in each of the five key
8 components of school district effectiveness, the commissioner shall
9 issue to the district a letter of recognition designating the district as
10 a high performing district, provided that the district has submitted
11 to the department a statement of assurance which attests that the
12 contents of the report are valid. The commissioner shall
13 recommend that the State board certify the school district for a
14 period of ~~seven~~ three years as providing a thorough and efficient
15 system of education, contingent on continued progress in meeting
16 the quality performance indicators.

17 b. If a school district satisfies 50 percent to 79 percent of the
18 quality performance indicators ~~], the district shall be considered a~~
19 moderate performing district. ~~The] in any of the five key~~
20 ~~components of school district effectiveness, the~~ commissioner shall
21 require the district to develop an improvement plan to address the
22 quality performance indicators with which the district has not
23 complied and to increase district capacity through the provision of
24 technical assistance and other measures designed to meet the
25 district's needs. The improvement plan shall be submitted to and
26 approved by the commissioner. In accordance with the
27 improvement plan, the commissioner shall provide ~~[targeted~~
28 ~~assistance,] technical assistance [, or both,] to the district. If~~
29 necessary, the commissioner may authorize an in-depth
30 ~~[examination] evaluation~~ of the district to determine the causes for
31 the district's noncompliance with the quality performance
32 indicators.

33 The commissioner shall review the district's progress in
34 implementing the improvement plan not less than every six months.
35 If the commissioner finds, based on those reviews, that after two
36 years the district has not satisfied 80 to 100 percent of the quality
37 performance indicators in each of the five key components of
38 school district effectiveness, the commissioner ~~[shall] may~~ require
39 the district to amend the improvement plan. The amended plan
40 shall be submitted to the commissioner for approval.

41 If a district effectively implements its improvement plan and is
42 able to satisfy 80 to 100 percent of the quality performance
43 indicators in each of the five key components of school district
44 effectiveness through the interventions set forth in this subsection,
45 the commissioner shall issue the district a letter of recognition
46 designating the district as a high performing district. The
47 commissioner shall recommend that the State board certify the

1 school district for a period of **[seven]** three years as providing a
2 thorough and efficient system of education, contingent on continued
3 progress in meeting the quality performance indicators. If the
4 district has not effectively implemented its improvement plan and
5 has not satisfied 80 to 100 percent of the quality performance
6 indicators in each of the five key components of school district
7 effectiveness through the interventions set forth in this subsection,
8 the commissioner shall issue the district a letter detailing the areas
9 in which the district remains deficient.

10 c. (1) If a school district satisfies less than 50 percent of the
11 quality performance indicators in four or fewer of the five key
12 components of school district effectiveness, the commissioner shall
13 authorize an in-depth evaluation of the district's performance and
14 capacity. Based on the findings and recommendations of that
15 evaluation, the district, in cooperation with the department, shall
16 develop an improvement plan to address the quality performance
17 indicators with which the district has not complied and to increase
18 district capacity through the provision of technical assistance and
19 other measures designed to meet the district's needs. The
20 improvement plan shall be submitted to the commissioner for
21 approval. Upon approval, the commissioner shall provide the
22 district with the technical assistance outlined in the plan and shall
23 assure that the district's budget provides the resources necessary to
24 implement the improvement plan.

25 The commissioner shall review the district's progress in
26 implementing the improvement plan not less than every six months.
27 The reviews shall include an on-site visit. If the commissioner
28 finds, based on those reviews, that after two years the district has
29 not satisfied at least 50% of the quality performance indicators in
30 **[one or more]** each of the key components of school district
31 effectiveness, the commissioner **[shall]** may require the district to
32 amend the improvement plan. The amended plan shall be submitted
33 to the commissioner for approval.

34 Nothing in this paragraph shall be construed to prohibit the
35 **[commissioner or the]** State board **[, as applicable,]** from directing
36 the district to enter partial State intervention prior to the expiration
37 of the two-year period.

38 (2) The district's improvement plan may include the
39 appointment by the commissioner of one or more highly skilled
40 professionals to provide technical assistance to the district in the
41 areas in which it has failed to satisfy the quality performance
42 indicators. Each highly skilled professional shall work
43 collaboratively with the district to increase local capacity in the
44 areas of need identified in the improvement plan. The cost for the
45 **[salaries]** compensation of the highly skilled professionals shall be
46 a shared expense of the school district and the State, with the State
47 assuming one-half of the cost **[of these salaries]** and the school

1 district being responsible for one-half of the **[costs]** cost. For the
2 purpose of the New Jersey Tort Claims Act, N.J.S.59:1-1 et seq.,
3 the highly skilled professional shall be considered a State officer.

4 (3) **[If** the district satisfies less than 50% of the quality
5 performance indicators in one of the five key components of school
6 district effectiveness, the commissioner may also order the district
7 to enter partial State intervention. The board of education which is
8 directed to enter partial State intervention may appeal that decision
9 to the State Board of Education. The State board may refer the
10 hearing of that appeal to a committee of not less than three of its
11 members, which committee shall hear the appeal and report thereon,
12 recommending its conclusions, to the board and the board shall
13 decide the appeal by resolution in open meeting. A determination
14 of the appeal by the State board shall be considered final.

15 (4)**]** If the district satisfies less than 50% of the quality
16 performance indicators in **[two]** one to four of the five key
17 components of school district effectiveness, the commissioner may
18 also order the district board of education to show cause why an
19 administrative order placing the district under partial State
20 intervention should not be implemented. The plenary hearing
21 before a judge of the Office of Administrative Law pursuant to the
22 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
23 seq.), upon said order to show cause, shall be conducted on an
24 expedited basis and in the manner prescribed by subdivision B of
25 article 2 of chapter 6 of Title 18A of the New Jersey Statutes. In
26 the proceeding the State shall have the burden of showing that the
27 recommended administrative order is not arbitrary, unreasonable or
28 capricious.

29 If, after a plenary hearing, the commissioner determines that it is
30 necessary to take corrective action, the commissioner shall have the
31 power to order necessary budgetary changes within the district or
32 other measures the commissioner deems appropriate to establish a
33 thorough and efficient system of education.

34 If the board fails to show cause why an administrative order
35 placing the district under partial State intervention should not be
36 implemented, the commissioner shall recommend to the State board
37 that it issue an order placing the district under partial State
38 intervention. Notwithstanding any other provision of law to the
39 contrary and upon its determining that the school district is not
40 providing a thorough and efficient system of education, the State
41 board may place the district under partial State intervention.
42 Nothing herein shall limit the right of any party to appeal the State
43 board's order to the Superior Court.

44 **[(5)]** (4) If the position of superintendent of schools is vacant
45 in a district under partial State intervention, the State board upon
46 the recommendation of the commissioner may appoint a

1 superintendent who shall serve for **[a]** an initial period not to
2 exceed two years.

3 **[(6)]** (5) In addition to the highly skilled professionals
4 appointed pursuant to paragraph (2) of this subsection to provide
5 technical assistance to the district in implementing its improvement
6 plan, the commissioner, in consultation with the local board of
7 education, may appoint one or more highly skilled professionals in
8 a district under partial State intervention to provide direct oversight
9 in the district regarding the quality performance indicators with
10 which the district has failed to comply. The highly skilled
11 professional shall have authority in the areas of oversight that the
12 commissioner designates. The highly skilled professional shall
13 work collaboratively with the superintendent, the board of
14 education and the employees of the district working in the area of
15 the oversight to address areas identified in the improvement plan.
16 The cost for the **[salaries]** compensation of the highly skilled
17 professionals shall be a shared expense of the school district and the
18 State, with the State assuming one-half of the **[costs of these**
19 **salaries]** cost and the school district being responsible for one-half
20 of the **[costs]** cost. For the purpose of the New Jersey Tort Claims
21 Act, N.J.S.59:1-1 et seq., the highly skilled professional shall be
22 considered a State officer.

23 **[(7)]** The **(6)** With the State board's approval the commissioner
24 may appoint up to three additional members to the board of
25 education of a district under partial State intervention. The board of
26 education's membership shall remain increased by these additional
27 seats until the State withdraws from intervention. If the
28 commissioner appoints three additional members pursuant to this
29 paragraph, the commissioner shall appoint one of these additional
30 members from a list of three candidates provided by the local
31 governing body of the municipality in which the school district is
32 located. The commissioner shall make every effort to appoint
33 residents of the district. A board member appointed by the
34 commissioner shall be a nonvoting member of the board and shall
35 have all the other rights, powers and privileges of a member of the
36 board. A board member appointed by the commissioner shall report
37 to the commissioner on the activities of the board of education and
38 shall provide assistance to the board of education on such matters as
39 deemed appropriate by the commissioner, including, but not limited
40 to, the applicable laws and regulations governing specific school
41 board action. A member appointed by the commissioner shall serve
42 for a term of two years. The commissioner shall obtain approval of
43 the State board for any extension of the two-year term. Any
44 vacancy in the membership appointed by the commissioner shall be
45 filled in the same manner as the original appointment.

46 If a board of education is subject to additional appointments
47 pursuant to section 67 of P.L.2002, c.43 (C.52:27BBB-63), then the

1 provisions of this paragraph shall not be applicable during the
2 period in which the board is subject to those appointments.

3 Six months following the district being placed under partial State
4 intervention, the commissioner shall determine, pursuant to criteria
5 promulgated by the State Board of Education, whether or not the
6 board members he has appointed shall become voting members of
7 the board of education. If the commissioner determines that the
8 board members he has appointed shall become voting members, the
9 school district shall have 30 days to appeal the commissioner's
10 determination to the State Board of Education.

11 **[(8)] (7)** Based on the district's success in implementing its
12 improvement plan, the commissioner shall make a determination to
13 withdraw from intervention in one or more of the areas that have
14 been under State intervention, to leave one or more areas under
15 State intervention or to recommend to the State Board of Education
16 that the district be placed under full State intervention.

17 If the commissioner determines that the district has successfully
18 implemented the improvement plan **],** the commissioner shall issue
19 a letter of recognition to the district designating the district as a
20 high performing district **]** and achieved sufficient progress in
21 satisfying the performance indicators in one or more areas under
22 intervention, the State shall withdraw from intervention in the
23 district in those areas. **[The commissioner shall recommend that**
24 **the State board certify the school district for a period of seven years**
25 **as providing a thorough and efficient system of education,**
26 **contingent on continued progress in meeting the quality**
27 **performance indicators].**

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

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

44 The commissioner shall review the district's progress in
45 implementing the improvement plan not less than every six months.
46 The reviews shall include an on-site visit. If the commissioner
47 finds, based on those reviews, that after two years the district has

1 not satisfied at least 50% of the quality performance indicators in
2 **[one or more]** each of the key components of school district
3 effectiveness, the commissioner **[shall]** may require the district to
4 amend the improvement plan. The amended plan shall be submitted
5 to the commissioner for approval.

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

9 (2) The district's improvement plan may include the
10 appointment by the commissioner of one or more highly skilled
11 professionals to provide technical assistance to the district in the
12 areas in which it has failed to satisfy the quality performance
13 indicators. Each highly skilled professional shall work
14 collaboratively with the district to increase local capacity in the
15 areas of need identified in the improvement plan. The cost for the
16 **[salaries]** compensation of the highly skilled professionals shall be
17 a shared expense of the school district and the State, with the State
18 assuming one-half of the cost **[of these salaries]** and the school
19 district being responsible for one-half of the **[costs]** cost. For the
20 purpose of the New Jersey Tort Claims Act, N.J.S.59:1-1 et seq.,
21 the highly skilled professional shall be considered a State officer.

22 (cf: P.L.2005, c.235, s.4)

23

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

26 15. a. In addition to procedures established pursuant to
27 subsection e. of section 14 of P.L.1975, c.212 (C.18A:7A-14), the
28 commissioner may order the local board to show cause why an
29 administrative order placing the district under full State intervention
30 should not be implemented. The plenary hearing before a judge of
31 the Office of Administrative Law, pursuant to the "Administrative
32 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), upon said
33 order to show cause, shall be conducted on an expedited basis and
34 in the manner prescribed by subdivision B of article 2 of chapter 6
35 of Title 18A of the New Jersey Statutes. In the proceeding the State
36 shall have the burden of showing that the recommended
37 administrative order is not arbitrary, unreasonable or capricious.

38 If, after a plenary hearing, the commissioner determines that it is
39 necessary to take corrective action, the commissioner shall have the
40 power to order necessary budgetary changes within the district or
41 other measures the commissioner deems appropriate to establish a
42 thorough and efficient system of education.

43 If the board fails to show cause why an administrative order
44 placing the district under full State intervention should not be
45 implemented, the commissioner shall recommend to the State board
46 that it issue an order placing the district under full State
47 intervention. Notwithstanding any other provision of law to the

1 contrary and upon its determining that the school district is not
2 providing a thorough and efficient system of education, the State
3 board may place the district under full State intervention. Nothing
4 herein shall limit the right of any party to appeal the State board's
5 order to the Superior Court.

6 b. In districts under full State intervention the State board, upon
7 the recommendation of the commissioner, may appoint a State
8 district superintendent to serve for **[a period]** an initial term not to
9 exceed three years.

10 c. In addition to the highly skilled professionals appointed
11 pursuant to paragraph (2) of subsection e. of section 14 of P.L.1975,
12 c.212 (C.18A:7A-14), to provide technical assistance to the district
13 in implementing its improvement plan, the commissioner, in
14 consultation with the local board of education, may appoint one or
15 more highly skilled professionals in a district under full State
16 intervention to provide direct oversight in the district regarding the
17 quality performance indicators with which the district has failed to
18 comply. The highly skilled professional shall have authority in the
19 areas of oversight that the commissioner designates. The highly
20 skilled professional shall work collaboratively with the
21 superintendent, the board of education and the employees of the
22 district working in the area of the oversight to address areas
23 identified in the improvement plan. The cost for the **[salaries]**
24 compensation of the highly skilled professionals shall be a shared
25 expense of the school district and the State, with the State assuming
26 one-half of the **[costs of these salaries]** cost and the school district
27 being responsible for one-half of the **[costs]** cost. For the purpose
28 of the New Jersey Tort Claims Act, N.J.S.59:1-1 et seq., the highly
29 skilled professional shall be considered a State officer.

30 d. If the district has successfully implemented the improvement
31 plan **[, the commissioner shall issue a letter of recognition to the**
32 **district designating the district as a high performing district and]**
33 and achieved sufficient progress in satisfying the performance
34 indicators in one or more areas under intervention, the State shall
35 withdraw from intervention in the district in those areas in
36 accordance with the provisions of section 16 of P.L.1987, c.399
37 (C.18A:7A-49). **[The commissioner shall recommend that the State**
38 **board certify the school district for a period of seven years as**
39 **providing a thorough and efficient system of education, contingent**
40 **on continued progress in meeting the quality performance**
41 **indicators.]**

42 (cf: P.L.2005, c.235, s.5)

43

44 6. Section 5 of P.L.1987, c.398 (C.18A:7A-15.1) is amended to
45 read as follows:

1 5. Pursuant to section 15 of P.L.1975, c.212 (C.18A:7A-15), the
2 State board [, upon the recommendation of the commissioner,]
3 shall have authority to:

4 a. approve the appointment by the commissioner of up to three
5 additional members to the school board;

6 b. upon recommendation of the commissioner create a school
7 district under full State intervention; and

8 c. appoint, upon recommendation of the commissioner, a State
9 district superintendent of schools to direct the operations of the
10 district in accordance with the improvement plan established
11 pursuant to section 14 of P.L.1975, c.212 (C.18A:7A-14).

12 (cf: P.L.2005, c.235, s.6)

13

14 7. Section 2 of P.L.1987, c.399 (C.18A:7A-35) is amended to
15 read as follows:

16 2. a. The schools of a school district under full State
17 intervention may be conducted by and under the supervision of a
18 State district superintendent of schools appointed by the State board
19 upon recommendation of the commissioner. The individual
20 selected shall be qualified by training and experience for the
21 particular district and shall work collaboratively with any highly
22 skilled professionals appointed by the commissioner, in
23 consultation with the local board of education.

24 The State board may, upon the recommendation of the
25 commissioner, choose to retain the person who holds the position of
26 superintendent of schools in the school district at the time the State
27 board issues the administrative order pursuant to section 15 of
28 P.L.1975, c.212 (C.18A:7A-15). If the State board chooses to
29 retain the superintendent of schools, the person shall have the
30 powers and duties of a State district superintendent of schools and
31 shall comply with the directives of the commissioner or his
32 designee, including any highly skilled professional appointed by the
33 commissioner.

34 b. If the State board appoints a State district superintendent the
35 appointment shall be for an [original] initial term not to exceed
36 three years. Notwithstanding any other provision of law, no person
37 so appointed shall acquire tenure nor shall the commissioner, with
38 approval of the State board, be precluded from terminating the
39 superintendent's services pursuant to the terms of the
40 superintendent's individual contract of employment. For the
41 purpose of the New Jersey Tort Claims Act, N.J.S.59:1-1 et seq.,
42 the State district superintendent shall be considered a State officer.

43 c. The salary of the State district superintendent shall be fixed
44 by the commissioner and adjusted from time to time as the
45 commissioner deems appropriate. The cost for said salary and for
46 the salaries of all persons appointed pursuant to this amendatory
47 and supplementary act, except the highly skilled professionals, shall
48 be an expense of the local school district.

1 d. The State district superintendent shall perform such duties
2 and possess such powers as deemed appropriate by the
3 commissioner.

4 e. Except as otherwise provided in this amendatory and
5 supplementary act, the State district superintendent shall have the
6 power to perform all acts and do all things that the commissioner
7 deems necessary for the proper conduct, maintenance and
8 supervision of the schools in the district.

9 f. The State district superintendent may, if deemed appropriate
10 by the commissioner, make, amend and repeal district rules,
11 policies and guidelines, not inconsistent with law for the proper
12 conduct, maintenance and supervision of the schools in the district.

13 g. The State district superintendent shall provide in each school
14 a mechanism for parent, teacher and community involvement. In
15 addition, the State district superintendent shall provide for at least
16 one public meeting in both the fall and the spring semesters to
17 advise parents and members of the community on the activities
18 within the district and to provide an opportunity for those parents,
19 teachers and community members who wish to be heard. The
20 meetings shall be at such times and places as to ensure maximum
21 public participation.

22 h. The State district superintendent [, or such other person as the
23 commissioner shall designate,] shall ensure that the district is in
24 compliance with all federal and State laws, rules and regulations
25 relating to equal employment opportunities, affirmative action and
26 minority business opportunities.

27 (cf: P.L.2005, c.235, s.10)

28

29 8. Section 5 of P.L.1987, c.399 (C.18A:7A-38) is amended to
30 read as follows:

31 5. Except as otherwise provided in this amendatory and
32 supplementary act, the State district superintendent in a school
33 district under full State intervention [or any other person designated
34 by the commissioner] may be given the power to:

35 a. Enforce the rules of the State board; and

36 b. Perform all acts and do all things, consistent with law and the
37 rules of the State board, necessary for the lawful and proper
38 conduct, equipment and maintenance of the public schools of the
39 district.

40 (cf: P.L.2005, c.235, s.12)

41

42 9. Section 6 of P.L.1986, c.399 (C.18A:7A-39) is amended to
43 read as follows:

44 6. a. The State district superintendent [or any other person
45 designated by the commissioner] may in a school district under full
46 State intervention:

- 1 (1) Sue in the district's corporate name and likewise submit to
2 arbitration and determination disputes and controversies in the
3 manner provided by law;
- 4 (2) Cause a report of the condition of the public schools and the
5 public school property and an itemized account of the condition of
6 the finances of the district to be printed and published as soon as
7 practicable after the close of each school year; and
- 8 (3) Cause an exact census to be taken annually of all children
9 residing in the district between the ages of five and 18 years,
10 including such other information as he or she may deem necessary
11 or proper and appoint, for the purpose of taking that census, as
12 many suitable persons as may be necessary to act as enumerators
13 and fix their compensation, which compensation shall be paid as a
14 current expense.
- 15 b. A school district under full State intervention may be sued
16 under its corporate name.
- 17 c. School districts under full State intervention may join with
18 local boards of education for the purpose of affording the districts
19 those benefits which may accrue pursuant to P.L.1983, c.108
20 (C.18A:18B-1 et seq.).
- 21 d. A school district under full State intervention shall be subject
22 to all provisions of chapter 19 of Title 18A of the New Jersey
23 Statutes except that all warrants for claims or expenditures
24 approvable by a district board of education or any action required of
25 a district board of education pursuant to chapter 19 may be
26 authorized by the State district superintendent **[or any other person**
27 **designated by the commissioner]**.
- 28 e. Authority for the implementation of any provision of chapter
29 20 of Title 18A of the New Jersey Statutes relative to the
30 acquisition and disposition of property which requires action by a
31 district board of education may, in a school district under full State
32 intervention, be exercised by the State district superintendent **[or**
33 **any other person designated by the commissioner]**.
- 34 f. The authority vested in boards of education by chapter 21 of
35 Title 18A of the New Jersey Statutes may in a school district under
36 full State intervention be vested in the State district superintendent
37 **[or any other person designated by the commissioner]**.
- 38 g. School districts under full State intervention shall be subject
39 to all requirements set forth in chapter 18A of Title 18A of the New
40 Jersey Statutes except that such determination as may be required of
41 a district board of education by the provisions of said law may be
42 rendered by the State district superintendent **[or any other person**
43 **designated by the commissioner]**.
- 44 (cf: P.L.2005, c.235, s.13)
- 45
- 46 10. Section 9 of P.L.1987, c.399 (C.18A:7A-42) is amended to
47 read as follows:

1 9. a. In a school district under full State intervention, all
2 officers, employees and consultants, professional and
3 nonprofessional, certified and noncertified, shall be employed or
4 retained, transferred and removed in accordance with the
5 improvement plan which has been approved by the commissioner.

6 In accordance with that plan:

7 (1) The State district superintendent [or any other person
8 designated by the commissioner] may appoint, transfer and remove
9 clerks, pursuant to the provisions of Title 11A (Civil Service) of the
10 New Jersey Statutes and the provisions of N.J.S.18A:17-1 et seq.

11 (2) The State district superintendent [or any other person
12 designated by the commissioner], subject to the approval of the
13 commissioner, shall appoint and set the salaries of such State
14 assistant superintendents as the superintendent shall deem necessary
15 and assign to them their duties and responsibilities. No State
16 assistant superintendent shall acquire tenure, notwithstanding any
17 other provision of law.

18 (3) The State district superintendent of schools [or any other
19 person designated by the commissioner] shall, subject to the
20 approval of the commissioner or his designee, make all personnel
21 determinations relative to employment, transfer and removal of all
22 officers and employees, professional and nonprofessional, except
23 that the services of the district auditor or auditors and attorney or
24 attorneys shall be immediately terminated by creation of a school
25 district under full State intervention.

26 b. The State district superintendent [or any other person
27 designated by the commissioner] may delegate to subordinate
28 officers or employees in the district any of his powers and duties as
29 he may deem desirable to be exercised under his supervision and
30 direction.

31 (cf: P.L.2005, c.235, s.16)

32

33 11. Section 11 of P.L.1987, c.399 (C.18A:7A-44) is amended to
34 read as follows:

35 11. a. Notwithstanding any other provision of law or contract,
36 the positions of the district's chief school administrator and those
37 executive administrators responsible for curriculum, business and
38 finance, and personnel may be abolished upon creation of the
39 school district under full State intervention. The affected
40 individuals shall be given 60 days' notice of termination or 60 days'
41 pay. The notice or payment shall be in lieu of any other claim or
42 recourse against the employing board or the school district based on
43 law or contract. Any individual whose position is abolished by
44 operation of this subsection shall be entitled to assert a claim to any
45 position or to placement upon a preferred eligibility list for any
46 position to which the individual may be entitled by virtue of tenure
47 or seniority within the district. No individual whose position is

1 abolished by operation of this subsection shall retain any right to
2 tenure or seniority in the positions abolished herein.

3 b. Within 180 days of the establishment of the school district
4 under full State intervention, the State district superintendent [or
5 any other person designated by the commissioner] may prepare a
6 reorganization of the district's central administrative and
7 supervisory staff and may evaluate all individuals employed in
8 central administrative and supervisory staff positions. The State
9 district superintendent [or any other person designated by the
10 commissioner] may implement the reorganization on the July 1
11 next following its preparation, unless otherwise directed by the
12 commissioner. The State district superintendent [or any other
13 person designated by the commissioner] shall retain the authority to
14 prepare a reorganization and to evaluate all employed individuals
15 after the expiration of the 180-day period.

16 c. Notwithstanding any other provision of law or contract, the
17 positions of the central administrative and supervisory staff,
18 instructional and noninstructional, other than those positions
19 abolished pursuant to subsection a. of this section, may be abolished
20 upon the reorganization of the staff of the school district under full
21 State intervention. The State district superintendent [or any other
22 person designated by the commissioner] may hire an individual
23 whose position is so abolished, based upon the evaluation of the
24 individual and the staffing needs of the reorganized district staff.
25 These individuals shall be hired with tenure if they had tenure in
26 their prior position. If they did not have tenure in their prior
27 position, they may obtain tenure pursuant to the provisions of
28 N.J.S.18A:28-6. Individuals hired as State assistant superintendents
29 shall not be hired with tenure and shall not acquire tenure.
30 Employees or officers not hired for the reorganized staff shall be
31 given 60 days' notice of termination or 60 days' pay. The notice or
32 payment shall be in lieu of any other claim or recourse against the
33 employing board or the school district based on law or contract.
34 Notwithstanding this limitation, nothing herein shall preclude an
35 individual from asserting upon separation from service any legal
36 contractual right to health care coverage, annuities, accrued
37 vacation days, accrued sick leave, insurance and approved tuition
38 costs. Any employee whose position is abolished by operation of
39 this subsection shall be entitled to assert a claim to any position or
40 to placement upon a preferred eligibility list for any position to
41 which the employee may be entitled by virtue of tenure or seniority
42 within the district. No employee whose position is abolished by
43 operation of this subsection shall retain any right to tenure or
44 seniority in the positions abolished herein.

45 (cf: P.L.2005, c.235, s.18)

1 12. Section 12 of P.L.1987, c.399 (C.18A:7A-45) is amended to
2 read as follows:

3 12. a. The Commissioner of Education shall adopt criteria for
4 the evaluation of building principals and vice-principals in a school
5 district under full State intervention.

6 b. Upon appointment, the State district superintendent [or other
7 person designated by the commissioner] may establish an
8 assessment unit to conduct on-site evaluations of each building
9 principal and vice-principal in accordance with the criteria
10 established by the commissioner and render evaluation reports to
11 the State district superintendent [or any other person designated by
12 the commissioner]. No less than three evaluations shall be
13 performed for each building principal and vice-principal within 18
14 months following the establishment of the school district under full
15 State intervention. All personnel records for building principals and
16 vice-principals prepared before the establishment of the district
17 under full State intervention shall be sealed upon issuance of the
18 State Board of Education order establishing the school district
19 under full State intervention.

20 c. Notwithstanding any other provision of law or contract, the
21 State district superintendent [or any other person designated by the
22 commissioner], after completion of an assessment cycle of not less
23 than 12 months, may dismiss any tenured building principal or vice-
24 principal for inefficiency, incapacity, unbecoming conduct or other
25 just cause as defined by the criteria for principal or vice-principal
26 performance in districts under full State intervention established by
27 the commissioner pursuant to subsection a. of this section. Nothing
28 herein shall preclude the dismissal of a tenured building principal or
29 vice-principal prior to the completion of an assessment cycle of not
30 less than 12 months if the basis for the dismissal is incapacity or
31 unbecoming conduct. All dismissals of tenured building principals
32 or vice-principals shall be conducted in accordance with the
33 procedures set forth in sections 10, 11, 13, 14, 16 and 17 of chapter
34 6 of Title 18A of the New Jersey Statutes, except that the State
35 district superintendent [or any other person designated by the
36 commissioner] shall act as the board of education in all respects.

37 d. The commissioner and the Office of Administrative Law are
38 empowered and directed to take any necessary action to expedite
39 hearings for dismissal of tenured principals or vice-principals,
40 including relaxation of any time requirements established by law or
41 practice. In no event shall a hearing commence later than 45 days
42 after certification of charges. Hearings shall be completed within
43 45 days of commencement. In no event shall a final decision be
44 issued later than 120 days following the certification of charges.

45 e. Evaluations of building principals or vice-principals
46 conducted by district personnel prior to the establishment of the
47 school district under full State intervention shall not be admissible

1 in a tenure hearing for any building principal or vice-principal
2 except in the following circumstances:

3 (1) Evaluations of building principals or vice-principals
4 performed by members of the central administrative and
5 supervisory staff who are hired to fill one of the positions in the
6 reorganized central office of the district under full State
7 intervention shall be admissible;

8 (2) Evaluations of building principals or vice-principals made by
9 individuals who were no longer employed by the school district as
10 of the date it became a school district under full State intervention
11 shall be admissible only if the evaluation was performed more than
12 five years preceding the date of the establishment of the district
13 under full State intervention.

14 (cf: P.L.2005, c.235, s.19)

15

16 13. Section 1 of P.L.1991, c.139 (C.18A:7A-46.1) is amended to
17 read as follows:

18 1. a. In any school district under full State intervention created
19 pursuant to the provisions of P.L.1975, c.212 (C.18A:7A-1 et seq.)
20 there may be established a Capital Project Control Board,
21 hereinafter the board, to be responsible for the review of any capital
22 project proposed by the State district superintendent **[**or a person
23 designated by the commissioner**]**, provided that the State district
24 superintendent **[**or person designated by the commissioner**]**
25 proposes that the capital project be financed in whole or in part by
26 school bonds or notes, or through a lease purchase agreement
27 pursuant to subsection f. of N.J.S.18A:20-4.2. The board shall also
28 be responsible for the certification to the State district
29 superintendent of schools **[**or person designated by the
30 Commissioner of Education**]** and the commissioner of the necessity
31 for the capital project and the certification of the appropriation to be
32 made by the governing body of the municipality.

33 b. The board shall consist of five voting members. One member
34 shall be appointed by the Commissioner of Education and two
35 members shall be appointed by the chief executive officer with the
36 consent of a majority of the full membership of the local governing
37 body of the municipality or municipalities in which the school
38 district is located. If the school district is comprised of two
39 municipalities, each municipality shall be entitled to one member,
40 appointed by the executive officer with the consent of the governing
41 body. If the school district is comprised of more than two
42 municipalities, each of the two municipalities with the largest
43 population according to the most recent federal decennial census
44 shall be entitled to one member, appointed by the executive officer
45 with the consent of the governing body. However, if a local
46 governing body fails to agree upon the selection of either board
47 member appointed by an executive officer, then the Commissioner

1 of Education shall make the appointment. One member shall be
2 appointed by the Director of the Division of Local Government
3 Services in the Department of Community Affairs who shall have
4 experience in the area of local finance and capital projects. The fifth
5 member shall be the State district superintendent of schools [or any
6 other person designated by the commissioner] who shall serve ex-
7 officio and shall act as chairperson of the board. The board
8 members, except for the State district superintendent [or the person
9 designated by the commissioner], shall each serve for a term of one
10 year commencing on July 1 of each year and expiring on June 30 of
11 the following year. Any vacancy in the membership of the board
12 shall be filled for the unexpired term in the manner provided by the
13 original appointment. Members of the board may be employees of
14 the State or any subdivision thereof. All members of the board
15 shall serve without compensation.

16 c. The board shall meet from time to time upon the request of
17 the State district superintendent [or person designated by the
18 commissioner]. All meetings of the board shall be conducted
19 pursuant to the provisions of the "Open Public Meetings Act,"
20 P.L.1975, c.231 (C.10:4-6 et seq.). The State district superintendent
21 [, or the person designated by the commissioner,] shall be charged
22 with the responsibility of preparing a transcript of the proceedings
23 and all votes shall be recorded in writing.
24 (cf: P.L.2005, c.235, s.21)

25

26 14. Section 2 of P.L.1991, c.139 (C.18A:7A-46.2) is amended to
27 read as follows:

28 2. In the event that a capital projects [review] control board is
29 established pursuant to section 1 of P.L.1991, c.139 (C.18A:7A-
30 46.1) the board shall hear the recommendation of the State district
31 superintendent [or the person designated by the commissioner]
32 concerning any proposed capital project, which is to be financed in
33 whole or in part by school bonds or notes, or through a lease
34 purchase agreement pursuant to subsection f. of N.J.S.18A:20-4.2,
35 and shall undertake all actions necessary to review the proposed
36 capital project to determine whether the project will assist the
37 school district under full State intervention in providing a thorough
38 and efficient system of education in that district. In making this
39 determination it may take into consideration factors such as the
40 conditions in the school district, any applicable educational goals,
41 the objectives and standards established by the State, the need for
42 the capital project, the reasonableness of the amount to be expended
43 for the capital project, the estimated time for the undertaking and
44 completion of the capital project, and any other factors which the
45 board may deem necessary including the relationship of the capital
46 project to the long-term capital budget or plan of the school district
47 and the fiscal implications thereof.

1 Following its review and within 60 days of the date on which the
2 State district superintendent [or the person designated by the
3 commissioner] submits the recommendation to the board, the board
4 shall adopt a resolution as to whether the school district under full
5 State intervention should undertake the capital project and
6 providing its reasons therefor. The board shall adopt a resolution
7 indicating the necessity for the capital project and shall also fix and
8 determine by resolution the amount necessary to be raised locally
9 for the capital project. If the board fails to act within 60 days of the
10 submission date, the State district superintendent [or the person
11 designated by the commissioner] shall submit the recommendation
12 to the commissioner who shall approve or disapprove the capital
13 project. If the board makes a decision which is contrary to the
14 recommendation of the superintendent [or the person designated by
15 the commissioner], the superintendent [or the person designated by
16 the commissioner] may, within 30 days from the date of the board's
17 action, submit the matter to the commissioner for final decision. If
18 the commissioner determines that a capital project should be
19 undertaken, the commissioner shall so notify the board and shall
20 indicate the amount necessary to be raised locally for the capital
21 project. Upon notification, the board shall adopt a resolution
22 indicating the necessity for the capital project and shall also fix and
23 determine by resolution the amount necessary for the capital project
24 as indicated by the commissioner. Certified copies of any
25 resolution requesting the authorization and issuance of bonds and
26 notes or the authorization of a lease purchase agreement shall be
27 delivered to the State district superintendent [or the person
28 designated by the Commissioner of Education], the Commissioner
29 of Education, the Director of the Division of Local Government
30 Services in the Department of Community Affairs and the
31 governing body of the municipality or municipalities in which the
32 school district is located. The board shall not approve or
33 recommend any capital project which is inconsistent with the
34 provisions of N.J.S.18A:21-1.

35 (cf: P.L.2005, c.235, s.22)

36

37 15. Section 3 of P.L.1991, c.139 (C.18A:7A-46.3) is amended to
38 read as follows:

39 3. Notwithstanding the provisions of any law to the contrary, the
40 cost of any capital project authorized pursuant to this act which is to
41 be funded by bonds or notes and certified by the board to the State
42 district superintendent [or the person designated by the
43 commissioner], the Commissioner of Education, the Director of the
44 Division of Local Government Services in the Department of
45 Community Affairs and the governing body of the municipality or
46 municipalities in which the school district is located shall be
47 financed by the issuance of school bonds or notes pursuant to the

1 provisions of chapter 24 of Title 18A of the New Jersey Statutes
2 and the "Local Bond Law" (N.J.S.40A:2-1 et seq.) and the notes,
3 school bonds or other obligations shall be authorized, issued, sold
4 and delivered in the manner prescribed by the "Local Bond Law"
5 (N.J.S.40A:2-1 et seq.).

6 (cf: P.L.2005, c.235, s.23)

7

8 16. Section 4 of P.L.1991, c.139 (C.18A:7A-46.4) is amended to
9 read as follows:

10 4. Any authorization of notes or bonds effective prior to the date
11 of the appointment of the State district superintendent [or the
12 person designated by the commissioner] shall be issued in the
13 manner prescribed by the "Local Bond Law," (N.J.S.40A:2-1 et
14 seq.).

15 (cf: P.L.2005, c.235, s.24)

16

17 17. Section 14 of P.L.1987, c.399 (C.18A:7A-47) is amended to
18 read as follows:

19 14. a. The State board shall retain the board of education in
20 place at the time that the State board issues the administrative order
21 creating the school district under full State intervention. With the
22 State board's approval the commissioner may appoint up to three
23 additional nonvoting members to the board of education. The board
24 of education's membership shall remain increased by these
25 additional seats until the State withdraws from intervention. If the
26 commissioner appoints three additional members pursuant to this
27 subsection, the commissioner shall appoint one of these additional
28 members from a list of three candidates provided by the local
29 governing body of the municipality in which the school district is
30 located. The commissioner shall make every effort to appoint
31 residents of the district. The board of education shall have only
32 those rights, powers and privileges of an advisory board. The
33 members appointed by the commissioner shall serve for a term of
34 two years. The commissioner shall obtain approval of the State
35 board for any extension of the two-year term. Any vacancy in the
36 membership appointed by the commissioner shall be filled in the
37 same manner as the original appointment.

38 Six months following the district being placed under full State
39 intervention, the commissioner shall determine, pursuant to criteria
40 promulgated by the State Board of Education, whether or not the
41 board members he has appointed shall become voting members of
42 the advisory board of education. If the commissioner determines
43 that the board members he has appointed shall become voting
44 members, the school district shall have 30 days to appeal the
45 commissioner's determination to the State Board of Education.

46 b. The State district superintendent [or the person designated by
47 the commissioner] may meet with the board as frequently as
48 necessary for the effective operation of the school district. The

1 meetings of the board shall be convened and scheduled at the
2 direction of the State district superintendent [or the person
3 designated by the commissioner], and the State district
4 superintendent [or the person designated by the commissioner]
5 shall determine the agenda. At the meetings, the State district
6 superintendent [or the person designated by the commissioner]
7 shall report to the board on all actions taken and on pending actions
8 in a timely fashion, and provide an opportunity for a full discussion
9 by the board and by the public of those actions. Meetings shall be
10 conducted pursuant to the provisions of the "Open Public Meetings
11 Act," P.L.1975, c.231 (C.10:4-6 et seq.). On a regular basis, but no
12 less than twice each year, the board of education shall report in
13 writing directly to the State district superintendent [or the person
14 designated by the commissioner] concerning its assessment of the
15 progress of the district. Copies of the report shall be forwarded to
16 the commissioner and the State board. The State district
17 superintendent [or the person designated by the commissioner]
18 shall make such clerical and other resources available as are
19 necessary for the effective operation of the board of education.

20 c. The commissioner, in consultation with the New Jersey
21 School Boards Association, shall provide the members of the board
22 of education with appropriate in-service training in school matters.
23 (cf: P.L.2005, c.235, s.26)
24

25 18. Section 16 of P.L.1987, c.399 (C.18A:7A-49) is amended to
26 read as follows:

27 16. a. A school district under full State intervention shall make
28 an annual report of its progress in complying with the quality
29 performance indicators adopted pursuant to section 10 of P.L.1975,
30 c.212 (C.18A:7A-10). The commissioner shall formally report to
31 the State board and to the Governor and the Legislature on the
32 district's progress.

33 b. Based upon the annual report of progress, but not sooner than
34 three years after the establishment of the school district under full
35 State intervention, the commissioner may recommend that the State
36 board place the school district under partial State intervention or
37 elsewhere on the performance continuum. If the State board so
38 determines, the school district shall be placed under partial State
39 intervention or designated as [a high performing or moderate
40 performing district] transitioning to local control or placed
41 elsewhere on the performance continuum effective on the July 1
42 next ensuing.

43 c. Notwithstanding any other provision of law to the contrary, if
44 a district is placed under partial State intervention or elsewhere on
45 the performance continuum, the board of education shall continue to
46 have the rights, powers, and duties of an advisory board, until the

1 district successfully meets the quality performance indicators for
2 the governance component of school district effectiveness.

3 Despite the continuation of the board of education as an advisory
4 board, the State board, upon the recommendation of the
5 commissioner, may return some voting functions to the board of
6 education as part of and in furtherance of the process of a transition
7 to local control of the governance component of school district
8 effectiveness.

9 d. In the event that the State board, upon the recommendation of
10 the commissioner, has appointed a State district superintendent in a
11 district under full State intervention **[and if]** the State district
12 superintendent shall continue to hold that position until the district
13 successfully meets the quality performance indicators for the
14 governance component of school district effectiveness. If the
15 district is placed under partial State intervention and has
16 successfully met the quality performance indicators for the
17 governance component of school district effectiveness, or **[is**
18 **[designated as a high performing or moderate performing district]**
19 if the State has completely withdrawn from intervention and
20 returned the district to local control, then the board of education
21 shall be permitted to extend the contract of the superintendent who
22 holds the position at the time that the district is placed under partial
23 State intervention or is **[designated a high performing or moderate**
24 **performing district]** returned to local control, provide 18-months'
25 notice to the superintendent to modify the contract, or allow the
26 contract in effect to expire with the appropriate statutory notice
27 pursuant to subsection b. of section 4 of P.L.1991, c.267
28 (C.18A:17-20.1).

29 **[d. Not]** e. If the district successfully meets the quality
30 performance indicators for the governance component of school
31 district effectiveness, not more than one year following the
32 placement of the district under partial State intervention or
33 **[designation as a high performing or moderate performing district]**
34 return to local control, the board shall call a special election for
35 purposes of placing the question of classification status before the
36 voters of the district, which election shall be conducted in
37 accordance with the provisions of Title 19 of the Revised Statutes
38 concerning school elections.

39 **[e.]** f. If the voters of the district shall elect to become a type I
40 district, it shall be governed by the provisions of chapter 9 of Title
41 18A of the New Jersey Statutes relating to type I districts after
42 January 31 next ensuing, unless the district is established in a city
43 of the first class, in which case it shall be governed after June 30
44 next ensuing. The members of the district board of education at the
45 time of said election shall continue in office until expiration of their
46 respective terms and the qualification in office of their successors.

1 **[f.] g.** If the voters of the district shall so select that the district
2 shall become a type II district, it shall be governed by the
3 provisions of chapter 9 of Title 18A relating to type II districts and
4 the members of the board of education at the time of said election
5 shall remain and continue in office until the expiration of their
6 respective terms and the qualification of their respective successors.

7 g. If the commissioner cannot recommend that the school
8 district under full State intervention be placed under partial State
9 intervention within three years, then the commissioner shall provide
10 a comprehensive report to the State board and to the Governor and
11 the Legislature, including a detailed analysis of the causes for the
12 failure of the district to comply with the quality performance
13 indicators and an assessment of the amount of time necessary for
14 the continuation of the school district under full State intervention.
15 On the basis of that report the State board shall determine whether
16 to continue the school district under full State intervention or return
17 the district to partial State intervention.

18 (cf: P.L.2005, c.235, s.27)

19

20 19. Section 17 of P.L.1987, c.399 (C.18A:7A-50) is amended to
21 read as follows:

22 17. The State district superintendent **[or the person designated**
23 **by the commissioner]** in a school district under full State
24 intervention shall develop a budget on or before March 22 and shall
25 present this budget to the board of education to elicit the board's
26 comments and recommendations. This budget shall conform in all
27 respects with the requirements of chapter 22 of Title 18A of the
28 New Jersey Statutes and shall be subject to the limitations on
29 spending by local school districts otherwise required by P.L.1996,
30 c.138 (C.18A:7F-1 et al.).

31 (cf: P.L.2005, c.235, s.28)

32

33 20. Section 18 of P.L.1987, c.399 (C.18A:7A-51) is amended to
34 read as follows:

35 18. Upon the preparation of its budget, the State district
36 superintendent **[or the person designated by the commissioner]**
37 shall fix a date, place and time for the holding of a public hearing
38 upon the budget and the amounts of money necessary to be
39 appropriated for the use of the public schools for the ensuing school
40 year, and the various items and purposes for which the same are to
41 be appropriated, which hearing shall be held between March 22 and
42 March 29. Notice of the hearing, contents of the notice and the
43 format and purpose of the hearing shall be as provided in
44 N.J.S.18A:22-11, N.J.S.18A:22-12 and N.J.S.18A:22-13.

45 (cf: P.L.2005, c.235, s.29)

46

47 21. Section 19 of P.L.1987, c.399 (C.18A:7A-52) is amended to
48 read as follows:

1 19. a. After the public hearing provided for by section 18 of
2 P.L.1987, c.399 (C.18A:7A-51) but not later than April 8, the State
3 district superintendent **[**or the person designated by the
4 commissioner**]** shall fix and determine the amount of money
5 necessary to be appropriated for the ensuing school year and shall
6 certify the amounts to be raised by special district tax for school
7 purposes as well as the sum necessary for interest and debt
8 redemption, if any, to the county board of taxation and the amount
9 or amounts so certified shall be included in the taxes assessed,
10 levied and collected in the municipality or municipalities
11 comprising the district. The State district superintendent **[**or the
12 person designated by the commissioner**]** shall follow the procedures
13 established pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5).

14 b. (Deleted by amendment, P.L.1996, c.138).

15 c. (Deleted by amendment, P.L.1996, c.138).

16 (cf: P.L.2005, c.235, s.30)

17

18 22. Section 37 of P.L.2005, c.235 (C.18A:7A-53) is amended to
19 read as follows:

20 37. a. A district which has been certified as a Level I district by
21 the State Board of Education as of the effective date of this act,
22 shall be phased into the three-year evaluation process and, in
23 accordance with a schedule established by the commissioner, be
24 evaluated by the commissioner in the five key components of
25 school district effectiveness as set forth in section 10 of P.L.1975,
26 c.212 (C.18A:7A-10). Based on a district's compliance with the
27 quality performance indicators, the commissioner shall assess
28 district effectiveness and place the district on the performance
29 continuum. During the phase-in, a district which has not undergone
30 an evaluation in the five key components of school district
31 effectiveness shall continue to complete and submit a quality
32 assurance annual report in accordance with State board regulations
33 in effect prior to the effective date of P.L. , c. (pending before the
34 Legislature as this bill).

35 b. A State-operated district or a district which has been certified
36 as a Level II or a Level III district by the State Board of Education
37 as of the effective date of this act, shall be evaluated by a team of
38 highly skilled professionals in the five key components of school
39 district effectiveness as set forth in section 10 of P.L.1975, c.212
40 (C.18A:7A-10). The evaluation shall be completed within **[45] 120**
41 days of the date on which rules promulgated by the State Board of
42 Education pursuant to section 39 of this act become effective. The
43 commissioner shall establish a process for the receipt of comments
44 from the public during the evaluation. The commissioner shall
45 provide a report of the evaluation to the district within **[15] 30** days
46 of the completion of the evaluation. The report shall contain the
47 commissioner's determination of the district's placement on the

1 performance continuum. The district shall have 30 days from the
2 date of receipt of the report to appeal the placement decision to the
3 **[commissioner]** State board. The commissioner shall make a
4 recommendation to the State Board of Education if the
5 recommendation is to place the district under partial or full State
6 intervention. The commissioner and State board shall take
7 whatever action is appropriate based on the district's placement on
8 the performance continuum.

9 c. If a State-operated school district evaluated pursuant to
10 subsection b. of this section successfully meets the quality
11 performance indicators for the governance component of school
12 district effectiveness, then **[three years]** one year following the
13 State's withdrawal from intervention, the board of education shall
14 call a special election for purposes of placing the question of
15 classification status before the voters of the district, which election
16 shall be conducted in accordance with the provisions of Title 19 of
17 the Revised Statutes concerning school elections.

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

26 If the voters of the district elect to become a type II district, it
27 shall be governed by the provisions of chapter 9 of Title 18A
28 relating to type II districts and the members of the board of
29 education at the time of said election shall remain and continue in
30 office until the expiration of their respective terms and the
31 qualification of their respective successors.

32 d. The board of education of a State-operated school district that
33 successfully meets the quality performance indicators for the
34 governance component of school district effectiveness shall be
35 permitted to extend the contract of the superintendent who holds the
36 position at the time of the evaluation conducted pursuant to
37 subsection b. of this section, provide 18-months' notice to the
38 superintendent to modify the contract, or allow the contract in effect
39 to expire with the appropriate statutory notice pursuant to
40 subsection b. of section 4 of P.L.1991, c.267 (C.18A:17-20.1).

41 e. Any capital projects control board established pursuant to
42 section 1 of P.L.1991, c.139 (C.18A:7A-46.1) which is in existence
43 in a school district on the effective date of P.L. , c. (pending
44 before the Legislature as this bill) shall be abolished upon the return
45 of that district to local control.

46 (cf: P.L.2005, c.235, s.37)

47

48 23. (New section) The Legislature finds and declares that:

- 1 a. It is the constitutional obligation of the Legislature to provide
2 all children in New Jersey with a thorough and efficient system of
3 free public schools;
- 4 b. The breadth and scope of such a system are defined by the
5 Legislature through the commissioner and the State board pursuant
6 to P.L.1996, c.138 (C.18A:7F-1 et al.) so as to insure quality
7 educational programs for all children;
- 8 c. It is imperative that the program in every school district in
9 this State includes all of the major elements identified as essential
10 for that system consistent with standards adopted pursuant to
11 section 10 of P.L.1975, c.212 (C.18A:7A-10);
- 12 d. It is the responsibility of the State to insure that any school
13 district which is shown to be deficient in one or more of these major
14 elements takes corrective actions without delay in order to remedy
15 those deficiencies;
- 16 e. This responsibility can be fulfilled, in addition to the
17 mechanism for ensuring compliance established pursuant to section
18 6 of P.L.1996, c.138 (c.18:7A-7F-6), through an effective and
19 efficient system of evaluation and monitoring which will insure
20 quality and comprehensive instructional programming in every
21 school district and provide for immediate and direct corrective
22 action to insure that identified deficiencies do not persist, and which
23 does so within the context of the maximum of local governance and
24 management and the minimum of paperwork and unnecessary
25 procedural requirements.

26

27 24. The following section is repealed:
28 Section 36 of P.L.2005, c.235 (C.18A:7A-15.2).

29

30 25. This act shall take effect immediately.

31

32

33

STATEMENT

34

35 The law establishing the New Jersey Single Accountability
36 Continuum (NJ QSAC), a new system for monitoring public school
37 districts in the State, was enacted in 2005. This bill revises various
38 provisions of that law to enable the Department of Education to
39 more effectively implement the new monitoring system. This bill
40 would:

41 1) require a school district to report every three years on its
42 progress in complying with all the quality performance indicators,
43 rather than on an annual basis, provided that the district meets
44 certain objective benchmarks;

45 2) provide for a three year certification of the district to coincide
46 with the length of the monitoring cycle. The law currently refers to
47 a seven year certification;

- 1 3) eliminate the label “moderate performing district” in referring
2 to districts that satisfy 50% to 79% of the quality performance
3 indicators;
- 4 4) require an order to show cause procedure in all cases when a
5 school district may be required to enter partial State intervention.
6 The law currently allows the commissioner to forgo the
7 administrative procedure and require a district to enter partial State
8 intervention if the districts satisfies less than 50% of the
9 performance indicators in just one of the five areas of school district
10 effectiveness;
- 11 5) permit the department to require the continuation of the
12 advisory board of education when a district is moving from full
13 State intervention to partial State intervention, if the governance
14 component of school district effectiveness is not being returned to
15 local control;
- 16 6) permit a district formerly under full State intervention to
17 modify the contract of the State district superintendent or to hold a
18 special election on the classification of the district – to a type I or a
19 type II - only if the governance component of school district
20 effectiveness is being returned to local control;
- 21 7) allow the department 120 days, rather than 45 days, to
22 perform the initial evaluation of the State-operated school districts
23 and the districts designated as Level II or Level III under the NJ
24 QSAC monitoring system and allow the department 30 days, as
25 opposed to 15 days under the current law, to provide the district
26 with a report of the evaluation;
- 27 8) require that one year following a district’s initial transition
28 from a State-operated district to a district which has successfully
29 met the governance component of school district effectiveness, the
30 board of education must call a special election to determine the
31 classification status of the district – either a type I or type II. Under
32 current law that election must be held three years after the return to
33 local control;
- 34 9) provide that Level I districts, which are being phased into the
35 new monitoring system according to a schedule established by the
36 commissioner, will continue to submit the quality assurance annual
37 report (QAAR) pursuant to N.J.A.C.6A:32-12.1 until they undergo
38 the evaluation under NJ QSAC; and
- 39 10) clarify that a district under full State intervention may be
40 conducted by and under the supervision of a State district
41 superintendent or by the superintendent of schools who holds that
42 position at the time the State board places the district into full State
43 intervention. The bill eliminates references to the district being
44 under the supervision of a “person designated by the
45 commissioner.”

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3676

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2006

The Assembly Education Committee reports favorably Assembly Bill No. 3676 with committee amendments.

The law establishing the New Jersey Quality Single Accountability Continuum (NJ QSAC), a new system for monitoring public school districts in the State, was enacted in 2005. This bill revises various provisions of that law to enable the Department of Education to more effectively implement the new monitoring system. As amended, this bill would:

1) require a school district to report every three years on its progress in complying with all the quality performance indicators, rather than on an annual basis;

2) provide for a three-year certification of the district to coincide with the length of the monitoring cycle. The law currently refers to a seven-year certification;

3) eliminate the label “moderate performing district” in referring to districts that satisfy 50% to 79% of the quality performance indicators;

4) require an order to show cause procedure in all cases when a school district may be required to enter partial State intervention. The law currently allows the commissioner to forgo the administrative procedure and require a district to enter partial State intervention if the district satisfies less than 50% of the performance indicators in just one of the five areas of school district effectiveness;

5) permit the department to require the continuation of the advisory board of education when a district is moving from full State intervention to partial State intervention, if the governance component of school district effectiveness is not being returned to local control;

6) permit a district formerly under full State intervention to modify the contract of the State district superintendent or to hold a special election on the classification of the district – to a type I or a type II - only if the governance component of school district effectiveness is being returned to local control;

7) allow the department 120 days, rather than 45 days, to perform the initial evaluation of the State-operated school districts and the districts designated as Level II or Level III under the NJ QSAC monitoring system and allow the department 30 days, as opposed to 15

days under the current law, to provide the district with a report of the evaluation;

8) require that one year following a district's initial transition from a State-operated district to a district which has successfully met the governance component of school district effectiveness, the board of education must call a special election to determine the classification status of the district – either a type I or type II. Under current law that election must be held three years after the return to local control;

9) provide that Level I districts, which are being phased into the new monitoring system according to a schedule established by the commissioner, will continue to submit the quality assurance annual report (QAAR) pursuant to N.J.A.C.6A:32-12.1 until they undergo the evaluation under NJ QSAC; and

10) clarify that a district under full State intervention may be conducted by and under the supervision of a State district superintendent or by the superintendent of schools who holds that position at the time the State board places the district into full State intervention. The bill eliminates references to the district being under the supervision of a “person designated by the commissioner.”

The committee amended the bill to:

- clarify that the highly skilled professional appointed by the commissioner to provide technical assistance in a district under partial or full intervention would not be covered under the New Jersey Tort Claims Act;
- clarify the powers and authorities of the highly skilled professionals who provide direct oversight in a district under partial or full intervention, including: overseeing the operations of the district in the area of direct oversight; ensuring the development and implementation of the district improvement plan with respect to the area of direct oversight; overriding a chief school administrator's action and a vote by the board of education regarding matters under direct oversight; attending all meetings of the board of education; and obligating district funds for matters relating to the area of direct oversight;
- provide that when the commissioner appoints more than one highly skilled professional to have direct oversight of district operations, the commissioner will establish a decision-making hierarchy for the highly skilled professionals and personnel in the district;
- provide that in a district under full State intervention moving to partial State intervention, or a State-operated district moving to partial intervention, if the board of education is still only advisory but the commissioner returns some of the voting functions to the board in furtherance of the process of transition, the commissioner will have the authority to veto any

action by the board of education until the governance component is returned to local control;

- delete a redundant provision that provides for the abolishment of the capital projects control board upon the return of a district to local control; and
- allow the commissioner to adopt rules for the implementation of NJ QSAC in an expedited manner for a period of 12 months, in collaboration with interested stakeholders in the education community; and allows the commissioner for the next 24-month period to adopt rules and regulations in accordance with the “Administrative Procedure Act.”

SENATE, No. 2136

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JULY 7, 2006

Sponsored by:
Senator RONALD L. RICE
District 28 (Essex)

SYNOPSIS

Revises various provisions of the New Jersey Quality Single Accountability Continuum (NJ QSAC) public school district monitoring system.

CURRENT VERSION OF TEXT

As introduced.



S2136 RICE

2

1 AN ACT concerning school district monitoring, revising various
2 parts of the statutory law and supplementing chapter 7A of Title
3 18A of the New Jersey Statutes.

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

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

10 3. For the purposes of this act, unless the context clearly
11 requires a different meaning:

12 "Administrative order" means a written directive ordering
13 specific corrective action by a district which has shown insufficient
14 compliance with the quality performance indicators.

15 "Highly skilled professional" means a designee of the
16 commissioner deemed to have the skills and experience necessary
17 to assist a school district in improving its effectiveness or to
18 provide oversight in a school district in one or more of the five key
19 components of school district effectiveness.

20 "Joint Committee on the Public Schools" means the committee
21 created pursuant to P.L.1975, c.16 (C.52:9R-1 et seq.).

22 **["Targeted assistance" means the assistance provided to a school**
23 **district in a specific area to support the teaching and learning**
24 **process and overall district effectiveness.]**

25 "Technical assistance" means guidance and support provided to a
26 school district to enable the district to meet State and federal policy
27 and regulatory requirements and to ensure the provision of a
28 thorough and efficient education. "Technical assistance" may
29 include, but shall not be limited to, support of the teaching and
30 learning process and overall school district effectiveness.

31 (cf: P.L.2005, c.235, s.1)

32
33 2. Section 10 of P.L.1975, c.212 (C.18A:7A-10) is amended to
34 read as follows:

35 10. For the purpose of evaluating the thoroughness and
36 efficiency of all the public schools of the State, the commissioner,
37 with the approval of the State board and after review by the Joint
38 Committee on the Public Schools, shall develop and administer the
39 New Jersey Quality Single Accountability Continuum for
40 evaluating the performance of each school district. The goal of the
41 New Jersey Quality Single Accountability Continuum shall be to
42 ensure that all districts are operating at a high level of performance.
43 The system shall be based on an assessment of the degree to which
44 the thoroughness and efficiency standards established pursuant to
45 section 4 of P.L.1996, c.138 (C.18A:7F-4) are being achieved and

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.

S2136 RICE

1 an evaluation of school district capacity in the following five key
2 components of school district effectiveness: instruction and
3 program; personnel; fiscal management; operations; and
4 governance. A school district's capacity and effectiveness shall be
5 determined using quality performance indicators comprised of
6 standards for each of the five key components of school district
7 effectiveness. The quality performance indicators shall take into
8 consideration a school district's performance over time, to the
9 extent feasible. Based on a district's compliance with the indicators,
10 the commissioner shall assess district capacity and effectiveness
11 and place the district on a performance continuum that will
12 determine the type and level of oversight and technical assistance
13 and support the district receives.

14 (cf: P.L.2005, c.235, s.2)

15

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

18 11. Each school district and county vocational school district
19 shall make **[an annual]** a report of its progress in complying with
20 all of the quality performance indicators adopted pursuant to section
21 10 of P.L.1975, c.212 (C.18A:7A-10) every three years, pursuant to
22 a schedule to be established by the commissioner. In the years
23 intervening between the district's three year review, the
24 commissioner shall assess the district's performance against a series
25 of objective benchmarks to be determined by the commissioner.
26 Upon a determination that a district has failed to meet one or more
27 of the benchmarks, the commissioner may direct that the
28 department immediately conduct a comprehensive review of the
29 district. Nothing in this section shall preclude the commissioner, in
30 his discretion, from conducting a random audit of a school district
31 to assess the district's compliance with the quality performance
32 indicators.

33 The district reports shall be submitted to the commissioner
34 **[annually]** on a date and in such form as prescribed by the
35 commissioner, who shall make them the basis for an annual report
36 to the Governor and the Legislature, describing the condition of
37 education in New Jersey, the efforts of New Jersey schools in
38 meeting the standards of a thorough and efficient education, the
39 steps underway to correct deficiencies in school performance, and
40 the progress of New Jersey schools in comparison to other state
41 education systems in the United States.

42 (cf: P.L.2005, c.235, s.3)

43

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

46 14. a. (1) The commissioner shall review the results of the
47 report submitted pursuant to sections 10 and 11 of P.L.1975, c.212
48 (C.18A:7A-10 and 18A:7A-11) and after examination of all relevant

S2136 RICE

1 data, including student assessment data, determine where on the
2 performance continuum the district shall be placed. The
3 commissioner, through collaboration, shall establish a mechanism
4 for parent, school employee and community resident input into the
5 review process. If the commissioner finds that a school district or
6 county vocational school district satisfies 80 percent to 100 percent
7 of the quality performance indicators in each of the five key
8 components of school district effectiveness, the commissioner shall
9 issue to the district a letter of recognition designating the district as
10 a high performing district, provided that the district has submitted
11 to the department a statement of assurance which attests that the
12 contents of the report are valid. The commissioner shall
13 recommend that the State board certify the school district for a
14 period of ~~seven~~ three years as providing a thorough and efficient
15 system of education, contingent on continued progress in meeting
16 the quality performance indicators.

17 b. If a school district satisfies 50 percent to 79 percent of the
18 quality performance indicators ~~], the district shall be considered a~~
19 moderate performing district. ~~The] in any of the five key~~
20 ~~components of school district effectiveness, the~~ commissioner shall
21 require the district to develop an improvement plan to address the
22 quality performance indicators with which the district has not
23 complied and to increase district capacity through the provision of
24 technical assistance and other measures designed to meet the
25 district's needs. The improvement plan shall be submitted to and
26 approved by the commissioner. In accordance with the
27 improvement plan, the commissioner shall provide ~~[targeted~~
28 ~~assistance,] technical assistance [, or both,]~~ to the district. If
29 necessary, the commissioner may authorize an in-depth
30 ~~[examination] evaluation~~ of the district to determine the causes for
31 the district's noncompliance with the quality performance
32 indicators.

33 The commissioner shall review the district's progress in
34 implementing the improvement plan not less than every six months.
35 If the commissioner finds, based on those reviews, that after two
36 years the district has not satisfied 80 to 100 percent of the quality
37 performance indicators in each of the five key components of
38 school district effectiveness, the commissioner ~~[shall] may~~ require
39 the district to amend the improvement plan. The amended plan
40 shall be submitted to the commissioner for approval.

41 If a district effectively implements its improvement plan and is
42 able to satisfy 80 to 100 percent of the quality performance
43 indicators in each of the five key components of school district
44 effectiveness through the interventions set forth in this subsection,
45 the commissioner shall issue the district a letter of recognition
46 designating the district as a high performing district. The
47 commissioner shall recommend that the State board certify the

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1 school district for a period of **[seven]** three years as providing a
2 thorough and efficient system of education, contingent on continued
3 progress in meeting the quality performance indicators. If the
4 district has not effectively implemented its improvement plan and
5 has not satisfied 80 to 100 percent of the quality performance
6 indicators in each of the five key components of school district
7 effectiveness through the interventions set forth in this subsection,
8 the commissioner shall issue the district a letter detailing the areas
9 in which the district remains deficient.

10 c. (1) If a school district satisfies less than 50 percent of the
11 quality performance indicators in four or fewer of the five key
12 components of school district effectiveness, the commissioner shall
13 authorize an in-depth evaluation of the district's performance and
14 capacity. Based on the findings and recommendations of that
15 evaluation, the district, in cooperation with the department, shall
16 develop an improvement plan to address the quality performance
17 indicators with which the district has not complied and to increase
18 district capacity through the provision of technical assistance and
19 other measures designed to meet the district's needs. The
20 improvement plan shall be submitted to the commissioner for
21 approval. Upon approval, the commissioner shall provide the
22 district with the technical assistance outlined in the plan and shall
23 assure that the district's budget provides the resources necessary to
24 implement the improvement plan.

25 The commissioner shall review the district's progress in
26 implementing the improvement plan not less than every six months.
27 The reviews shall include an on-site visit. If the commissioner
28 finds, based on those reviews, that after two years the district has
29 not satisfied at least 50% of the quality performance indicators in
30 **[one or more]** each of the key components of school district
31 effectiveness, the commissioner **[shall]** may require the district to
32 amend the improvement plan. The amended plan shall be submitted
33 to the commissioner for approval.

34 Nothing in this paragraph shall be construed to prohibit the
35 **[commissioner or the]** State board **[, as applicable,]** from directing
36 the district to enter partial State intervention prior to the expiration
37 of the two-year period.

38 (2) The district's improvement plan may include the
39 appointment by the commissioner of one or more highly skilled
40 professionals to provide technical assistance to the district in the
41 areas in which it has failed to satisfy the quality performance
42 indicators. Each highly skilled professional shall work
43 collaboratively with the district to increase local capacity in the
44 areas of need identified in the improvement plan. The cost for the
45 **[salaries]** compensation of the highly skilled professionals shall be
46 a shared expense of the school district and the State, with the State
47 assuming one-half of the cost **[of these salaries]** and the school

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1 district being responsible for one-half of the **[costs]** cost. For the
2 purpose of the New Jersey Tort Claims Act, N.J.S.59:1-1 et seq.,
3 the highly skilled professional shall be considered a State officer.

4 (3) **[**If the district satisfies less than 50% of the quality
5 performance indicators in one of the five key components of school
6 district effectiveness, the commissioner may also order the district
7 to enter partial State intervention. The board of education which is
8 directed to enter partial State intervention may appeal that decision
9 to the State Board of Education. The State board may refer the
10 hearing of that appeal to a committee of not less than three of its
11 members, which committee shall hear the appeal and report thereon,
12 recommending its conclusions, to the board and the board shall
13 decide the appeal by resolution in open meeting. A determination
14 of the appeal by the State board shall be considered final.

15 (4)**]** If the district satisfies less than 50% of the quality
16 performance indicators in **[two]** one to four of the five key
17 components of school district effectiveness, the commissioner may
18 also order the district board of education to show cause why an
19 administrative order placing the district under partial State
20 intervention should not be implemented. The plenary hearing
21 before a judge of the Office of Administrative Law pursuant to the
22 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
23 seq.), upon said order to show cause, shall be conducted on an
24 expedited basis and in the manner prescribed by subdivision B of
25 article 2 of chapter 6 of Title 18A of the New Jersey Statutes. In
26 the proceeding the State shall have the burden of showing that the
27 recommended administrative order is not arbitrary, unreasonable or
28 capricious.

29 If, after a plenary hearing, the commissioner determines that it is
30 necessary to take corrective action, the commissioner shall have the
31 power to order necessary budgetary changes within the district or
32 other measures the commissioner deems appropriate to establish a
33 thorough and efficient system of education.

34 If the board fails to show cause why an administrative order
35 placing the district under partial State intervention should not be
36 implemented, the commissioner shall recommend to the State board
37 that it issue an order placing the district under partial State
38 intervention. Notwithstanding any other provision of law to the
39 contrary and upon its determining that the school district is not
40 providing a thorough and efficient system of education, the State
41 board may place the district under partial State intervention.
42 Nothing herein shall limit the right of any party to appeal the State
43 board's order to the Superior Court.

44 **[(5)]** (4) If the position of superintendent of schools is vacant
45 in a district under partial State intervention, the State board upon
46 the recommendation of the commissioner may appoint a

1 superintendent who shall serve for **[a]** an initial period not to
2 exceed two years.

3 **[(6)]** (5) In addition to the highly skilled professionals
4 appointed pursuant to paragraph (2) of this subsection to provide
5 technical assistance to the district in implementing its improvement
6 plan, the commissioner, in consultation with the local board of
7 education, may appoint one or more highly skilled professionals in
8 a district under partial State intervention to provide direct oversight
9 in the district regarding the quality performance indicators with
10 which the district has failed to comply. The highly skilled
11 professional shall have authority in the areas of oversight that the
12 commissioner designates. The highly skilled professional shall
13 work collaboratively with the superintendent, the board of
14 education and the employees of the district working in the area of
15 the oversight to address areas identified in the improvement plan.
16 The cost for the **[salaries]** compensation of the highly skilled
17 professionals shall be a shared expense of the school district and the
18 State, with the State assuming one-half of the **[costs of these**
19 **salaries]** cost and the school district being responsible for one-half
20 of the **[costs]** cost. For the purpose of the New Jersey Tort Claims
21 Act, N.J.S.59:1-1 et seq., the highly skilled professional shall be
22 considered a State officer.

23 **[(7)]** The (6) With the State board's approval the commissioner
24 may appoint up to three additional members to the board of
25 education of a district under partial State intervention. The board of
26 education's membership shall remain increased by these additional
27 seats until the State withdraws from intervention. If the
28 commissioner appoints three additional members pursuant to this
29 paragraph, the commissioner shall appoint one of these additional
30 members from a list of three candidates provided by the local
31 governing body of the municipality in which the school district is
32 located. The commissioner shall make every effort to appoint
33 residents of the district. A board member appointed by the
34 commissioner shall be a nonvoting member of the board and shall
35 have all the other rights, powers and privileges of a member of the
36 board. A board member appointed by the commissioner shall report
37 to the commissioner on the activities of the board of education and
38 shall provide assistance to the board of education on such matters as
39 deemed appropriate by the commissioner, including, but not limited
40 to, the applicable laws and regulations governing specific school
41 board action. A member appointed by the commissioner shall serve
42 for a term of two years. The commissioner shall obtain approval of
43 the State board for any extension of the two-year term. Any
44 vacancy in the membership appointed by the commissioner shall be
45 filled in the same manner as the original appointment.

46 If a board of education is subject to additional appointments
47 pursuant to section 67 of P.L.2002, c.43 (C.52:27BBB-63), then the

1 provisions of this paragraph shall not be applicable during the
2 period in which the board is subject to those appointments.

3 Six months following the district being placed under partial State
4 intervention, the commissioner shall determine, pursuant to criteria
5 promulgated by the State Board of Education, whether or not the
6 board members he has appointed shall become voting members of
7 the board of education. If the commissioner determines that the
8 board members he has appointed shall become voting members, the
9 school district shall have 30 days to appeal the commissioner's
10 determination to the State Board of Education.

11 **[(8)] (7)** Based on the district's success in implementing its
12 improvement plan, the commissioner shall make a determination to
13 withdraw from intervention in one or more of the areas that have
14 been under State intervention, to leave one or more areas under
15 State intervention or to recommend to the State Board of Education
16 that the district be placed under full State intervention.

17 If the commissioner determines that the district has successfully
18 implemented the improvement plan **[**, the commissioner shall issue
19 a letter of recognition to the district designating the district as a
20 high performing district**]** and achieved sufficient progress in
21 satisfying the performance indicators in one or more areas under
22 intervention, the State shall withdraw from intervention in the
23 district in those areas. **[**The commissioner shall recommend that
24 the State board certify the school district for a period of seven years
25 as providing a thorough and efficient system of education,
26 contingent on continued progress in meeting the quality
27 performance indicators**]**.

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

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

44 The commissioner shall review the district's progress in
45 implementing the improvement plan not less than every six months.
46 The reviews shall include an on-site visit. If the commissioner
47 finds, based on those reviews, that after two years the district has

1 not satisfied at least 50% of the quality performance indicators in
2 **[one or more]** each of the key components of school district
3 effectiveness, the commissioner **[shall]** may require the district to
4 amend the improvement plan. The amended plan shall be submitted
5 to the commissioner for approval.

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

9 (2) The district's improvement plan may include the
10 appointment by the commissioner of one or more highly skilled
11 professionals to provide technical assistance to the district in the
12 areas in which it has failed to satisfy the quality performance
13 indicators. Each highly skilled professional shall work
14 collaboratively with the district to increase local capacity in the
15 areas of need identified in the improvement plan. The cost for the
16 **[salaries]** compensation of the highly skilled professionals shall be
17 a shared expense of the school district and the State, with the State
18 assuming one-half of the cost **[of these salaries]** and the school
19 district being responsible for one-half of the **[costs]** cost. For the
20 purpose of the New Jersey Tort Claims Act, N.J.S.59:1-1 et seq.,
21 the highly skilled professional shall be considered a State officer.

22 (cf: P.L.2005, c.235, s.4)

23

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

26 15. a. In addition to procedures established pursuant to
27 subsection e. of section 14 of P.L.1975, c.212 (C.18A:7A-14), the
28 commissioner may order the local board to show cause why an
29 administrative order placing the district under full State intervention
30 should not be implemented. The plenary hearing before a judge of
31 the Office of Administrative Law, pursuant to the "Administrative
32 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), upon said
33 order to show cause, shall be conducted on an expedited basis and
34 in the manner prescribed by subdivision B of article 2 of chapter 6
35 of Title 18A of the New Jersey Statutes. In the proceeding the State
36 shall have the burden of showing that the recommended
37 administrative order is not arbitrary, unreasonable or capricious.

38 If, after a plenary hearing, the commissioner determines that it is
39 necessary to take corrective action, the commissioner shall have the
40 power to order necessary budgetary changes within the district or
41 other measures the commissioner deems appropriate to establish a
42 thorough and efficient system of education.

43 If the board fails to show cause why an administrative order
44 placing the district under full State intervention should not be
45 implemented, the commissioner shall recommend to the State board
46 that it issue an order placing the district under full State
47 intervention. Notwithstanding any other provision of law to the

1 contrary and upon its determining that the school district is not
2 providing a thorough and efficient system of education, the State
3 board may place the district under full State intervention. Nothing
4 herein shall limit the right of any party to appeal the State board's
5 order to the Superior Court.

6 b. In districts under full State intervention the State board, upon
7 the recommendation of the commissioner, may appoint a State
8 district superintendent to serve for **[a period]** an initial term not to
9 exceed three years.

10 c. In addition to the highly skilled professionals appointed
11 pursuant to paragraph (2) of subsection e. of section 14 of P.L.1975,
12 c.212 (C.18A:7A-14), to provide technical assistance to the district
13 in implementing its improvement plan, the commissioner, in
14 consultation with the local board of education, may appoint one or
15 more highly skilled professionals in a district under full State
16 intervention to provide direct oversight in the district regarding the
17 quality performance indicators with which the district has failed to
18 comply. The highly skilled professional shall have authority in the
19 areas of oversight that the commissioner designates. The highly
20 skilled professional shall work collaboratively with the
21 superintendent, the board of education and the employees of the
22 district working in the area of the oversight to address areas
23 identified in the improvement plan. The cost for the **[salaries]**
24 compensation of the highly skilled professionals shall be a shared
25 expense of the school district and the State, with the State assuming
26 one-half of the **[costs of these salaries]** cost and the school district
27 being responsible for one-half of the **[costs]** cost. For the purpose
28 of the New Jersey Tort Claims Act, N.J.S.59:1-1 et seq., the highly
29 skilled professional shall be considered a State officer.

30 d. If the district has successfully implemented the improvement
31 plan **[, the commissioner shall issue a letter of recognition to the**
32 **district designating the district as a high performing district and]**
33 and achieved sufficient progress in satisfying the performance
34 indicators in one or more areas under intervention, the State shall
35 withdraw from intervention in the district in those areas in
36 accordance with the provisions of section 16 of P.L.1987, c.399
37 (C.18A:7A-49). **[The commissioner shall recommend that the State**
38 **board certify the school district for a period of seven years as**
39 **providing a thorough and efficient system of education, contingent**
40 **on continued progress in meeting the quality performance**
41 **indicators.]**

42 (cf: P.L.2005, c.235, s.5)

43
44 6. Section 5 of P.L.1987, c.398 (C.18A:7A-15.1) is amended to
45 read as follows:

1 5. Pursuant to section 15 of P.L.1975, c.212 (C.18A:7A-15), the
2 State board [, upon the recommendation of the commissioner,]
3 shall have authority to:

4 a. approve the appointment by the commissioner of up to three
5 additional members to the school board;

6 b. upon recommendation of the commissioner create a school
7 district under full State intervention; and

8 c. appoint, upon recommendation of the commissioner, a State
9 district superintendent of schools to direct the operations of the
10 district in accordance with the improvement plan established
11 pursuant to section 14 of P.L.1975, c.212 (C.18A:7A-14).

12 (cf: P.L.2005, c.235, s.6)

13

14 7. Section 2 of P.L.1987, c.399 (C.18A:7A-35) is amended to
15 read as follows:

16 2. a. The schools of a school district under full State
17 intervention may be conducted by and under the supervision of a
18 State district superintendent of schools appointed by the State board
19 upon recommendation of the commissioner. The individual
20 selected shall be qualified by training and experience for the
21 particular district and shall work collaboratively with any highly
22 skilled professionals appointed by the commissioner, in
23 consultation with the local board of education.

24 The State board may, upon the recommendation of the
25 commissioner, choose to retain the person who holds the position of
26 superintendent of schools in the school district at the time the State
27 board issues the administrative order pursuant to section 15 of
28 P.L.1975, c.212 (C.18A:7A-15). If the State board chooses to
29 retain the superintendent of schools, the person shall have the
30 powers and duties of a State district superintendent of schools and
31 shall comply with the directives of the commissioner or his
32 designee, including any highly skilled professional appointed by the
33 commissioner.

34 b. If the State board appoints a State district superintendent the
35 appointment shall be for an [original] initial term not to exceed
36 three years. Notwithstanding any other provision of law, no person
37 so appointed shall acquire tenure nor shall the commissioner, with
38 approval of the State board, be precluded from terminating the
39 superintendent's services pursuant to the terms of the
40 superintendent's individual contract of employment. For the
41 purpose of the New Jersey Tort Claims Act, N.J.S.59:1-1 et seq.,
42 the State district superintendent shall be considered a State officer.

43 c. The salary of the State district superintendent shall be fixed
44 by the commissioner and adjusted from time to time as the
45 commissioner deems appropriate. The cost for said salary and for
46 the salaries of all persons appointed pursuant to this amendatory
47 and supplementary act, except the highly skilled professionals, shall
48 be an expense of the local school district.

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1 d. The State district superintendent shall perform such duties
2 and possess such powers as deemed appropriate by the
3 commissioner.

4 e. Except as otherwise provided in this amendatory and
5 supplementary act, the State district superintendent shall have the
6 power to perform all acts and do all things that the commissioner
7 deems necessary for the proper conduct, maintenance and
8 supervision of the schools in the district.

9 f. The State district superintendent may, if deemed appropriate
10 by the commissioner, make, amend and repeal district rules,
11 policies and guidelines, not inconsistent with law for the proper
12 conduct, maintenance and supervision of the schools in the district.

13 g. The State district superintendent shall provide in each school
14 a mechanism for parent, teacher and community involvement. In
15 addition, the State district superintendent shall provide for at least
16 one public meeting in both the fall and the spring semesters to
17 advise parents and members of the community on the activities
18 within the district and to provide an opportunity for those parents,
19 teachers and community members who wish to be heard. The
20 meetings shall be at such times and places as to ensure maximum
21 public participation.

22 h. The State district superintendent [, or such other person as the
23 commissioner shall designate,] shall ensure that the district is in
24 compliance with all federal and State laws, rules and regulations
25 relating to equal employment opportunities, affirmative action and
26 minority business opportunities.

27 (cf: P.L.2005, c.235, s.10)

28

29 8. Section 5 of P.L.1987, c.399 (C.18A:7A-38) is amended to
30 read as follows:

31 5. Except as otherwise provided in this amendatory and
32 supplementary act, the State district superintendent in a school
33 district under full State intervention [or any other person designated
34 by the commissioner] may be given the power to:

35 a. Enforce the rules of the State board; and

36 b. Perform all acts and do all things, consistent with law and the
37 rules of the State board, necessary for the lawful and proper
38 conduct, equipment and maintenance of the public schools of the
39 district.

40 (cf: P.L.2005, c.235, s.12)

41

42 9. Section 6 of P.L.1986, c.399 (C.18A:7A-39) is amended to
43 read as follows:

44 6. a. The State district superintendent [or any other person
45 designated by the commissioner] may in a school district under full
46 State intervention:

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- 1 (1) Sue in the district's corporate name and likewise submit to
2 arbitration and determination disputes and controversies in the
3 manner provided by law;
- 4 (2) Cause a report of the condition of the public schools and the
5 public school property and an itemized account of the condition of
6 the finances of the district to be printed and published as soon as
7 practicable after the close of each school year; and
- 8 (3) Cause an exact census to be taken annually of all children
9 residing in the district between the ages of five and 18 years,
10 including such other information as he or she may deem necessary
11 or proper and appoint, for the purpose of taking that census, as
12 many suitable persons as may be necessary to act as enumerators
13 and fix their compensation, which compensation shall be paid as a
14 current expense.
- 15 b. A school district under full State intervention may be sued
16 under its corporate name.
- 17 c. School districts under full State intervention may join with
18 local boards of education for the purpose of affording the districts
19 those benefits which may accrue pursuant to P.L.1983, c.108
20 (C.18A:18B-1 et seq.).
- 21 d. A school district under full State intervention shall be subject
22 to all provisions of chapter 19 of Title 18A of the New Jersey
23 Statutes except that all warrants for claims or expenditures
24 approvable by a district board of education or any action required of
25 a district board of education pursuant to chapter 19 may be
26 authorized by the State district superintendent **[or any other person**
27 **designated by the commissioner]**.
- 28 e. Authority for the implementation of any provision of chapter
29 20 of Title 18A of the New Jersey Statutes relative to the
30 acquisition and disposition of property which requires action by a
31 district board of education may, in a school district under full State
32 intervention, be exercised by the State district superintendent **[or**
33 **any other person designated by the commissioner]**.
- 34 f. The authority vested in boards of education by chapter 21 of
35 Title 18A of the New Jersey Statutes may in a school district under
36 full State intervention be vested in the State district superintendent
37 **[or any other person designated by the commissioner]**.
- 38 g. School districts under full State intervention shall be subject
39 to all requirements set forth in chapter 18A of Title 18A of the New
40 Jersey Statutes except that such determination as may be required of
41 a district board of education by the provisions of said law may be
42 rendered by the State district superintendent **[or any other person**
43 **designated by the commissioner]**.
- 44 (cf: P.L.2005, c.235, s.13)
- 45
- 46 10. Section 9 of P.L.1987, c.399 (C.18A:7A-42) is amended to
47 read as follows:

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1 9. a. In a school district under full State intervention, all
2 officers, employees and consultants, professional and
3 nonprofessional, certified and noncertified, shall be employed or
4 retained, transferred and removed in accordance with the
5 improvement plan which has been approved by the commissioner.

6 In accordance with that plan:

7 (1) The State district superintendent [or any other person
8 designated by the commissioner] may appoint, transfer and remove
9 clerks, pursuant to the provisions of Title 11A (Civil Service) of the
10 New Jersey Statutes and the provisions of N.J.S.18A:17-1 et seq.

11 (2) The State district superintendent [or any other person
12 designated by the commissioner], subject to the approval of the
13 commissioner, shall appoint and set the salaries of such State
14 assistant superintendents as the superintendent shall deem necessary
15 and assign to them their duties and responsibilities. No State
16 assistant superintendent shall acquire tenure, notwithstanding any
17 other provision of law.

18 (3) The State district superintendent of schools [or any other
19 person designated by the commissioner] shall, subject to the
20 approval of the commissioner or his designee, make all personnel
21 determinations relative to employment, transfer and removal of all
22 officers and employees, professional and nonprofessional, except
23 that the services of the district auditor or auditors and attorney or
24 attorneys shall be immediately terminated by creation of a school
25 district under full State intervention.

26 b. The State district superintendent [or any other person
27 designated by the commissioner] may delegate to subordinate
28 officers or employees in the district any of his powers and duties as
29 he may deem desirable to be exercised under his supervision and
30 direction.

31 (cf: P.L.2005, c.235, s.16)

32

33 11. Section 11 of P.L.1987, c.399 (C.18A:7A-44) is amended to
34 read as follows:

35 11. a. Notwithstanding any other provision of law or contract,
36 the positions of the district's chief school administrator and those
37 executive administrators responsible for curriculum, business and
38 finance, and personnel may be abolished upon creation of the
39 school district under full State intervention. The affected
40 individuals shall be given 60 days' notice of termination or 60 days'
41 pay. The notice or payment shall be in lieu of any other claim or
42 recourse against the employing board or the school district based on
43 law or contract. Any individual whose position is abolished by
44 operation of this subsection shall be entitled to assert a claim to any
45 position or to placement upon a preferred eligibility list for any
46 position to which the individual may be entitled by virtue of tenure
47 or seniority within the district. No individual whose position is

1 abolished by operation of this subsection shall retain any right to
2 tenure or seniority in the positions abolished herein.

3 b. Within 180 days of the establishment of the school district
4 under full State intervention, the State district superintendent [or
5 any other person designated by the commissioner] may prepare a
6 reorganization of the district's central administrative and
7 supervisory staff and may evaluate all individuals employed in
8 central administrative and supervisory staff positions. The State
9 district superintendent [or any other person designated by the
10 commissioner] may implement the reorganization on the July 1
11 next following its preparation, unless otherwise directed by the
12 commissioner. The State district superintendent [or any other
13 person designated by the commissioner] shall retain the authority to
14 prepare a reorganization and to evaluate all employed individuals
15 after the expiration of the 180-day period.

16 c. Notwithstanding any other provision of law or contract, the
17 positions of the central administrative and supervisory staff,
18 instructional and noninstructional, other than those positions
19 abolished pursuant to subsection a. of this section, may be abolished
20 upon the reorganization of the staff of the school district under full
21 State intervention. The State district superintendent [or any other
22 person designated by the commissioner] may hire an individual
23 whose position is so abolished, based upon the evaluation of the
24 individual and the staffing needs of the reorganized district staff.
25 These individuals shall be hired with tenure if they had tenure in
26 their prior position. If they did not have tenure in their prior
27 position, they may obtain tenure pursuant to the provisions of
28 N.J.S.18A:28-6. Individuals hired as State assistant superintendents
29 shall not be hired with tenure and shall not acquire tenure.
30 Employees or officers not hired for the reorganized staff shall be
31 given 60 days' notice of termination or 60 days' pay. The notice or
32 payment shall be in lieu of any other claim or recourse against the
33 employing board or the school district based on law or contract.
34 Notwithstanding this limitation, nothing herein shall preclude an
35 individual from asserting upon separation from service any legal
36 contractual right to health care coverage, annuities, accrued
37 vacation days, accrued sick leave, insurance and approved tuition
38 costs. Any employee whose position is abolished by operation of
39 this subsection shall be entitled to assert a claim to any position or
40 to placement upon a preferred eligibility list for any position to
41 which the employee may be entitled by virtue of tenure or seniority
42 within the district. No employee whose position is abolished by
43 operation of this subsection shall retain any right to tenure or
44 seniority in the positions abolished herein.

45 (cf: P.L.2005, c.235, s.18)

1 12. Section 12 of P.L.1987, c.399 (C.18A:7A-45) is amended to
2 read as follows:

3 12. a. The Commissioner of Education shall adopt criteria for
4 the evaluation of building principals and vice-principals in a school
5 district under full State intervention.

6 b. Upon appointment, the State district superintendent [or other
7 person designated by the commissioner] may establish an
8 assessment unit to conduct on-site evaluations of each building
9 principal and vice-principal in accordance with the criteria
10 established by the commissioner and render evaluation reports to
11 the State district superintendent [or any other person designated by
12 the commissioner]. No less than three evaluations shall be
13 performed for each building principal and vice-principal within 18
14 months following the establishment of the school district under full
15 State intervention. All personnel records for building principals and
16 vice-principals prepared before the establishment of the district
17 under full State intervention shall be sealed upon issuance of the
18 State Board of Education order establishing the school district
19 under full State intervention.

20 c. Notwithstanding any other provision of law or contract, the
21 State district superintendent [or any other person designated by the
22 commissioner], after completion of an assessment cycle of not less
23 than 12 months, may dismiss any tenured building principal or vice-
24 principal for inefficiency, incapacity, unbecoming conduct or other
25 just cause as defined by the criteria for principal or vice-principal
26 performance in districts under full State intervention established by
27 the commissioner pursuant to subsection a. of this section. Nothing
28 herein shall preclude the dismissal of a tenured building principal or
29 vice-principal prior to the completion of an assessment cycle of not
30 less than 12 months if the basis for the dismissal is incapacity or
31 unbecoming conduct. All dismissals of tenured building principals
32 or vice-principals shall be conducted in accordance with the
33 procedures set forth in sections 10, 11, 13, 14, 16 and 17 of chapter
34 6 of Title 18A of the New Jersey Statutes, except that the State
35 district superintendent [or any other person designated by the
36 commissioner] shall act as the board of education in all respects.

37 d. The commissioner and the Office of Administrative Law are
38 empowered and directed to take any necessary action to expedite
39 hearings for dismissal of tenured principals or vice-principals,
40 including relaxation of any time requirements established by law or
41 practice. In no event shall a hearing commence later than 45 days
42 after certification of charges. Hearings shall be completed within
43 45 days of commencement. In no event shall a final decision be
44 issued later than 120 days following the certification of charges.

45 e. Evaluations of building principals or vice-principals
46 conducted by district personnel prior to the establishment of the
47 school district under full State intervention shall not be admissible

1 in a tenure hearing for any building principal or vice-principal
2 except in the following circumstances:

3 (1) Evaluations of building principals or vice-principals
4 performed by members of the central administrative and
5 supervisory staff who are hired to fill one of the positions in the
6 reorganized central office of the district under full State
7 intervention shall be admissible;

8 (2) Evaluations of building principals or vice-principals made by
9 individuals who were no longer employed by the school district as
10 of the date it became a school district under full State intervention
11 shall be admissible only if the evaluation was performed more than
12 five years preceding the date of the establishment of the district
13 under full State intervention.

14 (cf: P.L.2005, c.235, s.19)

15

16 13. Section 1 of P.L.1991, c.139 (C.18A:7A-46.1) is amended to
17 read as follows:

18 1. a. In any school district under full State intervention created
19 pursuant to the provisions of P.L.1975, c.212 (C.18A:7A-1 et seq.)
20 there may be established a Capital Project Control Board,
21 hereinafter the board, to be responsible for the review of any capital
22 project proposed by the State district superintendent **[or a person**
23 **designated by the commissioner]**, provided that the State district
24 superintendent **[or person designated by the commissioner]**
25 proposes that the capital project be financed in whole or in part by
26 school bonds or notes, or through a lease purchase agreement
27 pursuant to subsection f. of N.J.S.18A:20-4.2. The board shall also
28 be responsible for the certification to the State district
29 superintendent of schools **[or person designated by the**
30 **Commissioner of Education]** and the commissioner of the necessity
31 for the capital project and the certification of the appropriation to be
32 made by the governing body of the municipality.

33 b. The board shall consist of five voting members. One member
34 shall be appointed by the Commissioner of Education and two
35 members shall be appointed by the chief executive officer with the
36 consent of a majority of the full membership of the local governing
37 body of the municipality or municipalities in which the school
38 district is located. If the school district is comprised of two
39 municipalities, each municipality shall be entitled to one member,
40 appointed by the executive officer with the consent of the governing
41 body. If the school district is comprised of more than two
42 municipalities, each of the two municipalities with the largest
43 population according to the most recent federal decennial census
44 shall be entitled to one member, appointed by the executive officer
45 with the consent of the governing body. However, if a local
46 governing body fails to agree upon the selection of either board
47 member appointed by an executive officer, then the Commissioner

1 of Education shall make the appointment. One member shall be
2 appointed by the Director of the Division of Local Government
3 Services in the Department of Community Affairs who shall have
4 experience in the area of local finance and capital projects. The fifth
5 member shall be the State district superintendent of schools [or any
6 other person designated by the commissioner] who shall serve ex-
7 officio and shall act as chairperson of the board. The board
8 members, except for the State district superintendent [or the person
9 designated by the commissioner], shall each serve for a term of one
10 year commencing on July 1 of each year and expiring on June 30 of
11 the following year. Any vacancy in the membership of the board
12 shall be filled for the unexpired term in the manner provided by the
13 original appointment. Members of the board may be employees of
14 the State or any subdivision thereof. All members of the board
15 shall serve without compensation.

16 c. The board shall meet from time to time upon the request of
17 the State district superintendent [or person designated by the
18 commissioner]. All meetings of the board shall be conducted
19 pursuant to the provisions of the "Open Public Meetings Act,"
20 P.L.1975, c.231 (C.10:4-6 et seq.). The State district superintendent
21 [, or the person designated by the commissioner,] shall be charged
22 with the responsibility of preparing a transcript of the proceedings
23 and all votes shall be recorded in writing.
24 (cf: P.L.2005, c.235, s.21)
25

26 14. Section 2 of P.L.1991, c.139 (C.18A:7A-46.2) is amended to
27 read as follows:

28 2. In the event that a capital projects [review] control board is
29 established pursuant to section 1 of P.L.1991, c.139 (C.18A:7A-
30 46.1) the board shall hear the recommendation of the State district
31 superintendent [or the person designated by the commissioner]
32 concerning any proposed capital project, which is to be financed in
33 whole or in part by school bonds or notes, or through a lease
34 purchase agreement pursuant to subsection f. of N.J.S.18A:20-4.2,
35 and shall undertake all actions necessary to review the proposed
36 capital project to determine whether the project will assist the
37 school district under full State intervention in providing a thorough
38 and efficient system of education in that district. In making this
39 determination it may take into consideration factors such as the
40 conditions in the school district, any applicable educational goals,
41 the objectives and standards established by the State, the need for
42 the capital project, the reasonableness of the amount to be expended
43 for the capital project, the estimated time for the undertaking and
44 completion of the capital project, and any other factors which the
45 board may deem necessary including the relationship of the capital
46 project to the long-term capital budget or plan of the school district
47 and the fiscal implications thereof.

S2136 RICE

19

1 Following its review and within 60 days of the date on which the
2 State district superintendent [or the person designated by the
3 commissioner] submits the recommendation to the board, the board
4 shall adopt a resolution as to whether the school district under full
5 State intervention should undertake the capital project and
6 providing its reasons therefor. The board shall adopt a resolution
7 indicating the necessity for the capital project and shall also fix and
8 determine by resolution the amount necessary to be raised locally
9 for the capital project. If the board fails to act within 60 days of the
10 submission date, the State district superintendent [or the person
11 designated by the commissioner] shall submit the recommendation
12 to the commissioner who shall approve or disapprove the capital
13 project. If the board makes a decision which is contrary to the
14 recommendation of the superintendent [or the person designated by
15 the commissioner], the superintendent [or the person designated by
16 the commissioner] may, within 30 days from the date of the board's
17 action, submit the matter to the commissioner for final decision. If
18 the commissioner determines that a capital project should be
19 undertaken, the commissioner shall so notify the board and shall
20 indicate the amount necessary to be raised locally for the capital
21 project. Upon notification, the board shall adopt a resolution
22 indicating the necessity for the capital project and shall also fix and
23 determine by resolution the amount necessary for the capital project
24 as indicated by the commissioner. Certified copies of any
25 resolution requesting the authorization and issuance of bonds and
26 notes or the authorization of a lease purchase agreement shall be
27 delivered to the State district superintendent [or the person
28 designated by the Commissioner of Education], the Commissioner
29 of Education, the Director of the Division of Local Government
30 Services in the Department of Community Affairs and the
31 governing body of the municipality or municipalities in which the
32 school district is located. The board shall not approve or
33 recommend any capital project which is inconsistent with the
34 provisions of N.J.S.18A:21-1.

35 (cf: P.L.2005, c.235, s.22)

36

37 15. Section 3 of P.L.1991, c.139 (C.18A:7A-46.3) is amended to
38 read as follows:

39 3. Notwithstanding the provisions of any law to the contrary, the
40 cost of any capital project authorized pursuant to this act which is to
41 be funded by bonds or notes and certified by the board to the State
42 district superintendent [or the person designated by the
43 commissioner], the Commissioner of Education, the Director of the
44 Division of Local Government Services in the Department of
45 Community Affairs and the governing body of the municipality or
46 municipalities in which the school district is located shall be
47 financed by the issuance of school bonds or notes pursuant to the

1 provisions of chapter 24 of Title 18A of the New Jersey Statutes
2 and the "Local Bond Law" (N.J.S.40A:2-1 et seq.) and the notes,
3 school bonds or other obligations shall be authorized, issued, sold
4 and delivered in the manner prescribed by the "Local Bond Law"
5 (N.J.S.40A:2-1 et seq.).

6 (cf: P.L.2005, c.235, s.23)

7

8 16. Section 4 of P.L.1991, c.139 (C.18A:7A-46.4) is amended to
9 read as follows:

10 4. Any authorization of notes or bonds effective prior to the date
11 of the appointment of the State district superintendent [or the
12 person designated by the commissioner] shall be issued in the
13 manner prescribed by the "Local Bond Law," (N.J.S.40A:2-1 et
14 seq.).

15 (cf: P.L.2005, c.235, s.24)

16

17 17. Section 14 of P.L.1987, c.399 (C.18A:7A-47) is amended to
18 read as follows:

19 14. a. The State board shall retain the board of education in
20 place at the time that the State board issues the administrative order
21 creating the school district under full State intervention. With the
22 State board's approval the commissioner may appoint up to three
23 additional nonvoting members to the board of education. The board
24 of education's membership shall remain increased by these
25 additional seats until the State withdraws from intervention. If the
26 commissioner appoints three additional members pursuant to this
27 subsection, the commissioner shall appoint one of these additional
28 members from a list of three candidates provided by the local
29 governing body of the municipality in which the school district is
30 located. The commissioner shall make every effort to appoint
31 residents of the district. The board of education shall have only
32 those rights, powers and privileges of an advisory board. The
33 members appointed by the commissioner shall serve for a term of
34 two years. The commissioner shall obtain approval of the State
35 board for any extension of the two-year term. Any vacancy in the
36 membership appointed by the commissioner shall be filled in the
37 same manner as the original appointment.

38 Six months following the district being placed under full State
39 intervention, the commissioner shall determine, pursuant to criteria
40 promulgated by the State Board of Education, whether or not the
41 board members he has appointed shall become voting members of
42 the advisory board of education. If the commissioner determines
43 that the board members he has appointed shall become voting
44 members, the school district shall have 30 days to appeal the
45 commissioner's determination to the State Board of Education.

46 b. The State district superintendent [or the person designated by
47 the commissioner] may meet with the board as frequently as
48 necessary for the effective operation of the school district. The

1 meetings of the board shall be convened and scheduled at the
2 direction of the State district superintendent [or the person
3 designated by the commissioner], and the State district
4 superintendent [or the person designated by the commissioner]
5 shall determine the agenda. At the meetings, the State district
6 superintendent [or the person designated by the commissioner]
7 shall report to the board on all actions taken and on pending actions
8 in a timely fashion, and provide an opportunity for a full discussion
9 by the board and by the public of those actions. Meetings shall be
10 conducted pursuant to the provisions of the "Open Public Meetings
11 Act," P.L.1975, c.231 (C.10:4-6 et seq.). On a regular basis, but no
12 less than twice each year, the board of education shall report in
13 writing directly to the State district superintendent [or the person
14 designated by the commissioner] concerning its assessment of the
15 progress of the district. Copies of the report shall be forwarded to
16 the commissioner and the State board. The State district
17 superintendent [or the person designated by the commissioner]
18 shall make such clerical and other resources available as are
19 necessary for the effective operation of the board of education.

20 c. The commissioner, in consultation with the New Jersey
21 School Boards Association, shall provide the members of the board
22 of education with appropriate in-service training in school matters.
23 (cf: P.L.2005, c.235, s.26)
24

25 18. Section 16 of P.L.1987, c.399 (C.18A:7A-49) is amended to
26 read as follows:

27 16. a. A school district under full State intervention shall make
28 an annual report of its progress in complying with the quality
29 performance indicators adopted pursuant to section 10 of P.L.1975,
30 c.212 (C.18A:7A-10). The commissioner shall formally report to
31 the State board and to the Governor and the Legislature on the
32 district's progress.

33 b. Based upon the annual report of progress, but not sooner than
34 three years after the establishment of the school district under full
35 State intervention, the commissioner may recommend that the State
36 board place the school district under partial State intervention or
37 elsewhere on the performance continuum. If the State board so
38 determines, the school district shall be placed under partial State
39 intervention or designated as [a high performing or moderate
40 performing district] transitioning to local control or placed
41 elsewhere on the performance continuum effective on the July 1
42 next ensuing.

43 c. Notwithstanding any other provision of law to the contrary, if
44 a district is placed under partial State intervention or elsewhere on
45 the performance continuum, the board of education shall continue to
46 have the rights, powers, and duties of an advisory board, until the

1 district successfully meets the quality performance indicators for
2 the governance component of school district effectiveness.

3 Despite the continuation of the board of education as an advisory
4 board, the State board, upon the recommendation of the
5 commissioner, may return some voting functions to the board of
6 education as part of and in furtherance of the process of a transition
7 to local control of the governance component of school district
8 effectiveness.

9 d. In the event that the State board, upon the recommendation of
10 the commissioner, has appointed a State district superintendent in a
11 district under full State intervention **[and if]** the State district
12 superintendent shall continue to hold that position until the district
13 successfully meets the quality performance indicators for the
14 governance component of school district effectiveness. If the
15 district is placed under partial State intervention and has
16 successfully met the quality performance indicators for the
17 governance component of school district effectiveness, or **[is**
18 **[designated as a high performing or moderate performing district]**
19 if the State has completely withdrawn from intervention and
20 returned the district to local control, then the board of education
21 shall be permitted to extend the contract of the superintendent who
22 holds the position at the time that the district is placed under partial
23 State intervention or is **[designated a high performing or moderate**
24 **performing district]** returned to local control, provide 18-months'
25 notice to the superintendent to modify the contract, or allow the
26 contract in effect to expire with the appropriate statutory notice
27 pursuant to subsection b. of section 4 of P.L.1991, c.267
28 (C.18A:17-20.1).

29 **[d. Not]** e. If the district successfully meets the quality
30 performance indicators for the governance component of school
31 district effectiveness, not more than one year following the
32 placement of the district under partial State intervention or
33 **[designation as a high performing or moderate performing district]**
34 return to local control, the board shall call a special election for
35 purposes of placing the question of classification status before the
36 voters of the district, which election shall be conducted in
37 accordance with the provisions of Title 19 of the Revised Statutes
38 concerning school elections.

39 **[e.]** f. If the voters of the district shall elect to become a type I
40 district, it shall be governed by the provisions of chapter 9 of Title
41 18A of the New Jersey Statutes relating to type I districts after
42 January 31 next ensuing, unless the district is established in a city
43 of the first class, in which case it shall be governed after June 30
44 next ensuing. The members of the district board of education at the
45 time of said election shall continue in office until expiration of their
46 respective terms and the qualification in office of their successors.

1 **[f.] g.** If the voters of the district shall so select that the district
2 shall become a type II district, it shall be governed by the
3 provisions of chapter 9 of Title 18A relating to type II districts and
4 the members of the board of education at the time of said election
5 shall remain and continue in office until the expiration of their
6 respective terms and the qualification of their respective successors.

7 g. If the commissioner cannot recommend that the school
8 district under full State intervention be placed under partial State
9 intervention within three years, then the commissioner shall provide
10 a comprehensive report to the State board and to the Governor and
11 the Legislature, including a detailed analysis of the causes for the
12 failure of the district to comply with the quality performance
13 indicators and an assessment of the amount of time necessary for
14 the continuation of the school district under full State intervention.
15 On the basis of that report the State board shall determine whether
16 to continue the school district under full State intervention or return
17 the district to partial State intervention.

18 (cf: P.L.2005, c.235, s.27)

19
20 19. Section 17 of P.L.1987, c.399 (C.18A:7A-50) is amended to
21 read as follows:

22 17. The State district superintendent **[or the person designated**
23 **by the commissioner]** in a school district under full State
24 intervention shall develop a budget on or before March 22 and shall
25 present this budget to the board of education to elicit the board's
26 comments and recommendations. This budget shall conform in all
27 respects with the requirements of chapter 22 of Title 18A of the
28 New Jersey Statutes and shall be subject to the limitations on
29 spending by local school districts otherwise required by P.L.1996,
30 c.138 (C.18A:7F-1 et al.).

31 (cf: P.L.2005, c.235, s.28)

32
33 20. Section 18 of P.L.1987, c.399 (C.18A:7A-51) is amended to
34 read as follows:

35 18. Upon the preparation of its budget, the State district
36 superintendent **[or the person designated by the commissioner]**
37 shall fix a date, place and time for the holding of a public hearing
38 upon the budget and the amounts of money necessary to be
39 appropriated for the use of the public schools for the ensuing school
40 year, and the various items and purposes for which the same are to
41 be appropriated, which hearing shall be held between March 22 and
42 March 29. Notice of the hearing, contents of the notice and the
43 format and purpose of the hearing shall be as provided in
44 N.J.S.18A:22-11, N.J.S.18A:22-12 and N.J.S.18A:22-13.

45 (cf: P.L.2005, c.235, s.29)

46
47 21. Section 19 of P.L.1987, c.399 (C.18A:7A-52) is amended to
48 read as follows:

1 19. a. After the public hearing provided for by section 18 of
2 P.L.1987, c.399 (C.18A:7A-51) but not later than April 8, the State
3 district superintendent **[**or the person designated by the
4 commissioner**]** shall fix and determine the amount of money
5 necessary to be appropriated for the ensuing school year and shall
6 certify the amounts to be raised by special district tax for school
7 purposes as well as the sum necessary for interest and debt
8 redemption, if any, to the county board of taxation and the amount
9 or amounts so certified shall be included in the taxes assessed,
10 levied and collected in the municipality or municipalities
11 comprising the district. The State district superintendent **[**or the
12 person designated by the commissioner**]** shall follow the procedures
13 established pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5).

14 b. (Deleted by amendment, P.L.1996, c.138).

15 c. (Deleted by amendment, P.L.1996, c.138).

16 (cf: P.L.2005, c.235, s.30)

17

18 22. Section 37 of P.L.2005, c.235 (C.18A:7A-53) is amended to
19 read as follows:

20 37. a. A district which has been certified as a Level I district by
21 the State Board of Education as of the effective date of this act,
22 shall be phased into the three-year evaluation process and, in
23 accordance with a schedule established by the commissioner, be
24 evaluated by the commissioner in the five key components of
25 school district effectiveness as set forth in section 10 of P.L.1975,
26 c.212 (C.18A:7A-10). Based on a district's compliance with the
27 quality performance indicators, the commissioner shall assess
28 district effectiveness and place the district on the performance
29 continuum. During the phase-in, a district which has not undergone
30 an evaluation in the five key components of school district
31 effectiveness shall continue to complete and submit a quality
32 assurance annual report in accordance with State board regulations
33 in effect prior to the effective date of P.L. , c. (pending before the
34 Legislature as this bill).

35 b. A State-operated district or a district which has been certified
36 as a Level II or a Level III district by the State Board of Education
37 as of the effective date of this act, shall be evaluated by a team of
38 highly skilled professionals in the five key components of school
39 district effectiveness as set forth in section 10 of P.L.1975, c.212
40 (C.18A:7A-10). The evaluation shall be completed within **[45]** 120
41 days of the date on which rules promulgated by the State Board of
42 Education pursuant to section 39 of this act become effective. The
43 commissioner shall establish a process for the receipt of comments
44 from the public during the evaluation. The commissioner shall
45 provide a report of the evaluation to the district within **[15]** 30 days
46 of the completion of the evaluation. The report shall contain the
47 commissioner's determination of the district's placement on the

1 performance continuum. The district shall have 30 days from the
2 date of receipt of the report to appeal the placement decision to the
3 **【commissioner】** State board. The commissioner shall make a
4 recommendation to the State Board of Education if the
5 recommendation is to place the district under partial or full State
6 intervention. The commissioner and State board shall take
7 whatever action is appropriate based on the district's placement on
8 the performance continuum.

9 c. If a State-operated school district evaluated pursuant to
10 subsection b. of this section successfully meets the quality
11 performance indicators for the governance component of school
12 district effectiveness, then **【three years】** one year following the
13 State's withdrawal from intervention, the board of education shall
14 call a special election for purposes of placing the question of
15 classification status before the voters of the district, which election
16 shall be conducted in accordance with the provisions of Title 19 of
17 the Revised Statutes concerning school elections.

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

26 If the voters of the district elect to become a type II district, it
27 shall be governed by the provisions of chapter 9 of Title 18A
28 relating to type II districts and the members of the board of
29 education at the time of said election shall remain and continue in
30 office until the expiration of their respective terms and the
31 qualification of their respective successors.

32 d. The board of education of a State-operated school district that
33 successfully meets the quality performance indicators for the
34 governance component of school district effectiveness shall be
35 permitted to extend the contract of the superintendent who holds the
36 position at the time of the evaluation conducted pursuant to
37 subsection b. of this section, provide 18-months' notice to the
38 superintendent to modify the contract, or allow the contract in effect
39 to expire with the appropriate statutory notice pursuant to
40 subsection b. of section 4 of P.L.1991, c.267 (C.18A:17-20.1).

41 e. Any capital projects control board established pursuant to
42 section 1 of P.L.1991, c.139 (C.18A:7A-46.1) which is in existence
43 in a school district on the effective date of P.L. , c. (pending
44 before the Legislature as this bill) shall be abolished upon the return
45 of that district to local control.

46 (cf: P.L.2005, c.235, s.37)

47

48 23. (New section) The Legislature finds and declares that:

- 1 a. It is the constitutional obligation of the Legislature to provide
2 all children in New Jersey with a thorough and efficient system of
3 free public schools;
- 4 b. The breadth and scope of such a system are defined by the
5 Legislature through the commissioner and the State board pursuant
6 to P.L.1996, c.138 (C.18A:7F-1 et al.) so as to insure quality
7 educational programs for all children;
- 8 c. It is imperative that the program in every school district in
9 this State includes all of the major elements identified as essential
10 for that system consistent with standards adopted pursuant to
11 section 10 of P.L.1975, c.212 (C.18A:7A-10);
- 12 d. It is the responsibility of the State to insure that any school
13 district which is shown to be deficient in one or more of these major
14 elements takes corrective actions without delay in order to remedy
15 those deficiencies;
- 16 e. This responsibility can be fulfilled, in addition to the
17 mechanism for ensuring compliance established pursuant to section
18 6 of P.L.1996, c.138 (c.18:7A-7F-6), through an effective and
19 efficient system of evaluation and monitoring which will insure
20 quality and comprehensive instructional programming in every
21 school district and provide for immediate and direct corrective
22 action to insure that identified deficiencies do not persist, and which
23 does so within the context of the maximum of local governance and
24 management and the minimum of paperwork and unnecessary
25 procedural requirements.

26

27 24. The following section is repealed:
28 Section 36 of P.L.2005, c.235 (C.18A:7A-15.2).

29

30 25. This act shall take effect immediately.

31

32

33

STATEMENT

34

35 The law establishing the New Jersey Single Accountability
36 Continuum (NJ QSAC), a new system for monitoring public school
37 districts in the State, was enacted in 2005. This bill revises various
38 provisions of that law to enable the Department of Education to
39 more effectively implement the new monitoring system. This bill
40 would:

41 1) require a school district to report every three years on its
42 progress in complying with all the quality performance indicators,
43 rather than on an annual basis, provided that the district meets
44 certain objective benchmarks;

45 2) provide for a three year certification of the district to coincide
46 with the length of the monitoring cycle. The law currently refers to
47 a seven year certification;

- 1 3) eliminate the label “moderate performing district” in referring
2 to districts that satisfy 50% to 79% of the quality performance
3 indicators;
- 4 4) require an order to show cause procedure in all cases when a
5 school district may be required to enter partial State intervention.
6 The law currently allows the commissioner to forgo the
7 administrative procedure and require a district to enter partial State
8 intervention if the districts satisfies less than 50% of the
9 performance indicators in just one of the five areas of school district
10 effectiveness;
- 11 5) permit the department to require the continuation of the
12 advisory board of education when a district is moving from full
13 State intervention to partial State intervention, if the governance
14 component of school district effectiveness is not being returned to
15 local control;
- 16 6) permit a district formerly under full State intervention to
17 modify the contract of the State district superintendent or to hold a
18 special election on the classification of the district – to a type I or a
19 type II - only if the governance component of school district
20 effectiveness is being returned to local control;
- 21 7) allow the department 120 days, rather than 45 days, to
22 perform the initial evaluation of the State-operated school districts
23 and the districts designated as Level II or Level III under the NJ
24 QSAC monitoring system and allow the department 30 days, as
25 opposed to 15 days under the current law, to provide the district
26 with a report of the evaluation;
- 27 8) require that one year following a district’s initial transition
28 from a State-operated district to a district which has successfully
29 met the governance component of school district effectiveness, the
30 board of education must call a special election to determine the
31 classification status of the district – either a type I or type II. Under
32 current law that election must be held three years after the return to
33 local control;
- 34 9) provide that Level I districts, which are being phased into the
35 new monitoring system according to a schedule established by the
36 commissioner, will continue to submit the quality assurance annual
37 report (QAAR) pursuant to N.J.A.C.6A:32-12.1 until they undergo
38 the evaluation under NJ QSAC; and
- 39 10) clarify that a district under full State intervention may be
40 conducted by and under the supervision of a State district
41 superintendent or by the superintendent of schools who holds that
42 position at the time the State board places the district into full State
43 intervention. The bill eliminates references to the district being
44 under the supervision of a “person designated by the
45 commissioner.”

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 2136

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 2006

The Senate Education Committee reports favorably Senate Bill No. 2136 with committee amendments.

The law establishing the New Jersey Quality Single Accountability Continuum (NJ QSAC), a new system for monitoring public school districts in the State, was enacted in 2005. This bill revises various provisions of that law to enable the Department of Education to more effectively implement the new monitoring system. As amended, this bill would:

1) require a school district to report every three years on its progress in complying with all the quality performance indicators, rather than on an annual basis;

2) provide for a three-year certification of the district to coincide with the length of the monitoring cycle. The law currently refers to a seven-year certification;

3) eliminate the label “moderate performing district” in referring to districts that satisfy 50% to 79% of the quality performance indicators;

4) require an order to show cause procedure in all cases when a school district may be required to enter partial State intervention. The law currently allows the commissioner to forgo the administrative procedure and require a district to enter partial State intervention if the districts satisfies less than 50% of the performance indicators in just one of the five areas of school district effectiveness;

5) permit the department to require the continuation of the advisory board of education when a district is moving from full State intervention to partial State intervention, if the governance component of school district effectiveness is not being returned to local control;

6) permit a district formerly under full State intervention to modify the contract of the State district superintendent or to hold a special election on the classification of the district – to a type I or a type II - only if the governance component of school district effectiveness is being returned to local control;

7) allow the department 120 days, rather than 45 days, to perform the initial evaluation of the State-operated school districts and the districts designated as Level II or Level III under the NJ QSAC

monitoring system and allow the department 30 days, as opposed to 15 days under the current law, to provide the district with a report of the evaluation;

8) require that one year following a district's initial transition from a State-operated district to a district which has successfully met the governance component of school district effectiveness, the board of education must call a special election to determine the classification status of the district – either a type I or type II. Under current law that election must be held three years after the return to local control;

9) provide that Level I districts, which are being phased into the new monitoring system according to a schedule established by the commissioner, will continue to submit the quality assurance annual report (QAAR) pursuant to N.J.A.C.6A:32-12.1 until they undergo the evaluation under NJ QSAC; and

10) clarify that a district under full State intervention may be conducted by and under the supervision of a State district superintendent or by the superintendent of schools who holds that position at the time the State board places the district into full State intervention. The bill eliminates references to the district being under the supervision of a “person designated by the commissioner.”

The committee amended the bill to:

- clarify that the highly skilled professional appointed by the commissioner to provide technical assistance in a district under partial or full intervention would not be covered under the New Jersey Tort Claims Act;
- clarify the powers and authorities of the highly skilled professionals who provide direct oversight in a district under partial or full intervention, including: overseeing the operations of the district in the area of direct oversight; ensuring the development and implementation of the district improvement plan with respect to the area of direct oversight; overseeing district staffing in the area of direct oversight, including the ability to hire, promote and terminate employees; overriding a chief school administrator's action and a vote by the board of education regarding matters under direct oversight; attending all meetings of the board of education; and obligating district funds for matters relating to the area of direct oversight;
- provide that when the commissioner appoints more than one highly skilled professional to have direct oversight of district operations, the commissioner will establish a decision-making hierarchy for the highly skilled professionals and personnel in the district;
- provides that in a district under full State intervention moving to partial State intervention, or a State-operated district moving to partial intervention, if the board of education is still only advisory but the commissioner returns some of the voting

functions to the board in furtherance of the process of transition, the commissioner will have the authority to veto any action by the board of education until the governance component is returned to local control;

- deletes a redundant provision that provides for the abolishment of the capital projects control board upon the return of a district to local control; and
- allows the commissioner to adopt rules for the implementation of NJ QSAC in an expedited manner for a period of 36 months, but thereafter the State board will promulgate rules pursuant to the “Administrative Procedure Act.”

It is the committee’s intent that nothing in this bill or the law establishing NJ QSAC is intended to supplement, replace, or supersede the Supreme Court’s Abbott v. Burke directives for implementation of remedial programs, reforms and accountability measures in Abbott districts nor to eliminate or diminish the responsibilities of the Commissioner of Education to ensure students in the Abbott districts receive the full benefits of the Abbott remedies.

STATEMENT TO
[First Reprint]
SENATE, No. 2136

with Senate Floor Amendments
(Proposed By Senator RICE)

ADOPTED: DECEMBER 4, 2006

These floor amendments eliminate the authority of a highly skilled professional, appointed in a school district under partial or full State intervention to provide direct oversight in the district regarding the quality performance indicators with which the district has failed to comply, to oversee district staffing in the area of his oversight, including the ability to hire, promote, and terminate employees. In the case of a district under partial State intervention, those staffing decisions would be made by the State Board of Education upon the recommendation of the commissioner. In the case of a district under full State intervention, current law would already provide that those decisions will be made by the State district superintendent.

The floor amendments also allow the commissioner to adopt rules for the implementation of NJ QSAC in an expedited manner for a period of 12 months, in collaboration with interested stakeholders in the education community; and allows the commissioner for the next 24-month period to adopt rules and regulations in accordance with the “Administrative Procedure Act.”