

[Second Reprint]

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 amended by the Senate on December 4, 2006.



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

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:

¹Senate SED committee amendments adopted November 13, 2006.

²Senate floor amendments adopted December 4, 2006.

1 section 4 of P.L.1996, c.138 (C.18A:7F-4) are being achieved and
2 an evaluation of school district capacity in the following five key
3 components of school district effectiveness: instruction and
4 program; personnel; fiscal management; operations; and
5 governance. A school district's capacity and effectiveness shall be
6 determined using quality performance indicators comprised of
7 standards for each of the five key components of school district
8 effectiveness. The quality performance indicators shall take into
9 consideration a school district's performance over time, to the
10 extent feasible. Based on a district's compliance with the indicators,
11 the commissioner shall assess district capacity and effectiveness
12 and place the district on a performance continuum that will
13 determine the type and level of oversight and technical assistance
14 and support the district receives.
15 (cf: P.L.2005, c.235, s.2)

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

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

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

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

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

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

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

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

46 If a district effectively implements its improvement plan and is
47 able to satisfy 80 to 100 percent of the quality performance

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

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

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

41 Nothing in this paragraph shall be construed to prohibit the
42 ~~commissioner or the~~ State board ~~[, as applicable,]~~ from directing
43 the district to enter partial State intervention prior to the expiration
44 of the two-year period.

45 (2) The district's improvement plan may include the
46 appointment by the commissioner of one or more highly skilled
47 professionals to provide technical assistance to the district in the

1 areas in which it has failed to satisfy the quality performance
2 indicators. Each highly skilled professional shall work
3 collaboratively with the district to increase local capacity in the
4 areas of need identified in the improvement plan. The cost for the
5 **[salaries]** compensation of the highly skilled professionals shall be
6 a shared expense of the school district and the State, with the State
7 assuming one-half of the cost **[of these salaries]** and the school
8 district being responsible for one-half of the **[costs]** cost. ¹**[For the**
9 purpose of the New Jersey Tort Claims Act, N.J.S.59:1-1 et seq.,
10 the highly skilled professional shall be considered a State officer.]¹

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

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

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

41 If the board fails to show cause why an administrative order
42 placing the district under partial State intervention should not be
43 implemented, the commissioner shall recommend to the State board
44 that it issue an order placing the district under partial State
45 intervention. Notwithstanding any other provision of law to the
46 contrary and upon its determining that the school district is not
47 providing a thorough and efficient system of education, the State

1 board may place the district under partial State intervention.
2 Nothing herein shall limit the right of any party to appeal the State
3 board's order to the Superior Court ¹, Appellate Division¹.

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

9 **[(6)] (5)** In addition to the highly skilled professionals
10 appointed pursuant to paragraph (2) of this subsection to provide
11 technical assistance to the district in implementing its improvement
12 plan, the commissioner, in consultation with the local board of
13 education, may appoint one or more highly skilled professionals in
14 a district under partial State intervention to provide direct oversight
15 in the district regarding the quality performance indicators with
16 which the district has failed to comply. The highly skilled
17 professional shall ¹**[have authority in the areas of oversight that the**
18 **commissioner designates]** represent the interests of the
19 commissioner in all matters relating to the component of school
20 district effectiveness that is under intervention and over which the
21 highly skilled professional is providing direct oversight. The
22 powers and authorities of the highly skilled professional shall
23 include, but not be limited to:

24 (a) overseeing the operations of the district in the area of
25 intervention over which the highly skilled professional is assigned
26 to provide direct oversight;

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

30 (c) ²**[overseeing district staffing in the area of intervention over**
31 **which the highly skilled professional is assigned to provide direct**
32 **oversight, including the ability to hire, promote and terminate**
33 **employees;**

34 (d) ²**[overriding a chief school administrator's action and a vote**
35 **by the board of education regarding matters under direct oversight**
36 **of the highly skilled professional;**

37 ²**[(e)] (d)** ²attending all meetings of the board of education,
38 including closed sessions; and

39 ²**[(f)] (e)** ²obligating district funds for matters relating to the
40 area under State intervention over which the highly skilled
41 professional is providing direct oversight¹.

42 ²In the event that there is a need to hire, promote, or terminate
43 employees working in the area of intervention over which the
44 highly skilled professional is assigned to provide direct oversight,
45 the hiring, promotion, and termination of those employees shall be
46 determined by the State board upon the recommendation of the
47 commissioner.²

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (3) ²[overseeing district staffing in the area of intervention over
37 which the highly skilled professional is assigned to provide direct
38 oversight, including the ability to hire, promote and terminate
39 employees;

40 (4)]² overriding a chief school administrator's action and a vote
41 by the board of education regarding matters under direct oversight
42 of the highly skilled professional;

43 ²[(5)] (4)² attending all meetings of the board of education,
44 including closed sessions; and

45 ²[(6)] (5)² obligating district funds for matters relating to the
46 area under State intervention over which the highly skilled
47 professional is providing direct oversight ¹.

1 The highly skilled professional shall work collaboratively with
2 the superintendent 'or the State district superintendent, as
3 applicable', the board of education and the employees of the
4 district working in the area of the oversight to address areas
5 identified in the improvement plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 e. Except as otherwise provided in this amendatory and
48 supplementary act, the State district superintendent shall have the

1 power to perform all acts and do all things that the commissioner
2 deems necessary for the proper conduct, maintenance and
3 supervision of the schools in the district.

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

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

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

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

23

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

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

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

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

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

36

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

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

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

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

1 practicable after the close of each school year; and

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

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

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

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

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

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

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

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

40

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

43 9. a. In a school district under full State intervention, all
44 officers, employees and consultants, professional and
45 nonprofessional, certified and noncertified, shall be employed or
46 retained, transferred and removed in accordance with the

1 improvement plan which has been approved by the commissioner.

2 In accordance with that plan:

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

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

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

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

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

28

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

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

46 b. Within 180 days of the establishment of the school district
47 under full State intervention, the State district superintendent [or

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

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

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

42

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

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

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

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

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

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

45 (1) Evaluations of building principals or vice-principals
46 performed by members of the central administrative and
47 supervisory staff who are hired to fill one of the positions in the

1 reorganized central office of the district under full State
2 intervention shall be admissible;

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

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

10

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

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

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

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

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

20

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

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

43 Following its review and within 60 days of the date on which the
44 State district superintendent [or the person designated by the
45 commissioner] submits the recommendation to the board, the board
46 shall adopt a resolution as to whether the school district under full
47 State intervention should undertake the capital project and

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

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

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

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

1 and delivered in the manner prescribed by the "Local Bond Law"
2 (N.J.S.40A:2-1 et seq.).
3 (cf: P.L.2005, c.235, s.23)
4

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

7 4. Any authorization of notes or bonds effective prior to the date
8 of the appointment of the State district superintendent [or the
9 person designated by the commissioner] shall be issued in the
10 manner prescribed by the "Local Bond Law," (N.J.S.40A:2-1 et
11 seq.).
12 (cf: P.L.2005, c.235, s.24)
13

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

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

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

44 b. The State district superintendent [or the person designated by
45 the commissioner] may meet with the board as frequently as
46 necessary for the effective operation of the school district. The
47 meetings of the board shall be convened and scheduled at the

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

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

23

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

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

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

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

1 quality performance indicators for the governance component of
2 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 ¹['of the governance component of school district
8 effectiveness']. ¹If some voting functions are returned to the board
9 of education, the commissioner or his designee shall have the
10 authority to veto any action by the board of education until the
11 governance component of school district effectiveness is returned to
12 local control. A true copy of the minutes of every meeting of the
13 board of education shall be forthwith delivered by and under the
14 certification of the secretary thereof to the commissioner or his
15 designee. No action taken at that meeting of the board of education
16 shall have force or effect until 15 days after a copy of the minutes
17 shall have been so delivered unless during that 15-day period the
18 commissioner or his designee shall approve those minutes, in which
19 case the action shall become effective upon that approval. If, in the
20 15-day period, the commissioner or his designee returns the copy of
21 those minutes with a veto of any action taken by the board of
22 education or any member thereof at that meeting, the action shall be
23 null and void and of no effect.¹

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

44 **[d. Not]** e. If the district successfully meets the quality
45 performance indicators for the governance component of school
46 district effectiveness, not more than one year following the
47 placement of the district under partial State intervention or

1 **【designation as a high performing or moderate performing district】**
2 return to local control, the board shall call a special election for
3 purposes of placing the question of classification status before the
4 voters of the district, which election shall be conducted in
5 accordance with the provisions of Title 19 of the Revised Statutes
6 concerning school elections.

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

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

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

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

33
34 19. Section 17 of P.L.1987, c.399 (C.18A:7A-50) is amended to
35 read as follows:

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

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

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

3 18. Upon the preparation of its budget, the State district
4 superintendent **【or the person designated by the commissioner】**
5 shall fix a date, place and time for the holding of a public hearing
6 upon the budget and the amounts of money necessary to be
7 appropriated for the use of the public schools for the ensuing school
8 year, and the various items and purposes for which the same are to
9 be appropriated, which hearing shall be held between March 22 and
10 March 29. Notice of the hearing, contents of the notice and the
11 format and purpose of the hearing shall be as provided in
12 N.J.S.18A:22-11, N.J.S.18A:22-12 and N.J.S.18A:22-13.
13 (cf: P.L.2005, c.235, s.29)
14

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

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

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

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

32 (cf: P.L.2005, c.235, s.30)
33

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

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

1 assurance annual report in accordance with State board regulations
2 in effect prior to the effective date of P.L. , c. (pending before the
3 Legislature as this bill).

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

25 c. 1 Notwithstanding any other provision of law to the contrary,
26 if a State-operated district is placed under partial State intervention,
27 the board of education shall continue to have the rights, powers, and
28 duties of an advisory board, until the district successfully meets the
29 quality performance indicators for the governance component of
30 school district effectiveness.

31 Despite the continuation of the board of education as an advisory
32 board, the State board, upon the recommendation of the
33 commissioner, may return some voting functions to the board of
34 education as part of and in furtherance of the process of a transition
35 to local control. If some voting functions are returned to the board
36 of education, the commissioner or his designee shall have the
37 authority to veto any action by the board of education until the
38 governance component of school district effectiveness is returned to
39 local control. A true copy of the minutes of every meeting of the
40 board of education shall be forthwith delivered by and under the
41 certification of the secretary thereof to the commissioner or his
42 designee. No action taken at that meeting of the board of education
43 shall have force or effect until 15 days after a copy of the minutes
44 shall have been so delivered unless during that 15-day period the
45 commissioner or his designee shall approve those minutes, in which
46 case the action shall become effective upon that approval. If, in the
47 15-day period, the commissioner or his designee returns the copy of

1 those minutes with a veto of any action taken by the board of
 2 education or any member thereof at that meeting, the action shall be
 3 null and void and of no effect.

4 d.¹ If a State-operated school district evaluated pursuant to
 5 subsection b. of this section successfully meets the quality
 6 performance indicators for the governance component of school
 7 district effectiveness, then **[three years]** one year following the
 8 State's withdrawal from intervention 'in that component'¹, the board
 9 of education shall call a special election for purposes of placing the
 10 question of classification status before the voters of the district,
 11 which election shall be conducted in accordance with the
 12 provisions of Title 19 of the Revised Statutes concerning school
 13 elections.

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

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

28 '[d.] e.'¹ The board of education of a State-operated school
 29 district that successfully meets the quality performance indicators
 30 for the governance component of school district effectiveness shall
 31 be permitted to extend the contract of the superintendent who holds
 32 the position at the time of the evaluation conducted pursuant to
 33 subsection b. of this section, provide 18-months' notice to the
 34 superintendent to modify the contract, or allow the contract in effect
 35 to expire with the appropriate statutory notice pursuant to
 36 subsection b. of section 4 of P.L.1991, c.267 (C.18A:17-20.1).

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

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

43
 44 ¹23. Section 39 of P.L.2005, c.235 is amended to read as
 45 follows:

46 39. ²a.² The State Board of Education shall **[promulgate]** adopt
 47 rules and regulations pursuant to the "Administrative Procedure

Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of this act; except that notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the commissioner may for a period of ²[36] 12² months following the effective date of P.L. , c. (pending before the Legislature as this bill), adopt, immediately upon filing with the Office of Administrative Law, such rules and regulations as the commissioner deems necessary to implement the New Jersey Quality Single Accountability Continuum. ²The commissioner shall engage in a collaborative process with interested stakeholders in the education community prior to the adoption of rules and regulations for the 12-month period.² All such rules and regulations adopted by the commissioner shall expire no later than ²[36] 12² months following the effective date of P.L. , c. (pending before the Legislature as this bill) and shall thereafter be amended, adopted or re-adopted ²[by the State board] during the following 24-month period by the commissioner² in accordance with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

²b. All such rules and regulations adopted by the commissioner pursuant to subsection a. of this section shall expire no later than 36 months following the effective date of P.L. , c. (pending before the Legislature as this bill) and shall thereafter be amended, adopted or re-adopted by the State board in accordance with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.). ² ¹ (cf: P.L.2005, c.235, s.39)

¹[23.] 24.¹ (New section) The Legislature finds and declares that:

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

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

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

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

e. This responsibility can be fulfilled, in addition to the mechanism for ensuring compliance established pursuant to section 6 of P.L.1996, c.138 ¹[(c.18:7A-7F-6)] (C.18A:7F-6)¹, through an effective and efficient system of evaluation and monitoring which

1 will insure quality and comprehensive instructional programming in
2 every school district and provide for immediate and direct
3 corrective action to insure that identified deficiencies do not persist,
4 and which does so within the context of the maximum of local
5 governance and management and the minimum of paperwork and
6 unnecessary procedural requirements.

7

8 '【24.】 25.' The following section is repealed:
9 Section 36 of P.L.2005, c.235 (C.18A:7A-15.2).

10

11 '【25.】 26.' This act shall take effect immediately.