

**NEW JERSEY DEPARTMENT OF EDUCATION**

**COMMISSIONER OF EDUCATION**

**Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott  
School Districts**

**Special Adopted Rules: N.J.A.C. 6A:10A**

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Take notice that, in compliance with the provisions of the Fiscal Year 2008 Appropriations Act, the Commissioner of Education promulgated new rules to improve learning and literacy in Abbott school districts by concentrating on standards-driven instruction, effective educational practices and more efficient practices under *Abbott v. Burke*.

These rules require that school districts and schools maintain a focus in the 2007-2008 school year on the systematic, collaborative, and continuous improvement of classroom practice, and begin preparations for the 2008-2009 year. School districts, therefore, must guarantee that every student is provided the instruction required to master the Core Curriculum Content Standards (CCCS) and that all teachers are given a clear and coherent school district curriculum that specifies the content they are responsible to teach, including interim measurements to gauge student progress. School districts and schools will be expected to document that student work is

continuously assessed to adjust instruction in the classroom, to target professional development opportunities for teachers and administrators, and to revise the school district curriculum. Research confirms that the most likely explanation for the achievement gap between Abbott and non-Abbott students is that Abbott students are not systematically taught the CCCS and teachers are not consistently supported with instructional materials fully aligned to the CCCS and professional development to assure their mastery of the standards content.

These rules require Abbott school districts and schools to develop a two-year report on instructional priorities. The goal will be a plan that meets both Abbott and NCLB requirements. Each school district and school must document the performance of students on state assessments by NCLB subgroups and Continuously Enrolled Students for at least the school years beginning 2003-2004 through 2006-2007. The Report is intentionally limited in scope by focusing on the following objectives:

- Implementation of foundational programs (P-12 curriculum, use of evidence to adjust instruction and professional development);
- Intensive literacy in preschool through grade 12 as measured by NJASK3, NJASK4, and GEPA LAL with a status report by school of documented implementation of the Abbott standards and practices (i.e., small group instruction, classroom libraries, uninterrupted 90 minutes daily in kindergarten through grade three, 90-120 minutes daily in grades 4 and five and 80 to 120 minutes in grades six through eight, a comprehensive reading program, etc.);
- Additional support for English language learners and student with disabilities to ensure mastery of the CCCS;

- The status of efforts to assure that all students in grades six through 12 are or will be in a small school or in a small learning community within a larger school by the 2008-2009 school year; and
- Programs, services and positions that exceed the baseline on the Chart of Supplemental Programs that have been documented as effective and needed.

The rules require that a school district's business operations and fiscal management are effective and efficient.

Full text of the rules follows:

## **SUBCHAPTER 1. GENERAL PROVISIONS**

### **6A:10A-1.1 Purpose and applicability of rules**

These rules are adopted to implement the Abbott v. Burke decisions and are promulgated pursuant to P.L. 2007 c.111 to ensure that all students in poor urban school districts receive the educational entitlements guaranteed them by the New Jersey Constitution. The rules apply to "Abbott districts" as defined in Abbott v. Burke, 119 N.J. 287 (1990, Abbott II) and N.J.A.C. 6A:10A-1.2, and are adopted to ensure the provision of a thorough and efficient system of education as guaranteed by the New Jersey Constitution (T&E), and defined by the Supreme Court in the Abbott decisions and by P.L. 1996, c.136, as CCCS. These rules will also ensure that the instructional needs of students are continuously assessed, that all school districts operate in a cost-effective and efficient manner, are focused on improving learning, literacy and student mastery of the CCCS, and are supported by adequate funding.

These rules, promulgated by the Commissioner of Education under the authority of the Fiscal Year 2008 Appropriations Act, shall be effective through June 30, 2008. To the maximum extent possible, these rules are consistent with the requirements, reporting and responsibilities imposed on Abbott schools and school districts by No Child Left Behind, P.L. 107-110. The rules shall supercede the rules in N.J.A.C. 6A:23 where inconsistencies occur. In addition, Abbott school districts must comply with all other requirements of State law and regulations as set forth in Title 18A of the laws of the State of New Jersey, the New Jersey Administrative Code and the non-fiscal requirements of the Comprehensive Educational Improvement and

Financing Act (CEIFA) in N.J.S.A. 18A:7F-1 et seq., and rules otherwise promulgated to implement that act; except that where differences in these rules and the CEIFA rules or other rules occur, these rules herein shall take precedence.

### **6A:10A-1.2 Definitions**

The following words and terms, as used in this chapter, shall have the following meaning, unless the context indicates otherwise.

“2007-2008 preschool approved per pupil amount” means the per pupil dollar amount provided by the Department which is obtained by dividing an in-district, district-wide, Head Start, or other private provider Abbott preschool programmatic budget total, less start-up funding and one-time special requests, by the number of general education and inclusion preschool students projected for the program within the Department approved 2007-2008 budget.

"Abbott Preschool Program Contract" means the State-approved model agreement, with any modifications requested by the school district and approved by the Department, between the school district and private providers, including Head Start, to use when contracting preschool program services.

"Abbott school district" means each of the following 28 urban school districts identified in the appendix to Raymond Abbott, et al. v. Fred G. Burke, et al. decided by the New Jersey Supreme Court on June 5, 1990 (119 N.J. 287, 394) as follows: Asbury Park City, Bridgeton City, Burlington City, Camden City, East Orange City, Elizabeth City, Garfield City, Gloucester City, Harrison Town, Hoboken City, Irvington Township, Jersey City, Keansburg Borough, Long Branch City, Millville City, New Brunswick City, Newark City, City of Orange Township,

Passaic City, Paterson City, Pemberton Township, Perth Amboy City, Phillipsburg Town, Pleasantville City, Trenton City, Union City, Vineland City, and West New York Town, and the following school districts not included above but designated Abbott school districts pursuant to statute, Neptune Township and Plainfield, P.L. 1999, c.110, and Salem City, P.L. 2004, c.61, and such other school districts as may qualify in the future. An Abbott school district shall not include any charter school.

“Administrative Cost” means total administrative costs as defined by the Comparative Spending Guide and in accordance with the Uniform Minimum Chart of Accounts for New Jersey Public Schools and the National Center for Education Statistics classifications and other reporting directives published and distributed by the Commissioner pursuant to N.J.S.A. 18A:4-14 and N.J.A.C. 6A:23-2.1 et seq.

"Alternative Whole School Reform Design" or “AWSRD” means a plan approved by the Commissioner on the recommendation of the chief school administrator (CSA) and the school leadership council (SLC), in the case of a school AWSRD, that documents how elementary student performance in a school or entire school district can be improved by the implementation of a comprehensive program of instruction, governance and support adapted to the documented needs of its students and/or students district-wide and which the school district has documented to be more effective than the implementation of a national WSR model.

“Annual Audit Program” means the uniform program, including the Abbott Addendum, published and distributed by the Commissioner for each district board of education for preparing the Comprehensive Annual Financial Report pursuant to N.J.A.C. 6A:23-2.2(i).

"Appropriations Act" means the unitary appropriations law covering a single fiscal year as required by the New Jersey Constitution Article 8, Section 2, paragraph 2.

"CAPA Team" means the Collaborative Assessment and Planning for Achievement (CAPA) team of educational practitioners, parents and other individuals assembled, trained and assigned by the Commissioner and the chief school administrator to implement the CAPA process in schools in year three and above in need of improvement.

"CAPA Team Report" means the written report on the CAPA Team's findings and recommendations, developed by the CAPA Team with the SLC and school district central office, that is consistent with *Abbott X* and addresses at least the following: quality of instruction and school leadership; effectiveness of the SLC; level of parent participation, WRS model implementation, support from the Department, and the school district central office; the adequacy of supplemental programs and services to meet student needs, the status and quality of the school district's foundational education program with reference to curriculum, professional development, instructional materials and the use of student performance evidence and such other areas of inquiry as the Commissioner shall deem appropriate. The findings and recommendations in the Report shall result in a written Improvement Agreement consistent with *Abbott X*.

"Certified Childcare Professional or "CCP" means a credential earned by teachers for their knowledge of early childhood development and their skills in working with young children. The credential means that the candidate has, at a minimum, 180 clock hours of continuing education credit and 720 hours of classroom experience and has passed the exam.

"Chart of Supplemental Programs" or "Chart" means the Supplemental Programs in Abbott Schools chart from *Abbott X*, incorporated herein by reference as the chapter Appendix A.

"Chief school administrator" or "CSA" means the superintendent of an Abbott school district, or the State school district superintendent in the case of a state-operated school district.

"Child care center provider" means a child care center or Head Start program licensed by the Department of Human Services pursuant to N.J.S.A. 30:5B-1 et seq.

"Child Development Associate or "CDA" means the national credential for early care and education teachers who have met the CDA competency standards or 120 clock hours of formal education through an agency or organization with expertise in child development or early childhood teacher preparation. Only the Council for Professional Recognition can award a CDA credential.

"Commissioner" means the New Jersey Commissioner of Education or the Commissioner's designee.

"Community and parent involvement specialist" or "CPIS" means the school district staff member charged with furthering family/school partnerships for the preschool program. The specialist coordinates community and parent involvement plans and activities.

"Comparative Spending Guide" means the annual report of comparative financial statistics of school districts compiled and published for general distribution by the Commissioner pursuant to N.J.S.A. 18A:4-30.

"Comprehensive Annual Financial Report" or "CAFR" as defined in N.J.A.C. 6A:23-1.2.

“Continuously Enrolled Students-District or “CES-District” means a statistical subgroup of those students who:

1. Were enrolled in the school district by July 1, 2004 or earlier;
2. Took the 2006 New Jersey Assessment of Skills and Knowledge 3 (NJ ASK3), 4 (NJ ASK4), Grade Eight Performance Assessment (GEPA) or High School Proficiency Assessment (HSPA); and
3. Were enrolled in more than one school in the school district after July 1, 2003. Any student enrolled in an Abbott school after July 1, 2004 who transferred directly from another school in the same school district will be categorized as one of “Continuously Enrolled Students—District.”

“Continuously Enrolled Students School” or “CES-School” means a statistical subgroup of those students who:

1. Were enrolled in the same Abbott school by July 1, 2004 or earlier and continued to be enrolled through the 2005-2006 school year; and
2. Took the 2006 NJ ASK3, NJ ASK4, GEPA or the HSPA.

"Core Curriculum Content Standards” or “CCCS" means the standards of achievement established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-4 and N.J.A.C. 6A:8.

“Demonstrably Effective Program Aid” or “DEPA” means State aid pursuant to N.J.S.A. 18A:7F- 18.

“Decodable books” means books with limited vocabulary that can be understood by applying acquired phonetic skills.

"Demonstrated need" means an obstacle to improved student performance that is documented by evidence.

"Department" means the New Jersey Department of Education.

"Developer" means the operator of a Department-approved Whole School Reform model.

"District board of education" or “board” means the local district board of education, or the State school district superintendent in the case of a state-operated school district.

"Early Childhood Advisory Council" or “ECAC” means a representation of community stakeholders interested in the education and welfare of preschool-age children, organized by the school district to participate in community-wide planning by the school district and to review progress towards full implementation of high-quality preschool programs.

"Early Childhood Program Aid" or “ECPA” means State aid pursuant to N.J.S.A. 18A:7F- 16.

“Effective” means a conclusion that a practice, expenditure, program or service is achieving its intended result by contributing to improved student achievement as demonstrated through site-specific evaluation employing the standards of evidence-based research and/or comparative data

analysis that takes into account the demographic and economic characteristics of the students to be compared.

“Efficient” means a conclusion that a reform, program, expenditure category or service or a component thereof, minimizes the use of time, effort, and resources, including funding, while not impairing the achievement of the objective of the reform, program, or service as demonstrated through site-specific evaluation and comparative data analyses against standards for efficiency and comparisons with the same expenditure category in other school districts.

“Emergent Circumstance” means a circumstance that must be addressed expeditiously to avoid peril to the health and safety of students and staff and/or to avert an operating deficit from the implementation of the requirements of this chapter and the CCCS.

"English language learners" or "ELL" means students that have been identified as limited English proficient, pursuant to N.J.A.C. 6A:15-1.3.

“Evidence-based Research” means research that applies rigorous, systematic and objective procedures to obtain reliable and valid findings. This includes research that:

1. Employs systematic, empirical methods that draw on observation and/or experiment;
2. Involves rigorous quantitative and/or qualitative data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; and
3. Utilizes measurements and/or observational methods that yield reliable and valid information and that can be used systematically by multiple evaluators or observers.

“Face-to-face conversations” means the meeting between the Office of Abbott Services and each Abbott school district to discuss the evidence of student achievement to agree in writing on the

instructional priorities and practices that will be given priority by the school district and reflected in its two-year report on instructional priorities and annual budget.

“Fiscal specialist” means the school district preschool program staff member responsible for managing the financial aspects of the school district’s contractual obligations with child care center providers.

“Foundational education” means the policies, standards and practices of a school district that include a coherent and clear curriculum aligned closely to the CCCS that guides the use of instructional materials and technology, the professional development and support for certified educators; the recruitment and retention of highly qualified educators; and the provision of continuous and effective support for all schools including supervision of instructional practice, a student database and support and assistance in using evidence of student work to guide instruction and specified assistance to schools in the timely delivery of goods, services, and support required for the maintenance of a safe, orderly, clean and educationally effective environment in each school.

"Full-day, full-year" means a preschool day consisting of a six-hour comprehensive educational program meeting Department requirements at N.J.A.C. 6A:10A-2.2 for at least 180 school days and not exceeding a 10-month academic period.

"Full-time family worker" means an individual hired by the child care center provider at a ratio of one full-time family worker to every 45 children. The full-time family worker position is a 12-month position, 40 hours per week.

“GAAP” means Generally Accepted Accounting Principles as defined in N.J.A.C.6A:23-1.2.

“General fund appropriation account” means the line item accounts reported in a school district’s advertised appropriations in the original budget certified for taxes.

“Improvement Agreement” means the written agreement, developed by the CAPA Team, SLC, and CSA based on the recommendations in the CAPA Team Report, as to strategies and objectives for improving teaching and learning, how to implement those strategies and objectives, and the responsibilities of the various stakeholders. Consistent with *Abbott X*, the Agreement shall include either continued or improved implementation of the selected WSR model; selection of another Department-approved model; or an alternative WSR design. Following approval, the school district and the school shall present the Agreement to the Education Law Center and the community.

“In-district preschool student” means a preschool student attending a preschool program operated by the school district, as opposed to a contracted child care center provider.

"Intensive Early Literacy Program" means a program for children age three through grade three to ensure that all students read at grade level by the end of third grade. The core program includes curriculum and instruction that address the CCCS and the Expectations, continuous assessment of students’ needs; an emphasis on small group instruction in designated learning centers; at least a daily 90-minute uninterrupted literacy block for kindergarten through grade three; and a classroom library.

“Leveled books” means books that use characteristics such as length, layout, difficulty of concepts, difficulty of vocabulary and complexity of language to place students on a gradient of reading difficulty.

"Local support team" means Department staff assigned by the Commissioner to work with Abbott school districts in implementing Abbott programs and services.

"Low-performing school" or "LPS" means an elementary school where 50.0 percent or more of the general education students were not proficient on the 2002 ESPA Language Arts Literacy subtest, adjusted by the Commissioner or a school identified as 'in need of improvement' under No Child Left Behind.

"Master teacher" means an employee of the district board of education that models, coaches, observes and provides feedback to teaching staff in preschool programs on the planning and implementation of preschool programs and the implementation of the Preschool Teaching and Learning Expectations: Standards of Quality.

"NCLB" means the Elementary and Secondary Education Act (ESEA) as amended by the Federal No Child Left Behind Act of 2001, P.L. 107-110.

"Needs assessment" means a continuous process of evaluation of student academic work and barriers to improved learning that prevent students from mastering the CCCS and graduating from high school, using the results from State assessments, other tests aligned to the CCCS, school district interim and summative assessments, and other measures of achievement, performance, and/or readiness to learn. The assessments may include the remedies that are non-instructional in character and also programs and services found on the Chart of Supplemental Programs.

“New Jersey Early Learning Assessment System” or “NJELAS” is an ongoing performance-based assessment process that measures the child’s progress in meeting the Preschool Teaching and Learning Expectations: Standards of Quality and the Core Curriculum Content Standards.

“Newly-contracted classroom” means any provider classrooms approved by the Department to serve preschool students in the upcoming school year that were not under contract in the prior school year.

“Non-Discretionary Fixed Costs” means costs incurred by a school district in its operation that are outside the control of the district board of education.

"Office of Abbott Services" means the office within the Department responsible for implementing *Abbott v. Burke* and working with the Abbott school districts.

“Other reimbursable expenditures” means the reimbursement of out-of-pocket expenses for all other types of expenditures not related to an employee who is in travel status on official business of the school district.

“Preschool Expansion Aid” means the category of State funding to be used for the increase in the approved preschool costs from 2001-2002 for school districts with Abbott status in 2001-2002 to the current budget year for the projected expansion of preschool programs in Abbott school districts as defined in the annual Appropriations Act. For any school district receiving Abbott status after 2001-2002, the increase in approved budgeted cost will be based on the year Abbott status was obtained.

“Preschool intervention and referral team” means a team of specialists charged by the school district to work with school district administrators, community provider directors, master teachers, preschool classroom staff, parents and school district child study team members to increase inclusion of students with disabilities in general preschool classrooms and to decrease the number of referrals for special education.

“Preschool Professional Development Fellow status” means successful completion of the Department’s master teacher training course.

“Preschool special request” means a particularized item or service that does not fall within a budget worksheet or exceeds the amount in the line-item category contained in the 2007-2008 Abbott preschool program budget instructions and guidance.

“Preschool Teaching and Learning Expectations: Standards of Quality” or “Expectations” means the Department publication issued July, 2004 which describes expectations for preschool children’s learning outcomes and expectations for high quality preschool teaching and programming.

"Reliable independent observer" means an individual adequately trained in the use of the program quality instrument identified by the Department as the standard for independent observation of preschool classrooms.

"Reliable program quality assessment instrument" means a tool to assess and improve preschool learning environments that is approved by the Department.

"School district two-year report on instructional priorities" means the operational plan for the 2008-2009 school year beginning July 1, 2008, that implements foundational education programs and supplemental programs and services, addresses the special needs of English language learners and students with disabilities, and meets other provisions set forth in N.J.A.C. 6A:10A-3.3 and N.J.A.C. 6A:10-2.4(b). The plan shall be approved by the school district board of education and submitted to the Commissioner for approval by February 1, 2008 for approval.

"School Leadership Council" or "SLC" means a collaborative school-based planning and advisory body established at N.J.A.C. 6A:10A-5.3.

"School two-year report on instructional priorities" means the operational plan for the 2008-2009 school year, documented by student performance by NCLB subgroups and CES on State assessments that specifies instructional improvements for literacy, math and science with special references to English language learners and students with disabilities, to be submitted by the school principal and SLC to the school district by January 15, 2008 and to be revised in accordance with these rules. The report shall be updated annually thereafter.

"Six-hour comprehensive educational program" means the comprehensive curriculum as articulated in the school district's two-year preschool program plan for the preschool program as approved by the Department and which is taught by an appropriately certified teacher.

"Supplemental programs and services" means those programs and services not already required by State or Federal law, but that are supported by school and school district needs assessment of resources required to improve instructional performance, which may include programs and services on the *Abbott X* Chart of Supplemental Programs.

“Surplus” means the amount of undesignated, unreserved fund balance as of July 1 of each year.

“Unbudgeted revenue” means any general fund revenue realized during the budget year that was not included in the original school district budget certified for taxes.

“Under-budgeted revenue” means any general fund revenue realized during the budget year that exceeds the amount included in the original school district budget certified for taxes.

"Uniform Preschool Enrollment Form" means a Department document to be used to document child and family background.

"Whole school reform" means the school-based implementation of a school district- and Department-approved coherent design for curriculum, instructional strategies, continuous assessment and support for teachers that focuses on the particular academic needs of students in each school.

"Whole school reform model" or "WSR model" or "model" means a whole school reform model approved by the Commissioner.

## **SUBCHAPTER 2. PRESCHOOL PROGRAM**

### **6A:10A-2.1 Preschool program general provisions**

(a) The New Jersey Supreme Court mandated in Abbott V that all children resident in New Jersey’s Abbott school districts be given the opportunity of a high-quality preschool education beginning at age three, as an essential element in achieving the goal of early literacy. The preschool program shall be well articulated with the kindergarten through grade three curriculum. The purpose is to prepare these children to enter kindergarten with skills and

abilities more comparable to those of their wealthier suburban peers and thus to prepare them for educational success. The Court's mandate has a strong scientific basis. Intensive, high-quality preschool programs can close much of the early achievement gap for lower-income children. This substantially increases their school success and produces a host of life-long benefits including increased school achievement and social and economic success as adults. The Court specified the standards for quality preschool education:

1. A certified teacher and an assistant for each class;
2. Maximum class size of 15 students;
3. Developmentally appropriate curriculum;
4. Adequate facilities; and
5. Transportation, health and other related services as needed.

(b) These rules will assist the Department in reaching its goal to ensure that all preschool children in Abbott school districts enter kindergarten ready to succeed. The purpose of these rules is to ensure that high quality preschool programs are established.

#### **6A:10A-2.2. Preschool programs**

(a) The district board of education shall offer a full-day, full-year preschool program to all eligible children.

1. The district board of education shall determine age eligibility for enrollment in preschool programs for three- and four-year olds pursuant to this subchapter using the same date it uses in determining age eligibility for kindergarten programs.

2. The district board of education shall offer preschool programs and services only to age-eligible residents of the school district.
3. The district board of education shall establish proof of residency as set forth in N.J.A.C. 6A:22, Student Residency.
4. The district board of education shall provide one appropriately certified teacher and one aide for every 15 children. Contracted class size shall not be greater than, nor less than, 15 children.
5. The district board of education shall implement a comprehensive curriculum supported by evidence-based research that meets the Department's Preschool Teaching and Learning Expectations: Standards of Quality, (Expectations) that are linked to the CCCS. The programs and curriculum shall include, but not be limited to, the following:
  - i. An alignment of the school district's curriculum and classroom practices with the Expectations, with particular attention paid to the needs of English language learners and children with disabilities.
  - ii. A clearly described, systematic and intensive approach for the acquisition of early language and literacy within the comprehensive curriculum. The approach shall include appropriate strategies and techniques delineated in the Expectations including inviting places to read; writing materials and literacy props; introduction of new words, ideas and linguistic structures; daily individual and group book reading; and promoting children's interest in the sounds they hear in words and the letters that make up words; and

iii. Implementation of the New Jersey Early Learning Assessment System (NJELAS) in all preschool classrooms.

6. The district board of education shall ensure that all preschool age children receive systematic support for language acquisition within their regularly assigned preschool classrooms, not through pull-out or push-in programs.

7. Rules for short-term and long-term suspension at N.J.A.C. 6A:16-7.2 and rules for expulsion at N.J.A.C. 6A:16-7.3 shall not apply to preschool students.

i. Preschool students in a general education program or special education program shall not be suspended, long-term or short-term, and shall not be expelled.

ii. Preschool intervention and referral team and other relevant services shall be provided for teachers with preschool students exhibiting challenging behaviors, social difficulties, or learning difficulties.

8. The school district shall participate in a self-assessment and validation system using a protocol developed by the Department to assess preschool program implementation and results. The self-assessment and validation shall be conducted annually by the district and the Department, and shall include the following:

i. A detailed self-assessment by the district board of education of its preschool program to inform its school district two-year preschool program plan;

ii. A validation visit by a State team at least every three years;

iii. A plan for improvement in a format to be provided by the Department. The plan shall include:

(1) Identification of the program area(s) in need of improvement;

(2) A detailed explanation of the steps to be taken by the district board of education and/or the Department;

(3) A schedule for implementation including interim benchmarks of progress and interim progress assessments; and

(4) A date for program re-evaluation.

9. The district board of education shall submit a two-year preschool program plan based on the information collected from the Self Assessment Validation System (SAVS) for Abbott Preschool Programs by November 15, 2007.

10. In the area of preschool, the school district's plan to achieve enrollment of at least 90 percent of the universe of eligible children, to fully include Head Start programs, to assess continuously the specific educational needs of its children, to continue to increase the quality of preschool programs in school district and provider settings, and to align the educational practices in the preschool program with the curricular and instructional practices of the school district's K through three grades should be addressed. The plan shall include but not be limited to the following items:

- i. Procedures for ensuring that the preschool program offered by the local Head Start program that receives Abbott preschool funding meets the requirements at N.J.A.C. 6A:10A-2.2(b) where applicable;
- ii. Use of NJELAS, measures of classroom quality, the reports of preschool intervention and referral teams, reports of master teachers, the school district's self evaluation, and demographic information from the Uniform Preschool Enrollment Form to determine student needs;
- iii. Status of facilities required to reach presently unserved children and the recruitment plan to enroll them;
- iv. Level of implementation of a preschool curriculum and appropriate performance based assessments;
- v. Approaches to helping English language learners acquire English while maintaining their home language;
- vi. Inclusion of preschool children with special needs in general education settings to the maximum extent possible;
- vii. The effectiveness of current family involvement activities and programs;
- viii. The articulation of the preschool program with kindergarten, including evidence that preschool and kindergarten teachers exchange program and curricular information with the individual results of the NJELAS included for the kindergarten teacher, and a transition plan for preschool families to prepare for kindergarten; and

ix. Procedures for monitoring the program quality and adequate financial controls of contracted Abbott preschool providers, as well as an update on the status of any corrective action plans or outstanding issues raised as a result a limited examination or audit report.

11. The preschool plan shall be directly connected with, and the primary basis of, the proposed one-year district preschool budget for the 2008-2009 school year.

12. School districts shall complete the plan and budget and submit them to the Department no later than November 15, 2007.

i. Each school district, Head Start and other private provider may submit a presumptive preschool budget for 2008-2009 calculated as the 2007-2008 preschool approved per pupil amount for in-district, district-wide, Head Start and other private provider programs, where applicable, increased by a cost-of-living adjustment of 2.89 percent and multiplied by the number of general education and inclusion students projected to be served in each setting.

ii. School districts, Head Start and other private provider budgets that support high quality preschool programs at or below the presumptive budget calculated shall be reviewed to ensure all supporting documents are complete and that all educational components are funded within the preschool program budget. Because the presumptive budgets will not contain individualized or specific line-item approvals, programs that have a presumptive budget shall be afforded increased flexibility across line-item expenditures.

(1) The 2007-2008 preschool approved per pupil amounts include funds for 2007-2008 preschool special requests with the exception of requests for one-time purchases.

(2) The 2008-2009 approved per pupil amounts will contain provisions for costs of school district withholding and start-up materials and supplies for new classrooms that expand the school district's current enrollment.

(3) School district, Head Start and other private provider budgets that are submitted and exceed the presumptive budget calculated shall undergo the traditional intensive review by the Department.

13. The district board of education shall provide master teachers at a ratio of no more than 20 preschool classrooms for each master teacher. The district board of education shall provide additional master teachers to assist uncertified or inexperienced teachers, and to provide professional development on serving specialized populations. The responsibilities of the master teacher shall, at a minimum, include:

i. Modeling, coaching, informally observing, using structured observation instruments, and providing feedback to teachers in preschool programs to assist in implementation of the Preschool Teaching and Learning Expectations: Standards of Quality;

ii. Providing staff development, based on systematic classroom observations consistent with a reliable program quality assessment instrument, as defined in N.J.A.C. 6A:10A-1.2;

iii. Making recommendations to supervisors or directors of early childhood preschool programs to provide additional professional development as needed;

- iv. Coordinating early childhood assessment in preschool programs;
- v. Ensuring accurate implementation of the NJELAS;
- vi. Participating in parent involvement programs with district board of education and provider staff; and
- vii. Planning with the CPIS transition activities, programs and services between preschool and kindergarten programs.

14. The master teacher shall have the following qualifications and experience:

- i. A bachelor's degree and teacher certification;
- ii. Three to five years experience teaching in preschool programs;
- iii. Experience providing professional development to classroom teachers;
- iv. Experience in implementing developmentally appropriate preschool curricula;
- v. Experience with performance-based preschool assessments; and
- vi. Any master teacher appointed on or after September 1, 2007 shall hold certification as follows:

(1) Preschool through grade three standard instructional certificate; or

(2) Standard elementary school instructional certificate and the equivalent of two academic years of full-time experience teaching three and four-year olds under the certificate in a position that would require the preschool through grade three endorsement; or

(3) Standard New Jersey nursery school instructional certificate; or

(4) Preschool through grade three endorsement in addition to other standard instructional certificate, except as indicated at N.J.A.C. 6A:9-11.2 and 11.7.

15. In addition to the requirements in (a)14 above, depending on the population served by the district board of education and identified by the needs assessment, the master teachers shall demonstrate one or more of the following:

i. Specialization in bilingual education or second language acquisition;

ii. Specialization in special education/inclusion;

iii. Specialization in early literacy;

iv. Coursework in supervision and leadership;

v. Preschool Professional Development Fellow status; or

vi. Prior to September 1, 2007, a preschool through grade three standard instructional certificate or an N-8 standard instructional certificate.

16. The district board of education shall provide a social worker (MSW) for every 250 to 300 in-district preschool students. The social worker shall at a minimum:

i. Collaborate with classroom teachers, master teachers, preschool intervention and referral team members and other school district professionals to support the school district family services program;

ii. Coordinate with the community and parent involvement specialist to reach out to families, determine individual family needs, advocate and obtain appropriate community services;

iii. Provide follow-up, assessment of child needs and direct service when appropriate;

iv. Help parents learn about child development, nutrition, safety, and how to support their child's classroom work; and

v. Design and provide parent workshops based on identified needs and parent survey responses.

17. The district board of education shall establish one preschool intervention and referral team for every 750 preschool students. In school districts with fewer than 750 preschool children, one team shall be allocated for every 750 children in preschool through grade three, with the school district's preschool budget funding the preschool proportion of the team.

i. The preschool intervention and referral team shall work with school district administrators, community provider directors, master teachers, preschool classroom staff, parents and school district child study team members to decrease referrals to special education and to maximize general education classrooms teachers' ability to support all students.

ii. The preschool intervention and referral team shall include a combination of psychologists, learning disabilities teacher consultants, school social workers, and speech and language specialists. Other professional staff may be approved by the Department based upon identified needs of the school district and/or its preschool students.

iii. The preschool intervention and referral team shall have a strong background and knowledge in early childhood education and development.

iv. The early childhood school district administrator shall supervise the team.

v. The early childhood school district administrator shall collaborate and communicate with the school district office of special services.

18. The preschool intervention and referral team shall, at a minimum:

i. Consult with master teachers and preschool classroom teachers to adapt and modify teaching practices and educate families to help preschool children meet the Preschool Teaching and Learning Expectations: Standards of Quality;

ii. Conduct regular visits to classrooms to observe, model, provide feedback, and make recommendations about appropriate strategies, classroom modifications, and the selection of adaptive materials;

iii. Provide professional development for instructional staff and administrators to facilitate preschool inclusion;

iv. Coordinate with school district special services departments and child study team members, when appropriate, to ensure seamless preschool programming;

v. Bring professionals across disciplines together with families, as appropriate;

vi. Refer students, when all other efforts have failed, to the school district Child Study Team as set forth in N.J.A.C. 6A:14, Special Education; and

vii. Reduce the number of students with disabilities who are not instructed in general education classrooms and increase the proportion of time in general education classrooms for students who are instructed in self-contained classrooms or resource rooms. The progress in meeting this objective shall be reported annually by the district board of education to the Department in its two-year preschool program plan.

19. Each district board of education shall ensure that supervisors of preschool programs hold a New Jersey Supervisor's Certificate, have experience in preschool education and participate in annual training specific to preschool program implementation.

20. In-district directors and/or supervisors of preschool programs shall ensure coordination of preschool within the school district, overseeing coordination and delivery of comprehensive services for all preschool program components. The responsibilities of the in-district directors and/or supervisor of preschool programs shall include:

i. Hiring, supervising and ensuring evaluation of all in-district staff funded by the preschool programmatic budget, including, but not limited to master teachers, fiscal specialist, community parent involvement specialist, preschool intervention and referral team members, nurses and clerks;

- ii. Ensuring evaluation of preschool classroom teachers;
- iii. Developing and implementing the professional development plan;
- iv. Providing assistance to master teachers, preschool intervention and referral team members, community and parent involvement specialists, principals and community provider directors in the implementation of appropriate early childhood practices;
- v. Administering strategies designed to help teachers and other professionals optimize children's learning and development in all domains;
- vi. Overseeing the implementation of the comprehensive preschool curriculum;
- vii. Developing and implementing the preschool budget and program plan;
- viii. Coordinating annual program evaluation;
- ix. Contributing to facilities plans to accommodate preschool children in the district;
- x. Supervising registration, recruitment and outreach efforts;
- xi. Collaborating with community providers, including Head Start, when applicable;
- xii. Overseeing compliance with community provider contracts, when applicable, to ensure high quality implementation of the preschool program;
- xiii. Supporting transition initiatives from program entry through kindergarten; and
- xiv. Participating in early childhood professional development opportunities.

21. Each district board of education shall ensure that administrators of preschool programs hold the appropriate New Jersey Supervisor's Certificate or New Jersey Principal's Certificate, have experience in preschool education and participate in annual training specific to preschool program implementation.

22. The district board of education shall employ a community and parent involvement specialist. The responsibilities of the community and parent involvement specialist shall, at a minimum, include:

- i. Staffing the early childhood advisory council;
- ii. Being responsible for the community needs assessment;
- iii. Organizing and coordinating systematic parent involvement plans and activities;
- iv. Coordinating work with other agencies;
- v. Coordinating parent involvement programs with district board of education and provider staff;
- vi. Providing information on district board of education programs to the family worker, social workers, and preschool program staff; and
- viii. Planning with master teachers for transition activities, programs and services between preschool and kindergarten programs.

23. In school districts with more than eight child care center providers, the Department may approve the position of fiscal specialist. The fiscal specialist shall have auditing, budgeting, and accounting experience and shall report to the early childhood supervisor or the director of early childhood programs, and work with the school district business administrator's office. The fiscal specialist shall at a minimum:

- i. Monitor each child care center provider for compliance with the Abbott Preschool Program Contract;

- ii. Track and report teacher certification information;
- iii. Review quarterly expenditure reports in accordance with the approved child care center provider budgets; and
- iv. Provide financial management assistance to child care center providers in the development and monitoring of the provider's annual budget and when applicable, corrective action plan, developed collaboratively in response to the findings from an audit and/or a limited review examination.

24. The district board of education shall establish an Early Childhood Advisory Council (ECAC).

- i. The membership of the council shall consist of community stakeholders, and include child care center providers and parents.
- ii. Elected co-chairs shall preside at council meetings which shall be regularly held.
- iii. The Council shall advise on the planning and implementation of the preschool program.
- iv. The Council may add new representation as needed.
- v. The community and parent involvement specialist or other designated school district employee shall staff the Council.

25. The district board of education shall use the following method for calculating the universe of eligible three-year-old and four-year-old children:

i. The district board of education shall report the number of first graders on the Application for State School Aid (ASSA) report, subtract any students who have been retained in first grade that year and add the non-public first graders to the net first grade ASSA enrollment to determine the universe of first grade children in the school district. This total shall be multiplied by two to determine the universe of three- and four-year-old children to be served in the next school year.

ii. The Department will collect the first grade enrollment data from the non-public schools in each Abbott school district and forward this enrollment data to each Abbott district board of education.

26. The district board of education shall use the following method to calculate the number of preschool children to be served in the next school year:

i. The district board of education shall make appropriate adjustments to the universe of three-year-old children and to the universe of four-year-old children as determined using the method prescribed in (a)25i above to determine enrollment projections for each age group based upon the documented history of the actual enrollments in the three- and four-year old programs over the last three years and provide that documentation in the two-year preschool program plan;

ii. The district board of education may adjust the preschool universe based on factors such as a large employer moving in or out of the school district, or a new housing development and provide this documentation in the two-year preschool program plan;

iii. Using the data in (a)26i and ii above, the district board of education shall determine the projected number of three-year-old and four-year-old children to be served in the next school year in order to reach full enrollment of the of the universe of eligible children. A district board

of education enrolling less than 90 percent of the universe of eligible children shall develop a corrective action plan within the two-year preschool program plan setting forth specific plans to address under-enrollment, including plans to remedy lack of facilities meeting the preschool facility planning standards on a temporary and permanent basis and plans for outreach and recruitment of hard-to-reach families;

iv. The district board of education shall also use the number in (a)26iii above as the projected number of three- and four-year-old children for planning purposes in the development of the school district two-year preschool program plan; and

v. The Department will utilize historical enrollment trends and the school district's past ability to reach at least 90 percent of the universe of eligible children to establish projected enrollment and to determine the need for additional classrooms and related fixed costs.

(b) The district board of education shall contract with a child care center provider or local Head Start program to implement required preschool programs and shall not duplicate programs or services otherwise available in the community. The district board of education shall enter into an Abbott Preschool Program Contract with a child care center provider or local Head Start program to provide services to preschool children only when that provider is able and willing to meet the quality standards of Abbott preschool programs including the following:

1. Provide an on-site director who works at the child care center for a minimum of five of the six hours of the six-hour comprehensive educational program day;
2. Provide one certified teacher and one aide for every 15 children. Contracted class size shall not be greater than, nor less than, 15 children;

3. Provide programs that meet the Department's Preschool Teaching and Learning Expectations: Standards of Quality that are linked to the Core Curriculum Content Standards within the district's comprehensive curriculum;
4. Require teachers who work for a Head Start agency that began contracting with an Abbott school district for that classroom after September 2000 who do not hold a Preschool through Grade 3 Certificate at the time of contracting to complete the degree within four years of the first date of contract for the classroom in which the teacher has continuously taught and to submit an application for annual extension to the Abbott school district by May 15 of each year consistent with (b)4i through v below. The application must include verification that the teacher:
  - i. Shall complete the degree within four years of the first date of contract for the classroom in which the teacher has continuously taught;
  - ii. Is a student in good standing;
  - iii. Has obtained a minimum GPA of 2.75 when 4.0 equals an A;
  - iv. Has a detailed and feasible plan for completing the bachelor's degree within the timeframe described in i, above; and
  - v. Has submitted letters of support from the child care center director and a school district representative;
5. The school district shall be responsible for reviewing each application for accuracy and completeness and then shall forward the application and documentation to the Department on or before June 1 of the application year;
6. The Department shall approve or deny each individual applicant by July 1;

7. Require all teacher aides, both new hires and existing staff, to have a high school diploma or its equivalent;

8. Encourage all teacher aides, both new hires and existing staff, to:

i. Obtain the Child Development Associate/Certified Childcare Professional (CDA/CCP) credential if they do not have CDA/CCP credentials; or

ii. Pursue an associate's degree in early childhood education, if they already have Child Development Associate/Certified Childcare Professional (CDA/CCP) credentials;

9. Participate in the Child and Adult Care Food Program (CACFP) or National Food Program for food and food service related costs;

10. Provide one full-time family worker for every 45 children and their families served by the child care center provider. If the child care center provider does not serve enough children to warrant hiring a full-time family worker, then the center shall employ a family worker to work an amount of time equal in proportion to the number of children served;

i. The family worker shall be advised and trained by a coordinating social worker employed by a local agency under contract with the Department of Human Services;

ii. The family worker shall work with the children and families to help families stay involved with the program and to provide relevant information on community resources. The responsibilities of the family worker shall, at a minimum, include:

- (1). Collaborating with the school district community and parent involvement specialist and school district social workers;
- (2) Coordinating participation in health and social services designated by the school district to serve the needs of the children and their families;
- (3) Providing all requested data to the school district;
- (4). Working a 40- hour work week which shall include evenings and weekends, as necessary, to meet family needs; and
- (5). Attending all training sessions designated by the coordinating social work agency;

11. Implement sound fiscal practices including, but not limited to:

- i. Maintaining a financial management system that provides timely, accurate, current and complete disclosure of all financial activities related to the agreement, in accordance with Generally Accepted Accounting Principles;
- ii. Making all educational, administrative, and indirect support cost expenditures in accordance with the budget approved by the district board of education and Department;
- iii. Amending the approved budget, as necessary, with approval by the district board of education and Department;
- iv. Making all financial and program information available on request for inspection at any time to the school district or Department designee; and
- v. Submitting to the district board of education a quarterly report of actual expenditures signed and certified by an officer of the corporation;

12. Provide a minimum of 950 square feet per classroom consisting of 750 square feet of usable space, 150 of storage and equipment or furnishings that are either built in or not easily movable, and 50 square feet of toilet room for each newly contracted classroom;

13. Provide that all construction or alteration of playgrounds and playground equipment:

i. Complies with N.J.A.C. 5:23-11, the playground safety subcode of the Uniform Construction Code; and

ii. Complies with N.J.A.C. 5:23-7, the barrier free subcode of the Uniform Construction Code; and

14. Maintain Department of Human Services licensure.

(c) The Abbott Preschool Program Contract shall be in a form provided and/or approved by the Department.

1. Each district board of education using the State-approved Abbott Preschool Program Contract without modifications shall submit a copy of each executed contract to the Department no later than 45 days after receiving such document from the Department.

2. The district board of education shall ensure that its request(s) to modify the State-approved Abbott Preschool Program Contract are submitted for approval no later than 45 days after the Department's annual release of the contract for the following school year.

3. The district board of education shall submit a copy of each executed contract to the Department within 45 days of receiving approval from the Department to modify the State-approved Abbott Preschool Program Contract.

(d) In addition to (c) above, the Abbott Preschool Program Contract shall include, but not be limited to, the following expectations, supports and accountability measures for the district board of education and the child care center provider:

1. The district board of education, in consultation with the ECAC and based on individual teacher professional development plans, shall determine the minimum number and types of professional development opportunities it will offer to all teachers serving preschool children;

2. The district board of education shall establish with ECAC procedures for recruitment, enrollment and placement of all age-eligible resident three- and four-year-old children in the preschool program;

3. The district board of education shall establish with the ECAC the procedure by which preschool attendance is submitted to the district board of education by the child care center provider and verified by the district board of education;

4. The district board of education shall verify the credentials and progress toward certification, where applicable, of all preschool teaching staff in a child care center provider and shall verify that all required background and criminal checks on all employees have been conducted; and

5. The district board of education shall provide financial management assistance to the provider to develop and monitor the child care center provider's annual budget, to verify the accuracy of costs and to ensure that the expenditures are made in strict accordance with the approved budget.

(e) A child care center provider that has not previously, as of September 9, 2003, had an Abbott Preschool Program Contract with the district board of education to serve Abbott preschool children shall meet the following criteria to be eligible for a contract:

1. The child care center provider shall have provided preschool educational services for at least one year prior to entering into a contractual relationship with the district board of education;

2. The child care center provider shall have a documented record of appropriate financial management including timely independent audits revealing no material findings and accounting systems that can accommodate financial reporting requirements;

3. The child care center provider shall be able to accommodate at least 90 Abbott eligible children in a manner consistent with this chapter and the quality standards set forth by the New Jersey Supreme Court;

4. The child care center provider shall provide to the district board of education copies of insurance certificates; an efficient annual budget; credentials for teaching staff; attendance records; and any additional documentation, including all financial records, as requested by the district board of education and/or Department;

5. The child care center provider shall present evidence to the district board of education of compliance with Department of Children and Families background check procedures for child

abuse record information pursuant to the Manual of Requirements for Childcare Centers N.J.A.C. 10:122-4.9 and compliance with Department of Children and Families criminal history background check procedures pursuant to P.L.2000, c.77. Any child care provider not fully compliant with these requirements is not eligible for a contract;

6. The child care center provider shall agree to participate in any professional development opportunities offered by the district board of education for all preschool teaching staff;

7. The child care center provider shall agree to submit certified expense reports;

8. The child care center provider shall agree to expend funds only as specified in the approved budget;

9. The child care center provider shall agree to certify that the proposed budget submitted to the district board of education and the executed Abbott Preschool Program Contract is true and accurate; and

10. The child care center provider shall agree to meet the quality standards set forth by the New Jersey Supreme Court and the regulations and procedures implementing same as required by the Department.

(f) The district board of education shall include in each child care center provider's Abbott Preschool Program Contract criteria submitted to, and approved by, the Department for termination of the executed contract prior to the expiration of the executed contract term, which shall include, but not be limited to:

1. Material breach of the child care center provider's responsibilities;
2. Revocation of its Department of Children and Families licensure;
3. Failure to produce criminal and child abuse background checks on all employees;
4. Failure to follow the terms of an agreed-upon corrective action plan with the school district based on the findings of a limited examination or audit report;
5. Failure to comply with all terms of the executed Abbott Preschool Program Contract; and
6. Failure to comply with all applicable requirements established in this chapter.

(g) The district board of education shall conduct on-site monitoring at least twice in the contract year to assess compliance, and shall ensure that child care center providers and local Head Start programs comply with the Abbott Preschool Program Contract requirements including the requirements of (b) through (f) above.

#### **6A:10A-2.3 Provider and Head Start program contracts and budgets**

(a) The district board of education shall ensure that the proposed budget of each child care center provider and Head Start program supports the needs of the children and the actual program costs for the six-hour comprehensive educational program meeting Department requirements at N.J.A.C.6A-2.2 for at least 180 student school days and not exceeding a 10-month academic period.

1. The proposed budget shall compensate certified teachers comparable to that which would be received if the teacher were employed by the district board of education;

2. The child care provider shall ensure that the certified teacher receiving the comparable compensation meets comparable work schedule requirements for both student contact time and teacher contract time, including the equivalent number of hours per day and the equivalent number of days per contract year established by the school district board of education for its certified teachers. This work schedule shall also include the same amount of preparation time and the amount of lunch time as received by the school district board of education certified teachers;

3. The district board of education shall verify for accuracy and efficiency all annual budget projections submitted by each child care center provider prior to submission of the budget to the Department; and

4. The district board of education shall monitor the expenditures of each contracted child care center provider at least quarterly and shall recoup any unexpended or misspent funds based on the quarterly expenditure reports, enrollment records and monthly payments made by the school district.

(b) The district board of education, child care provider, and Department shall use the following process for non-renewal of a child care center provider's Abbott Preschool Program Contract:

1. The school district shall notify, in writing, the child care center provider and the Department of the decision and reasons for non-renewal of the Abbott Preschool Program Contract.

2. The child care center provider may dispute the non-renewal of the Abbott Preschool Program Contract by written notification within ten business days to the Division of Early Childhood

Education with a copy to the Department of Human Services, Office of Early Care and Education.

3. The Division of Early Childhood Education may request additional information.

4. The Division of Early Childhood Education shall affirm or deny the appropriateness of the non-renewal decision.

5. The non-renewal decision may be appealed to the Commissioner pursuant to N.J.A.C.6A:10A-9.2.

6. In the event of non-renewal of the child care center provider's Abbott Preschool Program Contract, the school district shall recover from the child care center provider all playground materials, playground equipment both installed and uninstalled, startup classroom materials, and startup classroom technology or the monetary equivalent thereof, based upon funding for said items as approved by the Department.

(c) The district board of education shall use the following informal process for resolving disputes between themselves and a contracting child care center provider:

1. If a dispute arises between a district board of education and a child care center provider, they shall attempt to resolve it at the local level.

2. If the dispute cannot be resolved locally, either the child care center provider or the school district, or both jointly, shall submit a request that the Division of Early Childhood Education review the dispute.

3. Upon receipt of a request for review, the Division of Early Childhood Education shall notify any non-requesting entity and shall request any documentation required.

4. The Division of Early Childhood Education shall mediate the dispute, in consultation with the Department of Human Services as appropriate, facilitate communications between the parties, and attempt to resolve the dispute.

5. If a dispute becomes the subject of a contested case, discussions occurring during the mediation process shall be considered confidential, and shall not be used as evidence in the contested case.

6. The district board of education and child care center provider shall be advised that this process is an optional service offered by the Department. If either is alleging a violation of school law, and the dispute is such that adjudication by the Commissioner shall be sought through contested case proceedings, use of the informal dispute resolution process shall not exempt parties from complying with filing deadlines for appeals to the Commissioner outlined in N.J.A.C. 6A:3, Controversies and Disputes.

7. This process described herein shall not apply to the termination or potential termination of an Abbott Preschool Program Contract.

(d) The district board of education, child care center provider, and Department shall use the following process to terminate a child care center provider's Abbott Preschool Program Contract:

1. The school district shall notify the child care center provider, the Division of Early Childhood Education and the Department of Human Services, Office of Early Care and Education regarding a possible breach of contract by a child care center provider.

2. The child care center provider will have no less than ten business days to resolve the deficiency.

3. If the child care center provider fails to resolve the deficiency within the time provided, the child care center or the school district may request a meeting with the Department and the Department of Human Services, Office of Early Care and Education to discuss the possible breach of contract. Meeting outcomes may include a plan of action to correct the deficiency, a schedule for obtaining additional information, or additional efforts to resolve the issues in dispute.

4. If a plan of action is required, then the school district shall write the plan with copies to the Division of Early Childhood Education, Department of Human Services Office of Early Care and Education, and the child care center provider.

5. Upon the completion of (d)1 through 4 above, the school district may terminate the Abbott Preschool Program Contract with the provider consistent with the following provisions:

i. The school district shall have the right to terminate the child care center provider's Abbott Preschool Program Contract in whole immediately upon revocation of the child care center provider's Department of Human Services licensure, the material breach of the provider's responsibilities including the failure to conduct and document criminal background and child abuse history checks, discovery that Abbott-eligible children are served in non-Abbott

classrooms, failure to comply with all applicable requirements established pursuant to the New Jersey Administrative Code, or any other reasonable cause within the discretion of the school district and written approval from the Department.

ii. Upon termination, the school district shall recover from the child care center provider all playground materials, playground equipment both installed and uninstalled, start-up classroom materials, and start-up classroom technology or the monetary equivalent thereof, based upon funding for said items as approved by the Department.

(e) Child care center providers and school districts shall have the right to appeal any decision to enact termination to the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes. The filing of an appeal shall not prevent the termination from becoming effective on the date specified unless the appealing party seeks and is granted a stay pending decision by the Commissioner.

(f) The school district and the child care center provider may terminate the Abbott Preschool Program Contract by mutual agreement, in writing, upon notice to the Department, Department of Human Services, and written approval from the Department. In the event of termination under this provision, said termination shall take effect upon the 30<sup>th</sup> day from the date the parties receive written approval from the Department to terminate the contract.

(g) In the two-year preschool program plan, the district board of education shall ensure that the parent education and involvement activities planned by the district board of education are based on identified needs.

(h) The district board of education shall annually participate in a self-study and validation of its preschool program and amend the two-year preschool program plan to reflect its findings.

(i) The district board of education shall submit amendments to its two-year preschool program plan as required by new findings and conclusions about the implementation of the preschool program.

(j) Through the needs assessment process, the district board of education shall evaluate and assess the needs of its students, programs and child care center providers so as to formulate plans and applications to meet these needs and shall include, but not be limited to, the following:

1. For every child's preschool application, the district board of education shall complete an enrollment survey on forms provided by and made available to the Department;

2. The district board of education shall conduct a preschool early childhood screening assessment at school entry to determine if a child needs comprehensive diagnostic assessment; and

3. The district board of education shall use a reliable observation method approved by the Department to assess program quality in each preschool classroom, aggregate the data, and develop professional development plans for all teaching staff.

i. The district board of education in consultation with the ECAC and with approval from the Department shall establish a minimum acceptable score for all preschool classrooms in operation in the school district.

ii. If any classroom falls below the minimum acceptable score, then an improvement plan shall be established. The school district early childhood supervisor or director of early childhood, the

master teacher and the school principal or child care center director shall participate in discussions to determine the classroom quality improvements that are necessary based upon the observation and establish a timeframe for making the required changes.

iii. The master teacher shall provide technical assistance to the classroom teacher based upon the improvement plan.

iv. If the district board of education deems that improvements have not been made according to the established schedule, a reliable independent observer approved by the Department will evaluate the classroom or program. If the reliable independent observer verifies that the expectations are not being met, steps shall be taken to remove the teacher from the classroom or terminate the Abbott Preschool Program Contract between the child care center provider and the district board of education.

(k) In its two-year preschool program plan, the district board of education shall describe its plan for articulation of the preschool program with kindergarten. This plan shall, at a minimum, include the following:

1. The process for identifying and communicating the information needed by the kindergarten teachers about the preschool program, and vice-versa;
2. Methods for communicating information about individual children to their new kindergarten teacher, in particular the results of the NJELAS;
3. The plan developed by the district board of education to ensure a seamless transition from preschool to kindergarten for the preschool children; and

4. The process for providing information to parents about the kindergarten program and the transition plan from preschool to kindergarten.

(l) Upon offering full-day, full-year preschool programs, the district board of education may request a waiver of this requirement under N.J.A.C. 6A:5, Regulatory Equivalency and Waiver, as applicable, to allow families to enroll their children in a half-day program and/or a school-year program, provided that the program meets all other requirements of this subchapter.

(m) The waiver application shall include copies of signed declinations by parents or guardians that demonstrate that the district board of education offers a full-day, full-year preschool program and discloses that the families have elected a half-day program and/or a school-year program.

**6A:10A-2.4 Division of Early Childhood Education roles and responsibilities in the preschool program.**

(a) The Division of Early Childhood Education shall provide services that include, but are not limited to, the following:

1. On-site technical assistance in the development of the two-year preschool program plan, including the development of program goals and objectives for a high quality preschool program and other technical assistance as requested by the district board of education;

2. Review and approval of the two-year preschool program plan by January 15, 2008;

3. Professional development opportunities to the district board of education early childhood directors and/or supervisors; to provide information and technical assistance to the district board of education from the Department;
4. Professional development opportunities for master teachers;
5. Assistance with the self-study and validation process and the development of a program improvement plan;
6. Providing copies of the complete two-year preschool program plan including the school district and child care center provider budget forms, a copy of the Uniform Preschool Enrollment Form, a list of State-approved reliable independent observers, a copy of the State-approved Abbott Preschool Program Contract, as well as copies of other information available from the Department and requested or needed by the district board of education;
7. Opportunities to be involved in State planning and policy development for the preschool program; and
8. Ensuring necessary funds to implement a high quality preschool program.

### **SUBCHAPTER 3. STANDARDS-BASED INSTRUCTION**

#### **6A:10A-3.1 School district-led standards-based instruction**

- (a) Abbott schools and school districts shall implement a coherent and integrated curriculum for all students, including English language learners, gifted and talented students and students with disabilities, that is content-rich, aligned to the CCCS and guarantees the instruction every student

needs to master them, is engaging for students, and is continuously adjusted by the evidence of student performance. Such curriculum shall include the provisions set forth in N.J.A.C.6A:10-2.6(d)1.

(b) Abbott schools and school districts shall develop and implement a professional development plan that includes the provisions set forth in N.J.A.C. 6A:10-2.6 (d)2.

(c) Abbott schools and school districts shall be accountable to the communities they serve and to the public at large. Such accountability shall include:

1. At least annual meeting(s) of each SLC to solicit public input and report student achievement data by NCLB subgroups, adequate yearly progress (AYP), and plans and budgets for the following year.

2. At least annual public meeting(s) of the school district board of education to report and provide opportunities for public comment on:

i. School district-wide student achievement reported to comply with NCLB requirements, graduation rates and AYP by school, comparisons to other school districts, and progress made toward closing the achievement gap; and

ii. The school district report on instructional priorities' revisions and annual budget.

3. Frequent contact between parents and schools centered on student achievement information on how parents can help their children's improve their academic performance.

(d) Schools and school districts shall demonstrate that they systematically generate, collect, analyze, dis-aggregate and re-aggregate evidence of student performance and that they use these data to make educational decisions, including at least the following:

1. Each school district central office shall maintain a student-level database that permits teachers, school administrators and central office supervisors to track student progress year-to-year and school-to-school and to identify school district and school continuously enrolled students;
2. The school district central office collection and analysis of at least semi-annual assessments of student performance against curricular benchmarks and of the results of state and non-state year-end tests reported by NCLB subgroups and CES; and
3. The school district central office shall prepare data on comparative performance for all schools in the district and make them available to schools.

(e) Abbott school districts shall provide an intensive early literacy program for preschool to grade three to ensure that each student reads on their grade level, with the goal of all students reading on grade level by third grade. The intensive early literacy program shall include the following components:

1. Curriculum and instruction and other program components consistent with the CCCS and the Expectations, Reading First, and evidence-based educational research;
2. Classes at grades kindergarten through grade three with no more than 21 students;
3. Adequate instructional materials including textbooks, software, supplies, and equipment that are selected to align and support the school district curriculum;
4. Full-day kindergarten with a teacher's aide for each classroom;
5. Emphasis on small group instruction in at least reading, writing and technology with school district-approved software that supports the essential elements of intensive early literacy

including assistive technology resources, which are aligned with and support the school district curriculum;

6. A classroom library for grades kindergarten through three of at least 300 titles that reflects the needs of all students including students with disabilities and ELLs, including assistive resources such as books-on-tape and books in the students' native language, and decodable and leveled books;

7. A school library media center, staffed by a certified school library media specialist, supplied with books and other print materials that enrich classroom instruction, computers with Internet access and adequate space and facilities for student and teacher use;

8. A comprehensive early literacy screening and assessment program including:

i. Assessment of ELLs to determine levels of native and English literacy, pursuant to N.J.A.C. 6A:15-1.3;

ii. Screening in reading in grades kindergarten through three with the expectation that at least 75 percent of all first graders will be reading on grade level by the end of first grade and that 90 percent of all third graders will be reading on grade level by the end of third grade;

iii. Diagnostic assessment of students below reading level leading to tailor support and assistance;

iv. Annual assessment of reading and writing with a norm-referenced and/or criterion-referenced test with item analysis in grades kindergarten through two; and

v. Locally-devised interim assessments with clear measures of progress based on the school district's curriculum and measured periodically with incremental assessments in grades one through three, and implementation of the Early Learning Assessment system (NJELAS) in all preschool and kindergarten classrooms;

9. At least a daily 90-minute, uninterrupted language arts literacy block in grades kindergarten through three with guidance in the use of that time that may include the following instructional strategies:

i. use of screening instruments to differentiate student needs;

ii. small group instruction;

iii. direct instruction;

iv. guided reading; and

v. shared reading;

10. Effective supports and additional time for students with disabilities as outlined in their Individual Education Plan (IEP) and English language learners who shall receive an additional 30 minutes a day in oral language development provided by an ESL certified teacher pursuant to N.J.A.C.6A:15-1.4 and accommodations for English language learners, such as assessments in the native language, native language literacy instruction, and transition from the native language to English literacy services, in addition to the services, programs and resources identified in this section;

11. Intensive professional development in the elements of intensive early literacy, consistent with this chapter;

12. Regular opportunities for teachers to discuss and analyze student work, interim progress measures, and assessment results and plan any modifications in grouping and/or instruction that may be indicated, consistent with this chapter; and

13. Use of an instructional facilitator or literacy coach to coordinate professional development and collaboration if documented as necessary to increase achievement of early literacy.

(f) Abbott schools and school districts shall continue to implement an intensive literacy program for grades four through 12 using the following components as a guide to transitioning from existing programs to full implementation of the rules set forth herein by the 2008-2009 school year:

1. A school district curriculum that is fully aligned with the CCCS and other initiatives including intensive early literacy as set forth above in N.J.A.C. 6A:10A-3.1 (e), and *Improving the Quality of Literacy Education in New Jersey's Middle Grades* which is incorporated herein by reference and found at <http://www.nj.gov/education/genfo/midliteracy.htm>. Such a curriculum is a prerequisite for full implementation of the remaining components by the 2008-2009 school year, subject to Department review;

2. In self-contained grades four through eight classrooms, a classroom library of at least 300 titles that are aligned with the school district curriculum to include full-length novels, anthologies and reference materials to improve student ability to read for content, and which reflect the cognitive, academic, and developmental needs of the students in the classroom,

including students with disabilities, gifted and talented students and English language learners, by providing assistive resources such as books-on-tape, books in the student's native language and books for struggling readers;

3. The school library-media resource center, staffed by a certified school library media specialist, shall have computers with school district-approved instructional software that facilitates reading comprehension and writing proficiency, appropriate books including novels, anthologies and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research;

4. An engaging and diverse instructional experience that shall include frequent writing assignments including oral presentations and research papers and journals in courses other than language arts;

5. A comprehensive literacy assessment for grades four through 12 shall be incorporated in the school district curriculum to measure individual and group progress indicated below:

i. Benchmarks of student achievement in the school district curriculum that are measured at least quarterly using grades, writing samples, project-based learning activities, and records of classroom observations conducted by teachers, reading/language arts specialists, curriculum specialists and supervisors;

ii. Assessments for English language learners to determine levels of native and English literacy, pursuant to N.J.A.C. 6A:15-1.3;

iii. Assessments for students reading and writing below grade level to explain their under-performance and determine the assistance required to bring them up to grade level; and

- iv. Annual State tests in grades five through seven and annual end-of-course tests in grades nine through 10;
- 6. An uninterrupted language arts literacy block, ranging from 90-120 minutes daily for all students in grades four and five and 80-120 in grades six through eight;
- 7. Accommodations for students with disabilities in addition to the services, programs and resources identified in this subsection;
- 8. Abbott schools that are Title I eligible shall comply with the Federal No Child Left Behind (NCLB) Act requirements to conduct activities that ensure that students who experience difficulty attaining proficiency receive effective, timely, additional assistance by providing an additional 40 minutes to the 80 minutes of literacy instructions in grades four through eight for students who are reading below grade level;
- 9. Emphasis on small group instruction, evidenced-based interventions, and additional time on task for students reading below grade level;
- 10. Professional development opportunities for teachers and administrators shall be based on effective instructional practices that include:
  - i. Annual school district and school-level assessment of teacher mastery of CCCS, and of skills to engage all students, the results of which shall be reflected in the professional development plans and professional development opportunities; and
  - ii. Scheduled opportunities for teachers and administrators to analyze student work and assessment results together; and

11. At least twice a year, school-level parent/family/community support activities that are conducted by teachers and school administrators to increase family participation in student learning and homework.

### **6A:10A-3.2 Secondary Education Initiatives**

(a) The Department shall continue to provide professional development and other assistance to school districts and schools to implement the secondary education program specified in this section.

(b) Abbott school districts shall plan for the creation of smaller and more personalized learning environments for students in grades six through 12. The goal of this work is to implement the standards and practices that are incorporated herein by reference as Appendix B to this chapter leading to the implementation of small learning communities or small schools in the 2008-2009 academic year. The 2007-2008 academic year shall be a planning year for all Abbott school districts.

(c) The school district central office shall assist schools to plan and implement the secondary education rules by providing professional development and assistance in each planning year and after implementation. The district central office shall:

1. Incorporate relevant research about effective practices pertaining to curriculum, instruction and the use of evidence of student performance and student development in secondary education in supporting administrators, teachers and other staff who serve students in grades six through 12;

2. Develop and implement a school district curriculum for grades six through 12 that gives first priority to language arts literacy, mathematics and science, is fully aligned to the CCCS, and exposes all students to instruction of sufficient academic rigor to master the CCCS, and is consistent with the preschool through grade five curriculum;
3. Develop with faculty and staff of school district interim and end-of-course assessments in language arts literacy, math, and science;
4. Disseminate student achievement data on interim and end-of-course assessments, assist staff with the analysis of these interim and end-of-course assessments and indicate what adjustments in instructions are necessary;
5. Communicate regularly and in a variety of forms with parents and the community regarding the academic expectations for students and to provide suggestions on how they can assist students outside the classroom;
6. Work with the Department to develop indicators and benchmarks for evaluating the implementation of the standards and practices for secondary education and for measuring student achievement. These measures shall be reported at multiple levels (small learning community, school, and school district) and shall include such items as:
  - i. Student and teacher attendance rates;
  - ii. The number and percentage of ninth graders completing Algebra I successfully;
  - iii. Instructional time/days missed due to in-school and out-of-school suspensions and other disciplinary infractions;

- iv. Grades and completion rates for all courses required to be completed for graduation;
  - v. Performance of students on State assessments;
  - vi. Persistence of students from grade level to grade level and to graduation from high school; and
  - vii. Enrollment in, persistence with, and completion of postsecondary education; and
7. Submit to the Department by March 1, 2008, a study of all students who graduated by Special Review Assessment (SRA) in the school year ended June 30, 2007. The study shall include a review of the courses taken in grades nine through 12, with the grades achieved, and the attendance record for each year. There shall be a determination of the proportion of SRA graduates who satisfactorily completed the courses required for graduation and their scores on the HSPA tests in each discipline and for each time the test was taken.

(d) Planning team established in accordance with N.J.A.C. 6A:10A-5.3 shall develop a plan, in conjunction with the local professional development committee, for secondary education reform commensurate with rules set forth in this chapter, and incorporate this plan into State and Federal compliance documents, and the school district two-year report on instructional priorities. The plan shall address the Abbott secondary education regulations set forth in this section which include:

1. Implementation of small organizational structures as set forth in (b) above.

2. Greater personalization for all secondary students so that during the 2008-2009 academic year, schools are organized to implement the standards for personalization as set forth in chapter Appendix B, unless the school district can demonstrate that the goals are being achieved by alternative means.

3. A preschool through 12 curriculum that is fully aligned to the CCCS to prepare all students in grades six through eight for college preparatory coursework in high school and all students in grades nine through 12 for collegiate instruction after graduation, including college level preparatory English, Algebra I and Lab Biology. All courses prescribed by the curriculum shall be identified by January 2008 and implemented by September 2008. All students who enter secondary schools after this date shall take a course of study that, however organized, prepares them for college-level work. All courses required for graduation shall:

i. Be developed, reviewed, evaluated and revised by a broad cross-section of teachers, content supervisors and principals;

ii. Satisfy the CCCS and indicators in each content area;

iii. State clearly the purpose of instruction including the essential content to be mastered in each course with interim benchmarks and assessments and final assessments; and

iv. Organize instruction by themes, including projects that involve more than one discipline, integrate career interests, and with other suggested activities intended to increase engagement.

4. Instruction that engages students to produce high quality work. School districts shall survey student engagement and learning, and assess teachers' abilities to teach the content of the CCCS as follows:

- i. Apply teaching strategies to accommodate individual learning styles and interests;
  - ii. Assign only student work that requires grade-level or higher performance from all students or provide recommendations for students performing below grade level;
  - iii. Engage all students with independent and group learning projects across disciplines;
  - iv. Assist students who are struggling and challenge students who have attained proficiency to deepen and broaden their learning;
  - v. Offer all honors, advanced level courses, and Advanced Placement (AP) courses to all students who satisfy the pre-requisites. Courses pursuant to N.J.A.C. 6A:8-5.1(a)1ii may be offered with the approval of the school principal and superintendent of schools. A variety of electives shall be available; and
  - vi. Offer collaborative professional development to increase collegiality, a culture of inquiry and the analysis of student work to improve teaching and learning and to meet the goals of school district and individual professional improvement plans to include:
    - (1) Teacher and administrator Professional Growth Plans for School Leaders that incorporate the professional development essential to improve implementation of these regulations; and
    - (2) Evaluation of secondary principals for implementing the standards and practices in these regulations.
- (e) The planning team in (d) above shall be appointed by the superintendent to be representative of principals, content supervisors, teachers, school counselors, parents, the community and the district board of education.

(f) The Secondary Education Advisory Committee established in 2004-2005 shall continue to function, advising the Department on the implementation of the secondary education initiative and promoting the initiative statewide.

### **6A:10A-3.3 School district two-year report on instructional priorities**

(a) The Department shall meet with the CSA to share the results of the school district and Department analyses of student achievement as a part of the face-to-face conversation held by the Department with each school district. The Department and CSA shall seek to agree on the priorities to be included in the school district's two-year report on instructional priorities to cover the years beginning July 1, 2008.

(b) Each Abbott district board of education shall submit a school district two-year report on instructional priorities by February 1, 2008. The primary purpose of the report shall be to document the progress the school district is making in guaranteeing that all Abbott students are taught the content of the CCCS and identify the specific academic subjects and areas in which progress is not adequate.

(c) The report shall include:

1. Remedies that may be effective in meeting the school districts' particular needs by reviewing the Chart of Supplemental Programs. In accordance with N.J.A.C. 6A:10A-4.3(d)1 and N.J.A.C.6A:10-2.4(b), the school district shall include the programs, services or positions in the school district report on instructional priorities that exceed the baseline on the Chart together with the documentation of need and effectiveness.

2. The status of the school district's P through 12 curriculum gauged by the standards for curriculum set forth in 3.1(a);
3. The status of the school district's professional development program against the standards set forth in N.J.A.C.6A:10-2.6(d)2;
4. A description of how the school district uses evidence of student performance to adjust classroom instruction and to report to schools, the public, and the Department against the standards set forth in 3.1(d);
5. The school district's status of, and plans for, fully implementing the practices and standards of intensive early literacy for preschool to grade three to the standards set forth in subchapter 3.1(e) and intensive literacy program for grades four through grade 12 to the standards set forth in 3.1(f);
6. A description of the instructional programs documented as needed to ensure that English language learners and students with disabilities meet the CCCS;
7. The status of efforts to plan for the conversion of large schools serving students in grades six through 12 to small schools or small learning communities as set forth in section N.J.A.C. 6A:10A-3.2;
8. A school district may include in its report any instructional priority adopted by the school district to meet a demonstrated need and documented instructional needs not covered by one through eight above; and

9. New and expanded programs in accordance with the provisions set forth in N.J.A.C. 6A:10-2.4(b).

#### **SUBCHAPTER 4: SCHOOL DISTRICT RESPONSIBILITIES FOR IMPROVED STANDARDS-BASED INSTRUCTION AND LEARNING**

##### **6A:10A-4.1 Role of the Abbott district board of education**

(a) The district board of education is responsible for the education of all its students and the effective and efficient operation of all schools and the school district.

(b) Each Abbott district board of education shall approve and submit to the Department by February 1, 2008, the school district two-year report on instructional priorities as prescribed in N.J.A.C. 6A:10A-3.3.

(c) The district board of education shall be responsible for the appointment and performance review of a highly qualified superintendent, consistent with N.J.A.C. 6A:9, Professional Licensure and Standards, and be guided by the Professional Standards for the Superintendency, developed by the American Association of School Administrators, 1993, in appointing a new superintendent and in assessing superintendent effectiveness. The Professional Standards shall be incorporated herein by reference and are found on the Department's website at <http://www.nj.gov/education/abbotts/regs/>.

(d) The district board of education shall adopt policies on the duties and responsibilities of SLCs, established in N.J.A.C. 6A:10A-5.3.

**6A:10A-4.2 Role of the Abbott school district central office in improved teaching and learning and efficient operations.**

(a) The Chief School Administrator shall guarantee that every Abbott student shall be instructed and supported to master the CCCS and graduate from high school. The CSA is responsible for a coherent and clear district-wide implementation of standards-based instruction as detailed in N.J.A.C 6A:10A-3.1(a) through (f), N.J.A.C 6A-10A-3.2, and AWSRD regulations.

(b) The CSA is responsible for achieving the foundational education standards set forth in N.J.A.C. 6A:10A-3.1 including a continuously-evaluated school district curriculum, a school district professional development plan, improved use of student achievement evidence throughout the school district, a program to recruit and retain qualified instructional leadership and classroom teachers, and concrete assistance to schools categorized as “in need of improvement” by NCLB.

1. In ensuring that each school is led by a qualified and effective school principal, the CSA shall be guided by the 1996 Standards for School Leaders, developed by the Interstate School Leaders Licensure Consortium (ISLLC) under the guidance of the Council of Chief School Administrators in assessing school principal effectiveness. The Interstate Standards for School Leaders shall be incorporated herein by reference as amended and supplemented and which may be found on the Department’s web site at <http://www.nj.gov/education/abbotts/regs/>; and regularly assess, and provide for, the professional needs of all school principals to achieve the objectives of this chapter and to evaluate them on the improvements in student achievement.

2. The CSA shall establish a comprehensive and effective human resource program that includes the identification and nurture of potential instructional leaders from the teacher ranks, special support and mentoring for inexperienced or ineffective instructional staff, and a close connection of human resources efforts to the instructional priorities set forth in the school district two-year report on instructional priorities.

**6A:10A-4.3 School district central office support for schools**

(a) The CSA shall establish a central research, assessment, and data management capacity in collaboration with schools and the Department including an electronic student-level database. Each school district shall collect and analyze student, teacher and school data including state and non-state summative tests and at least twice annually interim assessments specified in the school district curriculum, attendance, professional development and documented needs. The school district shall:

1. On a schedule and in a form presented by the Department, transmit required, student, faculty, school and school district data to NJ SMART, the Department's data warehouse;
2. Assist schools with data collection and analysis for assessing student instructional needs, including the subgroup for Continuously Enrolled Students-District and Continuously Enrolled Students-School, to be used to prepare the school two-year report on instructional priorities, review school budgets, and report disaggregated and longitudinal student results as required by NCLB; and

3. Report student achievement data at least annually to the district board of education and the public disaggregated by NCLB subgroup data and by school on student performance on the State assessments.

(b) The Abbott school district central office shall provide direct assistance to schools in planning and budgeting to assure the implementation of the school two-year report on instructional priorities and the school budget.

(c) The CSA shall ensure that each school maintains an SLC that operates consistent with this chapter and district board of education policies.

(d) The CSA shall ensure that each elementary school implements a Department-approved national WSR model or an approved school district or school alternative model.

1. The CSA shall be responsible for documenting that each school provides the programs and services identified in *Abbott V* and reinforced in *Abbott X* as referenced by the “Chart of Supplemental Programs,” (chapter Appendix A), and that they are contributing to improved teaching and learning. Such programs and services, depending on documented need and effectiveness, shall be adjusted to provide none, less, or more than any Court-identified baseline in the Chart. School districts that determine that “more” of any of the programs and services on the chart are required to address documented student needs, shall report those additions and the documentation for their need and effectiveness in the school district report on instructional priorities. The school district shall list on its report on instructional priorities any contract that has been in force since July 1, 2004 or earlier together with the documentation of the

contribution that contract provider has made to improved student academic achievement, directly or indirectly.

2. Schools that document that the objectives, practices, and standards of their WSR model have been fully incorporated into their operations and can demonstrate that the model distracts from the realization of the academic goals specified in N.J.A.C. 6A:10A-3, and/or did not contribute sufficiently to improved student achievement, shall work with the school district central office to determine if a different, Department-approved model can be adopted to strengthen teaching and learning.

3. When the school district and school agree that the students in that school would benefit most from an alternative design of instruction and governance, the CSA shall apply to the Commissioner for approval of the school AWSRD in a form provided by the Department. Such applications shall be submitted at any time the following standards and procedures have been met and shall include:

i. Evidence and school and school district analyses of the academic performance of the school longitudinally, by NCLB subgroup and CES to highlight particular student needs that can best be met by an instructional design distinctive to that school and the reasons that the students in that school are not better served by participating in a district-wide AWSRD;

ii. An instructional framework that emphasizes language arts literacy, science and mathematics, is aligned to the CCCS and is modified for special populations (bilingual/ESL and disabled) as needed;

iii. A modified or initial school two-year report on instructional priorities and annual budget that specifies how the design will be implemented, the schedule and sequence for implementation, and the costs as reflected in the school budget as approved by the SLC; and

iv. A plan for reviewing and evaluating the AWSRD that includes the specific interim benchmarks and assessments to be used.

(e) A school district central office that concludes, in cooperation with its elementary schools, that students in that school district would be best served by one design or model of instruction, professional development, assessment, and support for teachers and students shall apply to the Commissioner for approval of a district-wide AWSRD. Such applications shall be submitted to the Department and shall include:

1. Evidence and school and school district analyses of the academic performance of the school district longitudinally, by NCLB subgroup and CES to highlight particular student needs that can best be met by an instructional design distinctive to all school district schools;

2. The extent to which the school district meets the criteria set forth by the foundational education standards as described in N.J.A.C. 6A:10A-3.1(a)-(d);

3. The extent to which the AWSRD coincides with the school district two-year report on instructional priorities and provides evidence for its academic priorities in literacy, math and science;

4. The status of preschool to grade three intensive early literacy standards and practices, including the schedule and sequence for full implementation and the articulation with middle grades literacy standards (grades four and five);
5. The status of the school district's implementation of the articulation of practices and standards of quality preschool education and preschool to grade three intensive early literacy;
6. The coherence of the mathematics curriculum and practices, including the school district's progress with increasing rigor in lower grades and establishing curriculum links in support of greater GEPA proficiency and student mastery of Algebra I and higher-order thinking skills; and
7. If applicable, status of CAPA recommendations, including the level of technical assistance and follow-up support provided by the school district to address the CAPA report findings.

(f) The Department shall review requests for school or school district AWSRDs based on the following:

1. The applications for school AWSRD shall be reviewed by the Department based on the following standards:
  - i. Confirmation that at least three years of data have been analyzed documenting that current models fail to support student mastery of core curriculum content standards, as evidenced by performance on State and local assessments;
  - ii. The instructional framework consists of a comprehensive design that emphasizes language arts literacy and mathematics, pursuant to N.J.A.C. 6A:10A-3.1(a);

iii. The school two-year report on instructional priorities and annual budget specifies, when appropriate, how the AWSRD will be implemented, the schedule and sequence for implementation, and the costs as reflected in the school budget as approved by the SLC; and

iv. Evidence of the specific interim benchmarks and assessments used to evaluate AWSRD.

2. All applications for school district AWSRD shall be reviewed by Department staff based on the following standards:

i. The school district shall produce at least three years of evidence and analyses of the academic performance of the school district longitudinally, by NCLB subgroup and continuously enrolled students;

ii. The school district shall document the extent to which the criteria set forth by the foundational education standards as described in N.J.A.C. 6A:10A-3.1(a) through (c);

iii. The school district AWSRD is consistent with the school district report on instructional priorities or proposes revisions to the Report;

iv. The school district is fully implementing preschool to grade three intensive early literacy standards and practices in all schools pursuant to N.J.A.C. 6A:10A-3.1(e);

v. The school district shall provide evidence documenting its progress with implementation of the articulation of practices and standards of quality preschool education and preschool to grade three intensive early literacy;

vi. The school district shall provide evidence documenting its progress with implementation of coherence of the mathematics curriculum and practices pursuant to N.J.A.C. 6A:10A-3.1(a); and

vii. If applicable, the school district shall provide documentation of the status of technical assistance and follow-up support provided by the school district to address the CAPA report recommendations.

(e) The CSA shall insure that class size is reduced in every school to 21 in grades kindergarten through three, 23 in grades four and five, and 24 in grades six and beyond. Class size requirements may be temporarily suspended until a school facility's rehabilitation or replacement has been completed, if the SLC can successfully demonstrate the effective utilization of existing space and the need for such temporary suspension.

**6A:10A-4.4 The school district responsibilities for schools making insufficient academic progress**

(a) The chief school administrator (CSA) in any school district with LPS shall work with the Department and the CAPA leader to provide required information and insure the participation of all relevant school district staff in the review of school district supports for LPS.

1. The CAPA and CSA meeting shall precede school assessment visits and shall include attention to the status of efforts to provide all schools with a coherent curriculum, targeted professional development, data and analyses of student performance, and profiles of the schools.

2. The CSA shall designate central office staff to serve as members of, and liaison to, the CAPA team(s).

(b) On completion of the draft reports for each school, the CSA shall reach agreement with the CAPA team, the Department and the LPS principal(s) on the specific steps to be taken to improve student achievement for each school, and the school district's responsibilities, which agreement shall be termed the Improvement Agreement, subject to the Commissioner's approval and public distribution consistent with *Abbott X*.

## **SUBCHAPTER 5. THE ABBOTT SCHOOL'S ROLE IN STANDARDS-BASED INSTRUCTION**

### **6A:10A-5.1 Role of the school principal in improving standards-based instruction and learning**

(a) The Abbott school principal's role is to create the conditions so that all students master the CCCS. An Abbott school principal shall participate visibly and actively in the instructional life of the school and, further, ensure:

1. That the faculty and other staff and the students are focused on teaching and learning, and that the measure of the school is in the academic achievement of its students;
2. The establishment of a culture of inquiry and professional growth among school staff leading to improved teaching and learning;
3. Growth of parent and family engagement in the instructional life of their children and support for the school including facilitating opportunities for families, teachers and other school staff to work together with the school principal for the purpose of connecting parents and guardians to

the academic work of their children with particular emphasis on instructional expectations, the content of instruction and homework assistance;

4. The effective development and operation of the SLC, including SLC member professional development;

5. Effective relations with the school district central office, model developers, or other providers of professional development and technical assistance; and

6. That all required information is provided to the CAPA teams and that the faculty, staff, and SLC participate as needed in the assessment of the school should the school be designated in need of improvement.

**6A:10A-5.2 Preparation, review and implementation of the school two-year report on instructional priorities**

(a) By January 15, 2007, each Abbott school shall submit to the school district central office a two-year report on instructional priorities for the years beginning July 2008 based on the evidence of student work and achievement and that explains the reasons for both low and improved performance and specifies the specific actions to be taken to improve teaching and learning. The report shall include at least the following:

1. A detailed assessment of student performance that includes analysis of State assessments reported by NCLB subgroups and by continuously enrolled students, other assessments required by the Office of Abbott Services (such as, NJELAS and kindergarten through grade two norm or criterion-referenced non-State tests), or by the school district, with the percentage of first and

third graders reading on grade level in June 2007, a compilation of the results from interim school district or school assessments produced during the 2007-2008 school year, and an analysis of obstacles to improved student achievement for literacy and math;

2. In grades preschool through three, a status report on the implementation of the elements of intensive early literacy, with a listing of specific exceptions (e.g., third-grade classes have classroom libraries of fewer than the 300 titles prescribed) and the specific connections to preschools contributing noticeable numbers of kindergarten students. The elementary school shall include a status report on the implementation of WSR or AWRSD.

3. In grades four through 12, a status report on the extent to which the literacy provisions in N.J.A.C.6A:10A-3.1(f) are implemented and the schedule for implementing practices not yet in place;

4. In grades four through eight, an assessment of the mathematics preparation for the GEPA math subtest, with particular attention to the cumulative concepts and skills that must be learned in grades five through eight and the preparation of teachers in those grades to master the content and support the skills required.

5. In grades six through 12, the report shall include the extent to which the standards and practices specified in N.J.A.C. 6A:10A-3.2(c) have been implemented and a schedule for implementing the balance;

6. In grades six through 12, a report on the status of science instruction as defined by the CCCS and school district curriculum to include the identification of obstacles to improved instruction.

7. Evidence that the documented needs of special education students and English language learners are being met including the performance of ELL students one year after exiting the bilingual and/or English as a second language program, and specific proposals for lowering any obstacles identified;

8. If applicable, status of the implementation of the CAPA recommendations;

9. If a high school, and in coordination with the school district central office as detailed at N.J.A.C. 6A:10A-3.2(c)7, an analysis of June 2007 seniors who graduated via Special Review Assessment (SRA) including their grades, courses, and attendance in grades nine through 12 and the results of any counseling, special services, extended day or extended year program participation;

10. A description of any contract, program, vendor, service, or position provided by contract with an outside vendor bearing on instruction that has been in force since July 2004 or earlier with the documentation that the contribution to improved teaching and learning by the vendor is sufficient to justify continuation, and an explanation as to why the school is not able to provide the service to itself after three years of outside assistance;

11. A list of any contract, program, position, service, remedy or vendor recommended for expansion or a new contract for the current or next academic year, together with the rationale, expectations for, and cost of the recommended contract; and

12. The evidence that science instruction and materials, teacher training and facilities match the requirements of the school district curriculum, the CCCS and prepare students for the eighth and eleventh grade science tests.

(b) The school two-year report on instructional priorities shall be prepared under the principal's leadership, involve the participation of all faculty members, and shall be approved by the SLC.

(c) The school report on instructional priorities shall be approved by the district board of education.

(d) The school district central office shall collaborate with the school principal and SLC in documenting and analyzing student and school needs, developing effective practices to address those needs, as provided in (a)1 through 12 above, and in finalizing the document.

(e) The SLC shall provide opportunities for parents and teachers to review and comment on the revisions to the school two-year report on instructional priorities before its adoption by a majority vote of the SLC.

(f) The CSA shall not alter the school two-year report on instructional priorities without prior consultation with the SLC.

### **6A:10A-5.3 Establishment of School Leadership Councils**

(a) Each school shall have an SLC to facilitate the participation of the school principal, teachers, staff, parents, grandparents or guardians, and the community to develop a culture of cooperation, accountability and commitment, all with a focus on improving student achievement.

1. The SLC shall assist in the development of the school two-year report on instructional priorities.

2. The SLC shall concentrate on the objective of universal mastery of the CCCS, improving student achievement and helping to create a climate of cooperation. The school principal and instructional staff are responsible for implementation. The SLC shall not manage the day-to-day implementation of school policies.

(b) SLC membership shall include the school principal, representatives of teachers, of non-instructional support staff, of parents, and of the community. The SLC may include students. The district board of education members shall not serve on the SLC. Parents employed by the school district, but not employed at the school, are eligible to serve on an SLC as a parent representative. No group identified above shall constitute more than 50 percent of the SLC membership.

(c) Election of representatives to the SLC shall be as follows:

1. Certificated staff members shall elect representatives of certificated staff. The election process shall be agreed upon and conducted jointly by the school principal and the building representative of the bargaining unit, or his or her designee if the building representative is a candidate;

2. Non-certificated staff members shall elect non-certificated staff representatives. The election process shall be agreed upon and conducted jointly by the school principal and the building representative of the bargaining unit, or his or her designee if the building representative is a candidate;

3. Parents and guardians shall elect parent representatives. The election process shall be agreed upon and conducted jointly by the school principal and the president or chairperson of the

school's parent organization/association or his or her designee if the parent leader is a candidate in the election. Such election shall only occur after notifications have been sent home with the students and other steps have been taken to attract a broad and diverse candidate pool and to assure maximum participation in the election. A parent who is an employee may not be a parent representative at the school where he or she is employed; and

4. The community representative(s) shall be nominated by the school principal and approved by the SLC.

(d) An SLC shall operate as follows:

1. The minimum term for each representative is two years. Terms shall be staggered to ensure continuity. A representative who has served his or her term may be eligible for re-election if nominated and elected in accordance with (c) above. A parent with children in more than one school may be elected to serve on more than one SLC, if permitted by the school district guidelines.

2. The school district shall issue guidelines for SLC operations, for SLC elections and for the removal of SLC members in accordance with this chapter. The guidelines shall suggest means of effective outreach to improve participation by parents, guardians and the community.

3. A member of the SLC shall receive no compensation for his or her services except that:

i. This provision shall not preclude payments to an employee pursuant to a collective bargaining agreement for hours beyond the school work day; and

ii. A member of the SLC may be reimbursed for reasonable expenses at the discretion of the school district.

4. The SLC shall meet at least monthly in public sessions publicized in advance. The times, place and dates of meetings shall be agreed to by a majority of the SLC membership.

5. The SLC may establish subcommittees and working groups as needed. Membership on subcommittees and working groups shall be open to members of the school community not serving on the SLC.

6. The SLC shall adopt by-laws that are consistent with school district guidelines and requirements and the provisions of this chapter.

7. The SLC may report difficulties that threaten the orderly discharge of its responsibilities to the CSA, who shall assist in resolving such difficulties by providing mediation, additional training or technical support.

8. Any SLC not in compliance with this chapter or which has been characterized as ineffective by a CAPA team, shall, with the CSA, produce a transition plan that identifies actions to make the SLC more effective, which may include requests for appropriate waivers or equivalencies of the requirements established in this chapter.

#### **6A:10A-5.4 Roles and responsibilities of School Leadership Councils**

(a) The SLC shall be the collaborative advisory and decision-making body to improve teaching and learning in the school. The SLC shall, under the leadership of the school principal:

1. Continuously analyze student performance assessment data; and work with the school principal and faculty to identify obstacles to improved performance;
2. Review the school-based budget prepared by the school district central office for accuracy and to ensure that the needs of students, faculty and the school are addressed. The SLC may propose modifications, consistent with the school district budgeting procedures and criteria. The SLC must document its recommendations;
3. Participate in training provided by the school district, the Department or other outside organization or institution of higher education;
4. If the SLC has completed all school district training to participate in principal selection, the SLC shall recommend three candidates for school principal to the CSA;
5. Collaborate with the CAPA team;
6. Develop the school report on instructional priorities, review its implementation amend it in light of performance data and circumstances, and make it available to the school community and the school district; and
7. Maintain minutes and an agenda for all SLC meetings and make them available to the school community. Copies of the minutes shall be transmitted on a timely basis to the CSA.

#### **6A:10-5.5 Training of School Leadership Council members**

- (a) The school district shall provide training to SLC members, for which it may request the assistance of department staff. The training shall include, but not be limited to:

1. Roles, relationships and responsibilities of the SLC;
2. Development, implementation and evaluation of the school two-year report on instructional priorities and the school's annual budget;
3. Assessment of instructional needs, use of test results and other measures of student achievement to identify obstacles to improving student achievement, and identification of possible instructional strategies to reduce such obstacles;
4. Curriculum and instruction including the scope and content of the CCCS; as well as the school's obligations to, and programs for, ELL students and special education students;
5. Teamwork and consensus building;
6. Personnel, including certification requirements, NCLB standards for highly qualified teachers and the classroom observation and evaluation process; and
7. The requirements of NCLB and other laws or regulations that govern school operations and the delivery of instruction.

(b) The CSA shall remove a SLC member who has not fulfilled the training requirement. Any member so removed may appeal to the Commissioner, pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

## **SUBCHAPTER 6. THE DEPARTMENT OF EDUCATION'S ROLE IN SCHOOL IMPROVEMENT**

### **6A:10A-6.1 Improving the Office of Abbott Services organizational capacity to support Abbott school improvement**

(a) The Office of Abbott Services shall operate to the same standards it expects of Abbott school districts and schools in respect to the recruitment, retention, professional development, evaluation and effective deployment of its professional staff.

### **6A:10A-6.2 Providing leadership for improved teaching and learning in the Abbott school districts**

(a) The Office of Abbott Services shall collect, analyze, and disseminate research and data about students and their schools. The Office of Abbott Services shall:

1. Analyze the results on state tests of all Abbott school districts and share analyses with school districts as a part of the annual face-to-face conversation; and

2. Prepare a report that aggregates and disaggregates school and school district-level achievement data.

(b) The Office of Abbott Services shall support school districts in their primary effort to guarantee that all Abbott students are given the support and opportunity to master the CCCS and concentrate its assistance on school districts where the achievement gaps are greatest. The Office of Abbott Services shall:

1. Designate Department staff to serve on local support team to be assigned as needed to school districts or to specific instructional areas to improve the capacity of school district central offices to improve student achievement. The LST shall provide assistance to schools, the SLC and school districts to address implementation of these rules and the development of plans resulting from audits or reviews conducted by the Department;
2. Recruit and deploy educational practitioners as employees or consultants who can assist school districts with priority instructional issues and practices in literacy, math, science, English language learners, special education, or increased academic rigor in secondary grades;
3. In consultation with the Division of Finance, issue decisions on Abbott school district budgets in accordance with the decisions of the Supreme Court;
4. In cooperation with the Title I office, train, and deploy CAPA team members to match the needs of individual schools and to comply with federal requirements as necessary, or requirements of *Abbott X*, NCLB, or for other purposes, with the approval of the CSA;
5. Provide forms and guidance to permit school districts to apply for waivers in accordance with N.J.A.C. 6A:5, Regulatory Equivalency and Waiver; and
6. Provide support directly to school districts, and to schools when possible, that are implementing CAPA recommendations.

(c) The Office of Abbott Services shall establish partnerships with practitioners, researchers, providers of technical assistance and professional development, and recognized experts. The Office of Abbott Services shall:

1. Collaborate with institutions of higher education, schools and school districts to improve instruction, prepare teachers and administrators to be more effective, and to undertake research;
2. Contract with providers of technical assistance and/or professional development to schools and/or school district central offices, including model developers, universities, consultants and others; and
3. Encourage the evaluation and study of Abbott student achievement, reforms, programs, and services by scholars and researchers.

(d) The Office of Abbott Services shall seek the cooperation of other divisions of the Department to coordinate the reports, calendar, and requirements of other Federal and State programs that impose mandates on Abbott school districts, with particular attention to NCLB and special education.

### **6A:10A-6.3 Low and high performing schools**

(a) Any school designated as LPS as defined by this chapter shall be assessed one time by a CAPA team organized, trained, and deployed by the Department per the following:

1. The CAPA team's composition shall be determined by the particular needs of the school to be assessed and *Abbott X*.
2. The CAPA school visit shall be guided by Department's standards for school scholastic audits and *Abbott X*, to include a review of the effectiveness of any currently-contracted WSR model and a recommendation on its retention, modification, or discontinuation.

3. The CAPA team report shall be reviewed in draft form by the school, school district central office, and the Department and an agreement reached that is to be approved by the Commissioner, made public and incorporated into the school and school district two-year reports on instructional priorities.

(b) The Commissioner shall designate schools as high performing using the results of NJ ASK3 and NJ ASK4 for purposes of determining schools that may be subject to the provisions of *Abbott X*.

(c) School districts approved for AWSRD shall implement the model school district-wide except for high-performing schools that document the advantages of maintaining their contracts with WSR vendors or that have been approved for a school-level AWSRD or a new WSR model. All other schools shall be supported by the school district central office in making the transition from their current WSR model to AWSRD.

#### **6A:10A-6.4 Dispute resolution**

(a) The Department shall facilitate agreements or mediate disagreements between SLCs and school management, SLCs and the school district central office, or complaints from SLC members that bear on the implementation of this chapter. Primary responsibility for resolving disagreements shall remain with the school district.

### **SUBCHAPTER 7. ABBOTT FINANCIAL REPORTING**

#### **6A:10A-7.1 Financial reporting requirements**

(a) Each Abbott district board of education shall conform to the following requirements:

1. The district board of education shall consider Comprehensive Education Improvement and Financing Act (CEIFA) generated revenue and all other State, local and Federal revenue as revenue available for the general fund unless expressly restricted by Federal law or written contract, for the purpose of implementing the school and school district the two-year report on instructional priorities.
2. The district board of education shall apply for school-wide status under Title 1, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) for each eligible school in the school district, as reauthorized under the No Child Left Behind Act of 2001 or submit a Federal waiver request of the poverty criteria to enable the school to operate a school-wide program and combine Federal, State and local funds.
3. Any appropriation balances remaining at the end of the year shall lapse and be commingled with the general fund balance of the school district after reserving for year-end encumbrances at the school level, except where prohibited by any Federal law.
4. The district board of education shall maintain separate accounts for three-year and four-year regular education; special education inclusion classroom costs; and, special education self-contained and other special education costs and any other Abbott cost category included on supporting documentation item 15 in the school district budget that the school district prepares a detailed budget for, in the special revenue fund section of the school district budget in accordance with GAAP and N.J.A.C. 6A:23-2.

5. Early Childhood Program Aid (ECPA) and Demonstrably Effective Program Aid (DEPA) are non-lapsing sources of funds. A district board of education shall classify ECPA and DEPA that is not expended or encumbered by June 30 of the budget year as deferred revenue.

6. Preschool Expansion Aid, Early Childhood Program Aid, other State aids and local funds may be used to support the Department approved preschool budget.

7. Funds transferred from the general fund to the enterprise fund to fund a food service deficit shall not be considered general fund expenditures for the purposes of calculating audited excess surplus at June 30.

8. Funds transferred from the general fund to the special revenue fund to record the full cost of preschool programs shall not be considered general fund expenditures in calculating audited excess surplus at June 30.

9. The school district shall not establish a tuition reserve at June 30 of the current year as provided for in N.J.A.C. 6A:23-3.1(f)8.

#### **6A:10A-7.2 District and school-level transfers during the budget year**

(a) A district board of education may transfer surplus or other unbudgeted or under-budgeted revenue between April 1 and June 30 only upon the approval of the transfer by the Commissioner's designee, pursuant to N.J.S.A. 18A:22-8.1. To request approval of such transfers, a district board of education shall submit to the Department:

1. Documentation of approval of the transfer by a two-thirds affirmative vote of the authorized membership of the school board;

2. Certification by that same membership that the transfer is necessary to achieve the efficiency and effectiveness standards for the current year. Requests to appropriate surplus for textbooks, computers, equipment or other needs for use and operation in the subsequent school year is not considered a need for the current school year and shall not be approved; and

3. The latest board secretary's report to document that appropriation balances are or shall be expended or encumbered.

(b) Prior to April 1, a district board of education may petition the Commissioner, by a two-thirds affirmative vote of the authorized membership of the school board, for approval of a transfer of surplus or other unbudgeted or under-budgeted revenue only for an emergent circumstance. Such district board of education may be subject to an on-site inspection for verification of the emergent condition and other supporting documentation. The district board of education shall submit such board-approved petition to the Department for review for recommendation to the Commissioner. At a minimum, the district board of education shall include in such submission:

1. Certification that the transfer is necessary for an emergent circumstance, that no other line item balances are or will be available, and that the remaining surplus will enable the district board of education to operate in a fiscally solvent position for the remainder of the budget year;

2. Documentation that the emergent circumstance, if not addressed through an appropriation of additional revenue, would render peril to the health and safety of students or staff, and/or force the school district into an operating deficit as a result of the implementation of the requirements of this chapter and the CCCS;

3. The latest school board secretary's report as documentation that no other line item balances are or will be available as set forth in (b)3i below:

i. Any unexpended, unencumbered balances shall be for non-discretionary fixed costs and supported by historical expenditures or other documentation ensuring that the balances will be expended by June 30; and

4. Evidence of approval of the petition and supporting documentation by a two-thirds affirmative vote of the authorized membership of the board of education.

(c) A district board of education may, at any time and without Commissioner approval:

1. Appropriate unbudgeted or under-budgeted State aid for which the approval was granted by the Department in the written notification to the school district of the additional aid;

2. Appropriate unbudgeted and under-budgeted tuition revenue generated from a school district-specific program, which is not part of a formal sending-receiving relationship pursuant to N.J.S.A. 18A:38-19 and 18A:46-21;

3. Appropriate unbudgeted and under-budgeted school transportation revenue generated from a school district's or Coordinated Transportation Services Agency's role as the host provider of school transportation services pursuant to N.J.S.A. 18A:39-11 and 18A:39-11.1;

4. Appropriate unbudgeted or under-budgeted restricted miscellaneous local revenue;

5. Appropriate unbudgeted or under-budgeted Federal revenue; and

6. Appropriate surplus generated from any Federal and/or State revenue excluded from the excess surplus calculation in the pre-budget year in accordance with the annual audit program and Abbott addendum to the audit program.

(d) As used in this section, general fund appropriation account means the required advertised appropriation accounts pursuant to N.J.S.A. 18A:22-1 et seq., except where consolidated as follows:

1. Basic skills, bilingual and special education instruction, including other related and extraordinary services;
2. Student activities, student athletics and other student instructional services;
3. Student support services, including, attendance, health, guidance, child study team, and media;
4. Improvement of instruction and staff training; and
5. Special programs (fund 13).

(e) For all transfers from any general fund appropriation account as defined in (d) above, and as amended to include prior year encumbrances carried forward to the current year and revenue appropriated pursuant to (c) above, the district board of education shall obtain the approval for such transfers by two-thirds affirmative vote of the authorized membership of the school board, pursuant to N.J.S.A. 18A:22-8.1.

1. When the total amount of such transfers, on a cumulative basis, exceeds 10 percent of the amount of the account that was included in the school district's budget as certified for taxes, the district board of education shall request in writing approval from the Department by submitting

the request and purpose for the transfer using the reporting requirements established in (h) below.

i. The district board of education may request approval from the Department prior to obtaining the two-thirds affirmative vote of the authorized membership of the school board for such approval.

ii. A district board of education written transfer request shall be deemed approved after 10 working days of receipt of such request by the Department if no Department approval or denial is provided within that timeframe. A district board of education shall maintain documentation of the Department receipt of all transfer requests deemed approved under this subsection.

2. Prior to any transfers from capital outlay accounts to current expense, except for equipment, a district board of education shall submit a written request for approval to the Department with documentation that such transfer is required due to demonstrated hardship.

(f) For all transfers to the advertised appropriation accounts identified as general administration, school administration, central services and administrative information technology or other support services that, on a cumulative basis, exceed 10 percent of the amount of the account included in the school district's budget as certified for taxes, a district board of education shall, prior to such transfer, submit to the Department, in a format prescribed by the Commissioner, a request for such approval.

1. Such approval shall not be granted except as provided in (f)2 below, if:

i. The school district's budget currently exceeds the administrative cost limits; or

ii. The transfer would place the school district's budget in excess of the administrative cost limits in the applicable budget year.

2. Transfers may be approved to support a contractual obligation or a one-time increase in spending as justified by district board of education documentation. A district board of education that is granted such approval remains subject to the administrative cost limit requirements.

(g) For all transfers to the advertised appropriation accounts identified as capital outlay, excluding equipment, a district board of education shall, prior to such transfer, submit to the Department in a format prescribed by the Commissioner a request for such approval. The district board of education shall include in the request:

1. Documentation that the funds to be transferred will supplement a capital project previously approved pursuant to N.J.A.C. 6A:23-8.4; or

2. Documentation that the funds to be transferred are necessary to support an emergent circumstance as required in (b)2 above. Such school district shall be subject to an on-site inspection by the Department for verification of the emergent circumstance.

(h) Each district board of education shall maintain a report of current month and year-to-date transfers between general fund appropriation accounts as defined in (d) above, in a format prescribed by the Commissioner, or in a format developed locally and approved by the Department, and submit such report to the Department with any transfer requests in accordance with the submission requirements of the board secretary's and treasurer's financial reports under N.J.A.C. 6A:23-2.11.

(i) All transfers into or out of charter school appropriation lines shall require prior Department approval on forms prescribed by the Commissioner.

(j) The district board of education shall transfer the full amount included on the lines entitled “Local Contribution-Transfer to Special Revenue” in the 2007-2008 approved budget to the special revenue fund to fully fund preschool programs. Any amount included in the approved 2007-2008 district-wide budget on the lines entitled “Local Contribution-Transfer to Special Revenue” that is not transferred to the special revenue fund to fully fund preschool as of December 31, 2007 shall result in a direct reduction of any additional 2007-2008 education opportunity aid award and shall not be transferred without prior Department approval.

(k) School-level appropriation transfers necessary during the year to implement the school’s two-year report on instructional priorities as revised require board approval. The school business administrator and chief school administrator shall certify availability of funds prior to submitting the request to the district board of education for approval.

1. Notwithstanding this paragraph, each district board of education shall ensure that each school has the necessary resources to implement its school district two-year report on instructional priorities, and shall transfer amounts between schools during the year in accordance with N.J.S.A. 18A:7F-6(c), 18A:7G-31, 18A:22-8.1, and 18A:22-8.2, except where prohibited by Federal law.

## **SUBCHAPTER 8. APPEALS**

### **6A:10A-8.1 Applicability of subchapter**

(a) An aggrieved applicant from any Department decision arising from this chapter with the exception of decisions on early childhood program and budget applications and school district budgets may appeal to the Commissioner in accordance with the provisions of N.J.A.C. 6A:10A-8.2 through 8.6.

(b) Appeals of Department decisions on Early Childhood program and budget applications shall proceed in accordance with the provisions of N.J.A.C. 6A:10A-8.7.

(c) Appeals of Department decisions on school district budgets shall proceed in accordance with the provisions of N.J.A.C. 6A:10A-8.8.

### **6A:10A-8.2 Filing, service and documentation of petition**

(a) Any appeal filed pursuant to this subchapter shall, except as noted in (a)1 below, meet the filing, service and format requirements for petitions of appeal as set forth in N.J.A.C. 6A:3, Controversies and Disputes, and shall generally proceed as a contested case except as noted in this subchapter. Service of the petition is required on the Attorney General of the State of New Jersey, and should be directed to the Department of Law and Public Safety, Division of Law, P.O. Box 112, Trenton, New Jersey 08625-0112; Attention: Education and Higher Education Section.

1. Except as provided in N.J.A.C. 6A:10A-8.7 and 6A:10A-8.8, any appeal filed pursuant to this subchapter shall be filed within 30 days of the date of the decision which is the subject of the requested contested case hearing.

(b) Any appeal filed pursuant to this subchapter shall include, in addition to the petition required under (a) above, a copy of the complete application submitted to the Department and a copy of the determination from which the appeal is taken.

(c) Appeals may be filed by the entity that submitted the application under dispute, or by the district board of education in the case of applications filed by entities other than the district board of education. In any appeal in which the district board of education is not the petitioner, the district board of education shall be named as an indispensable party to the appeal.

### **6A:10A-8.3 Filing, service and documentation of answer**

(a) Answers to petitions of appeal filed pursuant to this subchapter shall meet the filing, service and format requirements for answers as set forth in N.J.A.C. 6A:3, Controversies and Disputes. Nothing in this subchapter shall preclude the filing of a motion to dismiss in lieu of an answer.

1. Except as provided N.J.A.C. 6A:10A-8.7 and 8.8, any answer filed pursuant to this subchapter shall be filed within 20 days of the date of receipt of the petition.

### **6A:10A-8.4 Review of pleadings**

Upon review of the petition, answer and supporting documentation, the Commissioner may use the procedure set forth in N.J.A.C. 6A:10A-8.5 to decide the matter. If so, he or she shall notify

the parties and they shall be provided the opportunity to submit any additional documents submitted to the Department or considered by the Department in rendering the decision.

#### **6A:10A-8.5 Submission of position statements and replies**

If the Commissioner requires the submission of position statements and replies, within 20 days after receipt of the notice from the Commissioner pursuant to N.J.A.C. 6A:10A-8.4, the petitioner shall file a letter memorandum setting forth the basis for its position, referencing the criteria established for the application process and the materials submitted in conjunction with it. Within 10 days of receipt of petitioner's memorandum, each respondent shall file such reply as it may wish to make. Within five days of receipt of any reply, petitioner may file a final response thereto. All submissions shall be filed in triplicate (original and two copies) and served upon all other parties to the appeal at the same time they are filed with the Commissioner.

#### **6A:10A-8.6 Commissioner review and decision**

(a) If the Commissioner retains the matter pursuant to N.J.A.C. 6A:10A-8.5, upon receipt of the filings set forth above, or expiration of the time for their submission, the Commissioner shall review the total record before him or her and render a written decision. If the Commissioner transmits the matter to the Office of Administrative Law, such transmission shall be done on an expedited basis to resolve factual disputes.

(b) The Commissioner's decision shall include an appropriate order. Where the relief ordered includes additional funding, the Commissioner shall make the necessary request to the Governor and the Legislature.

(c) In rendering decisions pursuant to this subchapter, the Commissioner shall apply the same standards as are set forth for Department review in the operative rules for the type of application in dispute. The burden of proof shall be on the petitioning party to demonstrate that these standards were met by the applicant notwithstanding the Department's determination to the contrary. The record on appeal shall consist of those documents and information submitted to the Department in support of its application and any additional information relied upon by the Department in making the determination at issue.

#### **6A:10A-8.7 Early childhood program appeals**

(a) In accordance with the June 23, 2003 order of the New Jersey Supreme Court set forth at 177 *N.J.* 578 (2003), appeals of Department decisions on Early Childhood Program and budget applications shall proceed as follows:

1. The Department shall issue program and budget decisions to school districts on or before the fifteenth of January, which decisions shall include, at a minimum, the approved amount of the early childhood budget, and a list of each proposed program and expenditure not approved by the Department, with specific reasons for denying the program or expenditure;
2. A school district shall have 30 days from the date of the Department's determination to file an appeal otherwise meeting the requirements of N.J.A.C. 6A:10-8.2(a) and (b) with the Commissioner of Education, who shall forthwith transmit the matter to the Office of Administrative Law;

3. The Office of Administrative Law shall make its recommendation on the school district appeal within 40 days of the date of the filing of the appeal with the Commissioner, through an initial decision, which shall include an itemization of the record;

4. The Commissioner of Education shall issue a final decision within 25 days of the decision of the Office of Administrative Law;

5. Any appeal from the final decision of the Commissioner shall be filed with the appellate division within six days of the Commissioner's decision; and

6. The Appellate Division shall expedite any appeal from the Commissioner's final decision.

(b) Notwithstanding the provisions of any rule to the contrary, Department answers to Early Childhood Program appeal petitions shall be filed not later than three days from receipt of a petition, and shall be filed directly with the Office of Administrative Law.

(c) Notwithstanding the provisions of any rule to the contrary, exceptions to initial decisions of the Office of Administrative Law in Early Childhood Program appeal matters shall be filed within five days of the date of mailing of the initial decision, and reply exceptions shall be filed within two days of receipt of exceptions.

**6A:10A-8.8 Abbott school district budget appeals**

(a) In accordance with the May 21, 2003 order of the New Jersey Supreme Court, appeals of Department decisions on Abbott school district budgets shall proceed as follows:

1. The Department shall issue budget decisions to school districts on or before the last business day of May of the prebudget year or the date it receives a school district's budget that includes all requested information;

2. A school district shall have seven days from the date of the Department's determination to file an appeal otherwise meeting the requirements of N.J.A.C. 6A:10A-8.2(a) and (b) with the Commissioner of Education, who shall forthwith transmit the matter to the Office of Administrative Law;

3. The Office of Administrative Law shall make its recommendation on the school district appeal within 50 days of the date of the filing of the appeal with the Commissioner, through an initial decision of the Administrative Law Judge, which shall include an itemization of the record;

4. The Commissioner of Education shall issue a final decision within 25 days of the decision of the Office of Administrative Law;

5. Any appeal from the final decision of the Commissioner shall be filed with the appellate division within five days of the Commissioner's decision: and

6. The Appellate Division shall expedite any appeal from the Commissioner's final decision.

(b) Notwithstanding the provisions of any rule to the contrary, Department answers to Abbott school district budget appeal petitions shall be filed not later than three days from receipt of a petition, and shall be filed directly with the Office of Administrative Law.

(c) Notwithstanding the provisions of any rule to the contrary, exceptions to initial decisions of the Office of Administrative Law in Abbott school district budget appeal matters shall be filed

within five days of the date of mailing of the initial decision, and reply exceptions shall be filed within two days of receipt of exceptions.

## APPENDIX A

### Supplemental Programs in Abbott Schools

In *Abbott V*, the Supreme Court directed implementation of supplemental programs and services in Abbott schools. In some program areas, the Court established a “baseline” as the minimum requirement. In others, the programs are required without a baseline, but the design of the program must be based on need. In still others, the program is not required, but must be implemented and designed as needed.

In all program areas, the Court “stressed the importance of having the particularized needs of these children drive the determination of what programs should be developed,” concluding that the “provision of supplemental programs involving necessary services should not be detached from the actual needs of individual Abbott schools and districts.”

The determination of need must guide school and district plans and budgets in all program areas. Thus, where the Court established a baseline, schools must either provide the baseline or, depending on need, adjust it to provide none, less or more than the baseline, or an alternate design.

	Required Program Areas With Baseline	Objectives	Baseline	Options
1	Full-day kindergarten	(1) to help children at risk become effective learners in first grade (2) to increase the benefits deriving from the half day program (502)	provide full day kindergarten by September ‘99	none
2.	Early reading literacy	(1) to assure that each student reads “at the appropriate level” (495) (2) to prevent children from falling behind and needing remediation. (3) to intervene early and intensively if a student is experiencing difficulty in achievement (554)	(1) 90 minute reading block each day (all schools) (2) regular progress assessment of each student (all schools) (3) instructional facilitator (all schools) (4) reduce 1-3 reading class size to 15 (SFA schools) (5) 20 minutes of daily one-to-one tutoring by a certified teacher for each student in grades 1-3 not reading on grade level (SFA schools)	yes

	Required Program Areas With Baseline	Objectives	Baseline	Options
			(6) 20 minutes of daily small group tutoring by a certified teacher for students in higher elementary grades not reading on grade (SFA schools)	
3	Elementary Parent Involvement	(1 ) to recruit parents to join parent participation programs and become involved with the schools and their schoolchildren (II, 373) (2 ) to involve parents in school decision-making (S,14) (3) to foster parenting skills and career development (S, 14) (4) increased parental education to support students' learning at home (556)	(1) parent liaison (2) parent representation in school management	yes
4	Class size Limits	(1) to increase the frequency of student-teacher interactions (2 ) to reduce distractions (3) to provide more opportunity for assessment, feedback, and reinforcement (560)	(1) preschool: 15 (2) K-3: 21 (3) 4 and 5: 23 (4) 6 and above: 24	none, except if early class size of 15 is needed
5	Elementary Social and Health Referral and Coordination	(1) to use school and community resources to ensure that children come to school every day prepared to learn (2) to provide health, counseling, nutritional, tutorial and other needed services (496) (3) to focus on attendance, coordination of outside services, parent involvement and behavior (556)	family support team comprised of nurse, social worker, counselor, and includes the parent liaison and instructional facilitator	yes
6	Middle and High School Social and Health Referral and Coordination	(1 ) to provide for significant health and social service needs, including those stemming from poverty, substance abuse, teenage pregnancy and parenthood, inadequate housing, violence and crime (2) to improve student performance, attendance, and dropout rates	community services coordinator	Yes

	Required Program Areas With Baseline	Objectives	Baseline	Options
		<p>(3) to reduce teacher time taken out to deal with such problems (509)</p> <p>(4) to ensure that services are actually available and provided quickly</p> <p>(5) to ensure that uninsured students receive needed services. (510)</p> <p>(6) to identify student needs</p> <p>(7) to arrange for community-based providers to furnish essential health and social services (512)</p>		
7	Access to technology	<p>(1) to help students master the basic and advanced skills necessary to reach the CCCS</p> <p>(2) to improve student motivation and learning (514)</p> <p>(3) to ensure that school and classroom libraries have appropriate materials to supplement the curriculum</p> <p>(4) to facilitate the implementation and use of educational technology throughout the school (515)</p> <p>(5) to increase effective use of technology in Abbott classrooms (564)</p>	<p>(1) media specialist</p> <p>(2) technology coordinator</p> <p>(3) a ratio of 1 computer for every 5 students, including peripherals and software</p>	yes
8.	Dropout prevention and alternative education	<p>(1) to prevent dropouts (2) to provide more individualized instruction</p> <p>(3) to provide additional supports, such as job counseling</p> <p>(4) to decrease disruption in the regular school</p> <p>(5) to increase achievement</p> <p>(6) to foster positive lifestyles</p> <p>(7) to reduce aggressive behavior (515)</p>	<p>(1) alternative middle and alternative high school program, both high quality</p> <p>(2) dropout prevention specialist</p>	yes

	Required Program Areas With No Baseline	Objectives	Baseline	Options
1	<b>Early math literacy and mastery of other core subjects</b>	(1) to develop student skills in higher-order thinking, problem solving, and discovery (2) to make the entire elementary curriculum relevant and useful (556, 557)	none	yes
2	<b>Professional Development</b>	(1) to provide ongoing, continuous opportunities for practitioners to improve practice (496) (2) to focus on all the core curriculum content standards (496) (3) to provide teachers and administrators with a variety of rich and meaningful learning experiences, based on student need (S,16) (4) to provide regular support and feedback for classroom teachers (S,16)	none	yes
3	<b>Violence prevention and school security</b>	(1) to assure adequate school security (2) to improve the education process (3) to remove a great barrier to learning (514) (4) to address problems of student disruptions and violence (5) to define acceptable student behavior and consequence for unacceptable behavior (564)	none	yes

4	<b>School to work and college transition</b>	<b>1) to increase the basic skills of students to support themselves responsibly (2) to provide access to information about college and employment opportunities (3) to match students with prospective employers (4) to help students become aware of their interests and strengths (570)</b>	none	yes
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	If Needed Program Areas	Objectives	Baseline	Options
1	<b>On-site social and health services</b>	<b>(1) to provide an effective and realistic opportunity for these schools to provide on-site services that go beyond mere referral and coordination (2) to provide onsite services if it can be shown that they “either are not available within the surrounding community or cannot effectively and efficiently be provided off site.” 512-513</b>	none	yes
2	<b>Supplemental literacy supports for non-SFA schools</b>	<b>(1) to reduce 1-3 reading class size to 15 (2) to provide 20 minutes of daily one-to-one tutoring by a certified teacher for each student in grades 1 -3 not reading on grade level (3) to provide 20 minutes of daily small group tutoring by a certified teacher for students in higher elementary grades not reading on grade</b>	none	yes
3	<b>Instructionally-based after school programs</b>	<b>(1) to increase instructional time (2) to provide homework and tutorial assistance (3) to provide computer training (4) to provide recreation opportunities (516) (5) to provide a structured alternative to unsupervised after school hours (6) to provide after school social and health services (587)</b>	none	yes

4	<b>Instructionally-based summer programs</b>	<b>(1) to prevent the summer learning loss of disadvantaged students</b> <b>(2) to provide structure during unsupervised months</b> <b>(3) to provide a summer program of instruction</b> <b>(4) to provide summer recreation</b> <b>(5) to provide summer employment (516)</b>	none	yes
5	<b>Enriched nutrition programs</b>	<b>(1) to provide high quality breakfast and lunch (516-17)</b> <b>(2) to provide high quality snack</b> <b>(3) to fill any gap left by current programs</b>	none	yes
6	<b>“Exemplary” music, art, and special education</b>	<b>to provide exemplary music, art and special education programs beyond those recommended by the Commissioner (518)</b>	none	yes
7	<b>School-based management and budgeting</b>	<b>(1) to fundamentally alter the way decisions are made</b> <b>(2) to establish a team of parents, administrators, and teachers (494)</b> <b>(3) to develop a school based budget (605)</b> <b>(4) to actively involve all stakeholders in planning, budgeting, and governance</b> <b>(5) to increase effectiveness and tenure of school reform (S,14)</b>	none	yes

## **Appendix B**

### **Secondary Education Standards**

These standards will be implemented in grades six through 12 during the 2008-09 academic year. The standards reflect the recommendations of the Secondary Education Workgroup established by *Abbott X*.

#### **Small Organizational Structures**

1. Small organizational structures facilitate a greater personalization and improve instruction for all secondary students in the school district.
2. Small organizational structures may include small learning communities and/or small schools in free-standing facilities or within larger facilities, with 300 to 400 or fewer students recommended for small learning communities within existing high schools and 250 to 300 or fewer students recommended for small learning communities within schools with grades six through eight.
3. To the maximum extent possible, small learning communities and small schools are organized around academic and/or career themes (e.g. performing arts, math and science, world languages, law and government, aeronautics, health sciences).
4. Middle and high school students' and teachers' preferences guide the formation of small learning communities and small schools and their placement in them.

5. Placement of teachers and students shall result in an equitable distribution of student academic achievement profiles, demographic characteristics and teacher experience, qualifications and racial/ethnic diversity. Voluntary placement of teachers and students in schools with grades six through eight is an option of the school district based on its goals for middle grades instruction, supervisory capacity, facilities, and school organization.
6. School districts provide appropriate space to accommodate small learning communities and small schools.
7. Teams of teachers qualified to teach the entire core curriculum and thematic course of study that are appropriate to the small learning community stay with the same group of students for all three years for grades six through eight of middle schools; and either all four years of high school; grades 10 through 12 with a ninth grade academy; or, grades nine and 10 and then grades 11 and 12 to achieve greater personalization of instruction and teacher knowledge of students.
8. Faculty and other staff are included in the preparation of grade-level, academic department and school budgets through representation on the school leadership council.
9. Teachers sharing students within the school/small learning community and within subjects shall be provided with at least three hours or three class periods weekly, whichever is less, of common planning time and early release/late start for coaching within the smaller organizational structure to facilitate collective responsibility for student success and to:

- a. Ensure that the requirements in N.J.A.C. 6A:10A-3.1 are addressed;
- b. Assign students to appropriately rigorous classes;
- c. Provide or refer students to all services needed to support achievement on all CCCS;
- d. Track school and class attendance;
- e. Monitor expected progress toward graduation;
- f. Strengthen all teachers' delivery of rigorous instruction pursuant to the Professional License and Standards, N.J.A.C. 6A:9-3.2-3.3; and
- g. Evaluate student achievement data and best practices to include N.J.A.C. 6A:10A-3.6(b), to identify the assistance required of school and school district leadership and to strengthen collegial responsibility.

### Student and Family Advocacy

The design for greater personalization for all secondary students will be organized by teams of professional educators working with students in small structures and over sufficient periods to ensure they can track and support each student's well-being and academic progress, and that at least one professional educator assumes personal responsibility for working with a student and his or her family as part of this personalized learning environment. Districts will work with school counseling professionals to develop a Student and Family Advocacy Program which may reflect national school counseling standards and pursuant to N.J.C.A. 6A:8-3.2. Each small

learning community or small school implements student and family advocacy in the following manner:

1. Each student and his/her family will be the official responsibility of one teacher or other professional staff member who will have groups of 20 students and families per staff member;
2. Advocates work with the same student and family over all years they are in the smaller organizational structure;
3. Advocates meet with assigned students bi-weekly by schedule and informally as well;
4. Advocates meet face-to-face and individually with each family and student at least twice during the school year;
5. Advocates receive professional development to support this role, including training in multicultural perspectives, use of student academic and behavioral profiles, communication skills, student and family referral processes, and use of family activity guides; and
6. Advocates assist in the preparation of an academic plan for each student that incorporates mastery of college-preparatory academics with the goal of graduation and notes any non-instructional needs. This plan shall be a part of each student's permanent academic record.