

ASSEMBLY, No. 1653

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1996

By Assemblymen DORIA and ROCCO

1 AN ACT concerning educational improvement in State-operated school
2 districts and amending and supplementing P.L.1987, c.399.

3

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

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7 1. (New section) The Legislature finds and declares that: pursuant
8 to the provisions of P.L.1975, c.212 (C.18A:7A-1 et seq.), the State
9 established a system of evaluation and monitoring of public school
10 districts in order to insure that all districts meet the standards of a
11 thorough and efficient education and to provide a mechanism whereby
12 districts with identified educational and other deficiencies can
13 implement corrective action plans to address those deficiencies; that
14 pursuant to the provisions of P.L.1987, c.399 (C.18A:7A-34 et seq.),
15 the State also established a mechanism whereby the State assumes
16 control of school districts which have, over a period of time,
17 demonstrated an inability to successfully implement a corrective action
18 plan and to ameliorate conditions within the district which interfere
19 with the educational achievement of students.

20 The Legislature further finds that a problem which has been
21 identified in relation to State-operated school districts is the absence
22 of a mechanism to evaluate if students within such districts are making
23 educational progress and meeting the educational and other
24 benchmarks which would indicate that a return to local control is
25 appropriate; and that this problem can best be addressed in
26 State-operated school districts through the development of an ongoing
27 system of evaluation which provides qualitative, quantitative,
28 formative, and summative information to district teachers,
29 administrators, and parents for use in improving the educational
30 quality of each school within the district and which assures that the
31 administrative and financial procedures, systems, and performance of
32 the district are also subject to an ongoing review to ensure
33 their continued improvement.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. (New section) The State district superintendent shall, in
2 consultation with the Commissioner of Education, develop, implement,
3 and provide for the evaluation of a program of educational
4 improvement in each school within the State-operated district. The
5 improvement program shall include curriculum, administration, and
6 finance components and shall incorporate specific quantifiable and
7 quantitative goals, objectives, and student performance targets which
8 are referenced to a five year schedule originating from either the date
9 of the establishment of the State-operated district or the date of the
10 establishment of educational excellence councils within the schools of
11 the district as provided pursuant to section 4 of P.L. , c. (C.)
12 (now pending before the Legislature as this bill).

13 The evaluation of the attainment of goals, objectives, and
14 performance targets included within the educational improvement
15 program shall be conducted on a school and district basis and shall
16 include formative and summative information which shall be used in
17 the assessment and modification of educational programs designed to
18 correct deficiencies.

19 The strategic plan required pursuant to section 7 of P.L. , c.
20 (C.) (now pending before the Legislature as this bill) shall
21 incorporate the information and the results of the evaluation required
22 pursuant to this section and shall be forwarded to the Joint Committee
23 on the Public Schools and the Commissioner of Education.

24
25 3. (New section) a. There shall be established within a
26 State-operated school district an Educational Excellence Committee
27 as a standing committee of the advisory board of education established
28 pursuant to section 14 of P.L.1987, c.399 (C.18A:7A-47). The
29 committee shall be composed of at least nine members who shall be
30 appointed by the State district superintendent and shall include four
31 members of the board of education, one community representative,
32 one teacher and one administrator employed within the schools of the
33 district, one representative of higher education, and one member of the
34 business community. The State district superintendent shall select the
35 chair of the committee.

36 b. The committee shall assist the board of education and the State
37 district superintendent in the development and implementation of
38 programs to improve the quality of education within the district and
39 shall conduct studies and make recommendations to the board and the
40 superintendent in this regard. The committee shall also assist the State
41 district superintendent in the establishment of educational excellence
42 councils within each school of the district as required pursuant to
43 section 4 of P.L. , c. (C.) (now pending before the
44 Legislature as this bill).

45 c. The State district superintendent shall provide in-service training
46 to assist the committee in the development and implementation of

1 educational improvement programs. The training shall include specific
2 strategies for improving the quality of education within the district.

3 d. The Educational Excellence Committee shall continue as a
4 standing committee of the board of education established in a
5 State-operated school district pursuant to section 15 of P.L.1987,
6 c.399 (C.18A:7A-48).

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8 4. (New section) a. The State district superintendent shall provide
9 for the establishment and training of an educational excellence council
10 within each school of the district. Membership on the council shall
11 include, but not be limited to, the principal, teachers, parents,
12 representatives of the community, and students if appropriate. A
13 majority of the council shall be composed of classroom teachers and
14 25% of the council shall be composed of parents. The council shall
15 formulate plans and policies to lead the school in implementing an
16 ongoing program of educational improvement for students within the
17 school.

18 The members of the council shall be selected by their constituencies
19 with the approval of the State district superintendent. The school
20 principal shall serve as the chair of the council during its first year of
21 operation after which the council shall select a chair from among its
22 members.

23 b. The commissioner may approve a plan, other than the
24 establishment of an educational excellence council, to ensure teacher,
25 parent, and community involvement in the implementation of a
26 program of educational excellence within a school.

27

28 5. (New section) The State district superintendent, in consultation
29 with the commissioner, shall establish as part of the district's
30 reorganization a State-Operated School District Improvement Team
31 to assist the educational excellence councils in developing and
32 sustaining their ability to achieve improvements in the quality of
33 education within the schools. The team shall have experience in
34 evaluation, staff development, facilitation of school change, and
35 knowledge of demonstrably effective strategies and programs. The
36 team shall include a team leader, an evaluation specialist, and a
37 minimum of ten other members. The team members shall be assigned
38 to work with the councils in each of the schools on a rotating basis.

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40 6. (New section) The State Board of Education shall authorize the
41 State district superintendent, with the approval of the commissioner,
42 to waive any State regulation if the superintendent determines that the
43 waiver is necessary to permit a school within the district to implement
44 an innovative improvement plan. The State district superintendent
45 may also enter into cooperative arrangements with other school
46 districts or with public or private postsecondary educational

1 institutions located within the State if the superintendent determines
2 that the arrangement will advance the plan for educational quality of
3 the district or an individual school within the district.

4
5 7. (New section) a. The State district superintendent shall provide
6 to the commissioner a strategic plan which details the comprehensive
7 approach to be used to correct identified deficiencies and systemically
8 change the district and each of its schools. The plan shall include
9 annual qualitative and quantitative performance targets which have
10 been established for each school within the district and for the overall
11 operation of the district. The student performance targets shall reflect
12 State testing standards. The superintendent shall assure that
13 evaluation data are collected and analyzed quarterly in each school and
14 that the data are used to assist teachers and administrators within the
15 school in meeting performance targets. The strategic plan shall be
16 reviewed annually, and revised as needed, based on the annual
17 evaluation of progress toward meeting statewide standards for
18 certification required pursuant to section 16 of P.L.1987, c.399
19 (C.18A:7A-49).

20 b. The commissioner shall annually review the evaluation results
21 for each school within the State-operated district. In the event that the
22 evaluation data indicates a failure to achieve the performance targets
23 established for a school within the district, the commissioner shall
24 require the State district superintendent to provide information on the
25 reasons for the school's failure to achieve the target and the school's
26 plan for meeting the target in the next school year.

27
28 8. Section 1 of P.L.1987, c.399 (C.18A:7A-34) is amended to read
29 as follows:

30 1. Whenever the Commissioner of Education shall determine after
31 the issuance of an administrative order that a local school district has
32 failed to assure a thorough and efficient system of education, the State
33 Board of Education may issue an administrative order as set forth in
34 section 15 of P.L. 1975, c. 212 (C. 18A:7A-15) which shall remove
35 the district board of education and create a State-operated school
36 district. The State-operated school district shall become effective
37 immediately upon issuance of the administrative order by the State
38 board. The goal of a State-operated school district shall be the
39 creation of a comprehensive system of effective schools within the
40 district which provides the opportunity for each student to reach his
41 full potential.

42 (cf: P.L. 1987, c. 399, s. 1)

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

46 2. a. The schools of a State-operated school district shall be

1 conducted by and under the supervision of a State district
2 superintendent of schools appointed by the State board upon
3 recommendation of the commissioner. The individual selected shall be
4 qualified by training and experience for the particular district.

5 b. The State district superintendent shall be appointed for an
6 original term not to exceed five years. Notwithstanding any other
7 provision of law, no person so appointed shall acquire tenure nor shall
8 the commissioner, with approval of the State board, be precluded from
9 terminating the superintendent's services pursuant to the terms of the
10 superintendent's individual contract of employment. For the purpose
11 of the New Jersey Tort Claims Act, N.J.S. 59:1-1 et seq., the State
12 district superintendent shall be considered a State officer.

13 c. The salary of the State district superintendent shall be fixed by
14 the commissioner and adjusted from time to time as the commissioner
15 deems appropriate. The cost for said salary and for the salaries of all
16 persons appointed pursuant to [this amendatory and supplementary
17 act] P.L.1987, c.399 (C.18A:7A-34 et seq.) shall be an expense of the
18 local school district.

19 d. The State district superintendent shall perform all the duties and
20 possess all the powers heretofore and hereafter assigned in Title 18A
21 of the New Jersey Statutes to central administrative and supervisory
22 staff, instructional and noninstructional, which shall include but not
23 be limited to the superintendent of schools, secretary of the board of
24 education, school business administrator, school business manager,
25 and assistants and clerks thereto.

26 e. Except as otherwise provided in [this amendatory and
27 supplementary act] P.L.1987, c.399 (C.18A:7A-34 et seq.), the State
28 district superintendent shall have the power to perform all acts and do
29 all things consistent with law necessary for the proper conduct,
30 maintenance and supervision of the schools in the district.

31 f. The State district superintendent may make, amend and repeal
32 district rules, policies and guidelines, not inconsistent with law for the
33 proper conduct, maintenance and supervision of the schools in the
34 district.

35 g. The State district superintendent shall provide in each school a
36 mechanism for parent, teacher and community involvement pursuant
37 to the provisions of section 4 of P.L. , c. (C.) (now pending
38 before the Legislature as this bill) and for the involvement of parents,
39 teachers, and the community in the development of the strategic plan
40 for systemic educational reform in the district required pursuant to the
41 provisions of section 7 of P.L. , c. (C.) (now pending before
42 the Legislature as this bill).

43 h. The State district superintendent shall ensure that the district is
44 in compliance with all federal and State laws, rules and regulations
45 relating to equal employment opportunities, affirmative action and

1 minority business opportunities.

2 (cf: P.L. 1987, c. 399, s. 2)

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

6 16. a. The State district superintendent shall annually provide to
7 the commissioner an assessment of the progress of the district toward
8 meeting the performance targets contained in the strategic plan
9 required pursuant to section 7 of P.L. , c. (C.) (now pending
10 before the Legislature as this bill and toward meeting the requirements
11 necessary for State certification. In addition, the commissioner shall
12 ensure that the district is regularly monitored by the Department of
13 Education in the manner provided for all school districts in level III
14 monitoring pursuant to section 14 of P.L.1975, c.212 (C.18A:7A-14).
15 The commissioner shall formally report to the State board and to the
16 Governor and the Legislature on the district's progress.

17 b. Based upon the annual assessment of progress and the district's
18 having received State certification, but not sooner than five years after
19 the establishment of the State-operated school district, the
20 commissioner may recommend to the State board that local control be
21 reestablished. If the State board so determines, local control shall be
22 reestablished effective on the July 1 next ensuing.

23 c. Upon the reestablishment of local control, the board of
24 education shall assume full responsibility for the operation of the
25 school district; however, upon a determination by the State board that
26 local control should be reestablished, the State district superintendent
27 and those members of the superintendent's staff appointed by operation
28 of these laws relating to State-operated school districts shall continue
29 to serve for a one-year transition period upon conclusion of which
30 their term of service shall expire without prejudice to the right of the
31 district board of education to reappoint any or all such persons to
32 similar positions within the district. During the transition period, the
33 State district superintendent may place matters before the board for a
34 vote. The board of education shall act upon all such matters brought
35 before it by the State district superintendent.

36 d. Not more than one year following the reestablishment of local
37 control, the board shall call a special election for purposes of placing
38 the question of classification status before the voters of the district,
39 which election shall be conducted in accordance with the provisions of
40 Title 19 of the Revised Statutes concerning school elections.

41 e. If the voters of the district shall elect to become a type I
42 district, it shall be governed by the provisions of chapter 9 of Title
43 18A of the New Jersey Statutes relating to type I districts after
44 January 31 next ensuing, unless the district is established in a city of
45 the first class, in which case it shall be governed after June 30 next
46 ensuing. The members of the district board of education at the time

1 of said election shall continue in office until expiration of their
2 respective terms and the qualification in office of their successors.

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

9 g. If the commissioner cannot recommend that local control be
10 reestablished in a district five years after the establishment of a
11 State-operated school district, then the commissioner shall provide a
12 comprehensive report to the State board and to the Governor and the
13 Legislature, including a detailed analysis of the causes for the failure
14 of the district to achieve certification and an assessment of the amount
15 of time necessary for the continuation of the State-operated school
16 district. On the basis of that report the State board shall determine
17 whether to continue the State-operated school district or return the
18 district to local control pursuant to this section.

19 (cf: P.L.1995, c.278, s.25)

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21 11. This act shall take effect immediately.

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STATEMENT

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26 This bill makes a number of changes to the statutes which govern
27 State-operated school districts in order to establish specific criteria
28 and a system of evaluation at the district, school and classroom level
29 to measure educational improvement and which may be used to
30 determine when the district is ready to be returned to local control.

31 The bill directs the State district superintendent, in consultation
32 with the Commissioner of Education, to develop, implement, and
33 evaluate a program of educational improvement within the district.
34 The program must include curriculum, administration, and finance
35 components and must incorporate specific quantifiable and quantitative
36 goals, objectives, and student performance targets over a five year
37 period. The program is to be evaluated on a school and district basis
38 and the information used to assess and modify educational programs
39 within the district.

40 The bill establishes within each State-operated district, an
41 Educational Excellence Committee as a standing committee of the
42 district's advisory board of education. The committee is to assist the
43 board of education and the State district superintendent in the
44 development and implementation of programs to improve the quality
45 of education within the district. Also, the bill requires the
46 establishment of educational excellence councils in each of the schools

1 of the district. Membership on the councils is to include, but not be
2 limited to, the school principal, teachers, parents, representatives of
3 the community, and students if appropriate. Each council is to
4 formulate plans and policies to lead the school in implementing an
5 ongoing program of educational improvement for students within the
6 school. The members of the council are to be selected by their
7 constituencies with the approval of the State district superintendent.
8 The bill also authorizes the commissioner to approve a plan, other than
9 the establishment of an educational excellence council, to ensure
10 teacher, parent, and community involvement in the implementation of
11 the program of educational excellence.

12 The bill directs the State district superintendent to establish as part
13 of the district's reorganization, a State-Operated District Improvement
14 Team. The team is to include a team leader, an evaluation specialist,
15 and a minimum of ten other members. The team members are to work
16 with schools within the district on a rotating basis to assist the
17 educational excellence councils in developing and sustaining their
18 ability to achieve improvement in the quality of the education.

19 The bill also directs the State district superintendent to provide the
20 commissioner with a strategic plan which details the comprehensive
21 approach the district will use to correct identified deficiencies and
22 systemically change the district and each of its schools. The plan is to
23 include the qualitative and quantitative performance targets which
24 have been established for each school for the overall operation of the
25 district. The commissioner is to review the strategic plan annually and
26 in the event that schools are not meeting their performance targets, he
27 shall require the superintendent to provide information on the reasons
28 for the school's failure and the school's plan for meeting the target in
29 the next school year.

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34 Requires a program of educational improvement assessment in
35 State-operated school districts.