



THE CONTINUING EDUCATION REQUIREMENT AND BOARDS OF EDUCATION

Up until recently, New Jersey was one of the few states in the nation that did not require teachers to continue their education after receiving their certification. This long-standing tradition came to an end in May 1998, when the State Board of Education adopted a new regulation requiring all teachers to complete 100 clock hours of approved continuing professional development every five years. While the intent of the Code establishes a statewide, ongoing professional obligation for New Jersey's teachers, it also creates a number of significant responsibilities for local boards of education. Therefore, it is important that board members and administrators become familiar with the provisions of the Continuing Education Code and understand their rights and obligations under the new requirement.

The Continuing Education Code: A Work in Progress

New Jersey's required continuing education plan for teachers is grounded in *N.J.A.C. 6:11-13 et seq.*, first adopted in May 1998. The key provisions of the Code define: the State's minimum requirement for continuing education; the framework to develop the common standards that will guide the approval of continuing education programs; and the various levels of responsibilities for the implementation and monitoring of the requirement.

The specific provisions of the Code establish the basic framework of the continuing education requirement. However, the Code does not, in and of itself, provide a clear blueprint for boards of education. A fuller understanding of the Code's direction must involve a review of the Department of Education's intent as described in the comments printed in the *New Jersey Register*¹ and by remaining aware of the Commissioner's evolving guidelines for the Code's implementation.

Immediately upon its adoption, it became clear that the Code would be subject to change. At its first meeting after adopting the Code, the State Board emphasized the need to establish an ongoing assessment of the development of the continuing education process. Accordingly, the

Code was amended to require the Commissioner to submit a report to the Board in June 2001, the initial implementation of the Code's requirement. A year later, to correct an identified difficulty in the alignment of the continuing education requirement and districts' evaluation cycle, the beginning of the teachers' obligation was changed from January 2000 to September 2000. Further changes in the Code's provisions can be expected as a result of the State Board's assessment of issues that arise during implementation, issues including funding and compliance.

In addition to the State Board's commitment to an ongoing review, the provisions of the Code itself contain a built-in component of change. While the Code requires common standards for activities that count toward fulfilling the 100 hours, it does not specifically define the criteria that must be met by these programs. Rather, the Code establishes a complex and ongoing process (discussed below) for the development of these standards. As of August 2000, this process has resulted in an initial framework that will be subject to additional developments, changes and clarification.

Therefore, at this time, the Continuing Education Code remains a "work in progress" that is expected to continue to be modified and refined with time, experience, developing case law and implementation guidelines issued by the Commissioner of Education. This ongoing process of change becomes another challenge for boards' compliance with the new state requirement. Board members can follow the evolution of continuing education by checking the NJSBA Web site at www.njsba.org where new developments are posted as they occur.

The further developments of the Code's requirements are expected to be guided by the fundamental purpose of New Jersey's continuing education requirement: to establish a statewide system of ongoing professional development that will assist teachers to obtain, and maintain, the knowledge and skills essential to students' achievement of the State's Core Curriculum Content Standards adopted by the State Board of Education.² The developments are also expected to begin and to be driven by the Code's established process for developing the standards for the State's approved continuing education activities.

¹ See 30 *N.J.R.* 894 *et seq.* and 30 *N.J.R.* 2079 *et seq.*

² *N.J.A.C.* 6:11-13.2 (b) 2 c.

The Process for the Development of Standards

The Code provides a framework to develop the common standards that will be used “to assure that the required continuing education experiences are challenging and meaningful to teachers and relevant to the task of enabling students to achieve high academic standards.”³ This framework involves an ongoing interaction between the State, counties and local districts which is designed to assure that “all teachers across the State have consistently high quality professional development and/or district inservice programs. The three-tiered oversight structure at the State, county and district level is intended to provide the appropriate level of involvement at each of these levels.”⁴

At the State Level A *Professional Teaching Standards Board* (PTSB) has, in accordance with the Code, been established within the Department of Education. The PTSB is composed of 19 members, appointed by the Commissioner of Education and approved by the State Board. These members include: 10 teachers; two college representatives, at least one of which will represent a teacher education program; three district administrators; two members of local boards; and two members of the general public. In recommending the respective members, the Commissioner is required to solicit nominations from their major professional associations. The Commissioner, or a designee, is to serve as an ex-officio on the PTSB.

The charge of the Professional Teaching Standards Board is to advise the Commissioner of Education as to what common standards should be required for continuing education experiences to count toward the fulfillment of the professional development requirement. The PTSB's recommendations will include standards and criteria to review and approve inservice and other continuing education programs of local boards of education as well as programs offered by colleges, professional teaching associations and other nondistrict providers. The PTSB will also recommend approval, or nonapproval, of all providers of professional development activities and maintain a statewide list of approved trainers for inservice.

In addition to recommending specific standards for the continuing education program, the PTSB is given a future, independent role. Within five years of its initial meeting, the PTSB is to establish and advocate broader standards of professional performance and conduct including nonmandated standards of effective and ethical practice.

At the County Level A *County Professional Development Board* has been established in each county of the State. Each County Board, appointed by the Commissioner upon the recommendation of the County Superintendent,

consists of 15 members, including seven active teachers, the same number of representatives from the other groups serving on the PTSB, and the County Superintendent as a nonvoting member. In recommending members to serve on the County Board, county superintendents are also required to solicit nominations from the major professional associations representing the respective groups.

The County Professional Development Boards have the delegated authority of the Commissioner to review and approve the inservice professional development programs of local districts. Such review and approval will be in accordance with the statewide standards established by the Commissioner.

At the Local Level A *Professional Development Committee* will be established in every district. The committees shall be comprised of four active teachers, elected by the staff through their majority representatives, and two administrative staff appointed by the chief school administrator. The procedures for the elections and appointments to the committees shall comply with the standards or criteria developed by the PTSB and approved by the Commissioner. According to the *New Jersey Register*,⁵ the Department of Education will work individually with those small districts that only have one administrator to assure that the proportional representation intended for local committees is maintained.

The local Professional Development Committees are charged with seeking input from parents, community members and local business leaders to assess district inservice needs and professional development opportunities. With that input, the committees will plan and implement professional development programs in accordance with the standards approved by the Commissioner.

The plans developed by the local committees shall be presented to the County Professional Development Board for its review and approval, based on the statewide standards developed by the PTSB. According to the *New Jersey Register*, this review will assure that all district plans meet the rigorous statewide standards.⁶ After the County Board's approval, the local plan will be submitted to the local board for its review and approval.

According to the *New Jersey Register*,⁷ a local board can disapprove a plan that has been approved at the county level. Under those circumstances, the rejected plan would be referred back to the local committee for revision and resubmission through the above process.

The Result of the Process The interaction between the three levels will result in the development and application of statewide standards throughout New Jersey's schools. As of August 2000, the Commissioner has adopted the recommendations of the PTSB to establish an initial frame-

³ N.J.A.C. 6:11-13.3 (b) 2.

⁴ 30 N.J.R. 2080, Response 11.

⁵ 30 N.J.R. 2082, Response 36.

⁶ 30 N.J.R. 2081, Response 34.

⁷ 30 N.J.R. 2081, Response 34.

work to guide the first-year implementation of teachers' continuing education obligation.

The PTSB's first recommendations resulted in the adoption of Standards for Professional Development. These standards, disseminated by the Commissioner in January 2000 provided a broad conceptual framework of the fundamental principles of professional development.⁸ Subsequently, the Commissioner adopted a set of more specific guidelines on what type of activities would count toward the required 100 hours.⁹

Finally, the Commissioner adopted PTSB's recommendations to guide the work of local committees and county boards in developing state-approved local activities. These guidelines are based on a time frame, including a "developmental" first year, which local committees and county boards were to follow to establish state-approved local activities for the first two years of the requirement. For the year 2000-2001, a simplified and expedited process has been put into place. This process required local committees to complete a state form and submit it by June 1, 2000 to the County Board which provided a statement of assurance that the local district would be providing training that will be consistent with the intent of the State's standards. For the second year, local committees are required to go through a needs assessment process that will result in the identification of a local professional development plan specifically designed to meet the district's needs. These locally developed plans are to be submitted to the county boards by November 30, 2000. County boards are required to determine whether the plans meet the state standards and submit their response approving or disapproving local committees' proposals by January 30, 2001. Local committees will then submit approved plans to the local board or will have 45 days to amend disapproved plans for resubmission to the county boards.

Upon the recommendation of the PTSB, the Department of Education also began a system for the approval of providers of continuing education activities. The Commissioner's adoption of the PTSB recommendations during this past year has thus resulted in establishing an initial process of assuring the development of continuing education activities that will be consistent with the common state standards. The Commissioner's guidelines have further supplemented and complemented the specific provisions of the Code. The combination of these elements has resulted in a definition of the State's expectations for the continuing education obligation for boards and teachers at the beginning of the 2000-2001 school year.

The Continuing Education Requirement

As of August 2000, the continuing education requirement addresses the very basic "what, who, when and how" issues of implementation.

What Is Involved Teachers will be required to complete 100 clock hours of state-approved continued professional development every five years. The contents of each teacher's continuing education shall be specified in the Professional Improvement Plan, developed as part of teachers' annual evaluations performed in accordance with *N.J.A.C. 6:3-4.1 et seq.*, to meet the needs of the individual teacher in the context of his or her job. The Commissioner has reaffirmed that the PIP process in place prior to the enactment of the Continuing Education Code will continue to control. In a memo issued on April 25, 2000 the Commissioner stated:

Please note that the process for developing the PIP should be a collegial one in which the supervisor and the teacher develop the content. It is important to note that in cases where there is a disagreement about the content of the teacher's professional development in the PIP, an administrator may need, and has the right, to require specific activities for the teacher. N.J.A.C. 6:4.3 (f) 3 does not create a requirement that individual staff members must agree to the objectives contained in the PIP. In all cases, the PIP is considered to be a part of the evaluation process where management prerogative prevails.

Who Is Affected The requirement applies to "all active teaching staff members whose positions require possession of the instructional or educational services licenses in accordance with *N.J.A.C. 6:11-8* and 10...who are employed by boards of education, charter schools, and nonpublic schools that require teaching licenses."¹⁰ In other words, the requirement applies to staff involved in instruction (including special education teachers and vocational teachers), but does not apply to staff whose positions' responsibilities require administrative or supervisory certification.

The PTSB is looking at questions that have been raised concerning the responsibility of part-time teachers and teachers on leave to meet the 100-hour requirement within five years. As of August 2000, the Commissioner has not adopted recommendations on these issues. However, it is expected that guidelines to further clarify these issues will be issued in the near future. Check the Continuing Education page on NJSBA's Web site and contact your resources for the latest developments in this area.

When the Requirement Begins To assure adequate preparation and an alignment with districts' evaluation cycle, the State Board delayed its initially proposed date of implementation to September 1, 2000. At that time, all actively employed teachers will be responsible for attaining 100 hours of continuing education in the next five

⁸ Posted on the New Jersey Department of Education's Web site at www.state.nj.us/education.

⁹ See the April 25, 2000 memo from the Commissioner of Education, or the Department of Education and PTSB's document "A New Vision for Professional Development" posted on the Department of Education's Web site at www.state.nj.us/njded/profdev/newvision.pdf.

¹⁰ *N.J.A.C. 6:11-13.2 (d)*.

years. Thus, the initial five-year cycle extends from September 2000 to September 2005.

This cycle, however, applies to teachers who are actively employed in September 2000 and remain in active employment with the same district for five continuous years. The issues of the obligation of new teachers, of teachers who go on leave, or teachers who transfer to another district after accumulating continuing education credit in another district have not yet been addressed by the PTSB. As many questions on this issue have arisen, it is likely that additional clarification will be forthcoming from the Commissioner of Education.

How to Meet the Requirement Teachers may satisfy their continuing education requirement through a combination of various state-approved experiences, including inservice programs, formal courses and conferences sponsored by colleges, district boards of education, professional associations, or other entities approved by the Commissioner of Education. To count towards the requirement, the training must meet the state standards for continuing education established by the Commissioner of Education and must be included in the teacher's PIP (as discussed above in the "What Is Involved" section). The Code also specifies that each actual hour of inservice training shall satisfy one hour of state-required continuing education.¹¹

What Counts The Commissioner of Education has adopted the PTSB recommendations defining what counts towards the 100-hour requirement.¹² There are four types of activities that can accrue credit towards teachers' required continuing education. The PTSB's recommendations recognize the following:

- formal courses and conferences sponsored by colleges, district boards of education, professional associations, training organizations or other entities approved through the local district plan process or as part of the provider registration system;
- courses, seminars, or other activities which are required for maintenance of licenses or certificates issued by professional organizations or government entities (for example, social worker, nurse);
- independent professional studies, including but not limited to action research, study groups, sabbaticals, fellowships, internships, teacher exchanges, textbook review, and portfolio development. Credit for an independent study program must follow special procedures which include: a written explanation of how independent studies is consistent with the standards for professional development; discussions with the supervisor as to the number of hours that can be spent in such a study; and maintaining a log of actual completed hours; and
- activities that serve the profession, including but not limited to curriculum writing and development, grant

writing, writing of training modules, mentoring a student teacher or a novice teacher, monitoring/accreditation, professional service on boards or committees, and teaching a course or workshop.

In August 2000, the Commissioner adopted further recommendations of the PTSB to refine the definition of "What Counts." The clarification limits the number of hours that can be accrued in various "activities that serve the profession." For example, the number of hours credited for teaching a course will be based on two hours of preparation time for every hour of delivery time and can count only once in a five-year cycle. However, the total number of hours that can be accrued for activities that serve the profession cannot exceed 75 of the required 100 hours.

Validation of Completion The Commissioner's adoption of PTSB's recommendations also define the procedures for validating completion of professional development activities. Validation can be: a transcript from a college or university; the certificate issued by a registered provider; or an attendance record signed by the chairperson or facilitator of a committee.

Approved Providers In accordance with *N.J.A.C. 6:11-13.3 (b) 4*, the PTSB has recommended, and the Commissioner has approved, a system for the approval of providers of continuing education programs. During the first year of implementation, providers can be placed on the list of approved providers by simply filling out a registration form which requires basic information and the types of programs and activities that the provider will offer. The Department of Education has also assigned a provider number and placed all school districts on the approved provider list. This automatic district placement will permit school districts to offer state-approved inservice to their staff. Districts that wish to provide state-approved continuing education activities for other teachers must follow the registration procedures required for other providers. The list of providers is available on the Department's Web site at www.state.nj.us/education.

During the 2000-2001 school year, it is expected that a form evaluating providers will be developed. It is expected that the evaluation process will include participants' assessment of specific providers' performance. Providers will then retain their approved status based on their effectiveness in providing meaningful and relevant programs that meet the State's standards. These anticipated developments in the process of provider approval are still another aspect of the ongoing evolution of the continuing education requirement.

Summary The issues addressed above reflect the interaction of the Code's provisions and the recommendations of the PTSB as adopted by the Commissioner. A definition and clarification of these specific aspects of the requirements were necessary to begin implementation of continu-

¹¹ *N.J.A.C. 6:11-13.1 (b) and (c)*.

¹² See the document "A New Vision for Professional Development" posted on the Department of Education's Web site at www.state.nj.us/hjeded/profdev/newvision.pdf.

ing education as of September 2000. These basic requirements, however, do not address all issues that are included in the Code's provision for the full implementation of continuing education. To assure ongoing progress towards a successful achievement of its stated purpose, the Code also establishes a system to monitor compliance with the continuing education requirement.

The Responsibilities to Monitor Compliance

Declaring that the 100 hours of approved professional development is "legally binding,"¹³ the Code establishes various levels of responsibilities to assure compliance with the requirement. This includes the interrelated responsibilities of the individual teacher, the State, and the employing board of education.

Each Active Teacher Each active teacher is given the responsibility, in conjunction with board policy, to take whatever steps are necessary in order to meet the requirement.¹⁴ According to the *New Jersey Register*,¹⁵ it is the "ultimate" responsibility of each individual teacher to take whatever steps are necessary in order to meet the requirement, including the payment of costs. However, the *Register* also notes that districts commonly pay or reimburse training costs and that the State's school funding formula includes 2% of a district's salary base for the express purpose of professional development.¹⁶ Presumably, this suggests that teachers would be assisted in covering the costs of meeting the requirements in accordance with their local district policies and negotiated provisions.

The Local District The ongoing, continuous responsibility to monitor teachers' compliance with the continuing education requirement throughout the five-year cycle is placed at the local district level. Comments in the *New Jersey Register*¹⁷ indicate that the Department of Education intended the new requirement to be incorporated into local districts' ongoing monitoring and supervision of staff and of the existing system of annual evaluation of staff performance.

The Code assigns the following specific monitoring responsibilities to local districts:

- the employing board of education "shall actively assist and support a teacher's efforts" to meet the requirement;¹⁸
- evaluators must assure that the teachers' Professional Improvement Plan, developed in accordance with *N.J.A.C.* 6:3-4.1 through 4.3, specify the content of each teacher's continuing education and meets the needs of the individual teacher in the context of his or her job.¹⁹

(See the Commissioner's affirmation of the role of PIPs in the discussion of "What Is Involved" in the section on *The Continuing Education Requirement*.);

- local supervisor and district administrator, through the Professional Improvement Plan process, shall monitor the teacher's efforts continuously through progressive supervision where the teacher's progress is inadequate;²⁰
- the district administration shall take appropriate remedial action, applying sound and accepted principles of progressive supervision as well as by using existing laws and rules to the fullest extent.²¹ (*Note:* The initially adopted provision required districts to take "corrective" action. One month later, the State Board changed the word to "remedial" to clarify and underscore its intent that local districts engage in evaluative, and not disciplinary, supervision of the requirement.);
- the district administration shall provide recognition of each teacher's fulfillment of the requirement;²²
- the district administration, following the first five-year cycle, shall be required to report annually to the Department of Education all instances of noncompliance and a description of actions taken to address them;²³ and
- the district shall participate in a self-evaluation program, initiated under the direction of each County Professional Development Board and coordinated by the County Superintendent, to assure a constant dialogue between and among all those with a stake in the professional development and inservice for teachers.²⁴

The State Beyond establishing the requirement and the approval of training activities that will satisfy the 100 hours of continued education, the Code also assigns a monitoring role to the State Department of Education. This role involves assessing and analyzing the effectiveness of various continuing professional development activities, including inservice programs, in meeting the needs of the State, local boards, and individual teachers. In addition, the State has the responsibility to review and monitor compliance with the continuing education requirement.

Monitoring Teachers' Compliance: The Department's comments in the *New Jersey Register*²⁵ indicate that the emphasis of monitoring teachers' progress will be on evaluation. However, failure to comply is a legal violation and the Department of Education has the authority to enforce compliance with the requirement. While the continuing education obligation is not an automatic requirement to maintain licensure, the Department of Education has the authority, at its discretion, to petition for disciplinary action, including the imposition of licensing sanctions for a teacher's failure to complete their 100 hours of continued

¹³ *N.J.A.C.* 6:11-13.4 (a).

¹⁴ *N.J.A.C.* 6:11-13.4 (a).

¹⁵ 30 *N.J.R.* 2081, Response 21.

¹⁶ 30 *N.J.R.* 2080, Response 5.

¹⁷ 30 *N.J.R.* 2080, Responses 12, 17.

¹⁸ *N.J.A.C.* 6:11-13.4 (b).

¹⁹ *N.J.A.C.* 6:11-13.2 (b).

²⁰ *N.J.A.C.* 6:11-13.4 (b).

²¹ *N.J.A.C.* 6:11-13.5 (a).

²² *N.J.A.C.* 6:11-13.5 (a) 2.

²³ *N.J.A.C.* 6:11-13.5 (a) 2.

²⁴ *N.J.A.C.* 6:11-13.5 (a) 4.

²⁵ 30 *N.J.R.* 2080, Responses 6 and 7.

education in every five-year period. The Department's decisions will be based upon districts' reports of noncompliance and their descriptions of the actions taken by the local district. However, the *Register* notes that whatever the district board does or does not do, will not affect the Department's right to bring specific cases before the State Board of Examiners, following due process procedures.

Monitoring Districts' Compliance: The Department's role in reviewing local districts' compliance with their continuing education responsibilities is also clarified by the comments published in the *Register*.²⁶ The Department's assessment of a district's compliance with its responsibility under the Code is incorporated into the State's new monitoring system. This evaluation will include a review of the number of the district's teachers who do and do not fulfill the requirements and of the district's compliance with its responsibility to assist and support teachers' efforts and monitor their progress. Administrators' failure to meet those rules, as well as teachers' noncompliance, could hold "potential repercussions for the district and conceivably individual teachers."

Expected Changes in the Monitoring Process At the beginning of the 2000-2001 school year, the responsibilities to monitor compliance with the Continuing Education Code are primarily defined by the provisions of the Code, the Department's intent as stated in the *New Jersey Register* and the Commissioner's reaffirmation of the PIP process. As the process of continuing education moves forward, additional clarification may become necessary. In addition to the Commissioner's responses to questions raised by individual districts, the need for statewide clarification and concerns with consistency and uniformity in districts' practices may be identified by the PTSB's and the Department of Education's annual report which is required by *N.J.A.C. 6:11-13.5 (a) 3*. Thus, the issue of monitoring is another area of the continuing education requirement that is expected to evolve and develop through further clarification. School management must therefore remain alert to developments in this area by consulting the NJSBA Web site and their legal and labor resources.

Summary

The provisions of the Continuing Education Code establish the framework for the evolution of the State's expectation for a system of ongoing professional development for teachers. As the requirement is about to begin in September 2000, many issues affecting the initial implementation of the plan have been clarified through the interaction of the State Professional Teaching Standards Board and the Commissioner of Education. Boards, administrators and teachers are relying on the Commissioner's adoption of the PTSB recommendations to begin their compliance with the new system of continuing education. Yet, in spite of a number of needed clarifications and expansion

of the provisions of the Code, many issues are still open to additional definitions and new guidelines. Thus, at the beginning of its implementation, the Continuing Education Code remains a work in progress. Nevertheless, within this expected changing environment, it is clear that the new requirement for New Jersey's teachers holds a number of significant implications for local boards of education.

Boards' Rights and Responsibilities Under the Code

The purpose of the Continuing Education Code is to achieve a state goal to provide a systematic statewide program of meaningful professional development for New Jersey's teachers that will, on an ongoing basis, refine teachers' knowledge and skills that are relevant to students' ability to achieve high academic standards. Yet, to meet the State's mission, the Code has placed a number of additional administrative obligations on local districts and their administrators to provide local oversight of compliance with the continuing education requirement.

While acknowledging school management's concerns with the prospect of an expansion of state-directed administrative obligations and procedures, the Department of Education concluded that "there is no meaningful way to integrate teachers' training into their classroom performance or to identify performance inadequacies without relying on district management" to perform its primary job of monitoring and supervising teachers.²⁷ Thus, the Code as adopted in May 1998, defines districts' responsibilities toward the local administration of the continuing education requirement. The Code also provides that districts' compliance with the rules will be monitored by the State.

Thus, by September 2000 all boards should have been ready to begin to fulfill their obligations toward the continuing education requirement. Boards' readiness to meet the Code's requirement requires that districts be prepared to engage in a number of distinct, yet related and coordinated activities that are explored in detail in *The Negotiations Advisor* article "Board Considerations in Implementing the Continuing Education Requirement." However, as boards prepare to meet their additional responsibilities they cannot forget that the Code also affirms and addresses the rights of local boards of education.

Boards' Rights Under the Code

When looking at the list of specific responsibilities assigned to local districts, summarized earlier in this article, it is easy to overlook the fact that many of the same provisions provide significant affirmation of boards' essential managerial rights. The importance of these board rights in establishing a district's approach to managing its local responsibility to continuing education cannot be overemphasized.

²⁶ 30 *N.J.R.* 2080, Response 19.

²⁷ 30 *N.J.R.* 2080, Response 6.

The Right to Evaluate Staff Boards' ability to establish evaluation criteria, and to apply those criteria in evaluating staff performance, is a well-established managerial function that is a nonnegotiable and nonarbitrable right.²⁸ The Continuing Education Code not only reaffirms that right, but extends it to the evaluation of teachers' progress towards meeting their professional development objective.

The Right to Develop PIPs The role of school management in the development of Professional Improvement Plans (PIPs) has been well-defined by both the Commissioner of Education and the Public Employment Relations Commission.²⁹ As noted earlier in this article, the Commissioner of Education has clearly and strongly reaffirmed that nothing in the continuing education requirement modifies school management's well-understood and well-established authority over PIPs. This right includes the ability to have a final, nonarbitrable authority to finalize the contents of the PIPs. The Code's requirement that the contents of teachers' continuing education plan be defined in their individual PIPs thus provides boards and their administrators with a means of controlling the kind of continuing education that will be necessary and helpful for each individual teacher.

The Right to Develop Policies The right to adopt district directions and goals through the adoption of board policies is also affirmed in the Continuing Education Code. The Code specifies that teachers must exercise their individual responsibility to meet their continuing education requirement "in conjunction with board policies." This stated relationship strongly implies that the new professional responsibility does not supersede other board policies, but is to be coordinated and related to those policies. Boards can thus adopt policies which will establish their districts' goals and direction to guide their district's local implementation of the continuing education requirement.

The Right to Approve Inservice Programs Boards' right to design training programs has been affirmed by existing case law.³⁰ The Continuing Education Code reaffirms boards' specific authority by requiring local Professional Development Committees to submit their recommendation for the board's approval. In addition, comments in the *New Jersey Register* clarify that boards can reject their committee's recommendations. As such, boards of education can exercise meaningful control over the inservice programs offered in their districts. While this authority cannot be exercised arbitrarily, considerations of student and teacher needs, of the availability of time during the school year, and of the district's financial resources, would be legitimate grounds for a board's disapproval of a committee recommendation.

Thus, in a variety of ways, the provisions of the Con-

tinuing Education Code retain and affirm a number of significant board rights. These provisions should provide a framework for the development of future Commissioner guidelines that may be promulgated to provide further clarification to assist all parties' mutual understanding of the Code's provisions and intent. Boards should not forget, nor compromise, their rights under the Code as they focus on their responsibilities in implementing the continuing education requirement.

Boards' Responsibilities Under the Code

The Code assigns to the State and to the employing board the general fundamental responsibility to "actively assist and support a teacher's efforts" to meet the continuing education requirement. This basic broad responsibility is further clarified by the Code's delegation of local oversight and administration of its requirement to boards of education. The Code's assignment of specific responsibilities to boards of education requires, or implies, districts' needs to implement a number of administrative actions. These include:

Relationship with Local Professional Development Committees As structured by the provisions of the Code, local committees do not include direct representation of board members. However, other provisions, the intent of the Code as well as the Commissioner's direction clearly establish the expectation that boards will develop a collaborative and supportive relationship with their local committees.

For example, although the structure of the committee is defined by the Code, local boards are required to "establish" the district's committee. Further, the Code requires that local committees "work in conjunction with the chief school administrator."³¹ Thus, the board's nonvoting member provides an inherent and natural linkage between the committee and the board. The superintendent's role in the committee's deliberation, which may be further developed by Commissioner guidelines, is likely to involve representing the board's and district's interests, needs and resources to the committee. Similarly, the superintendent's role will also involve keeping the board informed of the committee's emerging direction and intent.

Further, the Commissioner advised local committees to begin their initial work, while awaiting further PTSB guidelines, by reviewing their districts' goals and philosophy, mission statements, and strategic plans. The Commissioner's advice carried the strong suggestion that boards should be providing this information to assist their committees meet their responsibilities. In addition, PTSB recommendations have specifically included board input in its recommended guidelines for assessing districts' needs and planning professional development programs.

²⁸ *Bethlehem Township Board of Ed.*, 91 N.J. 38 (1982).

²⁹ *Douma v. Bd. of Ed. of East Brunswick*, SLD 81:443 (1981); *Grieco v. Bd. of Ed. of the Town of Nutley*, SLD 83:1258 (1983); *Upper Freehold Regional Bd. of Ed.*, PERC No. 82-105, 8 NJPER 13139.

³⁰ *Monroe Township Bd. of Ed.*, PERC No. 93-9, 19 NJPER 23194.

³¹ N.J.A.C. 11:13.3 (d) 1.

Thus, boards of education must be prepared to assist and support their committees during the development of a local continuing education plan. However, the expectation for boards' cooperation does not in any way diminish boards' responsibilities to review and to grant approval of the plan that is approved by the County Board.

Obligation to Approve Recommended Local Plans

The final approval of a developed local plan that the County Board has deemed to conform with the State's common standards is a right of local boards. However, it is also a major board responsibility and obligation. Considering a rejection of a proposed plan that has already received the State's "stamp of approval" may, in certain situations, be difficult and uncomfortable for board members. Nevertheless, to meet their obligation under the Code, boards must be prepared to reject a plan that is unaffordable or otherwise unacceptable to the local board.

It is important for boards of education to keep in mind that the continuing education requirement is not intended to supersede or displace other board policies. Rather, the requirement is expected to be balanced with other district obligations and policies. It is therefore essential for boards to remember that a county-approved local plan simply means that the committee's proposal is consistent with the State's standard, but does not mean that the plan is indeed appropriate and relevant to the local district's needs. This assessment remains a responsibility of each local board. It is therefore essential for each board of education to engage in a careful consideration of whether or not the local plan approved by the County Board is truly suitable to their particular district.

Future Commissioner guidelines may further clarify the procedures that boards may need to follow to approve inservice programs. For example, boards may be given a time frame in which to review and formally approve or disapprove of the proposed plans submitted by local committees. However, under the specific provisions of the Code, boards will still be expected to review, approve or disapprove the local committees' proposed district plan.

Developing Relevant Board Policies The development of board policies is: both a right and a responsibility of boards of education. Frequently, the exercise of that board function is mandated by school law or the Administrative Code. For example, the Code's established procedures for teachers' annual performance evaluations require each board to develop and adopt policies governing their local evaluation process. By incorporating the continuing education requirement into the existing state-required process of teacher evaluations, the Code implies the board's responsibility to update those policies. Boards must therefore need to activate their policy adoption process to provide direction to the district's efforts and to articulate the standards and criteria that will guide the development of teachers' continuing education plans.

Board policies will also need to reflect the district's

approach to the Code's requirement that administrators take appropriate remedial action to assure teachers' annual progress toward fulfilling the continuing education requirement. To assure a consistent districtwide approach, boards' policies will need to address the criteria that will be used to evaluate teachers' progress in meeting their continuing education requirement and to incorporate the assessment of that progress into an evaluation of teachers' effectiveness in enabling students to achieve high academic standards.

A packet of revised policies covering all required and critical areas of the continuing education requirement has been prepared by the NJSBA's Policy and Library Resources Department. Sent to all boards in May 1999, this packet is most helpful in guiding boards to effectively assume their responsibilities and to comply with their rights and obligation under the new Code.

Assuring the Incorporation of the Requirement Into the District's Evaluation Process

The Code requires that districts' monitoring of teachers' continuing education progress occurs in the context of the established evaluation process. To comply with this requirement, boards may need to revise other district procedures to assure that the direction, established in policy, is implemented consistently and uniformly throughout the district. This may involve the updating of evaluation criteria governing administrators; performance evaluation to include a component to assess the effectiveness of administrators' implementation of the district's updated revised evaluation process.

Providing Training for Administrators and Supervisors

The extension of the evaluation process, and particularly the inclusion of continuing education into the contents of teachers' PIPs, may require additional training for a district's supervisory staff. For PIPs to become a useful tool in the design of continuing education programs that are meaningful to teachers and to the district, boards will need to assure that their supervisors are well-skilled in identifying instructional deficiencies. They will also need to assure that their supervisors: become familiar with the state-approved training programs; have the skills to select the most appropriate and relevant activities; and are well-versed in writing clear and specific improvement objectives that support both the teachers' and the district's needs. In addition, evaluators may need additional direction in how to note teachers' continuing education progress in their evaluation reports and how to respond to teachers' failures to show satisfactory commitment or improvement.

Enforcing Evaluative Judgments Boards will need to keep in mind that local monitoring is an evaluative function and that evaluative judgments are not subjected to binding arbitration. Districts' management team must be aware of the distinctions that exist between evaluative and disciplinary determinations and boards must be familiar with procedures that are available to protect supervisors' assessments of performance from arbitral review.³² If faced

³² For a complete discussion of this issue, please see the articles "Discipline of School Employees Under the PERC Law" and "Case Law Defining Discipline" in the Selected Topics section of *The Negotiations Advisor*.

with challenges to their administrators' evaluative judgments, boards of education should immediately contact their legal and labor resources to determine how and when to appropriately pursue their rights under the law.

Assuring Good Record Keeping Maintaining good district records is always a mark of effective administration. This administrative aspect, however, increases in importance under the Continuing Education Code which requires districts to submit a report of teachers' progress at the end of the five-year cycle. Maintaining ongoing, easily retrievable records that provide complete and accurate information will be an essential tool in the preparation of this required document.

Boards will want to assure that their districts have an effective and efficient system of recording teachers' progress towards their continuing education requirement and the administrative actions taken. To maximize its effectiveness, and minimize the burden of additional paper work, input and advice from the supervisory staff that will be affected by the record-keeping requirement is essential to the design of this new procedure.

Keeping Informed of New Developments As mentioned earlier, the entire issue of continuing education will involve an evolving process of refinement and development. To be sure that districts are up to date on all developments, including modifications and clarification of districts' obligations, school management will need to remain alert to changes in the current requirement and keep in touch with their resources.

Assessing the Impact on District Costs Although not specified in the Code, boards cannot overlook the potential cost implications of the continuing education requirement. The fiscal impact of the requirement will differ from district to district. These differences will be based on a number of factors, including the district's prior level of inservice training, the degree of teachers' past involvement in pursuing continued education, and the district's contractual provisions, past practices and policies concerning professional development. Boards will need to be aware of their cost obligations and remain alert to the need to control those costs. For a detailed discussion of how to analyze existing contractual costs and how to negotiate necessary changes, please see the article "Negotiations of Continuing Education Issues" in the Selected Topics section of *The Negotiations Advisor*.

Summary

While the Continuing Education Code mandates a statewide program of ongoing education for teachers, it also assigns significant administrative rights and responsibilities to local boards of education. Appropriate exercise of their rights and responsibilities can permit local boards to become active participants in the development of their district's professional development plans. Boards' involvement can also help to assure that the state mandate results in a positive local impact on teachers' instructional effectiveness, student learning, and a district's ability to achieve its district's goals.

Conclusion

The continuing education requirement poses multiple challenges to boards of education. Its recent introduction, and its continued evolution, present boards with an unfinished product that only begins to sketch a framework of concurrent rights and responsibilities and requires boards to remain alert to future developments. Nevertheless, in the midst of a number of uncertainties, it is also clear that teachers' new obligation to engage in continued professional development places new responsibilities on boards of education and their administrative staff that complicate an already complex network of personnel administration, state-imposed administrative procedures, and collective bargaining. In addition, the requirement could present significant implications to a district's fiscal and educational operations.

Yet, local districts' directed involvement in the administration of the state requirement can provide an opportunity to meet district needs and to achieve district goals. Boards that support the development of appropriate, well-reasoned administrative procedures, analyze the implications of the requirement on their resources, and negotiate protective and predictable containments of their costs, can design an affordable program that will provide effective administrative control. The State's requirement, properly administered by local districts, can result in a district effort that improves professional accountability and performance, promotes student achievement, and delivers a more effective and efficient educational program to the students and the local community.