

## REGULATIONS COMPARISON

	September 2003 Regulations	May 2004 Amendments	Conflicts with <u>Abbott</u> Mandates
	N.J.A.C. 6A:10A-1.2 Definitions	N.J.A.C. 6A:10A-1.2 Definitions	
1	"Abbott v. Burke Parity remedy aid" or "parity aid" is State funding based on the New Jersey Supreme Court order in Abbott v. Burke (149 <u>N.J.</u> 145 (1997) that calls for spending for regular education (as defined in Abbott v. Burke (136 <u>N.J.</u> 444 (1994) AND 119 <u>N.J.</u> 287 (1990)) in each Abbott district that equals the average per pupil spending of New Jersey districts in the "T" and "J" categories of the District Factor Groups, and to be used by Abbott districts to implement regular or foundational education and Abbott reforms, programs and services.	"Education Opportunity Aid for EOC" or "EOA" means State funding based on the New Jersey Supreme Court order in Abbott v. Burke (149 <u>N.J.</u> 145 (1997)), that calls for spending for regular education (as defined in Abbott v. Burke (136 <u>N.J.</u> 444 (1994) and 119 <u>N.J.</u> 287 (1990)) in each Abbott school district that equals average per pupil spending of New Jersey school districts in the "T" and "J" categories of the District Factor Groups, and to be used by Abbott school districts to implement regular or foundational education and Abbott reforms, programs and services <u>and DEOA</u> .	<b>MERGES PARITY AID AND SUPPLEMENTAL FUNDING IN VIOLATION OF <u>ABBOTT</u> DECISIONS</b>
2	"Abbott reforms, programs, and services" means those reforms, programs, and services mandated or authorized by the Supreme Court in <u>Abbott v. Burke</u> , as provided herein, that address the demonstrated needs of students in Abbott schools, including students with disabilities and English Language Learners, to assure mastery of the CCCS and early literacy, and other programs and services, not mandated by the Court, but documented as necessary to improve instruction and learning, which are also included in these regulations.	Deleted	<b>ELIMINATES REFERENCE TO DEMONSTRABLY NEEDED PROGRAMS "MANDATED OR AUTHORIZED" BY ABBOTT V AND ABBOTT X MEDIATION ORDER</b>
3	"Chart of Supplemental Programs" means the Supplemental Programs in Abbott Schools chart from <u>Abbott X</u> , incorporated herein by reference as the chapter Appendix. Some of these are programs which every Abbott school must make available, while others are based on the individual school's needs assessment.	"Chart of Supplemental Programs" means the Supplemental Programs in Abbott Schools chart from <u>Abbott X</u> , incorporated herein by reference as the chapter Appendix.	<b>ELIMINATES REFERENCE TO STANDARDS UNDER WHICH PROGRAMS MUST BE PROVIDED, AS SET FORTH IN ABBOTT X MEDIATION ORDER</b>
4	"Demonstrated need" means a particular need documented by evidence as being necessary for some or all of the students to master the CCCS in a school or district leading to the	"Demonstrated need" means an obstacle to improved student performance by all or some students that can be documented by evidence	<b>ELIMINATES REQUIREMENT IN ABBOTT V AND THE ABBOTT X MEDIATION ORDER FOR DEMONSTRABLY NEEDED PROGRAMS AND SERVICES TO ADDRESS EDUCATION</b>

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	implementation, retention or modification of a reform, program or service to address such need.		<b>AND EDUCATION-RELATED NEEDS OF ABBOTT STUDENTS AND SCHOOLS</b>
5	"Efficient" means a conclusion that a reform, program or service or a component thereof, maximizes the use of time, effort, and resources, including funding, as demonstrated through site-specific evaluation and comparative data analyses against standards for efficiency.	"Efficient" means a conclusion that any expenditure, good, service, contracted service or program, or a component thereof, maximizes the use of time, effort, and resources, including funding, as demonstrated through site-specific evaluation and comparative data analyses of spending for similar goods, services, or programs in other school districts in the same region.	<b>REQUIRES THAT DETERMINATIONS OF EFFECTIVENESS BE BASED ON UNDEFINED AND UNDISCLOSED REGIONAL COST COMPARISONS</b>
6	"Needs assessment" means a continuous process of evaluation of impediments and deficiencies that prevent students from achieving early literacy, the CCCS in all grades and obtaining a high school diploma. The needs assessment must identify the appropriate programs and services students and schools need in the areas identified on the supplemental programs chart as attached to the June 24, 2003 New Jersey Supreme Court Order.	"Needs assessment" means a continuous process of evaluation of the obstacles and deficiencies that prevent students from achieving early literacy, the CCCS in all grades and obtaining a high school diploma. The needs assessment must identify the appropriate programs and services students and schools need to overcome the documented obstacles and the evidence that the proposed programs will improve student achievement. These programs may be identified on the supplemental program chart as attached to the June 24, 2003 New Jersey Supreme Court Order.	<b>MAKES FUNDING DISCRETIONARY THE PROVISION OF REQUIRED AND DEMONSTRABLY NEEDED PROGRAMS SET FORTH ON CHART OF THE SUPPLEMENTAL PROGRAMS, APPROVED IN THE ABBOTT X MEDIATION ORDER</b>
7	"Reallocation" means the transfer of funds from school or district current or proposed budget items to another budget item(s) with the assurance that such transfer will not undermine or weaken existing effective and efficient instructional and supplemental programs.	"Reallocation" means the transfer of funds from the school or the school district current or proposed budget items to another budget item(s) with the assurance that such transfer will result in a more effective and efficient instructional program.	<p><b>ELIMINATES ABBOTT V REQUIREMENT THAT DOE REALLOCATIONS NOT UNDERMINE OR WEAKEN FOUNDATION EDUCATION OR EXISTING SUPPLEMENTAL PROGRAMS.</b></p> <p><b>THIS NEW REALLOCATION DEFINITION IS INCLUDED THROUGHOUT THE MAY 2004 REGULATIONS. (See, e.g., N.J.A.C. 6A:10A-7.1(c);</b></p>

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8	<p>"Supplemental funding" means the annual funding awarded by the Commissioner to support the district's approved three year operational plan— as modified pursuant to this chapter - that schools and districts demonstrate as needed pursuant to this chapter. These funds are provided pursuant to <i>Abbott v. Burke</i>, 153 N.J. 480 (1998, <i>Abbott V</i>) and are intended to support demonstrably needed programs that are not otherwise supported by parity funding, categorical and other State and local funds, and Federal aid.</p>	<p>"Discretionary Education Opportunity Aid" or "DEOA" means the portion of education opportunity aid awarded for programs, services and positions that the Commissioner determines are essential to the provision of a thorough and efficient education in Abbott school districts.</p>	<ol style="list-style-type: none"> <li>1. <b>ELIMINATES ABBOTT V AND ABBOTT X MEDIATION ORDER MANDATES THAT COMMISSIONER PROVIDE SUPPLEMENTAL FUNDING FOR ALL DEMONSTRABLY NEEDED PROGRAMS UNDER ABBOTT V, AND INSTEAD MAKES PROVISION OF SUPPLEMENTAL FUNDING COMPLETELY DISCRETIONARY.</b></li>   <li>2. <b>THIS CHANGE APPEARS THROUGHOUT N.J.A.C. 6:10A-7.1, WHICH HAS BEEN CHANGED FROM "APPLICATION FOR SUPPLEMENTAL FUNDING" TO "APPLICATION FOR DISCRETIONARY EDUCATION OPPORTUNITY AID."</b></li> </ol>
9	<p>"Supplemental programs and services" means those programs and services not already required by State or Federal law, but mandated or authorized and supported by school or district needs assessments. These programs and services are provided pursuant to <i>Abbott V</i> and are intended to support demonstrably needed programs that may not be supported by parity, State categorical and other State and local aid, and Federal aid. This definition is not synonymous with the definition found in NCLB.</p>	<p>"Supplemental programs and services" means those programs and services not already required by State or Federal law, but that are documented by school or school district needs assessments as essential for improved student achievement. These programs and services are provided pursuant to <i>Abbott V</i> and are intended to support demonstrably needed programs that may not be supported by EOA, State categorical and other State and local aid, and Federal aid. This definition is not synonymous with the definition found in NCLB.</p>	<ol style="list-style-type: none"> <li>1. <b>RESTRICTS SUPPLEMENTAL PROGRAMS AND SERVICES TO ONLY THOSE THAT DISTRICTS CAN DOCUMENT ARE "ESSENTIAL FOR IMPROVED STUDENT ACHIEVEMENT."</b></li>   <li>2. <b>CONFLICTS WITH ABBOTT V AND ABBOTT X MEDIATION ORDER REQUIRING THAT SUPPLEMENTAL PROGRAMS INCLUDE ALL EDUCATION AND EDUCATION-RELATED PROGRAMS AND SERVICES IDENTIFIED IN ABBOTT V AND IN THE CHART OF SUPPLEMENTAL PROGRAMS APPENDED TO MEDIATION ORDER.</b></li>   <li>3. <b>RESTRICTS FUNDING FOR OTHER DEMONSTRABLY NEEDED PROGRAMS AND SERVICES</b></li> </ol>

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			<p><b>IDENTIFIED BY THE PARTICULAR DISTRICT.</b></p> <p><b>4. THIS NEW REQUIREMENT IS ALSO ADDED IN THE MAY 2003 REGULATIONS TO PROVISIONS RELATING TO THE DISTRICT'S THREE YEAR OPERATIONAL PLAN AND ANNUAL BUDGET IN N.J.A.C. 6:10A-3.1(a); N.J.A.C.. 6:10A-3.1(b) .</b></p>
	6A:10A-7.1 Application for supplemental funding	6A:10A-7.1 Application for discretionary education opportunity aid	
10	7.1(a) Supplemental funding is provided to support those needs assessed by the district ...	7.1(a) Discretionary Education Opportunity Aid ("DEOA") is provided to support the instructional needs of the age-eligible residents of the school district assessed by the school district ...	<b>LIMITS FUNDING TO "INSTRUCTIONAL NEEDS" IN VIOLATION OF ABBOTT V AND THE ABBOTT X MEDIATION ORDER, WHICH PROVIDE FOR SUPPLEMENTAL FUNDING FOR <u>ALL</u> DEMONSTRABLY NEEDED PROGRAMS, SERVICES AND POSITIONS.</b>
11	<p>(d) The Commissioner shall review applications for supplemental funding for 2004-2005 and make a determination based on:</p> <p>1. Confirmation that the district filed a complete budget application and supporting documents that are consistent with this chapter and the district-specific guidance provided by the Department;</p> <p>2. The district's provision of thorough and timely responses to the Department's requests for additional information;</p> <p>3. Documentation by the district, confirmed by the Commissioner, that the additional funds sought cannot be achieved by any of the following:</p> <p>I. Reallocating from non-instructional</p>	<p>(d) In making the determination as to whether an existing program, service or expenditure should be exempt from reallocation, in whole or part, the Department shall consider whether:</p> <p>1. Elimination of the existing program, service or other expenditure would undermine the foundational education program of the school.</p> <p>2. The existing program, service or other expenditure is being delivered efficiently and integrates State, local, and Federal programs and funds.</p>	<b>FAILS TO INCLUDE THE ABBOTT V PROHIBITION AGAINST REALLOCATIONS THAT UNDERMINE OR WEAKEN THE FOUNDATIONAL EDUCATION <u>OR</u> EXISTING SUPPLEMENTAL PROGRAMS</b>

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	<p>expenditures including central office administrative accounts, or other expenditures that do not serve students directly;</p> <p>ii. Attaining economies and efficiencies in the delivery of services and programs; or</p> <p>iii. Reallocating from school-level expenditures, programs, and services that cannot be documented to improve student attainment of the CCCS; and</p> <p>4. Documentation by the district that essential programs or services cannot be funded through reallocation and that without supplemental funding the approved three-year operational plans cannot be implemented.</p>		
12	No Provision	<p>(e) The Department shall employ a uniform approach to determine the most accurate costs in large cost categories such as salaries, health benefits, and special education, which shall be applied to the specific circumstances of each school district and used to determine the reasonableness of any proposed increase for these categories in FY2005.</p> <p>1. Salaries. For school districts with settled contracts that have submitted all requested salary data that the Department is able to determine conformity with the bargaining agreement, the Department shall apply the appropriate percentage to determine FY2005. For districts with settled contracts that have not submitted the required salary data, the Department shall analyze the 2003-2004 salary file to determine the base contracted salary and apply the appropriate percentage to determine FY2005 contracted salary costs. For school districts with no settled contract, the 2003-2004 salaries shall be increased by the CPI or three percent, whichever is greater, subject to later review and adjustment. The review shall include comparisons with the settlements reached by school districts in the same region.</p>	<p><b>1. CONFLICTS WITH ABBOTT XI ORDER THAT DISTRICTS ARE ENTITLED TO ALL DOCUMENTED INCREASES IN NON-DISCRETIONARY EXPENDITURES BY ESTABLISHING FORMULAIC APPROACHES TO SALARIES, HEALTH BENEFITS AND SPECIAL EDUCATION.</b></p> <p><b>2. NEW REGULATIONS DO NOT INCLUDE ANY PROVISIONS EXPLAINING HOW THE DISTRICT CAN CHALLENGE THESE FORMULAS OR WHAT SHOWING IS SUFFICIENT TO JUSTIFY DISTRICT PROJECTED EXPENDITURES IN BUDGET. AS REQUIRED BY ABBOTT V AND ASBURY PARK BOARD OF EDUCATION V. NEW JERSEY DEPARTMENT OF EDUCATION, DOCKET NO. A-0840-03T5, ___ N.J. SUPER. ___ (JANUARY 26,2004).</b></p> <p><b>3. "UNIFORM APPROACH" FAILS TO RECOGNIZE ACTUAL INDIVIDUAL NEEDS OF DISTRICTS IN AREAS OF SALARY</b></p>

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2. Health benefits. In the absence of certified rates for Fiscal Year 2005, the Department shall review one month of actual costs for enrollment and distribution of plans. If the school district is on a calendar year for health benefits, the one month shall be multiplied by six with no increase applied for the period July through December 2004; an eight percent increase shall be applied for the January through June 2005 period. For school districts on a fiscal year for health benefits, the one-month cost shall be multiplied by 12 and increased by four percent.

3. Special education. The Department shall analyze the past five years of special education enrollment to predict the school district's special education enrollment increase for Fiscal Year 2005. The Department shall then compare this projection to the school district's projection in Supporting Documentation Item 6B.2 for the Fiscal Year 2005 budget. If the school district's projection is higher, the Department shall take the average cost given in Supporting Documentation Item 6B.2, multiply by the enrollment differential, and deduct the product from the DEOA request.

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<p>13</p>	<p>No Provision</p>	<p>(f) The Department shall issue a DEOA award letter on or before May 28, 2004. Therein, the Department shall direct reductions and/or reallocations of spending, reduction or elimination of specified inefficiencies/conditions of the award and shall establish the conditions for the distribution of DEOA.</p> <p>1. The Department shall direct reductions including but not limited to:</p> <p>I. The reduction of all capital reserves to one dollar and all tuition reserves, and any other reserves established by the school district that are not required by the Department to zero unless the tuition reserve has been designated for a Fiscal Year 2005 accounts payable.</p> <p>2. The Department shall direct reallocation from categories including but not limited to the following:</p> <p>I. Undesignated general and special state revenue fund balances in excess of two percent based in part on a review of the Advertised Recapitulation of Balances and of the documentation in Appendix E of the Budget Guidelines 2004-05 Budget Statement; as well as a review of the most recent board secretary report and the historical analysis of a school district's fund balance;</p> <p>ii. Salary appropriations for vacant positions that are budgeted in excess of Step 1 on the school district's salary guide for the position title or for positions that are not likely to be filled based on the school district's actual vacancies over the past three years;</p> <p>iii. Budget appropriations or transfers from the general fund to a capital reserve fund for any facility or project not eligible for full funding by the School Construction Corporation under the Educational Facilities Construction and Financing Act, P.L. 2000, c.72;</p>	<p><b>1. MANDATES SUBSTANTIAL REDUCTIONS IN VARIOUS ACCOUNTS WITHOUT ANY CONSIDERATION OF NEED FOR FUNDING IN THOSE ACCOUNTS OR REASONS WHY DISTRICT INCLUDED FUNDS IN THOSE RESERVES.</b></p> <p><b>2. THERE ARE NO PROVISIONS EXPLAINING HOW THE DISTRICT CAN CHALLENGE THESE BLANKET REDUCTIONS OR WHAT SHOWING IS SUFFICIENT TO JUSTIFY DISTRICT PROJECTED EXPENDITURES IN ACCOUNTS AND INDIVIDUAL NEEDS OF DISTRICT FOR THE FUNDING IN THOSE ACCOUNTS. AS REQUIRED BY ABBOTT V AND ASBURY PARK BOARD OF EDUCATION V. NEW JERSEY DEPARTMENT OF EDUCATION, DOCKET NO. A-0840-03T5, ___ N.J. SUPER. ___ (JANUARY 26, 2004).</b></p> <p><b>3. REGULATIONS USE UNDEFINED AND UNEXPLAINED REGIONAL STANDARDS FOR CENTRAL OFFICE ADMINISTRATIVE COSTS, MAINTENANCE AND CUSTODIAL COSTS AND TRANSPORTATION WITHOUT ANY EXPLANATION OF HOW THOSE REGIONAL STANDARDS CAN BE CHALLENGED BY THE DISTRICT OR WHAT SHOWING IS SUFFICIENT TO SUPPORT THE DISTRICT'S INDIVIDUAL FUNDING NEEDS IN THESE AREAS.</b></p>
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<p>No Provision (Cont.)</p>	<p>iv. Non-recurring costs;</p> <p>v. Areas of under-budgeted revenues;</p> <p>vi. The estimation of projected end-of- year surplus for Fiscal Year 2004 shall also be reviewed giving consideration to current spending in comparison to amounts budgeted, current estimates of miscellaneous revenues, revised state aid amounts, and open purchase orders that may be cancelled;</p> <p>vii From equipment;</p> <p>viii. Aides that are not mandated for preschool, kindergarten and special education; and</p> <p>ix. Charter school costs where the budgeted amount exceeds the amount certified by the Department for payment.</p> <p>3. The Department shall make appropriate reductions from the school district's request for all proposed expenditures found to be inefficient. Inefficiencies shall include, but not be limited to the following:</p> <p>i. Central office administrative costs proposed for Fiscal Year 2005 that exceed the regional standards established for such costs.</p> <p>ii. Maintenance and custodial services where the proposed costs exceed the average costs for school districts in the same region</p> <p>iii. Transportation, including courtesy busing, where the proposed costs exceed the average costs for school districts in the same region; and</p>	
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<p>No Provision (Cont.)</p>	<p>iv. Transfers to the Enterprise Fund deficit; and</p> <p>v. Any expenditure that was proposed for Fiscal Year 2003-2004 that was determined to be inefficient that remains inefficient.</p> <p>4. A school district seeking DEOA funding for new or expanded programs must demonstrate that it has analyzed the evidence of student instructional problems such that the proposed DEOA expenditures will permit the adoption and implementation of practices for which there is a reasonable expectation that student academic performance will improve as specified at 6A:10A-7.1 and in the Guidance Document, "Improving Learning and Literacy in Abbott Classrooms." Requests for DEOA for new or expanded funding that are not consistent with the revisions in the school district three-year operational plan and the instructional priorities specified in the February 9, 2004 letter may be rejected with or without conditions. The school district's request must be reflected in the revisions to the district three-year operational plan with the following:</p> <p>i. School- and school district-level data on student performance on state tests must be organized longitudinally for at least three years for ESPA/NJASK4, GEPA, and HSPA and by demographic subgroups required by NCLB in addition to CES. There must be a connection between the evidence and analysis of student performance, the instructional priorities and responses set by the school district in its revisions to the School District Three-year Operational Plan, and the request for DEOA as required by N.J.A.C. 6A:10A-5.2(b).</p>	
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<p>14</p>	<p>No Provision (Cont.)</p>	<p>5. The Department shall withhold the disbursement of DEOA to school districts that fail to meet minimal, customary, and statutory standards of efficient financial management and business operations and/or do not follow customary, basic, and required instructional standards, policies, and practices. School districts shall be advised in an attachment to the Department's May 28, 2004 letter of any area in which the Department deems the school district to be presently deficient in any of the following prescribed areas:</p> <p>I The school district's CAFR for 2002-2003 did not include any qualifications or an adverse opinion by the auditor to the school district's adherence to generally accepted standards of accounting and financial management. School districts that received a qualified or adverse audit opinion must certify by July 1, 2004 that the reasons for the qualified or adverse audit opinion have been corrected and that the correction is confirmed by the Fiscal Year 2003 auditor;</p> <p>ii. The school district did not incur a deficit in Fiscal Year 2003 as documented by its CAFR. School districts that incurred a deficit in that year shall demonstrate in a plan filed by July 1, 2004 that the conditions producing the deficit have been corrected and that sufficient financial controls are in place to prevent a recurrence as confirmed by the Fiscal Year 2003 auditor and approved by the Department;</p> <p>iii. The school district participates in available cost-savings programs that include at least the Alliance for Competitive Energy Services (ACES), the Alliance for Competitive Telecommunications (ACT), the New Jersey School Boards Association Insurance Group (NJSBAIG), the New Jersey State Health Benefits Plan, and is current in submitting all claims for reimbursable costs under the Federal "e-rate" program for encouraging the use of the internet. School districts that are currently not members of these cost-saving programs shall document their membership by September 1, 2004 or demonstrate savings equal to or greater than</p>	<p><b>ESTABLISHES NEW CONDITIONS FOR DISBURSEMENT OF SUPPLEMENTAL FUNDING WITHOUT ADVANCE NOTICE TO THE DISTRICTS THAT THESE WOULD BE IMPOSED AS A CONDITION OF RECEIPT OF 2005-05 SUPPLEMENTAL FUNDING.</b></p>
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<p><b>No Provision (Cont.)</b></p>	<p>iv. The school district operated its Enterprise Fund in Fiscal Year 2003 without a deficit as certified by the CAFR. School districts that operated at a deficit must submit a plan by July 1, 2004 for reducing the deficit to zero by Fiscal Year 2006, and that the deficit certified for Fiscal Year 2003 can be reduced by at least fifty percent by the end of Fiscal Year 2005. The plan must demonstrate the targets for measuring interim progress during the school year. The plan will be reviewed for approval by the Department;</p> <p>v. The school district maintains an accurate, complete, and timely roster of position control and therefore can certify the actual number of professional employees who are being paid for work performed. School districts without a roster of position control must implement and produce such a roster not later than October 1, 2004;</p> <p>vi. The school district produces timely and accurate monthly Board Secretary and School Treasurer reports within 45 days of the month's end, and pursuant to N.J.S.A. 18A:17-10, the Annual Report by August 1. All school districts shall demonstrate full and timely compliance during Fiscal Year 2005;</p> <p>vii. The school district applies for, and implements, Federal grant programs in a timely and appropriate manner. School districts that fail to secure available Federal funds in a timely manner during Fiscal Year 2003 or Fiscal Year 2004 or return a material portion of Federal grant funds awarded for incomplete or inappropriate implementation, shall demonstrate full and timely compliance during Fiscal Year 2005; and</p> <p>viii. The school district demonstrates efficient financial management by not incurring penalties and interest payments for late payments and that it take full advantage of discounts for prompt payment. A school district that incurs penalty and interest payments for late payment shall demonstrate the improvements to be made to its financial operations to avoid such payments;</p>	
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	<p>No Provision (Cont.)</p>	<p>ix. The school district has curriculum as specified at N.J.A.C. 6A:10A-3.2 (a) and 5.2(a) 4 that includes a clear and specific set of instructional expectations for teachers and students by grade level and by the content, sequence, and pacing of such instruction, and that the curriculum is fully aligned by specific reference to the Core Curriculum Content Standards and is used to guide the purchase of textbooks, instructional software and other materials, and offers guidance for best instructional practices and how to assist students who fall behind. School districts determined by the Department to be without such a curriculum shall document by September 1, 2004, subject to Departmental review, that such a curriculum is available for implementation during the 2004-2005 school year ;</p> <p>x. That a school district shall report the results and analysis on state assessments for the 2002-2003 school year in statistical subgroups for Continuously Enrolled Student-District, Continuously Enrolled Student – School, and for at least three years’ results by the subgroups required by NCLB. School districts that have not produced the CES subgroup results, and the NCLB subgroup results and/or analyses, shall do so by September 1, 2004; and</p> <p>xi. The school district shall have documented in its revisions to the School District Three-year Operational Plan that it has taken all necessary steps to implement during the 2003-2004 school year the Intensive Early Literacy (IEL) standards as defined by N.J.A.C 6A:10A-3.2(c). A school district that did not implement IEL shall document by September 1, 2004 the steps it will take in the 2004-2005 school year to incorporate the elements of IEL in all schools serving the K-3 grades, with indicators of progress and a timetable that must be met;</p>	
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	No Provision (Cont.)	<p>xii. The school district in which one or more schools was designated a "Low-Performing School" by Abbott X shall support and implement in 2004-2005 any written agreement with the Department such as for the implementation of Intensive Early Literacy practices, subsequent to the March 11, 2004 filing of the school district's budget. A school district that does not implement such agreement may seek to renegotiate the agreement with the Department or the Department may withhold disbursement of DEOA ; and,</p> <p>xiii. The school district has in force a plan for the recruitment, retention, and professional development of highly qualified teachers and principals for each classroom and school respectively as required by N.J.A.C. 6A:10A-5.2(b). A school district that does not have an acceptable plan, shall file one by September 1, 2004</p>	
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	<b>6A:10A-9.8</b> <b>Abbott district budget appeals</b>	<b>6A:10A-9.8</b> <b>Abbott school district budget appeals</b>	
15	<p>(a) In accordance with the order of the New Jersey Supreme Court, appeals of Department decisions on Abbott district budgets shall proceed as follows:</p> <p>1. The Department shall issue budget decisions to districts on or before the last school business day in May of the pre-budget year, which decisions shall include, at a minimum, identification of any and all expenditures not approved by the Department, with specific reasons for denying the program or expenditure;</p>	<p>(a) In accordance with the May 21, 2003 order of the New Jersey Supreme Court, appeals of Department decisions on Abbott school district budgets shall proceed as follows:</p> <p>1. The Department shall issue budget decisions to school districts on or before the last business day in May of the pre-budget year;</p>	<p><b>ELIMINATES ABBOTT REQUIREMENT TO PROVIDE SPECIFIC REASONS FOR DENYING A PROGRAM OR EXPENDITURE</b></p>