

QSAC

*New Jersey
Quality Single Accountability Continuum*

A Guide for School Officials and the Public



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Institute on Education Law and Policy
Rutgers, The State University of New Jersey
<http://ielp.rutgers.edu>

May 2007

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- to improve public understanding of these issues
- to serve as a center for learning and innovative thinking about legal and public policy issues relating to education.

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*This publication has been produced
with support from The Prudential Foundation.*

QSAC

New Jersey

Quality

Single Accountability Continuum

A Guide for School Officials and the Public

This guide is for school board members and district officials charged with completing the performance review developed by the New Jersey Department of Education to implement its new system of school district performance assessment, the Quality Single Accountability Continuum (“QSAC”), and for members of the public observing and participating in that review.

QSAC requires that in every public school district in New Jersey, members of the board of education, administrators, teachers and other staff members convene every three years to assess their district’s performance in five key areas:

- instruction and program
- personnel
- fiscal management
- operations management
- governance.

The goal will be to evaluate every school district’s effectiveness in educating its students, its compliance with applicable laws and legal requirements, its capacity to perform effectively and satisfy those requirements, and any need for state support, assistance or intervention.

This guide will explain QSAC’s history and purpose, describe the process, and discuss the significance of a district’s placement on the QSAC performance continuum.

Reproduction and wide dissemination of this Guide, with credit to the Institute on Education Law and Policy, is encouraged.

What is QSAC?

The Quality Single Accountability Continuum (“QSAC,” pronounced “Cue-sack”) is a statutorily-mandated system of school district performance assessment. It is New Jersey’s system of education accountability, its set of standards for measuring how well our local school officials manage our tax dollars and educate our children, and its yardstick for determining the appropriate level of state oversight of local district governance and administration. QSAC was created in accordance with the Quality Single Accountability Continuum Act, adopted by the New Jersey Legislature in September 2005. Administrative regulations to implement QSAC were adopted by the Commissioner of Education, effective February 22, 2007.

QSAC’s Purpose

QSAC’s primary purpose is to provide a *single* accountability system for all public school districts in the state. It puts together, in one comprehensive set of objective standards, all of the legal and regulatory requirements and other accountability measures with which school districts must comply, eliminating parallel and overlapping measures that may cause confusion and duplication of effort. Its secondary, and closely related, purpose is to provide a method of determining the nature and extent of state oversight and technical assistance to be given to each local district. Thus, the evaluation of district performance, based on QSAC’s objective standards, will be used to assure regulatory compliance and also to assess each district’s effectiveness, its capacity to provide a thorough and efficient education, and any need for state intervention.

QSAC’s History

Evaluation standards for New Jersey public school districts have been evolving for at least the past 30 years. In 1975, the Legislature sought to address the variability – or the lack – of statewide education performance standards, and to satisfy the state’s obligation under the Thorough and Efficient Education Clause of the New Jersey Constitution, by mandating that the Commissioner of Education develop a “uniform, Statewide system of evaluating the performance of each school.” The State Department of Education adopted standards for the monitoring and assessment of school districts shortly thereafter. Those standards, which became known as the “T & E” standards, have guided the evaluation of school district performance ever since.

From the late 1990s until 2007, the T & E standards included elements pertaining to quality assurance, school-level planning, curriculum and instruction, pupil performance, pupil behavior, teaching staff/professional development, school resources (finance and facilities), and state/federal mandated programs. The monitoring

process consisted of an annual “desk audit” comprised of a review of aspects of school district operations reported annually in the Quality Assurance Annual Report (QAAR), and a site visit every seven years by the county superintendent of schools. If satisfactory performance was demonstrated at the site visit, districts were certified for a seven-year period as providing their students with a thorough and efficient education. Districts that were not certified, or were given certification with conditions, were subject to additional monitoring.

The T & E standards were a small subset of the performance requirements governing New Jersey school districts. The state had a patchwork of standards and guidelines for assessing various aspects of district performance, which included mandatory curriculum standards in seven subject areas, called the core curriculum content standards, high school graduation standards, particularized mandates for the 31 special needs districts known as the Abbott districts, and extensive requirements relating to students who are eligible for special education services under the Individuals with Disabilities in Education Act.

The T & E monitoring process identified some districts with severe deficiencies in performance. In 1987, the Legislature found that “the monitoring process may reveal some school districts which are unwilling or unable to correct the deficiencies identified during the process,” and that “the State Department of Education should be empowered with the necessary and effective authority in extreme cases to take over a local school district which cannot or will not correct severe and complex deficiencies in that school district.” Accordingly, the Legislature authorized the State Board of Education to remove the district board of education in such cases, appoint a state district superintendent, and establish a state-operated school district. The state exercised this “takeover” authority in Jersey City (in 1989), Paterson (in 1991), and Newark (in 1995).

In January 2002, another layer of accountability was added by the federal No Child Left Behind Act (NCLB). The stated purpose of NCLB is to improve academic performance by mandating that schools and school districts reach established levels of proficiency in stated time periods, and 100 percent proficiency (“no child left behind”) by 2014. The legislation permits states to set their own proficiency standards, but mandates that states require schools and districts to meet those standards within specified timeframes. New Jersey has established annual goals pursuant to NCLB for measuring student achievement in every school and every district by means of standardized tests.

By around 2000, it had become clear that even with the many standards governing school district performance, New Jersey lacked clear guidance for measuring the performance of the state-operated districts, their capacity to perform satisfactorily without state intervention, or their ability to be returned to local control. In 2002,

the Institute on Education Law and Policy issued a report, *Developing a Plan for Reestablishing Local Control in the State-operated Districts* (http://ielp.rutgers.edu/docs/developing_plan_full.pdf), in which it discussed “state takeover,” its impact in the three state-operated districts, and the legal and policy considerations for reestablishing local control. The report recommended, among other things, that the state adopt a single system of school district accountability standards, that the standards be clear and objective, and that those standards be used to measure the performance of the state-operated districts with the goal of returning them to local control at the earliest reasonable time. It also recommended that the same single, uniform set of standards be used to assess the performance of all school districts in the state (except, of course, where certain standards applied only to certain districts, such as high school standards only for districts with high schools and the requirements relating to the Abbott mandates only for Abbott districts). The report led to legislation that became known as QSAC.

The 5 Key Components of School District Effectiveness

QSAC provides for the evaluation of school districts in “five key components of school district effectiveness.” The key components are:

- instruction and program
- personnel
- fiscal management
- operations management
- governance.

QSAC requires an evaluation of each district’s “capacity and effectiveness” in each of these five areas.

Capacity refers to (1) all of the resources (including human, financial, community resources) in a school district, (2) the ability of the district to perform satisfactorily in all components of school district effectiveness, (3) the ability to meet state and federal policy and regulatory requirements, and (4) the ability to ensure the provision of a thorough and efficient education.

Effectiveness refers to the quality of performance — how well a district performs each required task — in addition to the fact that each task has been performed.

Both capacity and effectiveness are to be “determined using quality performance indicators comprised of standards for each of the five key components of school district effectiveness.” The Department has developed a set of indicators for each area of school district effectiveness by which school district performance will be measured. The indicators are compiled in an assessment tool called the District Performance Review. For further discussion of the District Performance Review, see page 7.

The Performance Continuum

The Legislature expressed the goal in QSAC that all New Jersey school districts operate “at a high level of performance.” A “high level of performance” is defined as meeting 80 to 100 percent of the quality performance indicators in each of the five key components of school district effectiveness.

The Department of Education will place each school district at the appropriate point on a “performance continuum,” based on the district’s level of performance. The district’s placement on the performance continuum will determine whether improvement is required, and the extent of any technical assistance, support or oversight the district may receive from the Department of Education.

Districts whose performance is rated satisfactory on 80 to 100 percent of the indicators in all five of the key components of school district effectiveness will be designated “**high performing.**”

Districts with performance measuring in the range of 50 to 79 percent in any of the five key components will be required to develop and implement an **improvement plan** for each deficient area and *may* be required to undergo an **in-depth evaluation.**

Districts with performance measuring below 50 percent in any of the five key components *shall* be required to undergo an in-depth evaluation for each deficient area. They also will be required to develop and implement an improvement plan.

In extreme cases, the Department of Education *may* intervene in one or more key components of a district’s performance. (See pages 16-20 for more on state intervention.)

The 3-Year Comprehensive Review

QSAC requires an assessment of the performance of every school district in the state at least every three years. That process is known as the comprehensive review. It involves a performance assessment by a district committee, a statement of assurance signed by the chief school administrator and approved by the board of education, verification by the executive county superintendent, review by the Commissioner of Education and placement at the appropriate point on the performance continuum.

The District Performance Review

QSAC itself does not specify the standards by which school district capacity and effectiveness are to be measured. The Department of Education has developed a set of standards known as **quality performance indicators**, and compiled them in an instrument known as the **District Performance Review (“DPR”)**. The DPR is published as an appendix to the QSAC regulations, and is available on the Department of Education web site.

The DPR has five sections, one for each of the five key components of school district effectiveness. Each section has a list of indicators in a variety of subject areas. Many of the indicators are in multiple parts.

The **Instruction and Program** section contains 36 indicators in the areas of student performance (including NCLB requirements), curriculum, instruction, mandated programs, early childhood programs and high school/graduation.

The **Personnel** section contains 16 indicators in the areas of licensed personnel, personnel policies and professional development.

The **Fiscal Management** section contains 23 indicators in the areas of budget planning, financial and budgetary control, annual audit, restricted revenues and efficiency.

The **Operations Management** section includes 26 indicators in the areas of facilities, student conduct, school safety and security, student health, and student support services.

The **Governance** section consists of 51 indicators in the areas of student achievement, board training, disclosure and operation, ethics compliance, policies, procedures, and by-laws, standard school board practices, annual evaluative process, school board/administration collaboration, budget priorities, and communications.

NEW JERSEY QUALITY SINGLE DISTRICT PERFORMANCE PERSONNEL

District: _____

County Office: _____

Unless otherwise indicated, the District Performance Review indicator applies to the district over the preceding three year period. To attain points for this indicator, the district must meet the requirements of the numbered indicator or block of indicators. Partial points are not awarded.

A. LICENSED PERSONNEL	SUGGESTED DOCUMENTATION
<p><i>The district recruits and retains highly qualified and appropriately licensed individuals to support student achievement of the New Jersey Core Curriculum Content Standards (NJCCCS). The district complies with all applicable laws and regulations.</i></p>	
1. a. The Chief School Administrator (CSA) notifies the board of education or advisory board of all final personnel recommendations.	Board policies, regulations and procedures; annual rehire lists Fall Report Certificated Staff Report
b. All appointments are documented in the local board meeting minutes.	
c. The district does not hire noncertificated persons or persons with revoked or suspended licenses.	
d. New hires have successfully completed a criminal history record check and have not been disqualified for employment. Emergent hires are less than 10% of all new employees. (<i>N.J.S.A. 18A:6-7.1 et. seq.</i> ; 18A:39-19.1; 18A:6-4.13 <i>et. seq.</i>)	
e. The district uses substitute teachers appropriately and within the limits set forth in regulations.	

ACCOUNTABILITY CONTINUUM

FINANCE REVIEW (DPR)

CONNELLY

Period of Review: _____

Items will be used to evaluate conditions and performance in the Finance section of the DPR, the district must answer "yes" to each item listed.

POINT VALUE	DISTRICT SCORE			COUNTY SCORE			Comments (COUNTY USE ONLY)
	Y E S	N O	S C O R E	Y E S	N O	S C O R E	
40							
10							

The DPR looks like a long, detailed scorecard. (To illustrate this, one page of the DPR appears in the centerfold.) Indeed, the DPR works like a scorecard. Each quality performance indicator – or, in many cases, groups of subindicators – carries a point value. Point values vary according to the weight the Department of Education has assigned to each indicator. The Governance, Personnel, Fiscal Management, and Operations Management sections each have 100 points; and the number of points in Instruction and Program ranges from 108 to 120, depending on the type of district.

The Assessment Process

The DPR is to be completed in three phases: first, districts assess their own performance; second, executive county superintendents verify the districts' assessment; third, the Commissioner of Education reviews each assessment and places each district at the appropriate point on the performance continuum.

Each district is required to assemble a **district assessment committee** to complete the DPR. The committee's membership must include the chief school administrator, administrative staff, teaching personnel representative of different district grade levels and/or schools, the school business administrator and assistant superintendent for curriculum and instruction, and one or more member representatives of the board of education and of the collective bargaining unit of the educational staff.

The committee's response to each indicator must be supported by relevant **documentation** where available. The documentation will be reviewed by the executive county superintendent. Gathering the documentation – either in electronic form or on paper – can be a time-consuming task.

The board of education must approve the committee's assessment and an accompanying **statement of assurance**, by which the chief school administrator certifies the accuracy of the committee's responses, before the district submits the DPR to the executive county superintendent.

Verification by Executive County Superintendent

The executive county superintendent will verify the district's responses by conducting a "desk audit" of the completed DPR and supporting documentation, as well as with a site visit to the district. In Abbott districts, Department of Education personnel also will participate in the verification process.

Commissioner Review

After verification, the district's DPR will be submitted to the Commissioner of Education. The Commissioner will determine the district's performance level and its placement on the performance

continuum. A district's placement on the continuum will determine whether it can be designated "high-performing," and if not, whether an improvement plan or in-depth evaluation will be required, and what support and assistance will be provided to the district by the Department of Education.

High-Performing Districts

When the Commissioner finds that a school district is high-performing — that is, it satisfies 80 to 100 percent of the quality performance indicators in all five key components of school district effectiveness — the Commissioner will recommend that the State Board of Education certify that the school district is providing a thorough and efficient education. Such certification will be effective for three years, contingent on the district's continued progress in meeting the quality performance indicators. Upon action by the State Board, the Commissioner will issue a letter designating the district as high-performing.

Districts "in Need of Improvement"

A district designated "in need of improvement" under NCLB for three consecutive years may be required to undergo a comprehensive review, even if its last review was conducted less than three years ago. The review will be conducted by a team of outside evaluators. The team will submit a report to the Commissioner with recommended findings and conclusions regarding the district's performance in each of the five key components of school district effectiveness. The Commissioner then will use this recommendation and any other available information to determine the district's placement on the performance continuum.

Improvement Activities

If a school district fails to satisfy at least 80 percent of the quality performance indicators in any one or more of the five key components of school district effectiveness, it must develop an improvement plan to address its areas of deficiency or limited capacity, and submit the plan to the Department of Education for approval.

Additionally, if a district satisfies between 50 and 79 percent of the quality performance indicators in one or more of the key components of school district effectiveness, the Commissioner *may* conduct an in-depth evaluation of the area of deficiency. The factors to be considered in determining whether to conduct an in-depth evaluation are (1) whether previous evaluations of the district address the area of deficiency or limited capacity, and (2) whether the district can demonstrate that it is addressing the area of deficiency or limited capacity.

If a district satisfies less than 50 percent of the quality performance indicators in one or more of the key components of school district effectiveness, the Commissioner *shall* conduct an in-depth evaluation *unless* the Department conducted an in-depth evaluation in a prior year and that evaluation is the basis for a QSAC improvement plan currently in operation in the district.

District Improvement Plan

A district improvement plan will identify the district's specific strengths and weaknesses in addressing all methods employed to improve student achievement, increase district capacity and improve performance in each applicable area of school district effectiveness. It must contain the following elements:

- School-level planning objectives for ensuring the provision of a thorough and efficient education;
- Strategies for improvement in areas of need identified in the comprehensive review or the in-depth evaluation;
- Identification of the assistance required to implement improvement strategies, with budgetary considerations;
- Incorporation of, or alignment with, relevant provisions of all applicable corrective action plans.

The chief school administrator will establish the team to develop the district improvement plan. The team must include district administrators, district personnel with experience in one or more of the five key components of school district effectiveness, school administrative personnel from a representative sample of district schools, instructional staff, and one or more member representatives

of the board of education and of the collective bargaining unit of instructional staff.

The district improvement plan must be approved by the board of education and submitted to the Department of Education within 45 days of receipt of the report of the in-depth evaluation or notification that no in-depth evaluation will be conducted. Department staff will review the plan for thoroughness and consistency with the in-depth evaluation, if there is one, and make a recommendation to the Commissioner regarding approval or revisions to the plan. Within 30 days of receiving the staff's recommendation, the Commissioner will notify the district of his or her approval and assure that sufficient financial resources are allocated in the district's budget to implement the plan, or notify the district that the plan requires revision and specify the time for doing so.

Every six months, the Department will monitor the progress of implementation of the district improvement plan. The district will submit a progress report showing its satisfaction of the quality performance indicators in the component(s) that are the subject of the improvement plan, as well as progress toward implementing other items in the improvement plan. Each six-month review also will include an on-site visit by Department staff. The six-month reviews may have these outcomes:

- If the Commissioner determines that the district satisfies 80 to 100 percent of the quality performance indicators in all five components of school district effectiveness, the Commissioner will issue a letter designating the district as high performing, and six-month reviews will cease.
- If the Commissioner determines that the district does not satisfy at least 80 percent of the quality performance indicators in any of the five components of school district effectiveness, the Commissioner will issue a letter detailing the area or areas in which the district continues to need improvement and will ensure that the district receives technical assistance, if needed. Six-month monitoring of implementation of the improvement plan will continue.

A district may amend its improvement plan as circumstances warrant. The Department will address whether the improvement plan should be amended two years after its initial implementation and every two years thereafter. The Department will also assess whether the plan should be amended to address insufficient progress in satisfying the performance indicators. If amendment is warranted, the Department will collaborate with the in-district team to develop plan amendments.

If a district fails to implement its improvement plan, the Commissioner may intervene in one or more areas of district operations. For more information on intervention, see pages 16-20.

In-Depth Evaluation

The Commissioner will appoint members of an in-depth evaluation team and designate a team leader. Members may be Department of Education personnel or other individuals.

The evaluation team will determine the scope of the evaluation in consultation with Department staff. It may include deficiencies or areas of limited capacity identified in the three-year comprehensive review, conditions in the community that may adversely affect students' ability to learn, and other relevant areas of inquiry.

Procedures for the in-depth evaluation will include:

- A pre-evaluation conference with the chief school administrator to discuss the scope of review and the procedures to be followed;
- A visit to the district central office and possible on-site visits to one or more schools in the district;
- Review of written materials;
- Interviews with appropriate individuals, which may include members of the team responsible for conducting the district's original assessment; and
- A public meeting arranged by the chief school administrator for the public to meet with the evaluation team to discuss district practices.

The time frame for evaluation will be:

- Within 30 days of completion of the comprehensive review, the Commissioner will notify the district whether the Department will conduct an in-depth evaluation.
- The evaluation team must complete its review of school district practices within 30 business days.
- Within 45 days of completion of the evaluation, the evaluation team must submit a report to the Commissioner.
- The Commissioner will prepare a final report and transmit the report to the chief school administrator and the district board of education.
- The board of education must report the Commissioner's findings at a public meeting within 30 days of issuance of the Commissioner's final report.

Technical Assistance

Technical assistance for local school districts is a hallmark of QSAC. The Legislature directed the Department to provide technical assistance to school districts in areas of need, and the Department acknowledged this charge in its regulations by stating: "The Department may provide public school districts with technical assistance to improve performance and increase local capacity in areas of need as identified in the three-year comprehensive review and/or the in-depth evaluation."

The nature of the technical assistance to be provided will be identified in the district improvement plan. It may be provided by Department personnel and/or by **highly skilled professionals**.

Highly-Skilled Professionals

The Commissioner may appoint highly skilled professionals to provide technical assistance as delineated in a district improvement plan, to participate as members of in-depth evaluation teams, to participate as members of teams conducting initial evaluations of districts designated Level II or III under the former monitoring system, and to evaluate districts designated “in need of improvement” for three years under NCLB. Highly skilled professionals (“HSPs”) are designees of the Commissioner with skills and experience relevant to one or more of the five key components of school district effectiveness. They will be selected based on the needs of the district in which they will serve, with consideration given to the following criteria: relevant education and training, professional experience, expertise in the field in which technical assistance is needed, and experience working with school districts. The Commissioner may not appoint a highly skilled professional in a capacity that would require the individual to serve more than one role in the same district or create a conflict of interest.

The compensation of highly skilled professionals appointed to provide technical assistance will be a shared expense of the school district and the Department, with each assuming one-half of the costs, except for Department personnel serving as highly skilled professionals, whose full compensation will be paid by the Department.

State Intervention

A principal aim of QSAC was to do away with state “**takeover**” of failing local school districts. The “takeover” power authorized by the Legislature in 1987 — which still is the basis for state operation of three school districts today — included the power to abolish the local board of education and the positions of all senior administrators in the district, and to install in their place a state district superintendent with all the authority ordinarily held by a local board and administration. QSAC eliminates the draconian takeover, but recognizes that there may be cases in which direct state involvement in local district operations is warranted. It provides for state **intervention**, which may be ordered by the State Board of Education when the DPR indicates that a district does not have the capacity to perform satisfactorily without some involvement by the state.

As the DPR measures performance separately in each of the five key components school district effectiveness, any decision to intervene will be specific to each of the five key components. Intervention in one, two, three or four of the key components is **partial state intervention**; intervention in all five key components is **full state intervention**.

Either full or partial state intervention will be initiated by a formal legal process. The Commissioner will issue an **order to show cause** why an administrative order to place the identified components under state intervention should not be implemented. The proposed administrative order will incorporate the terms of a state intervention plan developed by the Department of Education. If the district opposes the order, the case will be transmitted to the Office of Administrative Law for a hearing to be conducted on an expedited basis. At the hearing, the Department of Education will have the burden of showing that the proposed administrative order is not arbitrary, unreasonable or capricious. If the Commissioner determines, on the basis of the evidence presented at the hearing, that an administrative order placing the school district under partial State intervention should be issued, the Commissioner will recommend that the State Board of Education issue such an order. If the State Board accepts the recommendation, it will issue the order placing the district under partial state intervention. If the district disagrees, it may appeal the State Board decision to the Superior Court.

In any case where the Department of Education intends to initiate partial intervention, it will be required to develop a **partial state intervention plan**, which will incorporate and amend the district’s QSAC improvement plan. The partial state intervention plan must address, among other things, whether the State Board of Education will appoint a district superintendent if a vacancy occurs during the period of intervention; whether highly skilled professionals will be

appointed to provide direct oversight in the district and, if so, the areas in which those professionals will have authority, the scope of their authority and a decision-making hierarchy to govern any conflicts with district personnel; and whether the Commissioner will appoint additional members of the board of education.

When the Department intends to initiate full state intervention, it will be required to develop a **full state intervention plan**. In addition to the items addressed in a partial state intervention plan, a full state intervention plan must address whether the positions of the chief school administrator and the executive positions responsible for curriculum, business and finance, and personnel will be abolished, and whether a capital project control board will be established.

A partial or full state intervention plan may provide for the Commissioner to appoint up to three additional members of the board of education with the approval of the State Board of Education. If a plan so provides and the Commissioner exercises this authority, the appointed board members will report to the Commissioner on the activity of the local board, and also will assist the board on such matters as compliance with applicable laws and regulations.

At least one of the members appointed by the Commissioner is to be appointed from a list provided by the governing body of the municipality in which the district is located (or of the county in which a vocational district is located, or of the governing bodies of all the municipalities of the constituent districts in a regional district). The Commissioner is to “make every effort,” but is not required, to appoint residents of the district. The initial term of the additional appointed members of the board will be two years. Appointed board members will be required to meet all of the statutory qualifications of members of boards of education (except that they must be registered voters in the State of New Jersey rather than the local district).

Board members appointed by the Commissioner will initially be non-voting members, but will have all other rights, obligations, powers and privileges of members of boards of education. Six months after the initial order for state intervention, the Commissioner will determine whether or not the appointed members will become voting members of the board of education.

Partial State Intervention

Partial state intervention is, essentially, direct oversight of one, two, three or four areas of school district operations by a highly skilled professional appointed by the Commissioner.

The Commissioner may initiate partial intervention when a district satisfies less than 50 percent of the quality performance indicators in one, two, three or four components of school district effectiveness and at least one of the following factors is present:

- The district failed to submit its DPR and Statement of Assurance and/or failed to provide other documentation in connection with the three-year comprehensive review;
- The district failed to develop a QSAC improvement plan that the Commissioner can approve;
- The district failed to implement a Commissioner-approved QSAC improvement plan;
- Other circumstances exist that warrant immediate action by the Commissioner to ensure that the public school district will provide a thorough and efficient education to its students; or
- Other circumstances indicate that the district has insufficient capacity to ensure that the district will provide a thorough and efficient education to its students and it is unwilling or unable to develop local capacity without state intervention.

Full State Intervention

Full state intervention is permitted when a district satisfies less than 50 percent of the quality performance indicators in all five key components of school district effectiveness. Upon full state intervention, the local board's authority to govern the district is removed, and the State Board of Education may appoint a state district superintendent, who will have all the authority ordinarily exercised by a board of education.

While a district is under full state intervention, the state district superintendent may (but is not required to) abolish senior administrative positions, reorganize the central administrative and supervisory staff, evaluate all individuals employed in central and supervisory positions, establish an assessment unit for principals and vice principals, and dismiss tenured principals and vice principals. A capital project control board may be established to review any capital project proposed by the state district superintendent.

State Intervention in Governance

When the state intervenes in the governance component — whether in partial or full intervention — the local board of education will remain in place; but its authority to govern will be removed and it will become an advisory board. In a district in full state intervention the advisory board will be required to report in writing to the state district superintendent at least twice a year with its assessment of the district's progress.

Even while the board of education is an advisory board, the State Board of Education may return some voting functions to it as part of the process of transition to local control. If it does so, the Commissioner will have the authority to veto any action taken by the board until the governance component is returned to local control.

Oversight by Highly Skilled Professionals

The Commissioner may appoint one or more highly skilled professionals to provide direct oversight in any component in which the state intervenes. Upon such appointment, the authority of the highly skilled professional will include functions such as:

- Oversight of district operations;
- Ensuring development and implementation of the district improvement plan;
- Overriding action by the chief school administrator or the board of education;
- Attending meetings of the board of education, including closed-session meetings; and
- Obligating district funds.

Highly skilled professionals will not have the authority, however, to hire, promote or terminate employees, even those working in areas over which they are assigned to provide direct oversight. The State Board of Education, on the recommendation of the Commissioner, is authorized to hire, promote and terminate employees working under the oversight of highly skilled professionals during partial or full state intervention.

When the Commissioner appoints more than one highly skilled professional in a district, he or she will delineate the scope and extent of each professional's authority and establish a decision-making hierarchy for the district's highly skilled professionals and other personnel. Highly skilled professionals will report to the Commissioner biweekly, and to the board of education and the public monthly, at the regularly scheduled board meeting.

The Commissioner will fix the salary of any highly skilled professional appointed to provide direct oversight, and the cost of the salary will be shared equally by the state and the district.

Assessment Activities During Periods of State Intervention

During any period of partial or full state intervention, three-year comprehensive reviews and six-month monitoring reports will continue. That is, the district's progress in implementing its improvement plan, which will have been incorporated into the state intervention plan, will be monitored, and the district will report to the Commissioner on such progress every six months. In addition, every three years, the district will conduct a comprehensive review of its performance in each of the five key components of school district effectiveness, unless a component is the subject of an improvement plan or state intervention.

Withdrawal from Intervention

Just as the state's decision to intervene is made separately for each of the five key components of school district effectiveness, so is the decision to withdraw from intervention. The state will withdraw from intervention when a district has satisfied at least 80 percent of the quality performance indicators in a component, and when there is substantial evidence that the school district has adequate programs, policies and personnel in place, and in operation, to ensure that progress will continue.

Withdrawal from intervention is a process called **transition**. The State Board will approve the Commissioner's recommendation to withdraw, and then the Department of Education and the district will develop a **transition plan**. The transition plan will include a timetable for activities leading to the state's withdrawal; provisions regarding the employment status of any state district superintendent; any continued technical assistance and/or direct oversight by highly skilled professionals; goals for any areas of district operations remaining under intervention; the status of any appointed board members; technical assistance; and discontinuance of the capital project control board, if applicable.

The local board of education will continue to serve as an advisory board until the district meets the quality performance indicators for governance and that component is returned to local control. Even before the governance component is returned, the State Board may return some voting functions to the local board as part of the process of transition. If some voting functions are returned, the Commissioner will have authority to veto any board action.

If the State Board of Education has appointed a state district superintendent, the state district superintendent will continue to hold that position until the governance component is returned to local control. The board of education will have the authority to extend the superintendent's contract, modify the contract or allow it to expire with statutory notice.

Not more than one year after the governance component is returned to local control, the board of education will be required to call a special election for the voters to decide the question of the school district's classification. According to New Jersey's school laws, districts may be classified as Type I (with members appointed by the mayor) or Type II (with members either appointed or elected). Board members in office at the time of the election will remain in office until the expiration of their terms and the qualification of their successors.

Once the transition plan has been satisfied, state withdrawal will be complete and the district will be returned to local control. Upon action by the State Board of Education, the Commissioner will issue a letter designating the district as "high performing."

Reestablishing Local Control in the State-operated School Districts

As mentioned above, QSAC does away with state “takeover” of school districts and provides for state intervention instead. Nonetheless, QSAC acknowledges that there were districts under state control when the statute was enacted, and it provides for evaluation of those districts to determine their placement on the performance continuum.

A comprehensive review of the performance and capacity of each state-operated district will be conducted, based on the same standards as those used to assess the performance of every district in the state, using the DPR instrument. If that review shows that a district satisfies at least 80 percent of the quality performance indicators in any of the five components of school district effectiveness, those components will be returned to local control. There will be a transition period, similar to that described above for districts in full or partial intervention. If none of the components of school district effectiveness meet the requirements for returning to local control, the Commissioner will recommend to the State Board that the district operate under full state intervention.

Thus, local control will be reestablished in each component separately, when a determination is made that the district has the capacity to perform satisfactorily in each area without state intervention. Until then, during a period of state intervention, highly skilled professionals may be appointed to provide oversight. The State district superintendent and advisory board of education will remain in office at least until the governance component is returned to local control.

Within one year of the date on which the governance component is returned to local control, the board of education of each formerly state-operated district will be required to call a special election for the voters to decide the question of the district’s classification as Type I or Type II. The board will be authorized to extend the superintendent’s employment contract, modify the contract or allow it to expire with statutory notice. Board members in office at the time of the election will remain in office until the expiration of their terms and the qualification of their successors.

Resources

New Jersey Quality Single Accountability Continuum Act, N.J.S.A. 18A: 7A-10 *et seq.* (as amended January 2007)

Quality Single Accountability Continuum regulations, "Evaluation of the Performance of School Districts," N.J.A.C. 6A: 30 (adopted February 2007)

District Performance Review, Appendix to N.J.A.C. 6A: 30

Quality Assurance Annual Review (QAAR), N.J.A.C. 6A: 32-12.1

New Jersey Department of Education,
<http://www.state.nj.us/education>

New Jersey School Boards Association, <http://www.njsba.org>

Rutgers-Newark Institute on Education Law and Policy,
<http://ielp.rutgers.edu>

Rutgers-Newark Institute on Education Law and Policy, *Developing a Plan for Reestablishing Local Control in the State-operated School Districts*, http://ielp.rutgers.edu/docs/developing_plan_full.pdf

Rutgers-Newark Institute on Education Law and Policy, *New Jersey Quality Single Accountability Continuum: 2006 Pilot Program Evaluation*, http://ielp.rutgers.edu/docs/QSAC_report_final.pdf

