

Proposed Readoption with Amendments of N.J.A.C. 6A:33, School Turnaround and Improvement

The following is the accessible version of the proposed readoption with amendments of N.J.A.C. 6A:33. The notice of proposal includes two sections –[summary of the proposed rulemaking](#) and [text of the proposed amendments](#).

Education

Commissioner of Education

School Turnaround and Improvement

Proposed Readoption with Amendments: N.J.A.C. 6A:33

Proposed Repeals and New Rules: N.J.A.C. 6A:33-2 and 3

Proposed Repeal: N.J.A.C. 6A:33 Appendix

Proposed New Rules: N.J.A.C. 6A:33-4

Authorized By: Dr. Angelica Allen-McMillan, Acting Commissioner, Department of Education.

Authority: N.J.S.A. 18A:7F-6.b, 18A:7F-34, 18A:7F-42, and 18A:7F-60.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2021-053.

Submit written comments by August 6, 2021, to:

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The agency proposal follows:

Summary

The Department of Education (Department) proposes to readopt N.J.A.C. 6A:33, School Turnaround and Improvement, with amendments. In accordance with N.J.S.A. 52:14B-5.1, the

chapter was set to expire on July 1, 2020. Pursuant to Executive Order No. 127 (Murphy) (2020), the expiration date is extended until 90 days after the last day of the public health emergency declared in Executive Order No. 103 (Murphy) (2020).

The chapter was adopted as new rules, effective July 1, 2013, following the United States Department of Education's approval of the Department's request to waive provisions of the Elementary and Secondary Education Act (ESEA), as reauthorized under No Child Left Behind (NCLB) and the associated regulatory, administrative, and reporting requirements. The approved waiver gave the Department flexibility to outline a new accountability system that included processes for identifying the State's lowest performing schools and for providing supports and interventions to improve student outcomes. The accountability system utilized student proficiency on State assessments as the basis for identifying schools as low performing (Priority Schools) or as having low-performing subgroups (Focus Schools). The Department established Regional Achievement Centers (RACs) as part of the accountability system. RAC staff assisted school leaders in the identification of interventions based on eight turnaround principles (see existing definition for "turnaround principles"). RAC staff also monitored implementation of school improvement plans.

The reauthorization of the ESEA, as amended by the Every Student Succeeds Act (ESSA) (20 U.S.C. § 6301 et seq.) in December 2015, nullified the Department's approved waiver and rendered obsolete a number of sections in N.J.A.C. 6A:33. During the transition period to ESSA, the Department carefully evaluated its school improvement protocols and made modifications to further advance the Department's mission of ensuring all students have equitable access to a high-quality education. The new school improvement approach under ESSA utilizes multiple metrics to identify low-performing schools (Comprehensive Schools) and schools with low-performing subgroups (Targeted Schools).

School districts are recognized as the primary drivers of school improvement and, therefore, are expected to identify and monitor evidence-based interventions in schools identified as needing support and improvement. School districts are also expected to partner with the Department's field support teams to address the needs of Comprehensive Schools and select Targeted Schools.

The proposed amendments will align the chapter with the Department's revised school improvement approach. The proposal also includes amendments to terminology, the metrics and criteria for identifying schools in need of support and improvement, and the supports and interventions provided to the schools. The chapter, as proposed for amendment, will establish criteria for identifying schools that make sufficient progress on accountability indicators and that demonstrate the capacity to sustain improvement, which will result in the schools no longer being designated as Comprehensive or Targeted Schools. (See "exit criteria" in Subchapter 4.)

The Department proposes throughout the chapter to replace references to the RACs with either "Department" or "field support team." The Department also proposes throughout the chapter to replace "Priority School" with "Comprehensive School" and "Focus School" with "Targeted School," respectively.

Unless otherwise noted in this Summary, all proposed amendments are for clarity or stylistic or grammatical improvement.

Subchapter 1. General Provisions

N.J.A.C. 6A:33-1.1 Purpose

This section states that the Department's mission is to ensure all children graduate from high school prepared for college and career regardless of their life circumstances. These rules also outline the Commissioner's authority to take any action necessary when a school district or

one or more of its schools is failing to meet the New Jersey Student Learning Standards (NJSLs).

The Department proposes to amend N.J.A.C. 6A:33-1.1(a), which includes the Department's previous mission statement and states that the Department has aligned significant resources and coordinated school-improvement activities to advance this mission, particularly within the State's lowest-performing schools. The existing rule further states that the rules are promulgated pursuant to N.J.S.A. 18A:7F-34 and 42 to establish RACs to support the State's lowest performing schools, identified as Priority and Focus Schools. The Department proposes to replace the rule's first two sentences with the Department's current mission statement, which is to provide supports to schools, educators, and school districts to ensure that all of New Jersey's 1.4 million students have equitable access to a high-quality education and achieve academic excellence. The Department also proposes to delete the reference to N.J.S.A. 18A:7F-42, which does not apply to this chapter and was included in error.

The Department proposes to amend N.J.A.C. 6A:33-1.1(b), which states that the Commissioner of the Department may withhold the disbursement of funds to a school district or take any necessary action to ensure the effective and efficient expenditure of funds by school districts. The existing rule also states that the Commissioner may take any action the Commissioner deems necessary and appropriate whenever the Commissioner determines, through the results of Statewide assessments, or during the course of an evaluation of school performance, that a school district or one or more of its schools is failing to achieve the NJSLs. The existing rule also includes the following as possible actions the Commissioner can take: directing the restructuring of curriculum or programs; directing staff retraining or reassignment; conducting a comprehensive budget evaluation; redirecting expenditures; and enforcing spending at the full adequacy budget. The Department proposes to delete "withhold the disbursement of

funds to a school district,” “to ensure the effective and efficient expenditure of funds by school districts,” and the five specified actions. The Department proposes to state the Commissioner may take such action as the Commissioner deems necessary and appropriate whenever the Commissioner determines, through the results of Statewide assessments or during the course of an evaluation of school performance, that a school district or one or more of its schools is failing to achieve the NJSLs. The proposed amendments will maintain the Department’s emphasis on collaboration with school districts to address their school improvement challenges while retaining the Commissioner’s authority to exercise greater intervention if collaborative efforts are rebuffed or if school districts fail to facilitate development of the annual school plan and monitor its implementation.

The Department proposes to amend N.J.A.C. 6A:33-1.1(c), which states that the RACs will support each Priority and Focus School’s development of an approved school improvement plan that identifies interventions to address the turnaround principles at N.J.A.C. 6A:33-1.3. The existing rule also states that RACs will ensure effective implementation of a support and interventions system that is grounded in distinct principles – the turnaround principles - designed to improve educational outcomes for students in Priority and Focus Schools throughout the State. The Department proposes to include a reference to the ESSA (20 U.S.C. § 6301 et seq.), which, in part, informed the State’s school improvement approach and the rules, as proposed for amendment. The Department also proposes to replace the description of the RACs’ role in relation to Priority and Focus Schools with the following actions the Department takes, to identify, support, and assess the progress of Comprehensive and Targeted Schools:

- Utilize a system of meaningful differentiation to identify Comprehensive and Targeted Schools;
- Provide differentiated support to Comprehensive and Targeted Schools based on

the reason for identification and the annual plans developed by the school and its school district; and

- Utilize exit criteria for Comprehensive and Targeted Schools to assess ongoing progress toward improved academic achievement and school success in the State.

The Department proposes to delete N.J.A.C. 6A:33-1.1(c), which states that Priority and Focus Schools failing to meet the NJSLs or implement school improvement plans may be subject to additional conditions and requirements, including the appointment of a qualified turnaround provider to assist with school improvement plan's development and implementation. Qualified turnaround providers are no longer one of the escalated interventions that the Department implements for schools that are not making progress in meeting the NJSLs.

N.J.A.C. 6A:33-1.2 Scope

This section establishes the scope of the chapter, which applies to Priority and Focus Schools with the exception of any charter school that may be identified as a Priority or Focus School.

The Department proposes to amend this section by adding "and their school districts" to acknowledge that school districts are essential components of the school improvement process and are included within the chapter's scope. The Department also proposes to add "and renaissance school projects" after "N.J.S.A. 18A:36A-1 et seq.," which is the Charter School Program Act, because charter schools and renaissance school projects are treated in the same manner under this chapter. The Department further proposes to delete "[u]pon the recommendation of the Executive Director of Regional Achievement, the Commissioner shall take appropriate action, which may include the appointment of a qualified turnaround provider, to ensure the meaningful implementation of the school improvement plan (SIP) when a Priority

or Focus School demonstrates continued academic failure or the inability or unwillingness to implement its SIP either in whole or in part.” The proposed deletion will align the section with the Department’s proposed terminology and current school improvement approach.

N.J.A.C. 6A:33-1.3 Definitions

This section defines terms used throughout the chapter.

The Department proposes to delete the following terms as they are not used as part of the Department’s current school improvement approach: Executive Director for Regional Achievement, Focus School, non-categorized school, Priority School, quality school review, qualified turnaround provider, Regional Achievement Center, school improvement plan (SIP), and turnaround principles.

The Department proposes to add definitions for the following terms: accountability indicators, annual school plan, Comprehensive School, Comprehensive II School, ESSA, English language proficiency test, evidence-based interventions, field support team, interim target, student subgroup, Targeted School, and Title I school.

The Department proposes to amend the existing definition for “interventions,” which means strategies identified in a SIP for implementation by a Priority or Focus School. The amended term would mean strategies in the annual school plan that address the root causes that hinder optimal student achievement. The definition, as proposed for amendment, also states that evidence-based interventions are implemented by a Comprehensive or Targeted School with support from the school district.

The existing definition for “interventions” also includes eight possible interventions. The Department proposes to amend the existing intervention regarding implementation of the Department’s model curriculum and unit assessments aligned to the NJSLs. The Department

proposes to delete “the Department’s model” and “unit assessments” and add “including an ongoing process for revision linked to instructional and assessment data” at the end. School districts are encouraged to continuously examine instructional and assessment data to confirm that curricular materials adequately address the NJSLs and to utilize various tools to assess student understanding, rather than only unit assessments. The Department also proposes to delete the intervention regarding the use of current data to design and implement classroom strategies because the proposed new interventions contain the existing intervention’s content. The Department also proposes to delete the following interventions because they are no longer consistent with the Department’s school improvement approach:

- Redesign of instructional time to better meet student needs and increase teacher collaboration focused on improving teaching and learning;
- Required professional development focused on the eight turnaround principles for school leaders and educators;
- Hiring or reassigning full-time professional specialists (for example, culture-and-climate, data, literacy, and mathematics leaders) to be embedded in schools; and
- Support from a qualified turnaround provider in any, or all, of the eight turnaround strategies.

The Department further proposes to amend the existing definition regarding changes to the climate and culture of the school to ensure a quality learning environment with a culture of high expectations for every student. The Department proposes to replace “[c]hanges to” with “[o]ngoing assessment of” because incorporating a process that evaluates the school’s climate and culture throughout the school year is consistent with the Department’s school improvement approach. The Department also proposes to add the following as new evidence-based interventions:

- Implementation of diagnostic and common formative assessments and instructional units;
- Job-embedded professional learning for instructional staff based on needs identified through the annual school plan, relevant academic assessment, instructional, and demographic data; and
- Tiered, evidence-based academic strategies to address specific student needs.

The Department proposes to amend the definition for “school performance reports,” which are annual Department reports released for every school in New Jersey. The proposed amendments reflect the changes made in the Department’s school accountability system regarding the metrics and descriptors for identifying schools in need of support and improvement based on the requirements of ESSA. The Department proposes to delete language stating the reports “set specific school- and subgroup-performance targets for both language arts and mathematics, and detail the school’s annual progress toward meeting the targets.” The Department also proposes to amend other language in the definition. The existing definition states that the reports include a range of data, “including progress toward closing achievement gaps, comparison to peer schools with similar demographics, growth over time as measured through Student Growth Percentiles (SGP) on State tests and additional college- and career-readiness data points.” The Department proposes to replace the language with “on student achievement, progress toward annual targets, and additional college- and career-readiness data points in accordance with the school report cards required by ESSA.” The Department further proposes to delete the statement that the reports support school districts’ and schools’ engagement in performance management by setting performance goals, identifying strengths and weaknesses, and developing local plans to focus on low-performance areas.

Subchapter 2. Accountability Process and System

Subchapter 2 established the Department's former accountability process and system for schools identified as Focus Schools, Priority Schools, or non-categorized schools. The accountability system included quality school reviews, school improvement plans, and school-level interventions initiated by the RACs.

N.J.A.C. 6A:33-2.1, Schools identified as Priority or Focus, identified the criteria for Priority and Focus Schools and how schools identified as Priority or Focus became eligible to exit status as a Priority or Focus School. The section also required all schools identified as Priority or Focus to work with the RACs to develop and implement a SIP.

N.J.A.C. 6A:33-2.2, Non-categorized schools, required schools not identified as a Priority or Focus School to publicly report on the school performance report and to develop a SIP approved by the district board of education. The section also identified the criteria for non-categorized schools at risk of reaching status as a Priority or Focus School.

N.J.A.C. 6A:33-2.3, Quality school reviews, set forth the information that was considered by the RACs in evaluating the performance of Priority and Focus Schools that was used for developing interventions in the SIP aligned with the turnaround principles.

N.J.A.C. 6A:33-2.4, School improvement plans, required Priority and Focus Schools to develop and implement a SIP based on the findings from the quality school review. The section also sets forth the responsibilities of the Executive Director of Regional Achievement in approving and implementing the SIP for each Priority and Focus School.

N.J.A.C. 6A:33-2.5, Regional Achievement Center interventions, required school districts to submit assurances that Priority and Focus Schools would work with the RACs to develop and implement an individualized SIP that delineated the interventions for which the

school and school district would be held accountable. The section also codified the authority of the Commissioner to take appropriate action to ensure meaningful implementation of the SIP.

The Department proposes to delete the subchapter because it is based on the Department's NCLB waiver, which was nullified following the transition to the ESSA.

New Subchapter 2. Identification Process

New Subchapter 2 sets forth the process, including metrics and criteria, for identifying schools that need support and improvement, and the process to notify school districts. The proposed subchapter is consistent with New Jersey's approved [ESSA Plan](#).

New N.J.A.C. 6A:33-2.1 Data utilized for identification

The Department proposes new N.J.A.C. 6A:33-2.1 to set forth the data that the Department will utilize to identify Comprehensive and Targeted Schools. The ESSA requires states to include in their accountability systems metrics that measure academic achievement, academic progress, graduation rate, progress for English language learners (ELLs), and a fourth school-quality indicator.

New N.J.A.C. 6A:33-2.1(a) includes the following metrics that the Department will use to measure a school's performance on the accountability indicators and to identify

Comprehensive and Targeted Schools:

1. Academic achievement as measured by a school's proficiency rates on the State assessment;
2. Academic progress as measured by the school's student growth percentile;
3. The high school's graduation rate;

4. Progress of ELLs toward English language proficiency as measured by the school's growth on the English language proficiency test; and
5. The school's chronic absenteeism rate.

New N.J.A.C. 6A:33-2.2 Identification of schools in need of comprehensive support and improvement

The Department proposes new N.J.A.C. 6A:33-2.2 to set forth the criteria that the Department will use to identify Comprehensive Schools. The ESSA requires states to identify schools in need of comprehensive support and improvement (Comprehensive Schools).

New N.J.A.C. 6A:33-2.2(a) states that the Department will identify a school meeting any of the following criteria as a Comprehensive School:

1. An aggregate score that is at or below the fifth percentile of performance for all Title I schools based on all applicable accountability indicators;
2. For Title I schools, identification as being in need of targeted support and improvement pursuant to N.J.A.C. 6A:33-2.3(a)1 for three or more consecutive years; or
3. For a high school, a four-year graduation rate at or below 67 percent.

New N.J.A.C. 6A:33-2.3 Identification of schools in need of targeted support and improvement

The Department proposes new N.J.A.C. 6A:33-2.3 to set forth the criteria that the Department will use to identify Targeted Schools.

New N.J.A.C. 6A:33-2.3(a) states that the Department will identify a school meeting any of the listed criteria as a Targeted School unless the Department has already identified the school

as a Comprehensive School in the same identification cycle. New N.J.A.C. 6A:33-2.3(a)1 sets forth the following as one of the criteria used to identify Targeted Schools: At least one student subgroup has an aggregate score that is at or below the fifth percentile of performance for all Title I schools based on all applicable accountability indicators. New N.J.A.C. 6A:33-2.3(a)2 establishes as a criterion that the school has a student subgroup that is designated as consistently underperforming as follows:

- For elementary and middle schools, data for two consecutive years demonstrate that at least one student subgroup missed its interim target in academic achievement, the academic progress indicator fell below a pre-determined level, and each accountability factor was below the State average for all students; or
- For high schools, data for two consecutive years demonstrate that at least one student subgroup missed its interim targets in academic achievement and graduation rate and each accountability indicator was below the State average for all students.

New N.J.A.C. 6A:33-2.4 Notification of identification

The Department proposes new N.J.A.C. 6A:33-2.4 to set forth the process for the notification of school districts that the Department has identified a school as a Comprehensive or Targeted School.

New N.J.A.C. 6A:33-2.4(a) states that the Department will notify, in writing, any school district that operates a school newly identified as a Comprehensive or Targeted School.

New N.J.A.C. 6A:33-2.4(b) states that the written notification will include, at a minimum: the school district's identified school(s) and corresponding status(es); a list of available support and technical assistance in understanding expectations for, and addressing the

needs of, Comprehensive and Targeted Schools; and information about Federal school improvement funds.

Subchapter 3. Qualified Turnaround Provider Intervention

Subchapter 3 governed the use of qualified turnaround providers in Priority or Focus Schools.

N.J.A.C. 6A:33-3.1, Appointment of qualified turnaround provider, codified the Commissioner's authority to appoint a qualified turnaround provider in schools that fail to implement the SIP, make adequate progress, or cooperate with the RACs in the SIP implementation. The section also sets forth the responsibilities of the qualified turnaround provider in approving and implementing the SIP in each Priority and Focus School.

N.J.A.C. 6A:33-3.2, Qualified turnaround provider agreements, sets forth the requirements for the agreement between the qualified turnaround provider and the Commissioner setting forth the qualified turnaround provider's responsibilities. The section also authorized the Commissioner to terminate the qualified turnaround provider's appointment if the expected outcomes set forth in the agreement were not being met.

The Department proposes to delete Subchapter 3 because qualified turnaround providers are no longer used as an escalated intervention option for low-performing schools that fail to adequately implement the SIP, make adequate progress, or cooperate with Department staff. More rigorous interventions for schools that are not making sufficient progress are set forth in proposed N.J.A.C. 6A:33-4.1 and 4.2.

New Subchapter 3. Supports and Interventions

The proposed subchapter sets forth expectations for the development of the annual school plan, as well as differentiated supports, progress monitoring, and interventions facilitated by the Department's field support teams.

New N.J.A.C. 6A:33-3.1 Annual school plan

New N.J.A.C. 6A:33-3.1 requires Comprehensive and Targeted Schools to form an annual school plan team that will conduct a comprehensive needs assessment to identify high-priority areas to be addressed through the required annual school plan. The annual school plan corresponds to the ESSA requirement regarding development of support and improvement plans for Comprehensive and Targeted Schools.

New N.J.A.C. 6A:33-3.1(a) sets forth the required membership of the annual school plan team, which includes, but is not limited to, parents and families; community members; teachers and other school staff; and students, when appropriate.

New N.J.A.C. 6A:33-3.1(b) requires the annual school plan team to first conduct a comprehensive needs assessment to identify high-priority areas to be addressed in the annual school plan. The proposed rule requires the comprehensive needs assessment to include: an in-depth analysis of quantitative academic achievement and climate and culture data; and a qualitative review of school-level practices based on a Department-provided rubric and supported by data determined to be relevant by the school district.

New N.J.A.C. 6A:33-3.1(c) establishes the annual school plan's required components as follows: the results of the comprehensive needs assessment, subsequent root cause analysis, and measurable goals.

New N.J.A.C. 6A:33-3.1(d) requires school districts that have one or more Comprehensive Schools or have three or more Targeted Schools to submit the proposed annual

school plan to the assigned field support team for approval. The proposed rule also requires the submission to include written documentation demonstrating that the school district's superintendent and either the school business administrator or the Federal programs administrator have approved the annual school plan and affirmed that the plan is aligned with the school district's strategic plan.

New N.J.A.C. 6A:33-3.1(e) requires school districts that have no Comprehensive Schools and have less than three Targeted Schools to review the annual school plan for the Targeted Schools. The proposed rule also requires the plan to include written documentation demonstrating that the school district's superintendent and either the school business administrator or the Federal programs administrator have approved the annual school plan and affirmed that the plan is aligned with the school district's strategic plan.

New N.J.A.C. 6A:33-3.2 Differentiated supports

New N.J.A.C. 6A:33-3.2 sets forth the differentiated supports the Department will provide to Comprehensive and Targeted Schools to develop and facilitate implementation of the annual school plan.

New N.J.A.C. 6A:33-3.2(a) includes the following actions as the differentiated supports that will be provided by the field support teams:

- Developing the annual school plan(s), including the comprehensive needs assessment and goal setting;
- Facilitating professional growth opportunities related to the annual school plan;
- Collaborating with school and school district leaders to analyze data and ensure that formative assessments are administered and aligned to curricula approved by the district board of education;

- Collaborating with school and school district leaders to identify and implement evidence-based instructional practices;
- Coaching school and school district leaders to build capacity to coach others and to foster autonomy and professional growth in content knowledge and pedagogy; and
- Facilitating progress monitoring of the annual school plan(s) in accordance with N.J.A.C. 6A:33-3.3 to promote growth mindset and continuous improvement.

New N.J.A.C. 6A:33-3.2(b) includes the following actions as the differentiated support options that the Department will offer to school districts that have no Comprehensive Schools and have less than three Targeted Schools:

- Guidelines for developing the annual school plan, including the comprehensive needs assessment;
- Department-sponsored programs, targeted technical assistance, or other opportunities related to the needs of specific student subgroups; or
- Guidance on the use of Federal funds to purchase coaching, other professional development, and/or materials related to evidence-based practices designed to improve performance for specific student subgroups or to address specific indicators.

New N.J.A.C. 6A:33-3.3 Progress monitoring

New N.J.A.C. 6A:33-3.3 establishes the minimum frequency of the data review cycle. The proposed section also sets forth the metrics that the annual school plan team must examine to assess a school's progress toward goal attainment.

New N.J.A.C. 6A:33-3.3(a) requires the annual school plan team to monitor, at the end of each instructional cycle or at least four times during the academic school year, the team's progress in implementing the annual school plan.

New N.J.A.C. 6A:33-3.3(b) requires the annual school plan team to review:

- Progress toward measurable goals included in the annual school plan;
- Student achievement data; and
- Climate and culture data, at the aggregate and student subgroup levels, including, but not limited to, in-school suspensions, out-of-school suspensions, chronic absenteeism, student attendance, faculty attendance, and incidents of violence, including harassment, intimidation, or bullying.

New N.J.A.C. 6A:33-3.3(c) requires the annual school plan team to share the data required at N.J.A.C. 6A:33-3.3(b) with the assigned field support team throughout the school year.

New N.J.A.C. 6A:33-3.3(d) requires school districts that have no Comprehensive Schools and have less than three Targeted Schools to ensure that the annual school plan team monitors, at the end of each instructional cycle or at least four times during the school year, the team's progress in implementing the annual school plan.

New N.J.A.C. 6A:33-3.4 Field support team interventions

New N.J.A.C. 6A:33-3.4 sets forth the actions that field support teams may take to gather necessary information and facilitate implementation of an annual school plan and/or provide ongoing feedback regarding a Comprehensive or Targeted School's progress under the annual school plan.

New N.J.A.C. 6A:33-3.4(a) allows the Department to take any or all of the following actions:

- Attend regularly scheduled school and/or school district administrative meetings pertaining to the annual school plan and/or implementation;
- Survey and interview school and school district staff, students, and families;
- Develop a schedule and protocol for, and conduct classroom walkthroughs, in conjunction with the school principal and school district leadership;
- Collect data, reports, and other documents deemed relevant to the Comprehensive or Targeted School's performance;
- Collaborate with the school and school district in developing and/or providing professional development opportunities; and
- Collaborate with the school and school district in the development of a communications plan to provide progress monitoring information to stakeholders.

Subchapter 4. Appeal Process

This subchapter established the process by which Priority and Focus Schools and their school districts could dispute a Department finding or intervention. In addition, the amendments replace “Priority” and “Focus” with “Comprehensive” and “Targeted.”

The Department proposes to recodify existing Subchapter 4 as new Subchapter 5.

N.J.A.C. 6A:33-4.1 Presentation of countervailing evidence

This section provides that a Priority or Focus School and/or its school district may challenge a Departmental finding or intervention made pursuant to this chapter by initiating a contested case before the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

The rules also allow the Department to continue to implement all disputed interventions during the pendency of an appeal.

The Department proposes to recodify the section as new N.J.A.C. 6A:33-5.1 and to replace “Priority” and “Focus” with “Comprehensive” and “Targeted.”

New Subchapter 4. Exit Criteria

The proposed subchapter establishes the criteria for the Department to use in ascertaining the extent to which a school identified as in need of support and improvement is making sufficient progress on accountability indicators and no longer needs to be designated as a Comprehensive or Targeted School. The subchapter also sets forth more rigorous interventions for schools that have not made sufficient progress.

New N.J.A.C. 6A:33-4.1 Exit criteria for Comprehensive Schools

New N.J.A.C. 6A:33-4.1 specifies the process for determining whether a Comprehensive School has made sufficient progress and, therefore, will no longer be designated as a Comprehensive School. The proposed section also establishes the frequency at which Comprehensive Schools will be reviewed based on the exit criteria, the conditions under which they will be deemed eligible to cease to be identified as a Comprehensive School, and the notification process for eligible Comprehensive Schools. The proposed section also sets forth the sustainability planning and approval process for exiting schools, as well as additional requirements for Comprehensive Schools that do not meet the exit criteria.

New N.J.A.C. 6A:33-4.1(a) states that a Comprehensive School has the opportunity to be reviewed based on the exit criteria every three years and when the Department identifies a new cohort of schools. On rare occasions, the Department identifies a new cohort of schools outside

of the normal three-year review period due to data availability. Under such circumstances, the identification of a new cohort of schools could indicate that a formerly identified Comprehensive School no longer needs to be designated as such.

New N.J.A.C. 6A:33-4.1(b) sets forth the exit criteria that a Comprehensive School must meet to be eligible to no longer be identified as a Comprehensive School. Proposed N.J.A.C. 6A:33-4.1(b)1 requires the school to have a summative score above the fifth percentile for Title I schools. The Department will calculate summative scores using the accountability indicators set forth at N.J.A.C. 6A:33-2.1(a). The Department also will rank summative scores from highest to lowest and schools that have scores within the top 95 percent of Title I schools will meet the requirement at proposed N.J.A.C. 6A:33-4.1(b)1.

New N.J.A.C. 6A:33-4.1(b)2 requires the school to demonstrate schoolwide improvement on an accountability indicator as compared to schoolwide performance at the time of the most recent identification as a Comprehensive School. The proposed subparagraph states, the Department will also consider the following to be indicative of notable schoolwide improvement:

- Increases in the percentages of students with scores on Statewide assessments that approached, met, or exceeded expectations;
- Academic progress scores that met or exceeded the annual target;
- Schoolwide proficiency rates that met annual targets; and
- Schoolwide rates of chronic absenteeism that met the average for the respective grade configuration.

New N.J.A.C. 6A:33-4.1(b)3 requires a Comprehensive School that is a high school to have a four-year graduation rate above the ESSA benchmark of 67 percent.

New N.J.A.C. 6A:33-4.1(b)4 requires the Department to confirm that a Comprehensive School has successfully implemented its annual school plans during the period of identification.

The proposed subparagraph requires the evidence that allows the Department to confirm successful implementation of the annual school plans be provided through the Department's online Annual School Planning System. The proposed subparagraph also states, the evidence may include, but is not limited to:

- Consistent, effective implementation of evidence-based interventions;
- The timely expenditure of Federal school improvement funds;
- A robust formative assessment system to monitor student progress throughout the school year;
- Stakeholder engagement in the drafting and monitoring of the annual school plan;
- Principal evaluations;
- Active participation in regularly scheduled collaborative opportunities that facilitate professional learning and develop teacher leaders; and
- Job-embedded professional development that supports teachers' mastery of instructional best practices related to annual school plan goals.

New N.J.A.C. 6A:33-4.1(c) requires the Comprehensive School to remain in status for one additional year, if the Department does not confirm that the school successfully implemented its annual school plans. The proposed subparagraph also states that the school will remain eligible to cease to be identified as a Comprehensive School the following year if it meets the conditions set forth at N.J.A.C. 6A:33-4.1(b).

New N.J.A.C. 6A:33-4.1(d) states that the Commissioner will notify a Comprehensive School by January 31 as to whether it has met the criteria at N.J.A.C. 6A:33-4.1(b) and is eligible to cease to be identified as a Comprehensive School effective June 30. New N.J.A.C. 6A:33-4.1(d)1 requires school districts that have a Comprehensive School that is eligible to cease to be identified as a Comprehensive School to submit a sustainability plan within 30 business days of

the date of the Commissioner's eligibility notification. New N.J.A.C. 6A:33-4.1(d)2 requires the sustainability plan to: identify the strategies and initiatives directly linked to improvements in academic achievement; demonstrate in the goals section how the school district will continue to provide support to the school to sustain noted improvements; and demonstrate the equitable distribution of resources to support continued school improvement. New N.J.A.C. 6A:33-4.1(d)3 allows the Commissioner to determine that a school will cease to be identified as a Comprehensive School upon the approval by the Department of the school's sustainability plan. The proposed subparagraph also states that Department approval of a sustainability plan may require, but is not limited to, plan revisions, school visits, and/or interviews with school district and school leadership.

New N.J.A.C. 6A:33-4.1(e) sets forth that Comprehensive Schools that do not meet the exit criteria will remain in status as Comprehensive II Schools. The proposed paragraph also requires the Commissioner to notify a Comprehensive School of its Comprehensive II School status by January 31. Proposed N.J.A.C. 6A:33-4.1(e)1 requires school districts with Comprehensive II Schools to provide to the Department a report describing how the school district will increase equity in resource distribution to the Comprehensive II School relative to previous years. The proposed subparagraph requires the report to be submitted no later than 45 business days after the date of notification of Comprehensive II status. Proposed N.J.A.C. 6A:33-4.1(e)2 states that school districts with Comprehensive II Schools may be eligible for additional funding for new initiatives contingent upon a formal agreement of external program evaluation. Proposed N.J.A.C. 6A:33-4.1(e)3 requires school districts with Comprehensive II Schools to hire a leadership coach for building principals. Proposed N.J.A.C. 6A:33-4.1(e)4 requires the district board of education members of school districts with Comprehensive II Schools to undergo additional training to strengthen governance and oversight. Proposed N.J.A.C. 6A:33-4.1(e)5

subjects Comprehensive II Schools to the same exit criteria and exit process as Comprehensive Schools. The proposed subparagraph also states that Comprehensive II Schools that do not meet the exit criteria shall remain in Comprehensive II status. The proposed subparagraph also indicates that the Comprehensive II School status shall be re-examined every three years and when the Department identifies a new cohort of schools.

New N.J.A.C. 6A:33-4.2 Exit criteria for Targeted Schools with low-performing student subgroup(s)

New N.J.A.C. 6A:33-4.2 specifies the process for determining whether a Targeted School with low-performing student subgroup(s) has made sufficient progress and, therefore, will no longer be designated as a Targeted School. The proposed rules also establish the frequency at which Targeted Schools will be reviewed based on exit criteria, the conditions under which they will be deemed eligible to cease to be identified as a Targeted School, and the notification process for eligible Targeted Schools with low-performing subgroup(s). The proposed section also sets forth the circumstances in which a Targeted School could be placed on probation or be designated as a Comprehensive School and subject to more rigorous interventions.

New N.J.A.C. 6A:33-4.2(a) states that a Targeted School has the opportunity to be reviewed based on the exit criteria every three years and when the Department identifies a new cohort of schools.

New N.J.A.C. 6A:33-4.2(b) sets forth the exit criteria a Targeted School must meet to be eligible to cease to be identified as a Targeted School. New N.J.A.C. 6A:33-4.2(b)1 states that the school does not have a student subgroup with a summative score at or below the fifth percentile for Title I schools. New N.J.A.C. 6A:33-4.2(b)2 requires the school to demonstrate, for each student subgroup for which the school was identified as a Targeted School,

improvement on an accountability indicator as compared to the subgroup's performance at the time of identification as a Targeted School. The proposed subparagraph states the Department will also consider the following to be indicative of notable schoolwide improvement:

- Increase(s) in the percentages of students with scores on Statewide assessments that approached, met, or exceeded expectations;
- Subgroup academic progress scores that met or exceeded the annual target;
- Subgroup proficiency rates that met annual targets; and
- Subgroup rates for chronic absenteeism that met the average for the respective school configuration.

New N.J.A.C. 6A:33-4.2(c) requires the Commissioner to notify a Targeted School by January 31 as to whether it has met the criteria at N.J.A.C. 6A:33-4.2(b) and is eligible to cease to be identified as a Targeted School effective June 30.

New N.J.A.C. 6A:33-4.2(d) allows the Department to place a Targeted School on a one-year probation if the school has met some, but not all, of the criteria at N.J.A.C. 6A:33-4.2(b). After the one-year probation, the Targeted School shall be eligible to cease to be identified as a Targeted School if all of the criteria at N.J.A.C. 6A:33-4.2(b) has been met. The proposed subsection also states that the school shall remain as a Targeted School if all of the criteria at N.J.A.C. 6A:33-4.2(b) are not met after the one-year probation.

New N.J.A.C. 6A:33-4.2(e) states a Title I school identified as a Targeted School for three or more consecutive years shall be designated as a Comprehensive School.

New N.J.A.C. 6A:33-4.3 Exit criteria for Targeted Schools with consistently underperforming student subgroup(s)

New N.J.A.C. 6A:33-4.3 sets forth the process for determining whether Targeted Schools with consistently underperforming student subgroup(s) have made sufficient progress and, therefore, will no longer be designated as a Targeted School. Unlike Targeted Schools with low-performing subgroups, identified in proposed N.J.A.C. 6A:33-2.3(a)1, the Targeted Schools that are subject to this section are not among the lowest-performing five percent of Title I schools in the State. The Targeted Schools that are subject to this section are deemed at-risk of a future ranking among the lowest-performing subgroups due to not meeting benchmarks set forth at N.J.A.C. 6A:33-2.3(a)2. Therefore, Targeted Schools with consistently underperforming student subgroup(s) need different exit criteria than in the criteria set forth at N.J.A.C. 6A:33-4.2. This section also establishes the frequency at which the schools will be reviewed based on exit criteria, the condition under which the schools will be deemed eligible to cease to be identified as a Targeted School, and the notification process for eligible Targeted Schools with consistently underperforming subgroups.

New N.J.A.C. 6A:33-4.3(a) provides a Targeted School with consistently underperforming student subgroup(s) the opportunity to be reviewed based on the exit criteria every year.

New N.J.A.C. 6A:33-4.3(b) addresses the situation in which a school that was identified as a Targeted School based on the presence of consistently underperforming student subgroup(s) no longer appears to have consistently underperforming student subgroup(s) using the criteria at N.J.A.C. 6A:33-2.3(a)2.

New N.J.A.C. 6A:33-4.3(c) requires the Commissioner to notify a Targeted School with consistently underperforming student subgroup(s) by January 31 as to whether it has met the criteria at N.J.A.C. 6A:33-4.3(b) and is eligible to cease to be identified as a Targeted School effective June 30.

Appendix. Quality School Review Rubric Indicators

The appendix sets forth the indicators that were the basis for evaluating a Priority or Focus School's performance on the context of eight turnaround principles.

The Department proposes to repeal the appendix because the Quality School Review rubric is not utilized in the Department's current school improvement protocols.

As the Department has provided a 60-day comment period in this notice of proposal, this notice is exempted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption with amendments, repeals, and new rules codify the Department's school improvement approach, which includes the process for identifying the State's lowest-performing schools and subgroups and for providing the subsequent support and interventions that will lead to improved student outcomes. The rules proposed for readoption with proposed amendments, repeals, and new rules also set forth the criteria for identified schools that are making sufficient progress on accountability indicators and, therefore, no longer need to be designated as in need of support and improvement.

The rules proposed for readoption with proposed amendments, repeals, and new rules align with the Department's mission of ensuring that all students have equitable access to a high-quality education and achieve academic excellence. Statewide, New Jersey's students perform at nation-leading levels. However, the persistent achievement gap between economically disadvantaged students and their peers that is reflected in national data is also prevalent in New Jersey. Specifically, the Spring 2019 New Jersey Student Learning Assessment report indicates that the proportion of low-income elementary students, by grade, who met or exceeded

expectations in English language arts (ELA) ranged between 33 percent (third grade) and 45 percent (eighth grade) compared to a range of 61 percent (third grade) to 73 percent (seventh grade) for their higher-income peers. The achievement gap also appears in mathematics with the percentage of low-income elementary students meeting or exceeding expectations ranging between 20 percent (eighth grade) and 37 percent (third grade) versus 36 percent (eighth grade) and 67 percent (third grade) for their higher-income peers. The achievement gap continues at the high school level with 36 percent and 30 percent of low-income students meeting or exceeding expectations in ELA 9 and Algebra 2, respectively, compared to 65 percent and 63 percent, respectively, for their higher income peers.

The Department's school improvement approach emphasizes collaboration with school districts to identify and facilitate implementation of evidence-based strategies that address the root causes of persistent schoolwide or subgroup(s) underperformance. The rules proposed for readoption with amendments, repeals, and new rules will impact students attending 274 schools that are identified as either Comprehensive or Targeted Schools in 133 school districts. Field support teams will be staffed by master educators who will partner with school districts to ensure that annual school plan goals are established and met, and high-impact supports are developed and delivered.

The social impact sought through implementation of the rules proposed for readoption with amendments, repeals, and new rules include: establishing and maintaining a positive school climate and culture that is conducive to learning and that influences optimal student attendance; decreasing chronic absenteeism, including student truancy and crime-related issues caused by truancy; and enhancing student engagement and student academic performance to narrow the achievement gap.

Economic Impact

The rules proposed for readoption with amendments, repeals, and new rules seek to improve student academic achievement and, subsequently, to increase the number of students graduating from high school ready for college and career. Students served by the program will have the skills needed to join the labor force, which, in turn, will help improve the economy by reducing State spending and increasing tax revenue. The Alliance for Education Excellence in its November 2011 Report, *The High Cost of High School Dropouts: What the Nation Pays for Inadequate High Schools*, projected that a high school graduate yields a public benefit of \$200,000 in lower government spending and higher tax revenue compared to a student who does not graduate from high school. In this report, the Alliance for Education Excellence further projected that the approximately 13,900 students in New Jersey's class of 2011 who did not graduate high school would generate approximately \$2.5 billion in total additional lifetime income if they had graduated.

Federal Standards Statement

The rules proposed for readoption with amendments, repeals, and new rules comply with Federal requirements under the ESEA, as amended by the ESSA, 20 U.S.C. §§ 6301 et seq. Therefore, a Federal standards analysis is not required.

Jobs Impact

The Department does not anticipate that the rules proposed for readoption with amendments, repeals, and new rules will result in the generation or loss of jobs.

Agriculture Industry Impact

The rules proposed for readoption with amendments, repeals, and new rules will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

A regulatory analysis is not required because the rules proposed for readoption with amendments, repeals, and new rules do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Housing Affordability Impact Analysis

The rule proposed for readoption with amendments, repeals, and new rules will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the rules proposed for readoption with amendments, repeals, and new rules would evoke a change in the average costs associated with housing because the rules proposed for readoption with amendments, repeals, and new rules concern public schools identified in need of support and improvement.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments, repeals, and new rules will have an insignificant impact on smart growth. There is an extreme unlikelihood the rules proposed for readoption with amendments, repeals, and new rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules proposed for readoption with amendments, repeals, and new rules concern public schools identified in need of support and improvement.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

There is an extreme unlikelihood that the rules proposed for readoption with amendments, repeals, and new rules would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the rules proposed for readoption with amendments, repeals, and new rules concern public schools identified in need of support and improvement.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at [N.J.A.C. 6A:33](#).

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 6A:33-2 and 3 and Appendix.

Full text of the proposed amendments and new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

Subchapter 1. General Provisions

6A:33-1.1 Purpose

- (a) The mission of the New Jersey Department of Education is to **provide supports to schools, educators, and school districts to** ensure that all [children graduate from high school prepared for college and career regardless of their life circumstances] **of New Jersey's 1.4 million students have equitable access to a high-quality education and achieve academic excellence.** [The Department has aligned significant resources and coordinated school-improvement activities to advance this mission, particularly within the State's lowest-performing schools.] To that end, these rules are promulgated pursuant to N.J.S.A. 18A:7F-34 [and 18A:7F-42] to

[establish Regional Achievement Centers (RACs) to] support the State’s lowest performing schools identified as [Priority] **Comprehensive** and [Focus] **Targeted** Schools.

(b) Pursuant to the authority at N.J.S.A. 18A:7F-6.b and 18A:7F-60, the Commissioner may [withhold the disbursement of funds to a school district, or] take any [necessary] action [to ensure the effective and efficient expenditure of funds by school districts. Whenever] **the Commissioner deems necessary and appropriate, whenever** the Commissioner determines, through the results of Statewide assessments or during the course of an evaluation of school performance, that a school district or one or more of its schools is failing to achieve the New Jersey Student Learning Standards (NJSLS)[, the Commissioner may take any such action he or she deems necessary and appropriate, which may include, but is not limited to:].

1. Directing the restructuring of curriculum or programs;
2. Directing staff retraining or reassignment;
3. Conducting a comprehensive budget evaluation;
4. Redirecting expenditures; and
5. Enforcing spending at the full adequacy budget.]

(c) Based on the authority of N.J.S.A. 18A:7F-6.b and 18A:7F-60, **in accordance with the Every Student Succeeds Act (ESSA) (20 U.S.C. § 6301 et seq.)** and pursuant to [these rules] **this chapter**, the [RACs] **Department** will [support each Priority and Focus School’s development of an approved school improvement plan that identifies interventions to address the turnaround principles outlined in N.J.A.C. 6A:33-1.3. The RACs will ensure effective implementation of a support and interventions system that is

grounded in distinct principles – the turnaround principles - designed to improve educational outcomes for students in Priority and Focus Schools throughout the State.]:

1. **Utilize a system of meaningful differentiation to identify Comprehensive and Targeted Schools;**
2. **Provide differentiated support to Comprehensive and Targeted Schools based upon the reason for identification and the annual plans developed by the school and its school district; and**
3. **Utilize exit criteria for Comprehensive and Targeted Schools to assess ongoing progress toward improved academic achievement and school success in the State.**

[(d) Priority and Focus Schools failing to meet the NJSLS or to implement school improvement plans may be subject to additional conditions and requirements, which include the appointment of a qualified turnaround provider to assist with school improvement plan’s development and implementation.]

6A:33-1.2 Scope

The rules shall apply to [Priority] **Comprehensive** and [Focus] **Targeted** Schools, as defined [in] **at N.J.A.C. 6A:33-1.3, and their school districts** with the exception of any charter schools authorized pursuant to N.J.S.A. 18A:36A-1 et seq., **or renaissance school projects** that may be identified as [Priority] **Comprehensive** or [Focus] **Targeted** Schools. [Upon recommendation of the Executive Director of Regional Achievement, the Commissioner shall take appropriate action, which may include the appointment of a qualified turnaround provider, to ensure the meaningful implementation of the school improvement plan (SIP) when a Priority or Focus School demonstrates continued academic failure or the inability or unwillingness to implement

its SIP either in whole or in part.]

6A:33-1.3 Definitions

The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

["Executive Director for Regional Achievement" or "EDRA" means an individual who leads a Regional Achievement Center.

"Focus School" means a school with focused or specific deficiencies as determined by the criteria at N.J.A.C. 6A:33-2.1(a).]

"Accountability indicators" mean the areas that the Every Student Succeeds Act (ESSA) requires the State to utilize in measuring the performance of all schools for the purpose of identifying schools in need of support and improvement. The required accountability indicators for high schools are: academic achievement; graduation rate; progress toward achieving English language proficiency; and a measure of school quality or student success. The required accountability indicators for elementary and middle schools are: academic achievement; academic progress; progress toward achieving English language proficiency; and a measure of school quality or student success.

"Annual school plan" means a school-level plan to improve student outcomes for a Comprehensive or Targeted School.

"Comprehensive School" means a school that the Department identifies as in need of comprehensive support and improvement, in accordance with the criteria at N.J.A.C. 6A:33-2.1.

“Comprehensive II School” means a Comprehensive School that does not meet exit criteria, in accordance with N.J.A.C. 6A:33-4.1(b).

“ESSA” means the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act, 20 U.S.C. § 6301 et seq.

“English language proficiency test” means as defined at N.J.A.C. 6A:15-1.2.

“Evidence-based interventions” means strategies that are deemed effective based on research findings that indicate a positive, statistically significant impact on outcomes and, as such, are likely to result in comparable outcomes for Comprehensive or Targeted Schools when replicated under similar conditions, as described in the research.

“Field support team” means one of the Department’s field-based teams composed of experienced educators and specialists who are charged with providing on-site support focused on curriculum, instruction, assessment, professional learning, use of data, and cycles of continuous improvement to school districts that have one or more Comprehensive Schools, or three or more Targeted Schools.

“Interim target” means the metric in the accountability system that defines whether Comprehensive or Targeted Schools made progress toward long-term goals.

“Interventions” means strategies [identified in a SIP for implementation] in the annual school plan that address the root causes that hinder optimal student achievement. Interventions are implemented by a [Priority] Comprehensive or [Focus] Targeted School[. Interventions] with support from the school district and may include, but are not limited to:

1. Implementation of [the Department’s model] curriculum [and unit assessments] aligned to the NJSLs, **including an ongoing process for revision linked to instructional and assessment data;**
- [2. Redesign of instructional time to better meet student needs and increase teacher collaboration focused on improving teaching and learning;
3. Use of current data to design and implement specific classroom strategies to improve teaching and learning;
4. Required professional development focused on the eight turnaround principles for school leaders and educators;]
- [5.] **2.** [Changes to] **Ongoing assessment of** the climate and culture of the school to ensure a quality learning environment with a culture of high expectations for every student;
- [6.] **3.** (No change in text.)
- [7. Hiring or reassigning full-time professionals specialists (for example, culture-and-climate, data, literacy, and mathematics leaders) to be embedded in schools; or
8. Support from a qualified turnaround provider in any, or all, of the eight turnaround strategies.]
- 4. Implementation of diagnostic and common formative assessments and instructional units;**
- 5. Job-embedded professional learning for instructional staff based on needs identified through the annual school plan, relevant academic assessment, instructional, and demographic data; and**
- 6. Tiered, evidence-based academic strategies to address specific student needs.**

...

[“Non-categorized school” means a school that does not meet the criteria for a Priority or Focus School.

“Priority School” means a school that demonstrates very low levels of success in either school wide student proficiency rates or overall graduation rates as determined by criteria at N.J.A.C. 6A:33-2.1(b).

“Quality school review” or “QSR” means a school-based needs assessment conducted by a RAC that assesses school performance based on turnaround principles.

“Qualified turnaround provider” or “QTP” means an entity with demonstrated success in both student and school growth and improvement based upon expertise grounded in one or more of the turnaround principles.

“Regional Achievement Center” or “RAC” means one of the Department’s regional centers led by experienced educators and specialists who are charged with driving school improvement and student achievement in schools identified as Priority and Focus.

“School improvement plan” or “SIP” means a plan for improvement for a Priority or Focus School based upon turnaround principles that have been developed by RAC and school staff.]

“School performance reports” means annual Department **school** reports [released for every school in New Jersey] that [set specific school- and subgroup-performance targets for both language arts and mathematics, and detail the school’s annual progress toward meeting the targets. The report includes] **include** a range of data[, including progress toward closing

achievement gaps, comparison to peer schools with similar demographics, growth over time as measured through Student Growth Percentiles (SGP) on State tests,] **on student achievement, progress toward annual targets**, and additional college- and career-readiness data points **in accordance with the school report cards required by ESSA**.

[The reports support school districts' and schools' engagement in performance management by setting performance goals, identifying strengths and weaknesses, and developing local plans to focus on low-performance areas.]

["Turnaround principles" means interventions that are based on the needs of a school's students and are designed to enhance student achievement. The turnaround principles are:

1. School climate and culture: establishing school environments that support the social, emotional and health needs of all students;
2. School leadership: ensuring that the principal has the ability to lead the turnaround effort;
3. Standards-aligned curriculum, assessment, and intervention system: ensuring teachers have the foundational documents and instructional materials needed to teach to the rigorous college- and career-ready standards that have been adopted;
4. Instruction: ensuring teachers utilize research-based effective instruction to meet the needs of all students;
5. Use of time: redesigning academic time to better meet student needs and increase teacher collaboration focused on improving teaching and learning;
6. Use of data: ensuring school wide use of data focused on improving teaching and learning;

7. Staffing practices: developing the skills to better recruit, retain and develop effective teachers and administrators; and
8. Family and community engagement: increasing academically focused family and community engagement.]

“Student subgroup” means students who are grouped together for the collection of data required by ESSA and for the identification of schools in need of support and improvement. Section 1111(c)(2) of ESSA defines student subgroups, for accountability purposes, as specific racial and ethnic groups, economically disadvantaged students, students with disabilities, and English language learners (ELLs).

“Targeted School” means a school that the Department identifies as in need of targeted improvement and support, in accordance with the criteria at N.J.A.C. 6A:33-2.2.

“Title I school” means a school that receives Federal funding pursuant to ESSA.

Subchapter 2. Identification Process

6A:33-2.1 Data utilized for identification

- (a) The Department will utilize the following data, if applicable, to measure a school’s performance on the accountability indicators and to identify Comprehensive and Targeted Schools:**
 - 1. Academic achievement as measured by a school’s proficiency rates on the State assessment;**

2. **Academic progress as measured by the school's student growth percentile;**
3. **The high school's graduation rate;**
4. **Progress of English language learners toward English language proficiency, as measured by the school's growth on the English language proficiency test; and**
5. **The school's chronic absenteeism rate.**

6A:33-2.2 Identification of schools in need of comprehensive support and improvement

(a) The Department will identify a school meeting any of the following criteria as a Comprehensive School:

1. **An aggregate score that is at or below the fifth percentile of performance for all Title I schools based on all applicable accountability indicators;**
2. **For Title I schools, identification as being in need of targeted support and improvement pursuant to N.J.A.C. 6A:33-2.3(a)1 for three or more consecutive years; or**
3. **For a high school, a four-year graduation rate at or below 67 percent.**

6A:33-2.3 Identification of schools in need of targeted support and improvement

(a) The Department will identify a school meeting any of the following criteria as a Targeted School, unless the Department has already identified the school as a Comprehensive School in the same identification cycle:

1. **At least one student subgroup has an aggregate score that is at or below the fifth percentile of performance for all Title I schools based on all applicable accountability indicators; or**

- 2. The school has a student subgroup that is designated as consistently underperforming as follows:**
 - i. For elementary and middle schools, data for two consecutive years demonstrate that at least one student subgroup missed its interim target in academic achievement, the academic progress indicator fell below a pre-determined level, and each accountability factor was below the State average for all students; or**
 - ii. For high schools, data for two consecutive years demonstrate that at least one student subgroup missed its interim targets in academic achievement and graduation rate and each accountability indicator was below the State average for all students.**

6A:33-2.4 Notification of identification

- (a) The Department will notify, in writing, any school district that operates a school newly identified as a Comprehensive or Targeted School, pursuant to N.J.A.C. 6A:33-2.2 and 2.3.**
- (b) The written notification will include, at a minimum:**
 - 1. The school district's identified school(s) and its corresponding status(es);**
 - 2. A list of available support and technical assistance in understanding expectations for, and addressing the needs of, Comprehensive and Targeted Schools; and**
 - 3. Information about Federal school improvement funds.**

Subchapter 3. Supports And Interventions

6A:33-3.1 Annual school plan

- (a) Each year, a Comprehensive or Targeted School shall form an annual school plan team whose membership shall include, but not be limited to:**
- 1. Parents and families;**
 - 2. Community members;**
 - 3. Teachers and other school staff; and**
 - 4. Students, when appropriate.**
- (b) The annual school plan team shall first conduct a comprehensive needs assessment to identify high-priority areas to address in the annual school plan. The comprehensive needs assessment shall include:**
- 1. An in-depth analysis of quantitative academic achievement and climate and culture data; and**
 - 2. A qualitative review of school-level practices based on a Department-provided rubric and supported by data determined to be relevant by the school district.**
- (c) The annual school plan shall include the results of the comprehensive needs assessment and subsequent root cause analysis. The annual school plan shall also include measurable goals.**
- (d) School districts with one or more Comprehensive School(s) or three or more Targeted Schools shall submit to the assigned field support team for approval, the proposed annual school plan for all schools identified as in need of support and improvement. The submission shall include written documentation demonstrating**

that the school district's superintendent and either the school business administrator or the Federal programs administrator have approved the annual school plan and affirmed that the plan is aligned with the school district's strategic plan.

- (e) School districts that have no Comprehensive Schools and have less than three Targeted Schools shall review the annual school plan for the Targeted School(s). The plan shall include written documentation demonstrating that the school district's superintendent and either the school business administrator or the Federal programs administrator have approved the annual school plan and affirmed that the plan is aligned with the school district's strategic plan.**

6A:33-3.2 Differentiated supports

- (a) The Department's field support teams will provide school districts with Comprehensive Schools or three or more Targeted Schools with differentiated support in the following areas:**
- 1. Developing the annual school plan(s), including the comprehensive needs assessment and goal-setting;**
 - 2. Facilitating professional growth opportunities related to the annual school plan;**
 - 3. Collaborating with school and school district leaders to analyze data and ensure that formative assessments are administered and aligned to curricula approved by the district board of education;**
 - 4. Collaborating with school and school district leaders to identify and implement evidence-based instructional practices;**

5. **Coaching school and school district leaders to build capacity to coach others and to foster autonomy and professional growth in content knowledge and pedagogy; and**
 6. **Facilitating progress monitoring of the annual school plan(s) in accordance with N.J.A.C. 6A:33-3.3 to promote growth mindset and continuous improvement.**
- (b) The Department will offer the following differentiated support options to school districts that have no Comprehensive Schools and have less than three Targeted Schools:**
1. **Guidelines for developing the annual school plan, including the comprehensive needs assessment;**
 2. **Department-sponsored programs, targeted technical assistance, or other opportunities related to the needs of specific student subgroups; or**
 3. **Guidance on the use of Federal funds to purchase coaching, other professional development, and/or materials related to evidence-based practices designed to improve performance for specific student subgroups or to address specific indicators.**

6A:33-3.3 Progress monitoring

- (a) The annual school plan team shall monitor its progress in implementing the annual school plan at the end of each instructional cycle or at least four times during the academic school year.**
- (b) As part of the progress monitoring, the annual school plan team shall review:**
 1. **Progress toward measurable goals included in the annual school plan;**

- 2. Student achievement data; and**
 - 3. Climate and culture data, at the aggregate and student subgroup levels, including, but not limited to, in-school suspensions, out-of-school suspensions, chronic absenteeism, student attendance, faculty attendance, and incidents of violence, including harassment, intimidation, or bullying.**
- (c) The annual school plan team shall share the data at (b) above with the assigned field support team throughout the school year.**
- (d) School districts that have no Comprehensive Schools and have less than three Targeted Schools shall ensure that the annual school plan team monitors its progress in implementing the annual school plan at the end of each instructional cycle or at least four times during the school year.**

6A:33-3.4 Field support team interventions

- (a) To gather necessary information and facilitate implementation of an annual school plan and/or provide ongoing feedback on whether a Comprehensive or Targeted School is making progress under the annual school plan, the Department may take any or all of the following actions:**
- 1. Attend regularly scheduled school and/or school district administrative meetings pertaining to the annual school plan and/or implementation;**
 - 2. Survey and interview school and school district staff, students, and families;**
 - 3. Develop a schedule and protocol for, and conduct classroom walkthroughs, in conjunction with the school principal and school district leadership;**
 - 4. Collect data, reports, and other documents deemed relevant to the Comprehensive or Targeted School's performance;**

- 5. Collaborate with the school and school district in developing and/or providing professional development opportunities; and**
- 6. Collaborate with the school and school district in the development of a communications plan to provide progress monitoring information to stakeholders.**

Subchapter 4. Exit Criteria

6A:33-4.1 Exit criteria for Comprehensive Schools

- (a) A Comprehensive School has the opportunity to be reviewed based on the exit criteria every three years and when the Department identifies a new cohort of schools.**
- (b) A Comprehensive School shall be eligible to no longer be identified as such if the school meets the following exit criteria:**
 - 1. Has a summative score above the fifth percentile for Title I schools;**
 - 2. Demonstrates schoolwide improvement on an accountability indicator as compared to schoolwide performance at the time of the most recent identification as a Comprehensive School. In addition to the applicable accountability indicators, the Department will also consider the following to be indicative of notable schoolwide improvement:**
 - i. Increases in the percentages of students with scores on Statewide assessments that approached, met, or exceeded expectations;**
 - ii. Academic progress scores that met or exceeded the annual target;**
 - iii. Schoolwide proficiency rates that met annual targets; and**
 - iv. Schoolwide rates of chronic absenteeism that met the average for the**

respective grade configuration.

3. If a high school, has a four-year graduation rate above 67 percent; and
 4. Successful implementation of its annual school plans during the period of identification, as confirmed by the Department. Evidence that allows the Department to confirm successful implementation shall be provided through the Department's online Annual School Planning System and may include, but is not limited to:
 - i. Consistent, effective implementation of evidence-based interventions;
 - ii. The timely expenditure of Federal school improvement funds;
 - iii. A robust formative assessment system to monitor student progress throughout the school year;
 - iv. Stakeholder engagement in the drafting and monitoring of the annual school plan;
 - v. Principal evaluations;
 - vi. Active participation in regularly scheduled collaborative opportunities that facilitate professional learning and develop teacher leaders; and
 - vii. Job-embedded professional development that supports teachers' mastery of instructional best practices related to annual school plan goals.
- (c) If the Department does not confirm that the Comprehensive School successfully implemented its annual school plans pursuant to (b)4 above, the school shall remain in status for one additional year and be eligible to cease to be identified as a Comprehensive School the following year if it meets the conditions set forth at (b)

above.

(d) The Commissioner will notify a Comprehensive School by January 31 as to whether it has met the criteria at (b) above and is eligible to cease to be identified as a Comprehensive School effective June 30.

1. The school district shall submit a sustainability plan for an eligible Comprehensive School within 30 business days of the date of notification of eligibility by the Commissioner.

2. The sustainability plan shall:

i. Identify the strategies and initiatives directly linked to improvements in academic achievement;

ii. Demonstrate in the goals section how the school district will continue to provide support to the school to sustain noted improvements; and

iii. Demonstrate the equitable distribution of resources to support continued school improvement.

3. The Commissioner may determine that a school will cease to be identified as a Comprehensive School upon approval by the Department of the school's sustainability plan. Department approval of a sustainability plan may require, but is not limited to, plan revisions, school visits, and/or interviews with school district and school leadership.

(e) Comprehensive Schools that do not meet the exit criteria will remain in status as Comprehensive II Schools. The Commissioner shall notify a Comprehensive School of its Comprehensive II status by January 31.

1. School districts with Comprehensive II Schools shall provide to the Department, no later than 45 business days after the date of notification of

Comprehensive II status, a report describing how the school district will increase equity in resource distribution to the Comprehensive II School relative to previous years.

- 2. School districts with Comprehensive II Schools may be eligible for additional funding for new initiatives contingent upon a formal agreement of external program evaluation.**
- 3. School districts with Comprehensive II Schools shall hire a leadership coach for building principals.**
- 4. District board of education members of school districts with Comprehensive II Schools shall undergo additional training to strengthen governance and oversight.**
- 5. Comprehensive II Schools shall be subject to the same exit criteria and exit process as Comprehensive Schools. Comprehensive II Schools that do not meet the exit criteria shall remain in Comprehensive II status. The Comprehensive II School status shall be re-examined every three years and when the Department identifies a new cohort of schools.**

6A:33-4.2 Exit criteria for Targeted Schools with low performing student subgroup(s)

- (a) A Targeted School has the opportunity to be reviewed based upon the exit criteria every three years and when the Department identifies a new cohort of schools.**
- (b) A school identified as a Targeted School pursuant to N.J.A.C. 6A:33-2.3(a)1 shall be eligible to no longer be identified as such if:**
 - 1. The school does not have a student subgroup with a summative score at or below the fifth percentile for Title I schools; and**

- 2. The school demonstrates, for each student subgroup for which the school was identified as a Targeted School, improvement on an accountability indicator as compared to the subgroup’s performance at the time of identification as a Targeted School. In addition to the applicable accountability indicators, the Department will also consider the following to be indicative of notable subgroup improvement:**
- i. Increase(s) in the percentages of students with scores on Statewide assessments that approached, met, or exceeded expectations;**
 - ii. Subgroup academic progress scores that met or exceeded the annual target;**
 - iii. Subgroup proficiency rates that met annual targets; and**
 - iv. Subgroup rates for chronic absenteeism that met the average for the respective school configuration.**
- (c) The Commissioner shall notify a school identified as a Targeted School pursuant to N.J.A.C. 6A:33-2.3(a)1 by January 31 as to whether it has met the criteria at (b) above and is eligible to cease to be identified as a Targeted School effective June 30.**
- (d) If a school identified as a Targeted School pursuant to N.J.A.C. 6A:33-2.3(a)1 has met some, but not all, of the criteria at (b) above, the Department may place the school on a one-year probation. After the one-year probation, the Targeted School shall be eligible to cease to be identified as a Targeted School if all of the criteria at (b) above has been met. If all of the criteria at (b) above are not met after the one-year probation, the school shall remain as a Targeted School.**
- (e) A Title I school identified as a Targeted School pursuant to N.J.A.C. 6A:33-2.3(a)1 for three or more consecutive years shall be designated as a Comprehensive School.**

6A:33-4.3 Exit criteria for Targeted Schools with consistently underperforming student subgroup(s)

- (a) **A school identified as a Targeted School pursuant to N.J.A.C. 6A:33-2.3(a)2 has the opportunity to be reviewed based on the exit criteria every year.**
- (b) **A school identified as a Targeted School pursuant to N.J.A.C. 6A:33-2.3(a)2 shall be eligible to no longer be identified as such if the Department does not identify the school as having a consistently underperforming student subgroup(s) using the criteria at N.J.A.C. 6A:33-2.3(a)2.**
- (c) **The Commissioner shall notify a school identified as a Targeted School pursuant to N.J.A.C. 6A:33-2.3(a)2 by January 31 as to whether it has met the criteria listed at (b) above and is eligible to cease to be identified as a Targeted School effective June 30.**

Subchapter [4.] **5. Appeal Process**

6A:33-[4.1]5.1 Presentation of countervailing evidence

- (a) A [Priority] **Comprehensive** or [Focus] **Targeted** School and/or its school district may dispute [either] a Departmental finding or intervention made pursuant to this chapter by initiating a contested case before the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
- (b) The Department shall not be required to suspend its activities, including the disputed intervention(s), while evidence is being collected or presented by the school or school district, or while the Department considers and responds to the evidence.