



# New Jersey School Boards Association

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June 1, 2006

Penelope Lattimer  
Chief of Staff  
New Jersey Department of Education  
Riverview Executive Plaza, Route 29, Building 100  
P.O. Box 500  
Trenton, NJ 08625-0500

Dear Ms. Lattimer:

## Detailed Comments on Proposed NJQSAC Regulations, N.J.A.C. 6A:30

The New Jersey School Boards Association continues to acknowledge the difficulty in designing the proposed New Jersey Quality Single Accountability Continuum as a new monitoring system for all the schools of New Jersey. During the legislative process and the current amendments discussion, the NJSBA has contributed to the crafting of this new system, to advance public education in New Jersey. Crafting the regulations for NJQSAC in the spirit of true improvement and delivery of a quality education for the children of our state is of critical importance to our members.

We believe that the NJQSAC proposals, in their present form, can more adequately address the governance of school districts and the roles of members of elected and appointed boards of education in New Jersey. We gratefully acknowledge the willingness of the Department of Education to address the changes suggested in our letter of February 27, 2006 as noted on the **State Board of Education Administrative Code Comment/Response Form from the May 3, 2006 meeting date**. (In that document, the New Jersey School Boards Association is identified as commenter 13.) We still have concerns, however, and ask that you also consider the following additional changes:

### Comment #6 - N.J.A.C. 6A:30-1.2

NJSBA believes that the term "evaluation review team" needs to be clarified to indicate how the Commissioner will select the team and the criteria for team eligibility. Since the term will not be clarified in code, we ask that you follow the same procedure that you set forth in Comment #38, which is to have determination "submitted to and approved by the State Board by resolution." The language used in the amended proposed code at N.J.A.C. 6A:30-5.7 (b) would work well, simply substituting the term "evaluation review team members" for "highly skilled professionals" and "criteria and selection process" for "criteria."

Comment #7 – N.J.A.C. 6A:30-1.2

We understand the complexity of defining the term “highly skilled professional,” and the challenge before the Commissioner to determine the criteria. NJSBA believes that, given the critical role that HSP will play in the NJQSAC process, be it evaluating district performance, developing improvement plans or providing assistance in implementation, the criteria and selection process should be subject to public review and comment. While we would prefer that the criteria and process be placed in code, we appreciate the procedure that you set forth in Comment #38, which is to have the definition/and or criteria, “submitted to and approved by the State Board by resolution.” We ask that not only the “criteria” but the “selection process” be approved by resolution as well.

Comment #8 – N.J.A.C. 6A:30-1.2

NJSBA believes that the definition of “in-depth evaluation” should be reviewed in light of the NCLB district in need of improvement corrective action plan, the Abbott district corrective action plan and the soon-to-be-created Bacon district intervention plans. The May 3 department response to Comment #8 says “.....department .....is currently reviewing methods to streamline all corrective action plans required of districts.” We ask that the department advise what the review has yielded, and how will the intervention and corrective action plans be streamlined?

Comment #12 – N.J.A.C. 6A:30-3.1

We remain concerned that the strained resources and increased workload of the department to perform a yearly evaluation of districts, in the light of the State’s difficult fiscal constraints, may be all but impossible.

Comment #13 – N.J.A.C. 6A:30-1.1

While we agree with the department response that “school boards play a prominent role in the implementation of QSAC.....by participation on the committee.....and that the board may establish a subcommittee of the board.....,” we still strongly believe that boards of education should play a greater role and may not always be the underlying cause of problems in the school district; in some instances the CSA may be a contributing factor. The CSA plays a prominent role in the District Performance Review Process. She selects most committee members, convenes the committee, complete the self assessment report and signs the statement of assurance. However, if the underlying cause or one of the underlying causes of problems in the school district is the CSA, the report issued by the District Performance Review Committee may not accurately reflect the performance of the school district and the board of education. Boards of education need an option. The subcommittee proposal at N.J.A.C. 6A:30-3.2 (d) is helpful, but more is needed. We request a provision that boards of education may, where necessary and appropriate, petition the Commissioner for an Order to appoint a person other than CSA to administer the District Performance Review process.

Comment #15 – N.J.A.C. 6A:30-3.2

A. While we appreciate the department’s revision to its proposal for N.J.A.C. 6A:30-32. (b), (additional language) i. “One or more representatives of the local collective bargaining unit of the educational staff...” the word “representative” is of concern to us. We believe that the word “representative” should be replaced with the word “member” since the committee’s work would be far better served by persons who are true stakeholders in the school district. A union “representative” from outside the school community would not have the intimate knowledge of that school community, as would a staff member of the local bargaining unit.

B. As stated above in our reference to Comment #13, we believe that when the CSA is a possible underlying factor in a school district's poor performance, boards of education should be given a mechanism to demonstrate their opposition to having the CSA direct the development of the District Performance Review Committee report. We request a provision that boards of education may, where necessary and appropriate, petition the Commissioner for an order to appoint a person other than the CSA to administer the District Performance Review process, including the District Performance Review Committee selection.

Comment #18 – N.J.A.C. 6A:30-3.2

While we applaud the revised proposed regulations at N.J.A.C. 6A:30-3.2 (see Comment #15), we are concerned with the department response about the “inclusion of county or state union officials on the local committees.” We request that the words “one or more representatives” be replaced with the words “one or more members,” since this will limit membership to those in the local collective bargaining unit. Again, we believe that those who know the school community, the local staff members, will better serve the DPR committee than “representatives” who may be from outside the community. While there is no language in the provision that requires the inclusion of county or state union officials, there is no language preventing it either.

Comment #20 – N.J.A.C. 6A:30-3.2

We believe that criteria for appointment of community representatives be part of the code, and request that the department review their expectation that “the CSA will select participants based on their knowledge and involvement with the school district.” What if the CSA does not follow this expectation? We understand the department's reluctance to include these criteria in code and we ask that the department alternatively consider that criteria for appointment of community representatives be submitted to and approved by the State Board of Education by resolution, similar to that for “highly skilled professionals”. See Comment #38, proposed language to N.J.A.C. 6A:30-5.7.

Comment to #21 – N.J.A.C. 6a:30-3.2(b)

The department's revision to the code proposal includes the additional language “In his/her discretion, the CSA may include other persons on the committee.” In order to put the authority for the decision with the local boards of education, we ask that you add the following phrase, “with the approval of the board of education for additional members.” This would address our deep concern about the efficacy of a particularly large committee, entrusted with the great responsibility of the District Performance Review Report.

Comment #27 – N.J.A.C. 6A:30-3.2 (e)

While we appreciate the department “does not intend to have the statement of assurance of the CSA reviewed by the State Board of Education via the APA process.....,” we request that this also be submitted to and approved by the State Board of Education by resolution, similar to the criteria for the “highly skilled professional” set forth in revised proposal N.J.A.C. 6A:30-5.7 (Comment #38).

Comment #41 – N.J.A.C. 6A:30-5.4 (c)

We believe that the department misunderstood our original comment, and most respectfully ask that you review your response. Our comment was that serious consideration be given to approaches to reconcile the conflict that exists between the NJQSAC requirements and the local school board's statutory obligation to negotiate over terms and conditions of employment. It is clear that NJQSAC improvement plans might require additional work loads, hours and responsibilities of employees within groups with which boards of education have collective bargaining agreements. Such requirements **will absolutely**

**trigger the reopening of negotiations** of those agreements, and **have the potential to significantly increase costs to school districts**. Additional costs are particularly problematic in light of both the restrictions placed on boards of education by S-1701, and the continued flat funding of education. We cannot stress the importance that you review your response to this critical issue.

Comment #43 – N.J.A.C. 6A:30-5.6 (b)

Under this section, if the Commissioner determines that that public school district satisfies 80 to 100 percent of the weighted quality performance indicators in each of the five components of school district effectiveness, “Payment for any technical and/or targeted assistance provided by highly skilled professionals shall become the sole responsibility of the public school district”. We believe that great financial hardship to school districts will result unless the state meets its obligation to share the cost 50-50 of the “highly skilled professional” it requires. If the state requires an HSP, it should share in the cost. If the HSP is not required, but the school district independently determines to retain one, the school district should be responsible for the cost.

Comment #49 – N.J.A.C. 6A:30-6.7

We understand that the department does not believe that it has the statutory authority to address our request for consideration for provisions that prohibit negotiations over the impact of personnel decisions necessary in school districts in partial/full state intervention, as well as the NJQSAC district improvement plan. We believe that it is necessary for the department to have statutory authority, and we ask that you seek this authority through legislation.

We appreciate the extraordinary effort of the department to address the many concerns we have raised on NJQSAC code, as well as the concerns of many other interested parties. We understand that the department cannot exceed its authority, and to facilitate the implementation of NJQSAC, may request legislative changes. Such a possibility would have a significant effect on many of the code provisions we have discussed. Should legislative changes occur, we would ask that the NJSBA recommendations be part of the NJQSAC code, and where not possible, the recommendations for decision making powers be submitted for the approval of the State Board of Education by resolution.

Thank you for the opportunity to offer our comments to the proposed NJQSAC code.

We look forward to our continuing collaboration on NJQSAC code. If there is any way that I might provide you with any further information, please do not hesitate to contact me.

Sincerely,



Michael A. Vrancik  
Director of Governmental Relations