

Implementing *Abbott v. Burke*:  
A Guide to the 2006 K-12 Abbott Regulations

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# Introduction

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Except for school construction, there is no legislation to guide implementation of the programs and reforms ordered by the New Jersey Supreme Court in the landmark *Abbott v. Burke* case. Instead, in its 1998 *Abbott V decision*, the Supreme Court directed the Commissioner of Education to provide standards and procedures to Abbott districts and schools for Abbott implementation through administrative regulations:

Standards and procedures are essential to effectuate [the process of implementing Abbott]. We therefore, direct the Commissioner to promulgate regulations and guidelines that will codify the education reforms incorporated in the Court's remedial measures. These regulations shall include procedures and standards that will govern applications by individual schools and districts for needed programs and funding.

Under the state Administrative Procedure Act (APA), the State Board of Education adopts regulations governing public schools for a five-year period, except in an emergency situation. Since 2002, however, the Legislature has suspended the APA requirements for the Abbott regulations, and given the Commissioner the authority to adopt the regulations on an annual basis through language contained in the annual State Budget Bill. This means that the Abbott regulations are effective for only one year, and can change from year to year.

The Commissioner adopted the 2005 Abbott regulations on November 30, 2004, accompanied an introductory summary, which includes the following:

These rules require school districts and schools to focus on the systematic, collaborative, and continuous improvement of classroom practice. School districts must develop, implement and evaluate policies that provide for a coherent curriculum fully aligned with the CCCS; the use of test results and other data for decision making and improving instruction; adequate time for teacher collaboration; and effective and continuous professional development that is based on State assessment results and student and teacher mastery of the CCCS.

N.J.A.C. 6A:10A, Summary.

The regulations govern implementation of the Abbott programs during the 2004-05 school year, and the preparation of plan and budgets for the 2005-06 school year. The regulations are available online at:

<http://www.nj.gov/njded/code/current/title6a/chap10a.pdf>.

Education Law Center has analyzed the 2005 regulations, and issues this guide to assist advocates, parent coordinators and others working at the local and state levels to improve implementation of the Abbott programs and reforms, from kindergarten to 12th grade.

This guide highlights the key areas of program implementation, new initiatives, and the responsibilities of districts and the NJ Department of Education. Each section includes comments on the specific regulation, and a list of “critical issues” that those involved in Abbott implementation may want to address. The comments and issues are not meant to be exhaustive, but represent issues identified by ELC or brought to our attention by parent leaders, SLC members, teacher and principal representatives, superintendents and business administrators, and other stakeholders.

### **Comment:**

The one-year time-frame for Abbott regulations makes it difficult to have any stability for program planning and implementation over a multi-year period, as is necessary in efforts to improve education and student achievement in high poverty schools and districts such as those covered by Abbott. The regulations now change from year-to-year and, in 2004, the regulations were changed twice during the year.

### **Critical Issue:**

What can be done to persuade State legislators to remove the language from the budget bill allowing year-to-year regulations, so as to ensure that the Abbott regulations return to a five-year effective cycle like all other education regulations?

### **A Note on Facilities:**

As required by *Abbott V (1998)*, the State is implementing a school construction program to ensure every Abbott school is safe, educationally adequate and not overcrowded. The Abbott K-12 programs and reforms, as codified in the regulations discussed in this guide, impact upon the planning and design of school construction projects in the Abbott districts. Reports, guides and other information on the school construction program are available on the ELC website.

ELC welcomes comments and feedback on this guide. For more information on the *Abbott v. Burke* rulings, and program implementation, visit the ELC website: [www.edlawcenter.org](http://www.edlawcenter.org).

# **A. Standards-based Reform & Structural Improvement**

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## **(1) Coherent, Integrated and Aligned K-12 Curriculum: Section 3.2(a)**

Schools and districts must implement a “coherent and integrated curriculum for all students, including English language learners and students with disabilities, that is content rich, aligned at the CCCS, engaging for students, and supported by evidence-based research.”

The curriculum must also:

- “Be continuously reviewed and modified by a cross-section of teachers, school principals and supervisors” to ensure linkage to: CCCS, Department curriculum frameworks, student needs, subject matter developments and grade-to-grade alignment
- Align with Pre-K expectations
- Be supported by instructional materials including textbooks and software
- Guide teacher professional development and technical assistance to teachers
- Drive expectations for students and teachers, be measured by quarterly district and school-level “assessments,” and be reviewed by district and school for weakness.

### **Cross References:**

#### **Curriculum alignment to CCCS:**

Section 5.2(a)(4) Role of Chief School Administrator

Section 6.2(a)(1)(iii) Formation, review and implementation of  
Schools’ three-year operational plans and budgets

#### **Instructional improvement and teacher supports:**

Section 3.5(a)(b) Supports for teachers

#### **Professional development:**

Section 3.5(c) Supports for teachers

#### **Data collection, analysis, and use:**

Section 3.1(a)(1)(ii) Revisions of the district three-year operational plan

Section 4.2 (a)(b)(v)(vi)(d)(2)-(4) Providing leadership for improved teaching and learning in the Abbott school districts

Section 5.2(b)(1) Role of chief school administrator and central office

**Roles of school leaders in standards based reform:**

Section 4.1(b) Improving NJDOE Abbott Division’s organizational capacity to support Abbott school improvement

Section 5.2 (a)(b)(2) Role of chief school administrator and central office

Section 6.1 Role of the school principal in leading and supporting school improvement

Section 6.4 (a)(1) Roles and responsibilities of School Leadership Councils

**See also:** Abbott Implementation Resource Guide: Standards Based Reform, Claire Passantino and Susan Kenyon, Education Law Center, February 2004. (In print and at [www.edlawcenter.org](http://www.edlawcenter.org))

**and,**

Abbott Implementation Guide: Integrating Students of Limited English Proficiency into Standards-based Reform in the Abbott Districts, Tamar Lucas and Ana Maria Villegas, Education Law Center, February, 2004. (In print and at [www.edlawcenter.org](http://www.edlawcenter.org))

**and,**

Abbott Implementation Guide: Special Education Opportunities Provided by Abbott, William J. Behre, Education Law Center, February 2004. (In print and at [www.edlawcenter.org](http://www.edlawcenter.org)).

**Comment:**

This regulation emphasizes the requirement for districts to set district-wide standards for the curriculum taught in each school, based on the State’s Core Curriculum Content Standards, that guide lessons and teaching throughout the district, across grades and content areas. This requirement for a rigorous “standards-based” curriculum is a core mandate in *Abbott IV (1997)* and *Abbott V (1998)*. The regulation requires the district central office to standardize curriculum development and implementation, and to ensure that the curriculum used in the schools conforms to district-wide standards. It has been reported that, in some Abbott districts, schools are using curriculum that is not sufficiently linked to the CCCS or can meet the needs of groups such as students who move to different schools during the year, children with disabilities, and English language learners.

**Critical Issues:**

1. Does your district and school review and modify curriculum according to the criteria outlined? Does your district and school analyze and utilize data effectively? If not, how will the NJDOE, districts, and schools utilize external resources to build this capacity?
2. How is the “evidence-based research” to which the regulations refer conveyed and utilized at the school level? How should professional development for

- teachers *and* district and NJDOE personnel be designed and implemented to make use of best practices and research?
3. How are expectations regarding the standards, teaching and learning referenced above conveyed throughout the system?
  4. Who in the district currently functions as instructional leader in the schools? What role does the Chief School Administrator (CSA) currently play in instructional leadership? The regulations say very little about developing instructional leadership capacity in principals. What steps can be taken by the NJDOE, CSA and school leadership to encourage and support principal instructional leadership to improve classroom teaching practices?
  5. School districts' "accountability to the communities they serve" is located within the standards-based reform section of the regulations. How might the opportunity for public participation and more transparent school policies contribute to standards-based instructional improvement?

## **(2) Intensive Early Literacy: Section 3.2(c)**

Schools and districts must provide "an intensive early literacy program for preschool to grade three to ensure that each student reads at the appropriate grade level, with the goal of all students reading on grade level by third grade."

The preschool through grade three program shall include:

- Curriculum, instruction, and other program components consistent with the CCCS, Reading First, and evidence-based educational research
- Full-day kindergarten with a teacher's aide for all students
- Adequate instructional materials
- A preschool through grade three emphasis on small group instruction
- A comprehensive early literacy assessment program based on clear indicators of progress (conducted in the native language, where appropriate), including:
  - Screening in grades kindergarten through three with the expectation that 75 percent of all first graders will be reading on grade level by the end of first grade and that 90 percent of all third graders will be reading on grade level by the end of third grade
  - A clear structure for a minimum daily 90-minute language arts literacy block in grades kindergarten through three, with guidance in the use of this time and various instructional strategies
  - Special supports for ELLs
  - Effective supports for students with disabilities
  - Intensive professional development in the elements of Intensive Early Literacy
  - Regular opportunities for teachers to discuss student work and progress and to plan modifications in grouping/ instruction

- Use of instructional facilitator or literacy coach to coordinate professional development, as needed to boost achievement
- Contracts with other providers of technical assistance, as needed

### **Cross References:**

#### **Department and CSA analysis of student achievement:**

Section 3.1(a)(xii) Revisions of the district three-year operational plan

#### **Alignment and implementation of programs:**

Section 3.4(h)(5) Whole School Reform

Section 6.2(a)(1)(ii) Formation, review and implementation of school three-year operational plans and budgets

**Appendix:** Chart of Supplemental Programs in Abbott Schools: Required with baseline:  
(2) early reading literacy

### **Comment:**

This regulation is based upon the early literacy requirements in *Abbott V (1998)*, as reaffirmed in *Abbott X (2003)* and set forth in the Chart of Supplemental Programs incorporated as an Appendix to the regulations. The regulation requires a 90 minute reading block each day for all students; regular progress screenings to ensure students are making progress towards reading proficiency by grade three; use of the instructional facilitator to lead the program; and small group instruction wherever possible. Note that in schools using the Success for All Whole School Reform program, reading groups must be no more than 15 students, and students behind in reading must receive at least 20 minutes of daily tutoring by a certified instructor to move the student toward grade level proficiency.

Note also that the federal No Child Left Behind (NCLB) Act requires reading tutoring as a “supplemental service” that must be made available to children in schools not making yearly progress under NCLB. After school and summer school remedial tutoring and instruction, while not required programs under Abbott, are “as needed” programs that districts can seek funding for and implement based on “demonstrated need.”

### **Critical Issues:**

1. The regulations refer to “regular opportunities for teachers to discuss student work and progress and to plan modifications in grouping/ instruction.” How would this work in your district and school, both logistically and substantively?
2. What steps can be taken to ensure that the work of “literacy coaches” and other external providers is both transparent to and coordinated with that of the classroom teachers, as well as aligned with the CCCS? Who might coordinate the work of teachers and other providers?

3. How does the district assess the reading levels of students throughout the school year? How are students behind grade level reading proficiency identified, and what types of remedial tutoring services are provided to those students?
4. Do the district and school have a sufficient number of trained tutors to work with all students behind in reading to ensure reading proficiency by grade three?
5. Are there sufficient textbooks and other materials in classrooms?

### **(3) Intensive Literacy Grades 4-12: Section 3.2(d)**

Schools and districts must continue to implement “an intensive literacy program for grades four through twelve . . . as a guide to transitioning from existing literacy programs to the expectations set forth herein by the 2007-08 school year.”

The components of this program include:

- Measurable progress during the 2004-05 school year to develop a district curriculum fully aligned with the CCCS and other initiatives
- A print-rich environment including classroom libraries aligned with CCCS, with a minimum of 300 titles that reflect the needs of all students
- Use of technology, aligned with the district curriculum, to support reading and writing
- The establishment of a school library-media resource center equipped with a media specialist and resources, computers, and books to support instruction
- A rich, diverse, and holistic instructional experience including written and oral assignments and word processing
- Implementation of a comprehensive and uniform literacy assessment for grades four through twelve to measure individual and group progress
- An uninterrupted language arts literacy block, from 80 to 120 minutes, for all students in grades four through eight, incorporating various instructional strategies
- Research-based accommodations for ELLs
- Accommodations for students with disabilities
- Professional development opportunities for teachers and administrators including annual assessment of teacher mastery of CCCS; opportunities for teachers to analyze student work and progress; and teacher-conducted bi-annual support activities to increase home-school communication
- Special supports for students reading below grade level including research-based programs for extended day/year or in-class assistance

### **Cross References:**

#### **Professional development:**

Section 3.5(c) Supports for teachers

**CSA role in supporting teacher professional development:**

Section 3.5 (a)(b) Supports for teachers

Section 5.2 Role of chief school administrator and central office

**Supplemental programs:**

Section 3.6(a) Supports for students

**Comment:**

This initiative started last year, and carries forward to the middle grades the emphasis Abbott places on literacy in the early grades. The initiative emphasizes district leadership, requiring that the district ensure implementation of a literacy curriculum made consistent across schools and grades by the central office in all schools. Several important *Abbott V (1998)* requirements for the early grades are incorporated into this initiative, such as a longer daily schedule for reading; a uniform, district-wide literacy assessment (test) to track the progress of all students; and extended day/year tutoring for students reading below grade, as required by Abbott and NCLB. ELC is unaware of any data or information on the level of program implementation statewide and in districts.

**Critical Issues:**

1. How might the relatively new literacy initiative in the middle grades benefit from the experience of teachers of the early grades (particularly those within the same school-building and teaching proximate grades)?
2. How do the provisions of these regulations, which state that teacher collaboration and inter-visitation must be facilitated by the CSA and principal, support the literacy initiatives?
3. Do the district and school use a “comprehensive literacy assessment” to track individual and group progress in reading, and are the results provided to parents and teachers?
4. Do schools have the classroom reading texts, technology, and library-media resource center required by the regulation? Do the schools offer an “uninterrupted” 80 to 120 minutes of literacy instruction each day in the middle grades?

**(4) Secondary Education Initiative: Section 3.3**

This regulation outlines a new initiative to improve education in middle (6-8<sup>th</sup> grades) and high (9-12<sup>th</sup> grades) schools, and provides the structure, administration, content and overall goals of the initiative as it progresses. The regulation speaks first to the professional development needed for start-up planning and implementation, followed by a breakdown of the first phase structural design of the program. Finally, it touches on the role of the central office in assisting secondary schools to collect student achievement

and instructional effectiveness data, and outlines the key components of the program as it is expected to unfold during 2004-2005.

***Key deadlines for Implementation:***

**By January 2005:** Four districts will be selected by the NJDOE Abbott Division to begin planning for launching the initiative by September 2005, with full phase-in by September 2007. The Abbott Division will provide professional development and other support for implementation, and will also build its own internal and external capacity to support successful implementation statewide.

**By September 2005:** the remaining districts will create teams to begin planning implementation over the next three years. Planning teams must include the district superintendent, the person responsible for curriculum and instruction, the business administrator, and representative principals, language arts and math content supervisors, school counseling staff, teachers, a parent/community representative, and a member of the board of education.

**By September 2008:** all middle and high schools will be implementing all elements of the initiative.

**By January 2008:** districts will be implementing a curriculum that prepares all students for college-level work

***Key Elements of Initiative***

- **Small Learning Communities/Small Schools:** schools will reorganize around smaller organizational structures or smaller schools, with 300 or fewer students recommended for high school learning communities, and 250 or fewer students for grades 6-8. The goal of the smaller structures is to facilitate more personalized, improved instruction.
- **Student and Family Advocacy:** Within the smaller organizational structures, interdisciplinary teacher teams (“advocates”) will remain with a cohort of students for multiple years and implement a system of student and family advocacy so that all students are known well. Advocates will remain with the same students throughout their time in the school; will meet informally with their students weekly; will meet with the students’ families twice a year; will prepare an academic plan for each student; and will receive professional development, addressing multicultural, communication and other issues
- **Common Planning for Teachers:** Teachers sharing students within the community and within subjects will have at least three hours or three class periods weekly of common planning time and early release/late start for coaching to facilitate collective responsibility for student success. The planning time will allow for teachers to

evaluate student achievement data and best practices to identify needed assistance and strengthen collegial responsibility for student success.

- **Increased Academic Rigor:** A curriculum fully aligned to the CCCS that prepares all students in grades six through twelve for college preparatory coursework in high school and for college after graduation. All courses required for graduation shall be developed and evaluated by teachers, curriculum supervisors and principals; satisfy the CCCS; be organized by themes, career interests, and inter- or single-disciplinary considerations; and include honors, advanced level courses and Advanced Placement courses available to all students satisfying prerequisites.
- **Improved Instruction:** instruction must engage students to produce both high quality work and increased student satisfaction. Districts are required to assess teachers' abilities to apply teaching strategies to accommodate individual learning styles and interests; assign student work that requires grade-level or higher performance from all students; provide students with independent and group learning experiences; assist students who are struggling and challenge students who have attained proficiency; integrate technology into instruction as appropriate; and participate in collaborative professional development with other teachers to learn "best practices" from one another.
- **Professional Development Plans:** districts, with assistance from NJDOE staff and consultants, are required to prepare a professional development plan that permits staff to acquire the knowledge to contribute to the newly revised curriculum and instruction and the personalization of student support. The district shall also prepare annual progress reports showing accomplishments and challenges met, and present those reports to the public.
- **Progress Indicators:** performance in secondary schools and grades must be measured and reported at multiple levels, that include student and teacher attendance rates; the number of students enrolled in "general," "fundamentals of," "basic" and "consumer" courses in the first year, moving to zero enrollment by the third year; the number of ninth graders completing Algebra I in the first year, with universal completion by the second year; instructional time/days missed due to in-school and out-of-school suspensions and other disciplinary infractions; course failures for required classes; percentage of students who are proficient and advanced proficient, and the distribution and trend in scale scores; persistence of students from one grade level to the next and to graduation; enrollment in, persistence with and completion of post-secondary education.
- **Advisory Group:** the NJDOE will establish an advisory group to monitor and ensure effective and timely implementation of the initiative by NJDOE and the districts, and to foster professional, parent and community engagement in support of the initiative.

## **Cross References:**

### **Standards-based curriculum**

Section 3.2(a) Standards-based reform

### **Accountability to and engagement with parents and community:**

Section 3.2 (b) Standards-based reform

### **Professional development:**

Section 3.5 Supports for teachers

### **Roles and responsibilities:**

Section 4.1 (a)(b) Improving the NJDOE Abbott Division's organizational capacity to support Abbott school improvement

Section 4.2 Providing leadership for improved teaching and learning in the Abbott school districts (Division)

Section 5.2 Role of chief school administrator and central office

Section 6.4 Roles and responsibilities of School Leadership Councils

### **Evaluating and meeting student needs:**

Section 3.6 Supports for students

Appendix: Chart of Supplemental Programs in Abbott Schools

### **Regarding facilities, see also:**

Breaking Ground: Rebuilding New Jersey's Urban Schools, Joan Ponessa: Education Law Center, April 2004. (In print and at [www.edlawcenter.org](http://www.edlawcenter.org))

## **Comment:**

This new initiative, which sets forth an ambitious plan focused on smaller, more personalized learning communities, increased academic rigor, and professional development was developed by the Secondary Work Group established by the *Abbott X (2003)* mediation order. The NJDOE plans to set up a special unit to direct implementation, and hire consultants with expertise in small learning communities to provide technical assistance to districts and schools. The initiative, by design, will be phased-in over several years, and four districts will "self-select" to implement the initiative, beginning in September 2005. The first phase districts will be chosen by late February or early March 2005 to begin planning for September.

## **Critical Issues:**

1. Does the NJDOE have a written plan to support implementation of this initiative and, if so, will it be made public?

2. What efforts will be made to engage teachers and parents in the initiative, given that this requires major changes in the way education is delivered in middle and high schools?
3. How will the small learning communities/small schools restructuring be integrated into the district-wide facilities plans, which are presently undergoing revision?
4. When will the advisory committee for this initiative be convened, and what will be the focus of its work?
5. How will the NJDOE evaluate this initiative, and according to what timeline will such assessment be undertaken?
6. What are the challenges to carrying out the extensive professional development called for by this regulation?

### **(5) Whole School Reform: Sections 3.4(a) – (c)**

Schools must adopt and implement an NJDOE-approved national WSR model for whole school reform or a school- or school-district developed alternative whole school reform design. In 2004-2005 and thereafter, schools must continue to implement a WSR model or an approved alternative that is adequately planned and supported in the school's three-year operational plan and budget.

Models of reform must encompass the following nine elements:

- Improved student achievement and mastery of CCCS through standards-based reform at the school level
- Assessment, planning, budgeting, and implementation of reforms, programs, and services
- School-based leadership and decision-making
- Integration and alignment of school-level reforms, programs, and services
- Educational technology
- Teacher supports
- A safe school environment
- Student and family supports
- Accountability

### **Cross References:**

#### **Standards-based reform and curriculum alignment:**

Section 3.1(a)(1)(ii) Revisions of the school district three-year operational plan

Section 3.2 Standards based reform

Section 5.2(a)(4) Role of chief school administrator and central office

**Three-year operational plan:**

Section 3.1(a)(1)(xii) Revisions of the school district three-year operational plan

Section 3.4(d)(3); (d)(4); (f) – (i) Whole School Reform

Section 6.2(a)(1)(v) Formation, review and implementation of school three-year operational plans and budgets

**“Teacher Supports:”**

Section 3.5(c) Supports for teachers

**Data collection and analysis:**

Section 3.1(a)(1)(i) Revisions of the school district three-year operational plan

**Supports for Students and Parents:**

Section 3.6 Supports for students

Section 3.7 Supports for parents and families

**Comment:**

This regulation requires elementary schools to continue implementing their adopted Whole School Reform models or programs, or an Alternative Whole School Reform Design, as required by *Abbott V (1998)* and *Abbott X (2003)*. In addition, each school must, either through a WSR model or AWSRD design, implement the generic elements of “whole school reform,” also required by *Abbott V*. It is reported that some schools are not entering into contracts with pre-packaged Whole School Reform vendors, such as Success for All or the Comer program, or that they are contracting for some services and not others. It is also reported that some schools are implementing an AWSRD developed by the district itself. The NJDOE has not released information for 2004-05 on which specific WSR programs schools are using

**Critical Issues:**

1. What WSR program are schools using? Is it through a contract with a WSR model, such as Success for All or Comer? What specific services is the school contracting for, and how much do those services cost?
2. Is the school using an alternative WSR design developed by the district? If so, was the design approved by NJDOE? Is it being used in all schools? Does the design contain the generic elements of Abbott WSR? How much is spent on the school’s WSR contract, and is the developer delivering the contracted services?
3. Is the WSR program or model supported by the school, and designed to address identified deficits? If not, is there another approach that can be considered?
4. What support does the district provide for WSR in the schools?

5. Are schools in the district using the same WSR model or design? If not, how is the district ensuring a standard curriculum in all subjects, across all grades, in all schools?
6. Accountability is among the nine elements listed above. To whom does this accountability refer? In other words, who are the parties to this accountability and through what specific mechanisms are those parties *held* accountable?
7. Will NJDOE publicly release a listing of the WSR models and designs being used by each school?

## **B. Continuous Improvement & Capacity Building**

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### **(1) Role of Chief School Administrator: Section 5.2**

The Chief School Administrator (CSA) shall lead the school district-wide improvement of teaching and learning. He or she shall do so by:

- Encouraging a school district central office focus on “professional inquiry and growth”
- “Ensuring that each school is led by a qualified and effective school principal,” as guided by “the 1996 Standards for School Leaders, developed by the Interstate School Leaders Licensure Consortium (ISLLC)” in assessing principal effectiveness.
- Regularly assessing and providing for the needs of all school principals to achieve the objectives of improvement of teaching and learning, and evaluating them on improvements in student achievement
- Establishing a comprehensive and effective human resource program to include:
  - Identification and successful recruitment of highly qualified applicants to fill vacancies
  - Efficient compliance with state and federal personnel requirements
  - Specific attention to the needs of first-time or returning professionals for coaching and mentoring
  - Assurance of a fair, regular and honest personnel evaluation system aligned with the district’s instructional objectives

In addition, the CSA is responsible for development of curricula aligned to CCCS. The CSA shall:

- Ascertain and document in the three-year operational plan that collaboration, articulation and continuity occur between preschool and kindergarten (with documentation by CSA demonstrating unbroken curricular and instructional connection between preschool and kindergarten); between elementary and middle school(s); and the high school(s).
- Establish collaborative groups which may be comprised of teachers, principals, subject area specialists and/or external experts and parents to develop, refine and align curricula based on subject area and CCCS developments
- Ensure any school-specific curriculum is aligned to the CCCS and school district curriculum
- Ensure that all staff are fully prepared through professional development to teach the curricula

- Ensure that all textbooks, supplemental instructional materials and instructional software purchased by the school district are aligned with the CCCS and school district curriculum

### **Cross References:**

#### **Standards-based curriculum:**

Section 3.2 Standards-based reform

Section 6.2(a)(1)(iii) Formation, review and implementation of schools' three-year operational budgets

#### **Principal role, professional development and evaluation:**

Section 3.1 (a)(1)(iv)(v) Revisions of the school district three-year operational plan

Section 6.1(a) Role of principal in leading and supporting school improvement

#### **Secondary Education Initiative:**

Section 3.3(c)(4)(vii) Secondary Education Initiatives

#### **Instructional improvement and teacher supports:**

Section 3.5 (a)(b) Supports for teachers

#### **Professional development for teachers:**

Section 3.5 (c) Supports for teachers

#### **Roles of school leaders in standards based reform:**

Section 4.1(b) Improving the Division of Abbott Implementation's organizational capacity to support Abbott school improvement

Section 6.1 Role of the school principal in leading and supporting school improvement

Section 6.4 (a)(1) Roles and responsibilities of School Leadership Councils

### **Comment:**

This regulation establishes the CSA as the leader of district-wide teaching and learning improvement. Through explicitly defined responsibilities, as well as those which are implied here and elsewhere in the regulation, the CSA is clearly charged with establishing the district-wide conditions for principal and teacher excellence (including recruitment, fair hiring practices, and evaluation against instructional objectives and curriculum), curriculum rigor, alignment to standards and correspondence between key school levels. The regulations do not speak to building CSA capacity to succeed in these responsibilities, nor do they address ways in which the principal, school and CSA/central office might coordinate efforts to achieve these goals.

### **Critical Issues:**

1. Identifying, recruiting and hiring qualified principals (who are expected to be instructional leaders) is an enormous and crucial process. Do the "1996 Standards

- for School Leaders” developed by ISLLC and the Council of Chief School Administrators offer enough guidance to the CSAs to ensure that principals are qualified instructional leaders, as opposed to primarily building administrators?
2. What tools and guidance might CSAs use to “assess and provide for the needs of all school principals to achieve the objectives of this chapter and to evaluate them on the improvements in student achievement?”
  3. The regulation requires CSAs to ensure that all staff members are “fully prepared through professional development to teach the curricula.” How might CSAs assess this preparedness? What is the most effective type of professional development to prepare staff to teach the curricula (for example, internal or external providers? Subject area and grade level groupings? district-wide or school-level programs?).
  4. Section 3.1 Revisions of the school district three-year operational plan states that the three-year operational plan must be reviewed based on several standards, one of which is: “The school district has policies and practices for identifying, mentoring, and training potential leaders within the school district that encourage them to pursue leadership position and for recruiting, hiring and supporting high quality school principals.” However, neither this standard, nor guidance as to how it might be met, is included in the section on the role of chief school administrator. What should these policies and practices be, and how might CSAs be supported in implementing them?

## **(2) Role of Principal: Section 6.1(a) leading and supporting school improvement:**

The school principal’s role is to create the conditions necessary for all students to master the CCCS, and to be the instructional and organizational leader. The principal shall:

- Ensure that faculty, staff and students are focused on teaching and learning and that the measure of the school is in the academic achievement of its students
- Establish a culture of inquiry and professional growth among school staff leading to improved teaching and learning
- Ensure growth of parent and family engagement in the instructional life of their children and support for the school
- Ensure effective development and operation of the SLC, including SLC member professional development
- Ensure effective relations with the district central office, model developers and professional development and technical assistance providers

## **Cross References:**

### **Standards-based reform**

Section 3.2 Standards-based reform

### **Secondary Education Initiative:**

Sections 3.3(c)(4)(vii)(4) and 3.3(c)(7)(iii) Secondary Education Initiatives

### **Teacher professional development and school culture of inquiry:**

Section 3.5 (b)(c) Supports for Teachers

### **Recruitment:**

Section 5.2 (a)(2) Role of chief school administrator

### **Principal professional development and evaluation:**

Section 3.1 (a)(1)(iv)(v) Revisions of the school district three-year operational plan

Section 5.2 (a)(2) Role of chief school administrator

### **School-Based Leadership:**

Section 6.4 Roles and responsibilities of School Leadership Councils

## **Comment:**

The regulation establishes the school principal as the school’s instructional and organizational leader, making him or her broadly responsible for a school culture focused on teaching and learning, teacher professional development, leadership development, community engagement, and coordination or oversight of relations with central office and external providers. However, aside from some reference within the Role of CSA section (5.2), the regulations do not provide for the development of principal leadership skills, nor do they provide any mechanism whereby principal skills and expertise might be identified, fostered or replicated throughout the system.

## **Critical Issues:**

1. The regulations refer to principals “creating the conditions so that all students master the CCCS.” Is there agreement within the NJDOE/Abbott Division as to what those conditions are, and if so, are district CSAs and principals uniformly in agreement as to those conditions?
2. What does instructional leadership mean in general and in the Abbott schools in particular?
3. How might a principal’s instructional and organizational leadership skills be assessed and by whom? How might they be developed?

4. Can a principal be both an effective instructional leader and maintain the typical slate of organizational leadership responsibilities?
5. Does the district have mentoring and other programs to develop the leadership skills of principals and vice-principals? Does the district use external consultants to provide leadership training? If so, are these programs effective?

### **(3) Teaching Quality: Section 3.5 (a)(b) Supports for Teachers**

Schools and districts shall provide “effective, high-quality instruction” consistent with the CCCS, NCLB and educational research, including the Generally Accepted Principles of Teaching and Learning (Annenberg Institute for School Reform, 2003). Further, schools and districts “will support a culture of professional inquiry and improvement” through organizational and policy enhancements and modifications designed to:

- Reduce teacher isolation
- Promote continuous teacher learning
- Provide intensive, ongoing, research-based professional development
- Establish multiple school-based collaborative structures
- Provide adequate time during the day and year for teachers to work together to review content, student work, improvement strategies; to visit each other’s classrooms; and to identify the need for additional expertise

In addition, school and school district leadership will:

- Model on-going professional learning
- Provide personal support and professional assistance
- Facilitate teacher collaboration
- Provide human, fiscal and capital resources needed to increase teacher and school capacity to improve policy and practice.

### **Cross References:**

#### **Standards-based curriculum**

Section 3.2 (a)(1)(4)(5) Standards-based reform

#### **Secondary Education Initiative:**

Section 3.3(c)(4) Secondary Education Initiatives

#### **Principals’ role in instructional improvement:**

Section 6.1(a) and 6.1(a)(2) Role of the school principal in leading and supporting school improvement

**School Leadership Council’s role in instructional improvement:**

Section 6.4(a)(1) Roles and responsibilities of School Leadership Councils

**CSA’s role in instructional improvement:**

Section 5.2(a)(b) Role of chief school administrator and central office

**Department of Education’s role in instructional improvement:**

Section 4.1(a)(b) Improving the Division of Abbott Implementation’s organizational capacity to support Abbott school improvement

**Recruitment and retention of high quality teachers:**

Section 3.1 (a)(1)(vi) Revision of the school district three-year operational plan

Section 4.2(d)(1) Providing leadership for improved teaching and learning in the Abbott school districts (Department of Education)

Section 5.2(a)(3) Role of chief school administrator and central office

**Comment:**

This regulation establishes high goals for quality instruction and for some of the changes in long-standing school and teaching culture that are increasingly believed by researchers, practitioners and policy makers to be essential to instructional improvement. “Schools and districts” are made responsible for cultural changes and policies that facilitate instructional improvement, though how these responsibilities are divided between “schools” (principals) and “districts” (superintendents and other district personnel) is unclear. Accountability for these responsibilities is also unclear. There is no mechanism identified by NJDOE for evaluating or determining whether superintendents or principals meet these goals, or for making those evaluations public.

**Critical Issues:**

1. What are the obstacles in your district and schools to “reducing teacher isolation” and increasing “teacher collaboration” and classroom inter-visitation?
2. What is the teacher’s leadership role in the improvement process? How might the principles of “distributive leadership” -- whereby the skills and expertise of individuals at all levels of the organization are identified, fostered and utilized -- come into play under this set of regulations?
3. How will the NJDOE assess whether districts are engaging and supporting teachers to meet the objectives of this regulation? How will the district be held accountable publicly for making progress towards these objectives?

#### **(4) Professional Development for Teachers: Section 3.5(c)**

Schools and districts shall provide “multiple opportunities for professional development driven by curriculum and consistent with ... NCLB, education research, and standards of the New Jersey Professional Teaching Standards Board.”

Such professional development shall:

- Be based on assessment of individual and collective teacher needs associated with the curriculum
- Reflect student achievement data and both school and school district goals
- Use a variety of approaches
- Encourage and support teacher networks
- Be led by colleagues, school principals, and school district central office personnel with appropriate expertise, as well as external experts (when necessary)
- Be continuously assessed and refined
- Be adequately supported by school district policies and funding

#### **Cross References:**

##### **Department and district guidance to teachers:**

Section 3.1(a)(ii) Revisions of the school district three-year operational plan

Section 4.2(a)(1); (d) Providing leadership for improved teaching and learning in the Abbott districts

Section 5.2(a)(4)(iv); (b) Role of chief school administrator and central office

Appendix: Chart of Supplemental Programs in Abbott Schools: Required w/ no baseline:  
(2) Professional development

##### **Standards-based curriculum and alignment:**

Section 3.2(a)(4); (c)(9); (c)(11); (c)(12); (d)(6)(ii); (d)(10) Standards-based reform

Section 6.2(a)(1)(iii) Formation, review and implementation of schools’ three-year operational plans and budgets

##### **Secondary Education Initiative:**

Sections 3.3(c)(4)(vi) and 3.3(c)(6)-(7) Secondary Education Initiatives

##### **Whole School Reform:**

Section 3.4(b); (h)(5) Whole School Reform

##### **Data collection, analysis and use:**

Section 3.1(a)(1)(ii) Revisions of the district three-year operational plan

Section 4.2 (a)(b)(v)(vi)(d)(2)-(4) Providing leadership for improved teaching and learning in the Abbott school districts

Section 5.2(b)(1) Role of chief school administrator and central office

## **Comment:**

*Abbott V (1998)* identified professional development for teachers as “key” to successful school reform, and required every school to “implement a professional development program that is continuous, focuses on student achievement of the CCCS, and is based upon ongoing professional renewal.” This regulation provides general standards for professional development programs to meet the Abbott requirement.

Note: Though not discussed in this section of the regulations, the Secondary Education Initiatives section calls for extensive professional development. See cross references here, as well as the Secondary Education Initiatives section of this document.

## **Critical Issues:**

1. How will the district assess “individual and collective” teacher needs for professional development?
2. Who in the district is responsible for planning, assessing and refining professional development at the system level? School level? Content department level? Does the district have a system-wide professional development strategy?
3. What types of professional development are provided to teachers? Are they continuous, focused on student achievement of the CCCS, and based upon ongoing professional renewal, as *Abbott V* requires?
4. Is there a sufficient budget for professional development? How much is spent, and on what services? Are external consultants used, and if so, are they effective?
5. How might the leadership potential of teachers and other professional staff be identified and cultivated by the school and district? Section 3.1(a)(1)(4), under Revisions of the district three-year plan, requires evaluation of the plan based upon whether it includes “policies and practices for identifying, mentoring and training potential leaders within the school district that encourage them to pursue leadership positions and for recruiting, hiring and supporting high quality school principals.” While this language does not refer explicitly to teacher leadership development, how might it inform planning and implementation of teacher professional development? Internal promotion practices?

## C. Intervention in Low-performing Schools

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### (1) CAPA: Section 3.4(e)(2)

“For schools designated as low performing [during 2003-04 and pursuant to 2004 NJ ASK4], the Commissioner shall establish, in consultation with the CSA [Chief School Administrator] a CAPA team and shall designate a CAPA team leader.” If the CSA so requests, the Commissioner must also “assign a CAPA team to a school deemed to be in need of improvement pursuant to NCLB but not otherwise designated as a low performing school by the Commissioner.”

In addition, the Commissioner must “establish a schedule for the member selection and orientation, operation and conclusion of the CAPA process.”

The CAPA Team shall:

- Include, but not be limited to, a highly skilled teacher and school principal; a parent; and a literacy and math specialist qualified to observe classroom instruction
- Attend Department and/or CSA sponsored trainings, as necessary
- Identify, as its primary function, obstacles to improved teaching and learning by reviewing data, visiting classrooms and interviewing teachers and staff, and shall agree on how to reduce such obstacles
- Develop its findings with the School Leadership Council [SLC] and the school district central office, and issue a report addressing:
  - Quality of instruction
  - Quality of school leadership, including the SLC
  - Effectiveness of parental engagement
  - Implementation and effectiveness of WSR models
  - Effectiveness of school district central office personnel and the NJDOE in their support of the school and in improving achievement
  - Adequacy of resources to meet documented instructional needs
  - Other areas of inquiry that the Commissioner deems appropriate
- Guarantee confidentiality to all members interviewed or observed by the team
- Develop a written Improvement Agreement – a public document – based on findings and recommendations of the Team
- The SLC shall modify the school’s three-year operational plan and annual budget to be consistent with the Agreement
- The Commissioner shall approve the agreement and present it to the school, the SLC, ELC, and the community

## **Cross References:**

### **Roles and responsibilities:**

Section 4.2(b)(3) Providing leadership for improved teaching and learning in the Abbott Districts (Division)

Section 6.4(a)(5) Roles and responsibilities of School Leadership Councils

### **Budget:**

Section 6.2(a)(1)(vi) Formation, review and implementation of school three-year operational plans and budgets

## **Comment:**

The CAPA process was established by the *Abbott X (2003)* mediation order, based on a successful program to help low performing schools in Kentucky. Since then, the NJDOE has had to develop an intervention plan for schools in “Year 4 Corrective Action” under NCLB. The CAPA process is now being used in an estimated 100 of these schools, both Abbott and non-Abbott, in need of improvement under NCLB. The DOE Title 1 office is implementing CAPA, with the involvement of the Abbott Division.

## **Critical Issues:**

1. Does NJDOE have a plan to integrate the requirement for school intervention under Abbott and NCLB?
2. Have the district and NJDOE publicized which schools will undergo the CAPA process this year? Does the CAPA review team include sufficient external expertise, and is there a parent representative on the CAPA review team?
3. Will the CAPA review team final report on corrective action be released to the public?
4. Is there any follow up plan in place to make sure that any recommendations made by the CAPA team are carried out?
5. What is the role of the district office in the CAPA process?

## **D. Supports for Students & Parents (Supplemental Programs)**

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### **(1) Required & Needed Supplemental Programs, Services and Positions: Sections 3.6 (b) – (j)**

Schools shall operate a series of programs and services “in the specific areas identified in *Abbott V (1998)* and reinforced in *Abbott X (2003)* that have been demonstrated to be effective in improving student achievement. Such programs and services, depending on need and documented effectiveness, shall be adjusted to provide none, less, or more than any Court-identified baseline in the Chart of Supplemental Programs in Abbott X.”

These programs and services in each school shall include:

- Reduction of class sizes to 21 in grades kindergarten through three, 23 in grades four and five, and 24 in grades six and beyond
- Provision of adequate social and health services and referrals to improve student performance and attendance; to identify student needs; and to reduce teacher time devoted to resolving non-academic matters. Specifically, each school shall provide:
  - A Family Support Team to identify student needs, consult with parents and teachers, provide direct services referrals and follow-up
  - An on-site clinic to provide social and health services where such services are not available in the community
- Provision of a health and social services coordinator
- Provision of an adequate technology program to help students master the CCCS, to ensure libraries have sufficient equipment to supplement the regular curriculum, and to assure student literacy in the use of computers and technology. Based on demonstrated need and effectiveness, each school shall provide:
  - A library media specialist
  - A technology coordinator to instruct staff and students
  - Sufficient computers to assure a ratio of one computer per five students
  - Evidence that instructional software is aligned with the school district curriculum and is regularly used in instruction
- Provision of a program that ensures that each high school student is prepared to master college preparatory work and university academics upon graduation
- Operation of a comprehensive violence prevention and security program based on demonstrated need, and issuance of a code of conduct
- Provision of an adequate extended day/ year program, if documented as needed
- Provision of a nutritional food program

## **Cross References:**

### **Accountability to community:**

Section 3.2 (b) Standards-based reform

### **Supplemental Programs graphic:**

Appendix: Chart of Supplemental Programs in Abbott Schools

### **Intensive Early Literacy:**

Section 3.2(c) Standards-based reform

### **Early Literacy grades 4-12:**

Section 3.2(c) Standards-based reform

### **Secondary Education Initiative:**

Section 3.3 Secondary Education Initiatives

### **Whole school reform:**

Section 3.4 Whole school reform

### **Student needs assessment:**

Section 3.6(a) Supports for students

Section 6.4(a)(1) Roles and responsibilities of School Leadership Councils

**See also:** Abbott Implementation Guide: Integrating Students of Limited English Proficiency into Standards-based Reform in the Abbott Districts, Tamar Lucas and Ana Maria Vegas, Education Law Center, February 2004. (In print and at [www.edlawcenter.org](http://www.edlawcenter.org)).

**and,**

Abbott Implementation Guide: Special Education Opportunities Provided by Abbott, William J. Behre, Education Law Center, February 2004. (In print and at [www.edlawcenter.org](http://www.edlawcenter.org)).

## **Comment:**

As required by *Abbott X (2003)*, the regulations incorporate the Chart of Supplemental Programs and require that these programs be implemented in every school based on demonstrated need. If the program has a baseline level of staff, the baseline must be implemented, unless adjusted based on particularized need. Last year, the Abbott districts received \$627 million in state aid dedicated to supporting these supplemental programs and services, and while every district has dedicated funding for supplemental programs, the level varies widely depending on the extent to which districts applied for it in the past. The problem remains, however, that the NJDOE has no mechanism in place to identify the level of supplemental programs and staff in the districts and schools.

## **Critical Issues:**

1. Are schools providing supplemental programs as set forth in the Chart?
2. Do schools have, at a minimum, the baseline programs and staff, e.g., the Family Support Team (elementary schools), full-time parent liaison (elementary schools), and community services coordinator (middle and high schools)? If the baseline has been adjusted higher or lower, is there a needs assessment to support that adjustment?
3. Do supplemental program staff – e.g. reading tutors, social workers, community services coordinators, media specialists, parent liaisons – have clear job descriptions and adequate training? Are they evaluated for performance? Does the district office perform these accountability functions satisfactorily?
4. Is there a district-wide plan for supplemental programs and services, with links to resources in the community?
5. What is the level of funding in the district dedicated to supplemental programs, and how is it distributed to each school? If the level is insufficient, will the district exercise its right under *Abbott V* and the 2005 regulations to apply for additional supplemental funding (now called “Discretionary Opportunity Education Aid”)?

## **(2) Supports for Parents and Families: Section 3.7 (a) – (f)**

Schools shall “facilitate opportunities for families, teachers, and other school staff to work together with the school” to connect “parents and guardians to the academic work of their children.”

Schools shall:

- Provide procedures for family members to meet with teachers and administrators
- Consider a volunteer program for family members to work in classrooms and on school-wide projects
- Establish and maintain a school-wide organization to promote parent participation that meets regularly; seeks membership from all parents; elects its officers; provides regular opportunities for parents to learn about school issues and share their concerns; provides information in native languages; operates under standards adopted by the district school board
- Assure family participation on SLCs and school-wide committees
- Provide parent education programs
- Provide multiple forms of regular communication with every family
- Provide one or more full-or part-time parent liaison(s)

- Review annually the level and extent of parent participation to reform components of the school’s family engagement program in the three-year operational plan

### **Cross References:**

#### **School Leadership Councils:**

Section 6.4; 6.5 Roles and responsibilities of School Leadership Councils; Training of School Leadership Council members

#### **School districts’ accountability to community:**

Section 3.2(b) Standards-based reform

**Appendix:** Chart of Supplemental Programs in Abbott Schools: Required with baseline: (3) elementary parent involvement

**See also:** Abbott Implementation Guide: Engaging Parents, Family and the Community to Improve Student Achievement, Anne Henderson, Education Law Center, February 2004. (In print and at [www.edlawcenter.org](http://www.edlawcenter.org))

### **Comment:**

The regulation provides strong standards for parent involvement in the students’ education and the school, as required by *Abbott V (1998)*. There is, however, no mechanism for implementing programs to promote parent participation, either district-wide or in each school.

### **Critical Issues:**

1. Does the district require schools to develop and implement a program to maximize parent participation?
2. Is there a sufficient, trained staff in each school to implement the program? Does the principal provide leadership for the effort?
3. How will NJDOE ensure districts’ implement parent participation programs, responsive to the needs of local communities?

## **E. Data Collection & Management**

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### **(1) Revisions of the School district Three-year Operational Plan: Section 3.1(a)(1)(i)**

As part of the semi-annual face-to-face conversation held by the NJDOE with each school district, the NJDOE shall meet with the CSA to revise districts' three-year operational plan for 2005-06 based on analyses of student achievement.

The NJDOE evaluation shall include a review of the revisions "based on student performance data and conclusions about student instructional needs including student performance on State and other assessments by the school and by the NCLB and CES subgroups for all students for the years 2000-2004 and other data required by the Department, supplemented by statistical analyses provided by the Department."

#### **Comment:**

This regulation puts into code the so-called NJDOE "face-to-face" process of evaluating district performance through meetings between the NJDOE officials and the superintendent and central office staff, at which the NJDOE presents data on the district's performance on the state tests. It is reported that this process led to NJDOE recommendations to the district for improvement, although those recommendations were not made public.

#### **Critical Issues:**

1. Will the NJDOE and the district release the NJDOE "analysis of student achievement" for each district to the public?
2. Will the NJDOE and district release the revisions to the district operational plan, and other recommendations, made as a result of the "face-to-face"?
3. How will the results of the NJDOE analysis be released to the public in each district?

### **(2) Role of Chief School Administrator and Central Office: Section 5.2(b)**

The CSA "shall establish a central research, assessment, and data management capacity in collaboration with schools and the Department as part of an evidence-driven culture of continuous examination and refinement. Each school district shall collect and analyze

student, teacher, and school data including achievement, attendance, professional development and documented needs.”

The district shall:

- Assist schools with data collection and analysis; prepare statistical subgroups to be used to prepare three-year operational plans; review school budgets; and report student results in accordance with NCLB
- Intervene in schools where students consistently fail to master the CCCS but are not otherwise designated as low performing (i.e. those in which 20 percent or more of the students continuously enrolled for three or more years are not proficient on state assessments).
- The CSA, SLC and principal shall assess reasons for underperformance and agree on steps to be taken to improve student achievement

### **Cross References:**

#### **Accountability to community**

Section 3.2(b)(1); (d)(6)(i) Standards-based reform

#### **Secondary Education Initiative:**

Sections 3.3(c)(5) and 3.3(c)(7)

#### **Whole school reform and assessment:**

Section 3.4(b)(2) Whole School reform

#### **Professional development and achievement data:**

Section 3.5(c)(2) Supports for teachers

#### **Student needs assessment:**

Section 3.6(a) CSA Supports for students

#### **Division role in data collection, analysis and dissemination:**

Section 4.2(a)(2); (b)(1)(v) Providing leadership for improved teaching and learning in the Abbott districts

#### **SLC and student needs assessment:**

Section 6.4(a)(1); (a)(6) Roles and responsibilities of School Leadership Councils

### **Comment:**

This regulation assigns responsibility for the research capacity to collect and analyze “student, teacher and school” data to the district, without specifying how this will be done, what support NJDOE will provide, or what data is required as a minimum. There is also no requirement for the public dissemination of that data. The regulation also implements the *Abbott V (1998)* directive that the NJDOE put in place “accountability

measures” which must include “progress benchmarks and standards that are linked to the CCCS” and that can be used to “make informed decisions about program improvement.”

Note: Though not discussed in this section of the regulations, the CSA and district central office have significant responsibilities for leading and overseeing the Secondary Education Initiatives, particularly with regard to data collection. See the cross references here, and the Secondary Education Initiatives section of this document.

### **Critical Issues:**

1. Does the district have in place “central research capacity” to collect and analyze a variety of data on students, teachers and schools that can be used to make informed decisions about program improvement at the district and school level?
2. How will the district and NJDOE make this data public to open the dialogue with communities about progress to date and challenges that need to be addressed? (See Section 3.2(b) below)?

## **F. Parent/Community Engagement**

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### **(1) Accountability to the Community: Section 3.2(b)**

Schools and districts “shall be accountable to the communities they serve and to the public at large.”

Such accountability shall include:

- Annual public meeting(s) of each SLC to report and solicit input on achievement data, Adequate Yearly Progress (AYP), and plans and budgets
- Annual public meeting(s) of the school district board of education to report and provide opportunities for public comment on:
- District-wide student achievement; graduation rates and AYP by school; comparisons to other districts; progress towards closing the achievement gap
- Quality of support for teachers, students, and parents
- Three-year operational plan revisions and annual budget
- Frequent contact between parents and schools around improved achievement

### **Cross References:**

#### **Central Office and parent/community questions or complaints:**

Section 3.1(a)(xi) Revisions of the district three-year operational plan

#### **Secondary Education Initiative:**

Section 3.3(c)(7) Secondary Education Initiatives

#### **Improvement Agreements:**

Section 3.4(e)(2)(viii) Whole School Reform

#### **Purpose and membership of School Leadership Councils:**

Section 6.3(a) Establishment of SLCs

#### **Student and family advocacy:**

Section 3.3(b)(7) Secondary Education initiative

#### **Division/Local Support Team role in facilitating community engagement:**

Section 4.2(b)(1)(iv)

#### **Principal role in facilitating parent engagement (around instruction):**

Section 6.1(a)(3)

## **Comment:**

This regulation requires districts to be accountable to their communities by holding public meetings on district progress (or lack thereof) in improving student achievement. For this requirement to be meaningful, however, the NJDOE must ensure that the district has the central research capacity to collect and analyze relevant data, and to disseminate the data in a user-friendly format that stimulates open dialogue on district progress/challenges.

## **Questions:**

1. Will the NJDOE develop a basic template for districts to use in issuing the community accountability data?
2. What steps will districts take to ensure an open, honest dialogue on the critical challenges facing the districts and their schools, as revealed by the data?
3. How will the district encourage broader participation of their communities in the ongoing dialogue about progress and the challenges the district faces?

## **(2) School Leadership Councils: Sections 6.3 – 6.5**

Schools “shall have an SLC to facilitate the participation of the school principal, teachers, staff, parents, grandparents or guardians, and the community to develop a culture of cooperation, accountability and commitment, all with the focus of improving student achievement.” The SLC “shall be the collaborative, decision-making body to improve teaching and learning in the school.” The district shall “provide training to SLC members, for which it may request the assistance of the LST [Local Support Team].” In turn, the LST “shall make available to the school district all Department training materials and information.”

Each SLC shall:

- Assist in the development of the three-year operational plan and the annual budget
- Concentrate on the objective of universal mastery of the CCCS and helping to facilitate a climate of cooperation and achievement
- Be comprised of members including the principal, teacher representatives, non-instructional support staff, parents, and the community
- Be comprised of members elected/approved in a process agreed-upon by the following:
  - Certified staff members elected by representatives of certified staff
  - Non-certified staff members elected by non-certified staff representatives
  - Parent representatives elected by parents and guardians;
  - Community representatives selected by nomination by the principal and approval by the SLC
- Operate according to the following specifications:

- Allow representatives to serve staggered two-year terms, with eligibility for re-election
- Follow district-issued guidelines for outreach and SLC member election and removal
- Not receive compensation for services during the school day
- Meet at least monthly
- Establish subcommittees and working groups as needed
- Report difficulties to the CSA when necessary, who shall assist in resolving them
- Produce transition plan for effectiveness if noncompliant/ ineffective
- Continuously analyze student needs assessment data and identify obstacles to improved performance in collaboration with the principal and faculty
- Review the district's school-based budget for accuracy and to ensure needs are addressed, and propose documented recommendations as needed
- Participate in required training (upon penalty of removal by the CSA)
- In districts where the SLC has voted to participate in personnel matters and has completed training, recommend three candidates for principal to the CSA and participate in interviews (where eligible)
- Collaborate with the CAPA team if the school is designated low-performing
- Review implementation of the school three-year operational plan; amend the plan; and make the plan available to the community and district
- Maintain minutes and an agenda for all SLC meetings and make them available to the community

District-run SLC training shall include:

- Roles, relationships, and responsibilities of the SLC
- Development, implementation, and evaluation of school's operational plan and budget
- Assessment of the instructional needs of students and identification of obstacles and effective means for reducing them
- Curriculum and instruction (including CCCS and school obligations to ELLs and the disabled)
- Teamwork and consensus building
- Personnel; NCLB standards for HQT; classroom observation/evaluation process
- Requirements of NCLB and other laws governing school operation

### **Cross References:**

#### **School District assistance to SLCs:**

Section 3.1(a)(1)(xiv) Revisions of the district three-year operational plan

#### **Accountability to community:**

Section 3.2(b)(1) Standards-based reform

#### **SLC role with regard to Whole School Reform:**

Section 3.4(c); (d)(3); (e)(4)(iv); (e)(7)(vi) – (viii); (f); (i)(2) Whole School Reform

#### **Communication with and support to families:**

Section 3.7(b); (d) Supports for parents and family

**Dispute resolution:**

Section 4.3(a) Dispute resolution

**Board of education role re: SLC duties and responsibilities:**

Section 5.1(f) Role of Abbott school district board of education

**SLC role: Intervention in underperforming schools:**

Section 5.2(b)(2); (c)(1)(ii) – (iii); (d)(1) Role of CSA and central office

**CSA role regarding SLC establishment and duties:**

Section 5.2(c)(1)(ii)-(iii); (d)(1) Role of CSA and central office

**Budget:**

Section 6.2(a)(2); (a)(3); (a)(4); (a)(6) Formation, review, and implementation of school three-year operational plans and budgets

**Comment:**

This regulation continues the *Abbott V (1998)* requirement for school based management as reaffirmed in the *Abbott X (2003)* Chart of Supplemental Programs. While school based management through School Leadership Councils is required, there has been no effort or mechanism established by NJDOE to ensure that the districts are adhering to these requirements.

**Critical Issues:**

1. Is the SLC representative of the school community, and were the members fairly and openly selected?
2. Does the district have a policy in place for the formation and functioning of the SLCs?
3. Is there a strong training program in place for SLCs, and are all members trained?
4. What capacity does NJDOE have to ensure an effective SLC in every school? Will the NJDOE deploy trained “ombudsperson” staff assigned to work with the districts and schools on developing the capacity of SLCs to function effectively?
5. Are SLCs and district central offices aware of the process established in the regulations for dispute resolution between the district central office and the SLC? Does NJDOE publicize the availability of this process? Is it used? What have been the results?

## **G. Department of Education Role**

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### **(1) Improving the Division of Abbott Implementation’s Organizational Capacity: Section 4.1**

The NJDOE Abbott Division will “operate to the same standards it expects of Abbott school districts and schools in respect to the recruitment, retention, professional development, evaluation, and effective deployment of its professional staff.”

The Division shall:

- Clearly define the roles and responsibilities of staff members; assess staff expertise and professional development; align the experience of staff with the needs of school districts for assistance; and assure that all staff members are informed about these rules
- Prepare a three-year plan for the transformation of the Division to enable it to lead the state’s efforts to improve teaching and learning in the Abbott districts. The plan will:
  - Address the recruitment, retention, professional development, and effective deployment of staff and consultants, as well as organizational issues
  - Solicit the advice of Abbott stakeholders and other knowledgeable individuals
  - Include annual objectives and benchmarks
  - Be subject to approval of the Commissioner and disseminated to the parties involved
  - Estimate the funds that will be required for implementation of department goals and responsibilities

### **(2) Providing Leadership for Improved Teaching & Learning in the Abbott Districts: Section 4.2**

The Abbott Division shall “collect, analyze, and disseminate research and data about students and their schools;” ensure “full, effective and efficient local implementation of the Abbott reforms, programs and services;” and “establish partnerships with practitioners, researchers, providers of technical assistance and professional development, and recognized experts.”

Specifically, the Division shall:

- Serve as a clearinghouse for reliable research findings on improving student achievement and the myriad implications of such research
- Prepare an annual report on school and school district-level achievement data and coordinate with NCLB reporting requirements
- Provide collaborative assistance to school districts

- Designate Department staff to serve on LSTs assigned to Abbott districts to improve and assist central district offices and to participate in the formation and revisions of the operational plans and budgets
- Issue a decision on Abbott district budgets no later than May 2005, with specific reasons for denying or rejecting district requests for supplemental programs and funding
- Assign a CAPA team, with the approval of the CSA, to each low performing school
- Collaborate to develop a program to train Abbott school board members
- Assist district central offices in the development of regular training of SLC members
- Provide forms and guidance to facilitate district waiver applications
- Collaborate with institutions of higher education, schools, and districts to institute improved professional development programs for teachers and administrators
- Contract with providers of technical assistance and/or professional development to schools/central offices
- Identify sources of expertise for central office improvement and facilitate collaboration
- Encourage the evaluation and study of Abbott by scholars and researchers

### **Cross References:**

#### **Semi-annual meeting of the Abbott Division and CSA re: student achievement:**

Section 3.1(a) Revisions of the district three-year operational plan

#### **Designation of high performing elementary schools:**

Section 3.4(d) Whole School Reform

#### **Dispute resolution:**

Section 4.3 Dispute Resolution

#### **Data collection, analysis and use:**

Section 3.1(a)(1)(ii) Revisions of the district three-year operational plan

Section 4.2 (a)(b)(v)(vi)(d)(2)-(4) Providing leadership for improved teaching and learning in the Abbott school districts

Section 5.2(b)(1) Role of chief school administrator and central office

#### **Roles of school leaders in standards based reform:**

Section 4.1(b) Improving the Division of Abbott Implementation's organizational capacity to support Abbott school improvement

Section 5.2 (a)(b)(2) Role of chief school administrator and central office

Section 6.1 Role of the school principal in leading and supporting school improvement

Section 6.4 (a)(1) Roles and responsibilities of School Leadership Councils

### **Comment:**

This regulation requires NJDOE to provide information and a plan on how it will serve the Abbott districts, schools, students and communities.

## **Critical Issues:**

1. Will the NJDOE hold public hearings on a proposed “Three-Year Divisional Transformation Plan” in order to get input on the plan before it is finalized? When will the Plan be completed, and will it be made public?
2. What objectives and benchmarks will be used to hold NJDOE accountable for performance?
3. Will the plan clearly, and in detail, identify how NJDOE is spending the over \$15 million in Abbott parity funds it retains for Abbott management?
4. What process is in place for NJDOE resolution of disputes between the district central office and SLCs, as required by the regulation? Does NJDOE publicize the availability of the dispute resolution process?
5. Will NJDOE fully implement the proposed student level database to improve data collection and analysis by the state, districts and schools?
6. Will NJDOE authorize and fund the independent evaluation of the Abbott programs and reforms as required by *Abbott V* and *Abbott X*?

## **H. District Budgets and DOE Review**

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### **(1) Preparation of School and District Budgets: Sections 5.2, 6.2 and 6.4**

The district central office shall prepare a school based budget in draft form “beginning with 2003-04 actual expenditures” and “2004-05 budgeted appropriations,” adjusted to reflect “the estimated cost of living” for 2005-06.

The SLC shall:

- Review the school based budget prepared by the central office for accuracy and to ensure that the needs of the students, faculty and school are addressed
- Document and propose modifications to the school-based budget based on the review
- Provide parents and teachers the opportunity to review and comment on the revisions to the school based budget
- Adopt the school based budget, as revised, by a majority vote of the SLC

The district and chief school administrator shall:

- Assist the principal and SLC in analyzing and documenting student and school needs in the preparation of the school-based budget
- Revise the school-based budgets to accommodate any reallocation, increase, restoration or modification to the school-based budget made by the SLC
- Not alter the revisions to the budget without prior consultation with the SLC
- Submit a district-wide budget based on final school based budgets to NJDOE by March 15, 2005
- Include in the budget a request for discretionary education opportunity aid (DEOA) or “supplemental funding” if needed to maintain current, effective programs and/or for new or expanded programs, based on demonstrated need

### **Cross References:**

#### **Cost Efficiency in 2005-06 Budgets:**

Section 7.2 Cost efficiency in 2005-2006 budgets

#### **Discretionary education opportunity aid for 2005-2006:**

Section 7.3 District Applications for DEOA

#### **District Applications for DEOA:**

Section 7.4 DOE Review of District Applications for DEOA

## **Comment:**

This regulation continues the school and district budget preparation process used in prior years. The central district office prepares draft school budgets, based on current spending, adjusted for the estimated cost of living. The SLC reviews the draft budget and recommends changes, including expanding or creating new positions, programs and services or eliminating or reallocating ineffective programs. The central office reviews the SLC revisions, though it cannot alter those revisions without prior consultation with the SLC. Finally, the district prepares a district-wide budget which includes all of the school based budgets along with administrative, special education, preschool and other district wide expenditures and programs, and submits the budget to NJDOE for review by March 15, 2005. If a district needs additional supplemental funding – now called DEOA – it must make the request in the district-wide budget.

## **Critical Issues:**

1. Did the district include all current programs, staff and positions in the draft school-based budget, with an adjustment for cost of living?
2. Did the SLC have sufficient opportunity and assistance in revising the school-based budget to better reflect student and school needs?
3. If the central office rejected or altered the SLC's revisions to the school-based budget, was the SLC consulted in advance? Did the SLC have an opportunity to advocate for its revisions?
4. Does the district need additional supplemental funding or DEOA to support its budget, and if so, did it include a request in the district-wide budget? Is the request backed up by documented evidence of student and school needs?
5. Is the district prepared to defend its budget to NJDOE and challenge any reductions through the appeals process, if necessary?

## **(2) Parity or Presumptive Budget Increase: Section 7.2**

Each Abbott district will automatically receive additional state aid – called “Education Opportunity Aid” or EOA – that is the increase necessary to maintain parity in foundation education spending with either the suburban (district factor group I&J) districts or the Consumer Price Index cost of living, whichever is greater. EOA will also include additional state aid to cover costs generated by new facilities. The CPI cost of living increase is calculated based on all revenue received by the district in 2004-05, including Abbott supplemental funding, and is currently estimated at 3.01% for New Jersey.

## **Cross References:**

### **Board of Education application for DEOA:**

Section 7.3 District Applications for DEOA

### **DOE review of District applications for DEOA**

Section 7.4 DOE Review of District Applications for DEOA

## **Comment:**

As required by *Abbott IV (1997)*, Abbott districts will continue receiving the additional state funding necessary to maintain parity in spending on foundation education for K-12 students. The actual level of the parity increase is announced when the Governor gives his budget message on March 1st. In 2004-05, the parity increase averaged 5%.

If the parity increase is below the CPI cost of living increase, or 3.01%, districts will receive the CPI increase instead. The CPI increase will be calculated on the basis of all of the revenue supporting the district budgets in 2004-05, including Abbott supplemental funding. This means that, for the first time since 1999, Abbott districts will not have to reapply for supplemental funding all over again from \$0, but rather can include in next year's budget all of the supplemental funding received in 2004-05. The districts received over \$620 million in state aid for Abbott supplemental programs this year, all of which will be carried over to next year's budget.

## **Critical Issues:**

1. What is the district's parity increase for 2005-06? Is it sufficient to cover the cost of maintaining the current budget next year, and to support any additional programs, services and positions, if needed?
2. If the parity increase is lower than the CPI cost of living increase of 3.01%, will the CPI increase be sufficient to maintain the current budget next year, and to support any additional programs, services and positions, if needed?
3. If either the parity increase or the CPI increase – whichever is greater - is insufficient to maintain the current budget next year and to support any additional programs, services and positions( if needed), will the district request DEOA (Abbott supplemental funding) to support revenue gaps in the district budget?

## **(3) Requests for Supplemental Funding (DEOA): Sections 7.3 and 7.4**

If the parity increase or presumptive budget increase in state funding is insufficient to maintain the district budget next year, or to support additional programs, services and positions needed, districts have the right to apply for additional state aid known informally as Abbott supplemental funding and now technically called Discretionary

Education Opportunity Aid (DEOA). DEOA is “provided to support effective and efficient foundational education and supplemental programs to enable students to achieve the CCCS.”

NJDOE will review district requests for DEOA. Key areas of the NJDOE review include:

- Ensuring the district has a foundation education curriculum that is aligned with the CCCS at every grade
- Ensuring the district has a student level database and is using the data generated to evaluate student performance and make program adjustments
- Assessing spending in major cost categories (teacher salaries, maintenance, administration, etc.) by using the “midpoint average median” spending among other district groupings to initially identify inefficiencies, subject to the district’s right to justify spending in excess of any comparison with other districts “based on individual district circumstances, including but not limited to, particular needs of the district’s students, facilities or other relevant factors.”
- Determining if funds can be reallocated within the budget from programs no longer considered effective, provided the NJDOE cannot direct any reallocation that will “impair foundational education or effective supplemental programs”
- Issuing a decision on the district budget, including the request for DEOA, no later than May 31, 2005, and including in the decision specific reasons for denying the request.

### **Cross References:**

#### **Cost efficiency:**

Section 7.2 Cost efficiency in 2005-06 budgets

#### **Appeals process:**

Section 9.8 Abbott district budget appeals

### **Comment:**

This regulation affords districts their right under *Abbott V (1998)* to request additional state funding, called DEOA, based on district needs. Districts can request DEOA for both foundation education programs and supplemental programs, as set forth in the *Abbott X (2003)* Chart of Supplemental Programs. Under *Abbott V*, districts must demonstrate the district-specific need to support the funding request, using data, research and other evidence to support the particular program, service or position in the budget requiring additional funding.

*Abbott V* gives the NJDOE broad authority to ensure the “effective and efficient” use of all funds in Abbott districts and schools. An Appellate Court ruling in 2004, *Asbury Park BOE v. NJDOE*, upheld the use by the NJDOE of data comparing spending in Abbott districts with that of other districts for purposes of reviewing requests for DEOA and making initial determinations of inefficiency. However, the Court also required NJDOE

to give districts the right to justify any spending in excess of the comparative data based on the particularized circumstances of the district. The regulation allows NJDOE to make initial inefficiency determinations based on comparative data, but gives districts the right to justify spending in excess of those comparisons through district-specific data and evidence about student needs, facilities or other factors.

### **Critical Issues:**

1. If the district applies for DEOA, has the district identified the particular programs, services and positions that the DEOA will support? Are the programs or positions required as a baseline in the Chart of Supplemental Programs? If not, is the district prepared to demonstrate particularized need for the program? Does the district have specific data and other evidence about student and school needs in the district and schools, along with evidence or research of the effectiveness of the program, to support the request?
2. Has the NJDOE initially identified any district spending as exceeding the spending comparisons with other district groupings? If so, in what areas? Is the district able to produce specific data or other evidence justifying the district's spending level in the particular area?
3. How will the district keep SLCs, principals and others informed about the budget and NJDOE review process as it moves forward?
4. Is the district prepared to challenge a decision by NJDOE to reduce or deny the request for DEOA by exercising its right to appeal to the Office of Administrative Law? Does the district have evidence to rebut the NJDOE decision in court before an Administrative Law Judge?

### **(4) Budget Decisions and Appeals: Section 9.8**

The regulations provide for a district's right for administrative and court review of any disputes with the NJDOE over the district's budget and whether the budget is adequately funded. The regulation establishes a specific timetable to ensure district appeals are handled in a prompt and thorough manner. The schedule for 2005-06 budgets is:

March 15, 2005:	District budget submitted to DOE
May 31, 2005:	Deadline for DOE budget decisions
June 7, 2005:	Deadline for district to file appeal
July 27, 2005:	Deadline for OAL initial decision
August 22, 2005:	Deadline for Commissioner's final decision
August 29, 2005:	Deadline for district to file appeal with Appellate Division

## **Cross References:**

### **Cost efficiency:**

Section 7.2 Cost efficiency in 2005-06 budgets

### **Application for DEOA:**

Section 7.3 Abbott district applications for DEOA

### **DOE review of applications for DEOA:**

7.4 DOE review of district applications for DEOA

## **Comment:**

This regulation implements the timeframes set forth in the *Abbott X (2003)* order for expedited NJDOE decisions and district appeals to the Office of Administrative Law, the Commissioner of Education, and the Appellate Division. These deadlines are firm, and districts that do not abide by them risk jeopardizing their right to challenge reductions or denials of DEOA funding.

## **Critical Issues:**

1. Is the district aware of this appeal schedule? Is the district working closely with counsel to the district to make sure any appeal is well prepared and timely filed?
2. Is the district prepared to defend its request for DEOA on appeal? Does it have specific evidence and data to rebut any evidence brought forth by NJDOE before an Administrative Law Judge?
3. How will the district keep SLCs, principals and other members of the school community informed about the appeals process?
4. Will the district publicly release the NJDOE budget decision, and publicly address the specific reasons given by NJDOE for reducing the budget?