



STATE OF NEW JERSEY  
DEPARTMENT OF EDUCATION

# Transition Plan for the Return of Local Control to Newark Public Schools

December 19, 2017

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## Executive Summary

After more than two decades under full intervention by the State Department of Education, Newark Public Schools (NPS) is being returned to local control.

Upon concluding that NPS has made significant progress and had satisfied the regulatory requirements of QSAC in July 2017, the New Jersey State Board of Education (SBOE) voted to initiate the return of local control on September 13, 2017. With this vote, the State and District were required to develop a full transition plan, outlining the process through which full voting authority and governance will be returned to the School Board. This document, the full transition plan, presented on December 19, 2017 officially recognizes the local Board's control, to become effective on February 1, 2018.

The transition to local control is governed by N.J.A.C 6A:30-7.2; pursuant to this provision, the Department has worked closely with the District to develop a plan to fully transition the District to local oversight by the Newark Board of Education. The Department has engaged with the District to incorporate local input so that the plan is tailored to Newark's specific status and needs, all while maintaining high expectations for the transition period and beyond.

The content of this plan focuses on fundamental considerations for the overall transition as well as specific expectations for all five of the QSAC areas (Governance, Instruction & Program, Personnel, Fiscal Management, and Operations) as part of one comprehensive transition plan. As voting authority for the areas of Operations, Fiscal Management, and Personnel were previously returned by the Department to the District in 2008, 2014, and 2016 respectively, this plan focuses more heavily on the areas of Governance and Instruction & Program, each returned by the SBOE on September 13, 2017 subject to the completion of this Plan.

This is a critical milestone and represents a tremendous achievement by all those involved. As the transition to local control begins, it is important that those entrusted by the public to ensure an orderly and collaborative transition remain focused solely on the interests of the city's 56,000 schoolchildren. To this end, this plan includes key milestones and safeguards to ensure that governance is and continues to be focused on the best interests of our students. Specifically, the plan is accompanied by an Accountability Scorecard, which will be used to track and measure the District's progress toward implementing this transition plan, and a timetable for activities relating to and leading to the withdrawal of State intervention, which identifies and sequences the benchmarks laid out throughout this Plan in the appropriate sections.

## Introduction

### Purpose

This Transition Plan is presented pursuant to *N.J.A.C.* 6A:30-7.2 (b) and (c); and *N.J.A.C.* 6A:30-7.3 to delineate the terms and conditions for the return of local control to the Newark Public School District (District) by resolution of the State Board of Education (State Board) on September 13, 2017. The purpose of this Transition Plan is to document the process, actions, and commitments to be taken by the District, the Newark School Board (Local Board or Board), and

the New Jersey Department of Education (Department) in order for the State to withdraw from partial intervention in the areas of Governance and Instruction & Program and to return authority and oversight over the District in its entirety to the local Board of Education.

### Guiding Principles

This report is predicated on optimism that progress will continue in the future. However, it also acknowledges that care and attention are required to protect the District from regressing on efforts to improve and a return of the circumstances that led to State intervention. This Plan, therefore, provides assistance, transparency, and accountability during the transitional period and is designed to support sustainable improvements that will continue to benefit the children of Newark for many years to come.

### Historical Context

One of the most important responsibilities of a community is to provide for the education of its children. New Jersey's constitution assures its citizens a "thorough and efficient system of free public schools." Although it is the State, not localities, that bears that duty, typically the State delegates the operation of the schools to local school boards. When a local district has failed to live up to this responsibility, however, the State must provide support and oversight and, in the most egregious circumstances, take back decision-making from the district. This was the case for the Newark Public Schools. These actions were not taken in a vacuum and there exists a rich factual history that forms the basis for the initial State engagement with the district 25 years ago.

The Newark Public School District has been under State control since July 1995. Beginning in 1993, the state began an external review into the school system as a whole, ordering the Comprehensive Compliance Investigation (CCI) and taking financial control of the district. The CCI report was released in July 1994, when the state announced its intention to assume control of the district. Once the state assumed control, the authority of the local Board of Education was vested into the State-appointed superintendent of schools, with the Board acting in an advisory capacity. Acknowledging this background helps to ensure that the problems that precipitated State operation are addressed in a manner that assures that they will not reoccur after the return of local control.

This Plan is also closely aligned to the recommendations of the Newark Education Success Board (NESB) established jointly by Governor Christie and Mayor Baraka in 2015 to recommend a path forward in the return to local control. The NESB included members appointed by both the Governor and Mayor and began its work with significant amounts of public input and community engagement, both of which continued throughout its process. The NESB published a report in August 2016 with strategic recommendations for the District to consider in a transition. These recommendations outlined capacity-building trajectories at both the District and school level to ensure that the challenges that led to State takeover will not recur. The NESB report stated "*[its report] is not a document to be shelved and forgotten. [The NESB members] intend it to be a living work used to support the current work and ready the district for the return of local control as soon as it is officially announced by the New Jersey Board of Education.*" The NESB report has been a critical guiding document in developing this transition plan. A copy of the full report is attached hereto as Appendix G.

### District Improvements and Current State

Newark Public Schools (NPS) is now in a position to transition to full, local control, having demonstrated marked academic progress and noted improvements across each of the five areas measured by the State's Quality School Accountability Continuum (QSAC) evaluation system since the State takeover in 1994. As a result, the District has seen multi-year progress towards local control in each area on the QSAC metrics.

After State takeover, NPS made incremental progress in varying areas of work, most notably though making improvements in basic operational functions for the District and rooting out poor financial practices. In 2008, the State returned the area of Operations to Newark Public Schools in recognition of the progress made in this area of work. In 2014, the state returned Financial Management, noting the significant strides made by the District, specifically GAAP compliance, unqualified audits, intentional recognition of budget process, and consistently balanced budgets submitted on time.

NPS began making accelerated progress on the State's other QSAC domains in recent years. Progress in the area of Personnel resulted in a conditional return of this domain in 2016. Starting with a new groundbreaking collective bargaining agreement in 2012, NPS changed the way it manages and compensates educators in the District. The agreement was the first in New Jersey in which teachers had to earn a raise based on performance and resulted in an extended school day for students most in need. Staffing decisions are now made based on school-level needs, with school principals more empowered to select great teachers to deliver results. The District has fewer instructional vacancies than it has for many years and has also had significant successes in areas related to effective teacher evaluation and retention of its best educators. Recently, the District renewed its agreement with the Newark Teachers Union, which cements the 2012 progressive reforms while increasing teacher pay and time for professional development. This agreement has set the District up for sustainability in this area going forward.

In the area of Governance, Newark has also seen significant progress in recent years. Shortly after receiving 88% in the QSAC review (see chart below), NPS and the School Board published a three-year strategic plan—*The Next Three Years*—that lays out specific goals and objectives that the administration can be held accountable to through the 2018-19 school year. In developing the strategic plan, NPS engaged hundreds of community members throughout the process. In addition, Newark School Board members have completed hundreds of hours of training to achieve Board Certifications and shown a renewed commitment to collaboration with the Superintendent and District staff. The School Board has functioning committees and is voting on resolutions in areas where local control has been returned, managing these areas in the way a board with full local control would manage them.

Lastly, and most importantly to the central goal of providing all students with a “thorough and efficient” public education, the District has seen sustained progress in the area of Instruction and Program. In recent years, Newark has made major investments to improve the way students learn core subjects. The District worked with the authors of the Common Core State Standards to develop its Framework for Effective Teaching (the tool that evaluates teachers) and to guide its approach to curriculum adoptions. The District has also invested in professional development

structures for educators and school leaders to provide them with time to learn how to implement new standards and pedagogical approaches in their classrooms. The District also invested in extended school days and school years, and made drastic changes in some of its lowest performing schools in order to give those schools a fresh start.

As a result of efforts like these, NPS is seeing significant improvement in nearly all core outcome areas reported by the State. On the statewide PARCC exam, Newark has seen average scale scores and proficiency rates improve in both English Language Arts and Mathematics by nearly 10 percentile points in just three years. In alignment with this improvement, the District has also seen much improved Student Growth Percentile scores, moving from the high 30s in 2014 to scores over the past three years that have hovered near the 50<sup>th</sup> percentile – meaning that Newark students are seeing academic growth at levels on par with their peers across the State. Lastly, the District has seen significant and steady improvement in their graduation rates. When State operation began in 1995, the District had a 54% graduation rate. Between the mid-1990s and 2011 – this figure improved by just 7 percentage points. In the last 6 years, the District has seen this number move from 61% to 78%, a 17 percentage point improvement.

NPS’s progress on QSAC in recent years mirrors practical improvements within the District. All of these improvements have been reflected in the QSAC outcomes, shared in the District’s placement letter from August 1, 2017, and noted again here. As the chart below indicates, the District has made sustained progress in each of the five QSAC areas. During interim visits throughout this time, the State has found that the District has demonstrated evidence of substantial and sustained progress and substantial evidence that the District has adequate programs, policies, and personnel in place and in operation to ensure that demonstrated progress is sustained. Put differently, these scores are the result of foundational and lasting improvement. The State has confidence that, with continued attention, faithful implementation of this Plan, strong financial stewardship, and a commitment to Newark’s schools and students, this progress will continue in the future and produce even greater results and opportunities for children.

DPR Areas	Full Review Placement (7/2011)	Interim Review Placement (6/2012)	Interim Review Placement (6/2014)	Interim Review Placement (7/2015)	Interim Review Placement (7/2016)	Full Review Placement (7/2017)
<b>Instruction and Program</b>	64%	34%	33%	58%	64%	92%*
<b>Fiscal Management</b>	93%	88%	88%	82%	82%	94%
<b>Governance</b>	89%	55%	76%	72%	88%	100%
<b>Operations</b>	83%	83%	83%	95%	95%	95%
<b>Personnel</b>	94%	48%	100%	60%	100%	100%

\*Includes performance on Equivalency



In Spring 2016, the District applied and received approval for an Equivalency in place of Instruction and Program QSAC indicators 1-7, which cover student achievement outcomes and account for 38 of the 100 points available in Instruction and Program. State law is designed to require school districts to demonstrate they can improve outcomes for students. The spirit of this law is reflected in the statute states “the quality performance indicators shall take into consideration a school district's performance over time, to the extent feasible.” However, student-outcome indicators under I&P did not take into consideration the recent growth in student performance. The Equivalency approved for Newark assesses the District’s progress in recent years and is more meaningful to the District in developing curricular and instructional improvement strategies while still providing rigorous accountability for results.

The approval of this Equivalency made the bar of 80 and evidence of sustained progress more accessible. Alongside the District’s QSAC visit in May 2017, the State assessed the District’s scores against the Equivalency measures. The 2017 placement score for Instruction and Program represents the District’s outcomes on the Equivalency; these measures and the District’s scores are included in Appendix A. In sum, the District met 11/12 points on English Language Arts measures, 9/10 points on math measures, 8/8 points on high school measures, and 2/8 on other measures (e.g. science, attendance, etc.). Taken together, the District scored 30/38 on the approved Equivalency metrics and 92/100 points overall for I&P.

### Regulatory Context

Regulations of the State Board of Education provide the legal context for the development and implementation of this Plan for the full return of local control to Newark. The entire process for return to local control after the District scores above 80% on any QSAC indicator is predicated on the Commissioner of Education and State Board of Education finding “[S]ubstantial evidence that the public school district has adequate programs, policies and personnel in place and in operation to ensure that the demonstrated progress, with respect to the components of school district effectiveness under intervention, will be sustained.” NJAC 6A:30-7.1 This concept of sustained progress forms the basis of this Plan. The State Board of Education has approved the return of full local control upon the adoption and implementation of this Plan, as of the effective date of February 1, 2018. Assuming the plan is fulfilled, it will expire in two years from this effective date. At that time, the Commissioner will designate the District as a “high performing” school district and determine its placement on the QSAC continuum. Regulations (NJAC 6A:30-7.3) provide for the following components of the Plan:

- “A timetable for the activities relating to and leading to the withdrawal from State intervention in the areas under transition” (See Appendix B);
- “Provisions regarding the continued employment status of the State district superintendent appointed during the period of intervention, provided, however, that the State district superintendent shall continue to hold that position until ... [governance is returned to local control]”;
- “Provisions regarding the continued provision of technical assistance by highly skilled professionals”;

- “Provisions regarding the continued use of and any changes in the duties, authority and responsibilities of highly skilled professionals appointed to provide direct oversight in the public school district”;
- Establishment of “a decision-making hierarchy in the event that conflicts arise between persons appointed and school district personnel regarding public school district operations”; and
- “Specific goals and benchmarks to assist the public school district in satisfying the factors set forth at N.J.A.C. 6A:30-7.1(b)...” [6A:30-7.3(a)5 et seq.]

The process for the development of the Plan is also addressed in regulations. Regulations provide for approval of the Plan by the Commissioner, who is charged with unique responsibility for developing it in collaboration with local authorities. Once this approval has been granted, the Plan will be “presented at a public meeting of the district board of education and officially noted in the minutes.”

Regulations provide for the continued engagement from the State during the period required to implement the Plan. “During the period of transition, the Department shall continue to monitor the public school district...to ensure that progress is sustained and that the transition plan is being implemented.” (N.J.A.C. 6A:30-7.4(b))

The regulations provide additional guidance regarding the transition of Governance. When the Governance component is returned to local control the Plan must address the following:

- Receipt of technical assistance by the public school district, and the payment for such services; and
- Discontinuance of the Capital Projects Control Board
- A special election within one year placing the question of classification status pursuant to N.J.S.A. 18A:9-1 et seq. before the voters of the public school district.

The transition process formalized by this Plan will end “upon complete satisfaction of all components of a full transition plan to local control...” NJAC 6A:30-7.6. The anticipated date of expiration is in two years, on January 31, 2020.

## Provisions of the Transition Plan to Full Control

### Part 1: Fundamental Considerations

#### 1. Length of the Transition Plan

The Newark Public Schools administration and Board have shown dramatic improvement. To ensure the sustainability of this improvement through the transition, the initial length of the transition period, and therefore this Plan, shall extend from the effective date of February 1, 2018, when local control will revert to the Board, for two years until January 31, 2020 at which point the Plan will expire, provided it has been successfully implemented.

At that point, the Commissioner shall notify the State Board of Education (SBOE) that the District has successfully and thoroughly completed or met all activities or benchmarks required under the Plan. Determination of the completion of the expectations established in this Plan shall be based on the metrics established in the Comprehensive Accountability Office structure described below.

#### 2. Constitution of the Advisory Board as the Board of Education

On February 1, 2018, the Advisory Board will be constituted as the Board of Education with all powers, authority and responsibility provided by law.

#### 3. Classification of the District

State law provides that a referendum on the classification of the board as Type I (appointed) or Type II (elected) be held within one year of meeting the performance criteria for Governance. In keeping with the spirit of returning oversight and governance of the District to the people of Newark, the overriding principle for the establishment of the election date for district classification should be to maximize voter attention and participation. Given that participation is greatest at the general election, the date of the referendum will be November 6, 2018 which is within one year of the approval of this Plan.

At that special election voters will determine the form of governance of the Newark Board of Education. Consistent with statute N.J.S.A. 18A:7A-53, in both Type I and Type II districts the members of the Newark Board of Education at the time of the election shall remain and continue in office until the expiration of their respective terms and the qualification in office of their successors. If voters approve a Type I district (appointed) at the election, the District will notify the City of Newark of the requirement to establish a Board of School Estimate and appoint members to said Board.

The preparation and approval of the 2018-19 budget for the Newark Public Schools District shall proceed pursuant to the provisions of N.J.S.A. 18A:7F-5. However, due to the fact that the voters will not select whether the District will be a Type I or Type II district until November 2018, after the time for the submission of the 2018-19 budget, and consistent with the intent of N.J.S.A. 19:60-1.1, the Board need only submit the budget for voter approval if it requires a separate proposal to raise an additional general fund tax levy as defined in N.J.S.A. 18A:7F-5(d)(9). If an additional general fund tax levy is necessary, it will be submitted to the voters for

approval at the November general election. In subsequent years, the Board of Education will assume all appropriate authority, as determined by its Type I or Type II structure, regarding budget planning and approval, fiscal oversight, and compliance with state and federal requirements.

The overwhelming majority of Type II Districts throughout the State hold school board elections in November to increase voter participation and decrease costs incurred by holding a separate election. Currently, Newark holds its Board elections annually in April; this will remain the case if Newark becomes a Type II District (and no action is taken to move the election date). State law allows school board elections to be moved to November, for the purpose of increasing public participation. Both the Newark School Board and Municipal Council have the authority to change future Board elections from April to November. There is no set statutory deadline for passage of the resolution to move an April election to November. However, N.J.S.A. 19:60-1.1(c) requires written notice to change the date of a school election from the third Tuesday in April to the first Tuesday in November, which must be provided to the county clerk no less than 60 days prior to the third Tuesday in April to take effect for that year's election. Thus, in order to move elections for 2018, such notice would need to be provided by February 16, 2018, 60 days in advance of April 17, 2018, and for 2019, by February 15, 2019, 60 days in advance of April 16, 2019.

Appendix C contains a list of the names and terms of current NPS board members.

#### 4. State Engagement with the District During the Transition

Due to the magnitude of the transition and the number of years since the District was last under local control, the State will have specific elements of monitoring and supporting the District during the period of transition.

The regulations contemplate that this engagement may occur through the appointment of an individual designated as a Highly Skilled Professional (HSP) to monitor progress and assist the District in the transition to local control by providing guidance and expertise. The Commissioner will appoint a HSP for Newark to support the District and Board in the implementation of this Plan. This Plan envisions that the role of the HSP in Newark will evolve during the transition period to reflect the needs of the District, with the initial focus of the HSP's efforts on supporting the District in developing its budget, executing personnel decisions in peak season, and planning for the opening of school for the first time under local control in over two decades.

In order to assist the District in meeting the expectations of this Plan, the State will appoint a technical HSP with the authority provided under NJSA 18A:7A-14(e)(2) for the period from February 1, 2018 until the Plan is deemed fully completed by the Commissioner (January 31, 2020). The HSP will assist the District in the implementation of the Plan as follows:

- The District's budgeting process and its allocation of resources
- The development of policies and procedures for the budget and financial planning

- The alignment of budget objectives and financial goals with instructional and student needs, as well as with previously approved corrective action plans from prior audit or monitoring reports
- Lines of communication between the Board and its central administration
  - Protocols to ensure communication between Board and District is appropriate and consistent with good governance
  - Responsibilities of Board members clearly defined and monitored
- Delineation of Board and administration responsibilities
  - Board to make policy in concert with administration
  - Administration to implement policy

In addition, the HSP will serve as the liaison between the Board and the State in the implementation of the transition plan and will consult with the district's Strategic Planning Committee, the group which will lead the development of the first strategic plan for the District under local control (see Part 2 Section 10). The HSP will also support the activities of the Comprehensive Accountability Office (see Section 6). Finally, the HSP will provide guidance and consultation to the District and the Board to establish relationships with the Newark higher education and non-profit community to support the District and Board in leveraging local expertise and resources to accomplish the goals of this Plan. Included in these relationships, the HSP will encourage consultation between the District and other public school entities (i.e. county vocational and charter schools) to ensure that the District continues to plan for the City's education system as a whole, on behalf of all public school children.

The HSP will serve as a resource and advisor to the District on issues concerning the School Ethics Act and applicable State ethics laws and assist in proactively identifying behaviors that may raise in ethical issues. The HSP's role will not preclude him or her from making referrals to the School Ethics Commission concerning potential violations of the School Ethics Act.

The HSP will be compensated as provided in statute with half of the costs being paid by the State and half being paid by the Newark School District.

Finally, State law also provides for the presence of State Auditors in the State Operated Districts to assist the District in maintaining budgetary integrity through accurate accounting and internal controls. The State Auditors, already positioned within the District under State intervention, will continue in the District for a period of two years following completion of all activities required under this Plan. The State will continue to reimburse the District for the cost of this audit staff.

#### 5. [Process for Resolving Conflict between the Superintendent and Board](#)

To maintain effective management of the District and ensure alignment between the Board and the Superintendent, it is essential that the two parties work together professionally and respectfully. It is inevitable that conflict will arise periodically between/among the Board and Superintendent; in these instances, all parties should engage constructively in issue resolution. It is recommended that the primary venue for discussing concerns and resolving issues is in Board committee meetings and executive sessions, where legally appropriate.

In cases where the Superintendent and Board cannot resolve conflict, the HSP can be a useful mediator.

Though it is strongly recommended that the Board and Superintendent work towards consensus, the authority of each should be considered in light of the division of responsibilities in which strong boards select the Superintendent and set overall policies while ceding day-to-day operations and management decisions to the Superintendent. If that approach is violated, it creates disunity between the Board and Superintendent, making it difficult to attract and retain the most qualified Superintendent and cabinet members.

#### 6. Comprehensive Accountability Office

As with any large, organizational strategic shift, the success of implementation of this Plan in guiding the transition depends on tracking and publishing data that evidences the sustained progress of the District. As a foundational requirement, the District must meet the expectations in this Plan as measured through the indicators in the Accountability Scorecard and annually reported by an independent entity.

To facilitate this reporting, the State will partner with an independent entity to form a Comprehensive Accountability Office (CAO) with the capacity to collect, analyze, and publish data regarding the ongoing operations and performance of school districts and boards recently exited from State intervention and returned to local control. NPS and the Newark Board will be among the school districts the CAO is tasked to support. This independent entity will be crucial in aiding the Department's review of the NPS's compliance with and progress toward full implementation of this Plan. The CAO will be formed by the Department, in consultation with the District. The chosen entity will have demonstrable expertise in the relevant areas, described in greater detail below. The cost associated with the entities creation and all associated work shall be split by the District and the State.

The Comprehensive Accountability Office will gather and analyze data from the District and State to aid the State in monitoring progress and compliance with the Plan using specific, clear benchmarks and metrics to determine if the expectations for sustained progress and continual improvement continue to be met.

Additionally, the CAO and the District shall publish all information provided to the CAO and any analysis thereof on the District's website. The CAO may additionally create a website for this purpose to complement what is published on the District's website.

This Plan is accompanied by an Accountability Scorecard with metrics assessing the District's progress in meeting the expectations established in this Plan. This Scorecard will be at the core of the Comprehensive Accountability Office's efforts; it measures District progress against the expectations in this Plan and should be seen as a complementary process to QSAC.

Specifically, the CAO will be responsible for:

1. Compiling relevant data and information to establish the annual status of the District compared to the Scorecard metrics and providing information necessary to assess annual progress on the Plan;

2. Publishing and presenting the data to the Department and to the public in a credible, digestible, and actionable way, such as through the development of an easy to understand dashboard of District performance that will be broadly disseminated to the Newark community.

In order to be fully independent, the CAO shall be located in a group or entity determined by the Commissioner of Education, who will oversee its work.

The Comprehensive Accountability Office will meet bi-annually with the District to assess progress against the Scorecard and will produce and present a public report annually in January (2019 and 2020). The Superintendent and Board will provide updates at public board meetings about these bi-annual meetings.

The State will review each of the two annual reports and may discuss the District's progress with the HSP, District, and/or Board. The CAO's annual reports shall be part of, but not the exclusive measure of the District's progress through the transition plan. In reviewing the annual reports of the CAO and all other information available to the State, should it identify concerns with the pace or degree of progress made by the District, it may consider potential interventions, described in Section 7.

Provided the District meets all the expectations in this Plan and the Commissioner recommends the complete withdrawal of state intervention upon the completion of this plan in January 2020, the CAO's second report will be prepared in time for NJBOE consideration of that matter.

#### [7. Consequences for Not Meeting the Expectations of the Full Transition Plan](#)

It is expected that the progress made in recent years, leading to the transition of Operations, Fiscal Management, Personnel, and finally of Instruction & Program and Governance, will continue and that the District will align its efforts and resources to drive further improvement for schools and students.

However, this Plan must also responsibly provide for a scenario in which that progress is interrupted. As discussed above, the independent Comprehensive Accountability Office will report on the District's overall progress. After the State's review of this overall progress, the State will establish interventions and modifications to this Plan, consistent with statute and regulations, that specifically address any area of identified concern or deficiency. These interventions may include:

1. Continuation or reinstatement of the HSP;
2. Providing additional levels of State oversight and support;
3. Directing that the District take specific actions consistent with the terms of the Transition Plan as an alternative to initiating formal statutory or regulatory intervention processes, including reinstating full-state control; or
4. Elongating the time-frame for the expiration of the transition plan.

In addition to the data reported on annually by the CAO as described above, there are certain events that may occur either through action or inaction that are so inarguably egregious as to



fundamentally change the progression of the transition and require the immediate reestablishment of State intervention.

These egregious events would indicate clearly that the District has not developed the capacity necessary to fulfill its responsibility to the children and families of Newark. In such an instance, the State may take any actions authorized by statute and regulation, including full State intervention pursuant to N.J.S.A. 18A:7A- 15 and N.J.A.C. 6A:30-6.1, et seq.

This provision is triggered in the event of non-compliance in any of the following critical areas as established by this Plan and identified by, or reported to, the independent Comprehensive Accountability Office, HSP or School Ethics Commission:

- a) A pattern of violations of the School Ethics Act by members of the School Board or Senior Leadership team;
- b) Incidents of interference in personnel decisions that undermine the effectiveness of the District; these may include violations of any of the following laws as determined by the School Ethics Commission or Commissioner of Education as appropriate:
  - Conflicts of Interest law (NJSA 18A:12-24);
  - Code of Ethics for School Board Members (NJSA 18A:12-24.1) included as Appendix D;
  - Nepotism policy required by NJAC 6A:23A-6.2; or
  - Contributions to District Board of Education Members and Contract Awards (NJAC 6A:23A-6.3),
- c) As determined by a court, government agency, or by the HSP and verified by the Commissioner of Education, failure to abide by federal and state laws (related to District responsibilities) and Board policies and bylaws, that are applicable to members of the Board of Education and senior management team and that undermine the effectiveness of the Board as a whole.
- d) Failure of the Board to pass a balanced budget in compliance with State requirements;
- e) Adverse opinion in the annual financial statement audit;
- f) Insufficient cash flow to make payroll or vendor payments;
- g) Failing scores on more than 33% of metrics on the Accountability Scorecard produced annually by the CAO;
- h) Policies or actions by board members or the District leadership that knowingly putting children's safety at risk;
- i) Failure of the Board to approve State standard-aligned curricula; and
- j) Other widespread, consistent, or egregious actions that hinder the ability of the Board or District to efficiently and effectively operate the District as identified by the HSP and verified by the Commissioner.

#### 8. Initiatives to Aid in Transparency and Accessibility

Building on recent collaborative efforts such the South Ward Community Schools Initiative and citywide forums on local control hosted in November 2017, Newark's leaders (including Board members, Mayor and Superintendent) should continue to regularly engage parents, families and community members on the status of District progress and on their vision for new strategic



directions. Annually, at least one public forum should be focused on the results of the Accountability Scorecard developed by the Comprehensive Accountability Office in Section 6 above.

This Plan expects that the District builds on recent practice to deeply engage with all stakeholders in the community. The District should ensure that it disseminates information in a timely manner to all relevant stakeholders and continue to pursue meaningful community engagement to inform and support District strategy.

#### 9. Education of Public

Building on the five public meetings held by the District on November 1, 2017, the District shall take appropriate steps to inform and educate the public about the return of local control and about the provisions of this Plan and the special election to be held on November 6, 2018 to determine the District's classification status (Type I or II). In addition to public forums, diverse methods of communication should be used (website, social media, etc.) to maximize information reach and dissemination.

## Part 2: Governance

### 1. Purpose and Overview

This section of the Plan is pursuant to *N.J.A.C. 6A:30-7.2* (b) and (c); and *N.J.A.C. 6A:30-7.3* to delineate the terms and conditions for the return of the Governance component of the New Jersey Quality Single Accountability Continuum (NJQSAC) to the District by resolution of the State Board on September 13, 2017. The purpose of Part 2: Governance is to document the process, actions, and commitments to be taken by the District, the School Board, and the Department in order for the State to withdraw intervention in the area of Governance.

This portion addresses training for the Board to undertake in ethics and other governance topics; structures and expectations for the Board's decision-making process, role, and working relationship with the Superintendent and District staff; plans and expectations around the current State-operated Superintendent and the process for identifying a permanent superintendent; strategic planning and budgetary expectations; facilities oversight; and finally, expectations regarding additional initiatives.

All topics addressed below are included in the timetable in Appendix B and benchmarks are similarly included in Appendix B.

### 2. Ethics Training for BOE and Senior Administrators

In locally controlled districts with high-functioning leadership, the community has confidence in the integrity of the Board of Education and District educational leaders. To develop this for Newark, the District must have a culture of high expectations for decision making that embraces the needs and best interests of all children. The Board and the senior leadership team must have a solid understanding of the laws, regulations and case law that establish the ethical standards for District leadership.

The Board of Education and Superintendent, in cooperation with the HSP, will develop training modules based on best practices in professional development (e.g. sustained training, rather than singular events, that are practical and applied in nature) that must be completed by each member of the Board and Senior Leadership Team. Should the District and/or Board identify for and provide evidence to the Commissioner of any previous board trainings which sufficiently address these topics and were successfully completed by all of the currently constituted board members, the Commissioner may deem in writing that this previous training meets the requirement.

The training module shall include the following components:

- State Law, Regulations and Case Law regarding conflicts of interest and ethical requirements of school board members;
- District policies regarding ethical conduct;
- Financial disclosure requirements; and
- Review of past ethical lapses in the District and how these have impacted the District's educational progress and financial status.

Particular attention will be paid to the following subject areas:

- Conflicts of interests;
- Board's respect for the confidentiality of information;
- Appropriate role of the Board compared to the Superintendent and District leadership, including avoiding Board attempts to exercise any administrative responsibility; and
- Potential tensions between actions in the interests of all students in Newark and for the community and requests made of the Board or individual Board members.

All training related to these topics must be completed by February 1, 2018, as noted in Appendix E.

### 3. Professional Development for the BOE and Senior Staff Regarding Governance Best Practices

Professional development in effective decision-making processes will accomplish a number of goals including better support for student achievement; modeling student-centered attitudes for District staff and the community; creating an atmosphere of community support for the work of the schools; bringing to fruition the hard work of Board members and staff in preparing for the board meetings; and strengthening administration and Board relations.

In order to develop capacity in the Board and District staff to utilize an effective decision-making process, each Board member and administrative cabinet team member will be required to complete training in governance best practices (in addition to the ethics training described in the previous section) covering the following components:

- General attributes of successful boards and board members (including engaging those identified by the State as models);
- Ethical governance (see Section 2 above);
- Effective decision-making processes and consensus building;
- Protocols for communicating with the public, including:
  - Communication during formal meetings of the Board (for example, how to respond during public comment about a specific individual, under appropriate Rice notification procedures);
  - Communication outside of formal board meetings (for example, engaging informally with members of the public);
- Communicating with administration and fellow Board members;
- Developing the necessary subject area expertise in areas such as Personnel and Finance;
- Distinction in the purpose and goals of business and public meetings; and
- Mentorship for Board Chair (at the start of and throughout his/her tenure)

All training related to these topics must be completed by March 1, 2018, as noted in Appendix E.

Through the HSP, the State shall establish clear expectations of the Board for conducting committee and public Board meetings in an efficient, transparent and respectful manner. The HSP will assist the Board and District leadership in developing the set of trainings for Governance, utilizing community resources whenever possible (such as partnerships with higher

education, business and non-profit institutions in Newark to provide the training workshops). Again, should the District and/or Board identify for and provide evidence to the Commissioner of any previous board trainings which sufficiently address these topics and were successfully completed by all of the currently constituted board members, the Commissioner may deem in writing that this previous training meets the requirement. Typical practice of high-functioning boards is to have two different kinds of public meetings; in Newark, these are referred to as “business” and “regular” meetings. Though both are subject to the Open Public Meetings Act, the use of each is intended to be different. This Plan reestablishes the expectation that the Board effectively use each meeting for its specified, intended purposes.

Therefore, it is expected that business meetings will be used to discuss issues in greater detail, including Board members having the opportunity to ask questions of District staff and engage in a productive exchange of ideas. Regular meetings, by comparison, are where the Board votes and takes action on issues (by which point the agenda items have been thoroughly discussed and vetted) with further deliberation limited to instances in which new, relevant information has arisen.

Committees have generally functioned in NPS within appropriate guidelines, discussing specific areas with the Superintendent or key staff and communicating the conclusions of such discussions to the rest of the Board.

Finally, the Open Public Meetings Act also specifies that only certain issues may be discussed in closed, or “executive” session. The Board must use executive sessions appropriately and maintain its commitment to transparency and integrity in decision-making.

#### 4. Structuring the Board Decision-Making Process

Board decision-making, in both policy and practice, should be efficient, transparent, and prioritize the needs of students first.

With regard to Board agendas, the Superintendent and Board Chair will continue, as has been recent practice, to co-construct Board meeting agendas.

The various meeting structures of the Board (committees, business meetings, and public meetings) shall be used to ensure the Board engages in rigorous discussion among members and with the District leadership. Committee reports should be carefully written to be summative and facilitate an efficient review of Board actions and decisions. Board members should come to each type of meeting prepared, having read preparatory materials and with any outstanding questions/issues identified. The Board Chair shall review committee notes prior to regular meetings where the monthly reports are shared. In addition, the Chair (upon review) will share all committee reports with Board members for review and discussion prior to the business and regular meetings.

Public participation in Board meetings should continue to provide a meaningful opportunity for stakeholders to provide input on issues or raise concerns.

## 5. Board Understanding of the Importance of Relevant and Updated District Policy

The Board’s responsibilities include directing the review and development of District policy. Through policy, the Board sets goals for the entire school system. Written policy creates continuity, informs the public, and helps to routinize decision-making. Given the newly empowered Board and the upcoming Superintendent search process, the Board should conduct an immediate review of its decision-making and procedural policies that need to be changed to reflect the return to local control consistent with the expectations of this Plan.

Following the start of the new permanent superintendent, the Board shall demonstrate the importance of District policy by working with senior staff to establish a continuous process of policy review and development so that:

- Policies are clearly written, organized and easily accessible to all members of the staff and to the public;
- Policies and administrative regulations are up to date and reflect current law and local needs;
- The Board is substantively engaged in conversations around major policy developments;
- Policies clearly reflect current District views on the issues; and
- Policies are tied to the District’s educational goals and purposes

## 6. Status of the State-Operated Superintendent

One of the key characteristics of a state-controlled District is the appointment of the superintendent. With the State’s full withdrawal of intervention, this Plan establishes expectations for the status of the State-Operated Superintendent following return of the Governance function to local control.

State law provides that the District has three options in this regard (NJSA18A:7A-49): “extend the contract, provide 18-months notice of the intent to modify the contract, or allow the contract to expire with the appropriate required notification.” Additional guidance can be found in the current contract between the Commissioner and the Superintendent, which provides that the Superintendent’s term expires on June 30, 2018. The contract also specifies that the terms are subject to modification by the Commissioner upon return of the Governance function to local control.

Should the State-operated Superintendent choose to vacate the position prior to the expiration of the contract, the next most senior official in the District (the Deputy Superintendent in NPS) will serve as the Acting Superintendent until the expiration of the current State-operated Superintendent’s contract or the start date of a permanent superintendent, whichever is later, unless an alternate appointment is made by a majority vote of the Board.

## 7. Search for Successor Superintendent

Among the Board’s most significant responsibilities is selecting, working with, and evaluating the Superintendent. The following three sections deal with each of these in turn.

The selection of a Superintendent is among the most significant decisions to be made by the Board. The Superintendent will represent the vehicle through which the strategic direction and priorities of the Board will be carried out. The Board must be comfortable that it can develop a working relationship with the new Superintendent, and the selection process is the critical first step in that process.

The Board will lead decision-making in the selection process, but will be required to faithfully adhere to the following requirements in conducting the search:

- Be national in scope, with commensurate advertising and recruiting;
- Conducted by a reputable search firm selected through a public RFP process; the search firm will have experience running superintendent search processes for large urban districts with a proven track record of successful outcomes;
- Include community input into the ideal candidate profile but maintain confidentiality of candidates until the Board has chosen finalist(s);
- Generate a selection committee to conduct the process and make recommendations to the Board of final candidates. Selection committee shall consist of designees of the Board and civic leaders jointly selected by the Mayor and the Commissioner, as described below.
- Identify no more than three final candidates to present to the full Board for consideration.

The selection committee shall aim for consensus-driven decision-making as a matter of principle, but ultimately use a simple majority to ensure the process proceeds efficiently (as described in the timeline below).

The selection committee will include seven members, with a significant majority representing the local Newark community:

- 3 board members, selected by the Board Chair;
- 3 members, with a clear and longstanding connection to Newark, selected by consensus by the Commissioner and Mayor;
- 1 State representative, selected by the Commissioner.

In addition, the DOE will appoint a designee to serve as secretary to the selection committee.

In order to assist the District in finding the best candidate and having the new superintendent assume office at the beginning of the 2018-19 school year, the Board will make demonstrated efforts to adhere to the following steps and timelines:

- a. District will have disseminated a Request for Proposals for a search firm no later than November 30, 2017;
- b. Board approves selected search firm and search firm begins work no later than January 16, 2017;
- c. Search committee constituted no later than January 16, 2017;
- d. Search committee completes work: recommends no more than three candidates to board no later than April 30, 2018;

- e. Final selection of, and acceptance of offer by, new superintendent by Board no later than May 31, 2018;
- f. New Superintendent takes office no later than July 1, 2018.

#### 8. Establishing Expectations for a Working Relationship between the Board, Superintendent and Senior Staff

The Board of Education, Superintendent and Senior Leadership Team must function successfully as a collaborative and cohesive governance team. To this end, the following expectations are essential:

- Meaningful working relationships are maintained between the board and administrative team.
- Individual Board members respect the decisions of the Board majority and do not undermine the Board's actions in public.
- The Board demonstrates respect for and support for District and school staff.

Additionally, this Plan expects that the Board and Superintendent will continue to fulfill the mutual expectations developed in May 2017 and updated in July 2017 to:

*(1) ensure the Board and Superintendent are acting as a joint leadership team to work for consensus to effectively address the District's challenges, support student achievement, make decisions that are community-focused, govern in a dignified and professional manner, respect each other's right to disagree, and treat everyone with civility, dignity, and respect; and*

*(2) follow protocols so that there are no surprises and that any issues and inquiries brought to the Board go to the Superintendent and respective Board committee(s).*

These expectations established the following agreement between Board members and the Superintendent:

1. *Make each decision based in the interest of students and not for personal agendas*
2. *Treat each other respectfully*
3. *Establish and maintain a basic organizational structure for the District, including selection of the Superintendent and adoption of policies, curriculum, budget, and collective bargaining agreements*
4. *Value the role that each plays in the community and represent the District by attending school and community functions*
5. *Uphold the legal requirement for confidentiality on all matters arising from Executive Session*
6. *Mutually trust that all available facts and data have been factored before presenting recommendations*
7. *Assess and evaluate educational issues affecting Newark Public Schools*
8. *Ensure accountability to the local community*
9. *Provide community leadership with advocacy at the local, state, and national levels on behalf of public education*

- 10. Consider the Superintendent's and Board's recommendations without bias
- 11. All Board business is conducted through Board communication channels

The Board and Superintendent, with the participation of the HSP, will establish a mechanism to continually review progress toward achieving the above expectations, including the development of a pre- and post-meeting survey and self-evaluation instrument to be completed periodically by all members of the Board and senior staff. The instrument will identify key indicators including communication, decorum and conflict resolution. The Board will discuss and reflect on the results of the survey with senior staff and with the HSP with the goal of continual improvement. The HSP will enlist the assistance of the New Jersey School Boards Association and other appropriate entities in reviewing progress, providing support and in developing the survey instrument, interpreting results and implementing improvement strategies as needed.

Additionally, the District staff work for and report to the Superintendent; thus, it is the Superintendent's role to direct the work of the District staff and make decisions about the allocations of resources, including such human capital resources as headcount and staff time. In selecting the Superintendent, the Board explicitly places trust and confidence in the Superintendent's judgment with regard to the selection and deployment of District staff and resources.

A key step in the transition is to clearly outline and agree to the roles and responsibilities of the Board and the District. As laid out in the District's Personnel Transition Plan, approved by the Commissioner on August 21, 2017, previous literature outlined best practices of roles and responsibilities for school boards and district staff. The table summarized below establishes a baseline of what the separate and shared responsibilities include.

**Exhibit 1. Board, Superintendent, and Collective Responsibilities**

<b>School Board Responsibilities</b>	<b>Superintendent Responsibilities</b>	<b>Collective Responsibilities</b>
<ul style="list-style-type: none"> <li>○ Advocating for all children, teachers, and other staff</li> <li>○ Maintaining fiscal responsibility</li> <li>○ Making policy for the District regarding personnel matters</li> <li>○ Delegating day-to-day management and decision-making authority for policy and personnel to the District</li> <li>○ Acting in compliance with applicable law, including the New</li> </ul>	<ul style="list-style-type: none"> <li>○ Recommending all administrative policies and annual budget to the Board</li> <li>○ Supporting the board by providing information for decision-making</li> <li>○ Overseeing educational program</li> <li>○ Taking responsibility for personnel matters</li> <li>○ Developing and administering the budget</li> <li>○ Developing and supporting teachers and other staff</li> </ul>	<ul style="list-style-type: none"> <li>○ Prioritizing student outcomes</li> <li>○ Providing educational leadership to the community</li> <li>○ Creating strong connections with other agencies to support the achievement and development of children</li> <li>○ Setting district-wide policies and goals</li> <li>○ Ensuring safety and adequacy of all school facilities</li> </ul>



Jersey Open Public Meetings Act and School Ethics Act	<ul style="list-style-type: none"> <li>○ Day-to-day administration of the school district</li> </ul>	<ul style="list-style-type: none"> <li>○ Ensuring effective Board and District communication</li> <li>○ Overseeing negotiations with employee groups</li> </ul>
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Source: Adapted from Goodman and Zimmerman, (2006) *Effective Superintendents, Effective Boards*.

This structure provides an effective approach to ensure that both the Board and the District operate effectively, efficiently, and aligned to best practice. The Board’s responsibility is to oversee the Superintendent, while the Superintendent’s main role is day-to-day management. In short, a Board cannot and “should not cross the line into management.”<sup>1</sup>

However, to ensure that these delineated roles are enacted appropriately, there is also the need for ongoing trust, open communication, and transparency between the Board and the Superintendent.

### 9. Evaluation of the Superintendent

In addition to its duties and obligations described in the Sections above, the Board must also annually evaluate the Superintendent.

Pursuant to the requirements of N.J.S.A. 18A:17-20.3, the Newark Board of Education will conduct an annual evaluation of the Superintendent as part of its regular operation of the District. The statute requires that the evaluation be based on the goals and objectives of the District and the responsibilities given to the Superintendent.

To supplement this, the Board will also follow these general guidelines of best practices with regard to evaluating the Superintendent:

- Set annual goals aligned with the District’s strategic plan for which the Superintendent will be evaluated including, at a minimum, outcomes for student academic growth and achievement;
- Follow all appropriate ethics guidelines around confidentiality of personnel matters, of which the Superintendent’s evaluation is one;
- Reflect the statutorily required training provided by the New Jersey School Boards Association to new board members.

All training related to these topics must be completed by July 1, 2018, as noted in Appendix E.

### 10. Strategic Planning Expectations

Strategic plans help the Board and District to continually strive toward higher educational standards and outcomes for students, driven by a coherent district-wide commitment to the values of equity and excellence.

The District is currently implementing a three-year strategic plan that extends through School Year 2018-19. One of the major impediments to District improvement is a lack of consistency in

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<sup>1</sup> McAdams, D. (2006). *What School Boards Can Do: Reform Governance for Urban Schools*. Teachers College Columbia University, New York.

strategies and abandoning or modifying strategies prior to full implementation. Thus, this Plan expects that the District will continue to faithfully and fully implement the current strategic plan through its third and final year.

During the new Superintendent's first months of tenure, the Board and District should immediately begin the process of developing a new strategic plan, to be approved by the Board prior to July 1, 2019. The district should engage a nationally-recognized organization to consult and advise the strategic planning process, in which the HSP will fully participate.

The strategic plan will not only set forth the District's strategic commitment and direction but will also serve to hold the District and Board accountable to the Newark community for achieving measurable goals that will drive student success.

#### 11. Guiding Principles of Budget Development

Historically, the budget process has presented one of the most serious challenges for the District. Ongoing statewide budgetary pressures will likely continue to make the annual budget process challenging for the District as it transitions to local control.

In recent years, the District has established certain budgetary principles to guide responsible spending decisions, and this Plan expects that these principles will continue to guide budgetary planning during and after the transition period.

During the budget approval process (applicable to all districts), the Department will look for evidence of a:

- a. Continued commitment to school-based budgeting, focused on equity and transparency in school allocations;
- b. Continued commitment to and progress toward shifting dollars into the classroom;
- c. Continued commitment to identifying and implementing operating efficiencies in key areas while still maintaining essential student services;
- d. Cap on increasing central administrative expenses as a percentage of the overall budget, set at the current percentage of 8% of the overall District budget;
- e. Commitment to build unrestricted reserve funds to the maximum amounts permissible by law;
- f. Commitment to build adequate contingent reserve funds such as the Capital Reserve Fund;
- g. Utilization of conservative budget assumptions and prudent financial management to ensure the District achieves (or exceeds) a balanced budget.

#### 12. Facilities

The District, School Development Authority and the Commissioner will develop an orderly process and timeline for the discontinuance of the Capital Projects Control Board established pursuant to NJSA 18A:7A-46.1. The Board shall end all activities on the effective date of the transition to local control established in this plan. Within 60 days of termination of the Board, as specified above, the Commissioner will deliver to the school district, municipality, and the Division of Local Government Services in the Department of Community Affairs, a final report regarding the activities of the Board. Any authorization of capital projects and their associated

financing approved by the Board on or before the effective date of the transition to local control established in this plan that are awaiting funding through the issuance of a bond or the reallocation of a bond or note by the City shall remain in force and valid for a period of 180 calendar days after the dissolution of the Board. All records and documents of the Capital Project Control Board shall be turned over to the Newark Board of Education by June 30, 2018.

In addition, all districts within New Jersey are required to complete and submit a Long Range Facilities Plan (LRFP) every five years for approval by the Commissioner. The LRFP serves as the District's building space plan and provides transparency to community stakeholders for the District's intentions regarding use of facilities for various educational and administrative purposes.

The District's current LRFP implementation extends through School Year 2019-20. Given the complexity of analyzing the current use and coming to thoughtful decision-making around the best future use of facilities, this Plan expects that the District should begin the process of developing a new LRFP plan no later than 180 days before the deadline of the current LRFP on July 1, 2020. As needed, the District should engage with appropriate content experts (e.g.: demographers, urban planners, etc) to develop the LRFP. Before Board approval of the LRFP, sufficient community engagement should be conducted.

### 13. Expectations Regarding Additional Initiatives

#### *a. Collaboration with other Newark Local Educational Authorities (LEAs)*

With 12% of Newark students attending county vocational high schools and nearly one-third attending charter schools, a positive cooperative relationship between the District and Newark's other LEAs in Newark will be necessary to successfully achieve the community vision for an excellent education for every child.

The District should also consult with Newark's other public school entities to continue:

- Monitoring residency of all students attending a public school within Newark (including district, charter, and county vocational schools) to ensure that only Newark residents are being attributed to NPS as part of the annual NJSMART student count;
- Producing public, family-facing information regarding all public educational options available to students in the community, including enrollment, attendance, and performance data;
- Participating in a comprehensive data sharing initiative, for which data shared may include demographic and academic including PARCC, discipline, enrollment, etc.
- Sharing best practices across education providers in service of all public school students in Newark.

#### *b. Enrollment*

The District currently uses a common enrollment approach to support families in their selection of schools. In this manner, Newark Enrolls is the primary vehicle for ensuring equity, access, and accountability for all students attending schools operated by public education providers.

This Plan establishes the expectations for how student enrollment should be conducted during the transition period.

In preparation for the 2018-19 school year, information about the common enrollment process was publicized in November 2017 and families began participating in the enrollment process on December 4, 2017. Due to the timing of the return to local control and the effective date of this Plan, for practical considerations regarding students' enrollment into school for September 2018, the District is expected to uphold current policies governing enrollment to ensure continuity for families in the upcoming 2018-19 school year. Any review or reconsideration of the current District policies governing student enrollment shall be conducted only under a new permanent superintendent and implemented for student enrollment in the 2019-20 school year and beyond. If the Board and a new Superintendent decide in future years to consider implementing a new or materially revised system, it is expected that they will seek feedback from all relevant stakeholders and families (both district and charter) as well as leverage any existing studies and reports. Finally, all policy and process changes must be publicly and transparently articulated before adoption. Any material change to the District's enrollment policies and processes must be completed, announced, and voted on by the Board, with sufficient advance notice.

## Part 3: Instruction & Program

### 1. Purpose and Overview

Pursuant to *N.J.A.C.* 6A:30-7.2 (b) and (c); and *N.J.A.C.* 6A:30-7.3, this portion of the Plan delineates the terms and conditions for the return of the Instruction & Program (I&P) component of NJQSAC to the District by resolution of the State Board on September 13, 2017. The purpose of this section is to document the process, actions, and commitments to be taken by the Board and District in order to represent the successful implementation of the Plan in the area of I&P.

The I&P component of the State QSAC process focuses on teaching and learning and, therefore, is most closely connected to the core mission of the District. The QSAC indicators in this area are designed to determine both the District's effectiveness in achieving the State learning standards but also its capacity to do so by looking at the District's curriculum, professional development, supervision of instruction, interventions, attendance and other learning related issues.

The District in the 2016 School Year developed, and the State approved, an Equivalency Application that allowed the effectiveness of its instructional program to be gauged through a variety of student performance measures that were specifically focused on current needs and circumstances. The measures in the Equivalency combined with related I&P QSAC measures were scored by the State after the May 2017 NJDOE County Office QSAC and resulted in a score of over 80% on the Instruction and Program component precipitating the return of this area to local control.

The I&P portion of this Plan addresses student performance data; capacity standards; training for the Board to undertake; structures and expectations for the Board's decision-making process, role, and working relationship with the Superintendent and District staff; continuation of reporting against the I&P Equivalency; expectations for curricular decisions; and finally expectations regarding additional initiatives.

All topics addressed below are included in the timetable in Appendix B (and marked as tying to this section) and benchmarks are similarly included in Appendix B.

### 2. Student Performance Data

In Spring 2016, the Department approved an Equivalency Application for the measures relate to student outcomes within the Instruction & Program section of QSAC, which represent 38/100 of the available points. In its Spring 2017 review, the Department confirmed the District earned 30 of these points.

The Equivalency itself has been written and approved for three years and will therefore apply through the 2018-2019 school year. Through that time period (which corresponds with the first year and a half of this Plan), the District is expected to continue to calculate its own scores and share the data, analysis, and self-scoring with the State for review and confirmation.

Prior to the expiration of this Plan, the District must either request an extension of the Equivalency or explicitly share with the Department the District's intention and understanding that it will be using the updated QSAC indicators, which became effective on December 4, 2017 for the 2018-19 school year).

Further, the District must maintain continued focus on the student performance data that encompasses the approved Equivalency Application.

### 3. Expectations for Continued Focus on Academics

The District must maintain the QSAC capacity standards through an organizational commitment to continual improvement.

The HSP will be tasked with continually monitoring the District's activities concerning the following areas and will provide written warning to the Board of Education, Superintendent, Commissioner of Education, and Comprehensive Accountability Office whenever there is an observed deviation from the required standard:

- a. Curriculum: The District must have in place a process for ongoing review of district curricula based on (1) student performance data and (2) quality of teacher implementation in all grade levels. The curriculum must clearly specify the content to be mastered and be aligned with New Jersey Learning Standards. The District must have in place interim assessments in all tested subjects (including science beginning in the 2018-19 school year). It must be appropriate for students with special needs and English Language Learners.
- b. Implementation of the Curriculum: The District supports schools with planning resources, such as yearlong instructional plans, that complement the curriculum and make clear what students should learn and when. Supervisory practices are in place to ensure that instruction in every classroom is reflective of the quality needed to prepare students to meet the demands of the curriculum. A program of professional development has been established to address the specific needs of each staff member;
- c. Data Informed Decisions: The District has a process to continually collect, analyze, and utilize student performance data to review the effectiveness of curriculum, instruction, and professional development. The data should be disaggregated to identify the needs of specific subgroups and compared to the performance of similar schools and districts;
- d. Interventions: The District is successfully implementing a system for using data to identify causal factors for achievement gaps for student groups and for individual students and to provide targeted interventions to remedy them;
- e. Attendance: The District has established and monitors the effectiveness of strategies to promote regular student attendance;

- f. Special Learners: The District is adequately addressing the needs of students with special needs/abilities (such as students with IEPs, Section 504 Plans, English Language Learners, Gifted and Talented, etc.) in accordance with recognized best instructional practices and with relevant federal and State laws. The District continues its emphasis on placing students with IEPs in the least restrictive environments.

#### 4. Professional Development for the BOE and Senior Staff Regarding Instruction & Program Best Practices

This Plan provides a process of professional development for the Board and Senior Leadership to prepare them to make effective and informed decisions in Instruction & Program. As with Governance, in order to develop capacity in the Board and District staff to utilize an effective oversight and decision-making process for issues within I&P, each Board member and relevant Senior Leadership Team member, as designated by the Superintendent, will be required to complete training in (1) NJ Learning Standards and assessments (i.e. PARCC) used to test standards; and (2) academic data, including the difference between performance and growth measures, formative and summative assessment results, and disaggregation of data to understand subpopulation trends.

All training related to these topics must be completed by May 1, 2018, as noted in Appendix E.

The HSP will assist the Board and District leadership in developing the appropriate training and identifying partners to deliver it. Again, should the District and/or Board identify for and provide evidence to the Commissioner of any previous board trainings which sufficiently address these topics and were successfully completed by all of the currently constituted board members, the Commissioner may deem in writing that this previous training meets the requirement.

Once the required trainings are complete, it is recommended that the Board also identify and participate in trainings covering additional academic topics associated with key academic priorities/milestones in the District's current strategic plan, such as community schools, absenteeism reduction, practices to move students with disabilities into least restrictive environments, and decreasing out-of-school suspensions.

#### 5. Establishing Expectations for Decision-Making and a Working Relationship between the Board, Superintendent and Senior Staff

To support the goals and processes described above, the Board and District must maintain a working relationship to ensure an efficient and effective instructional leadership team.

It should be noted that the Board and District, with regard to I&P oversight and management, have been functioning in much the same way as a locally controlled board. This approach includes the ways in which the Instruction and Program Committee and senior staff conduct reviews of curriculum, deep discussions on teaching practices and professional development plans, school improvement plans, and other topics. This collaboration is expected to continue under local control.

However, there are certain aspects of this relationship that will naturally change when, along with the return of Governance and withdrawal of State intervention, the Board selects a



permanent superintendent. Specifically, the Board should be mindful of the enormity and complexity of the District's system of curriculum and instruction and should limit its policy focus initially to the areas addressed in the District's strategic plan and current academic initiatives. Further, the Board should weigh the value of requests with the time and resources required for District staff to gather information and data, being mindful that time-consuming requests pull District resources away from its core responsibilities.

With regard to all following areas, and in keeping with the Board, Superintendent and District staff responsibilities described in previous sections, roles with regard to I&P should align with the following:

Board:

- Responsibly make decisions or take actions that are in the best interest of all Newark public school children, regardless of any other competing interest or consideration
- Vote to approve locally designed curriculum that implements the New Jersey Student Learning Standards (NJSLS)
- Act in compliance with applicable law, including the New Jersey Open Public Meetings Act and School Ethics Act
- Ensure fidelity of District practice to relevant policies and procedures

District:

- Provide recommendations with helpful, complete information to Board to enable responsible decision-making
- Provide a set of goals, needs assessment, process for research and decision-making, final decisions, and rationales to Board to support curricular decisions
- Provide updates to the Board and Committee on state test outcomes, analysis of data, and academic strategies responsive to student outcomes
- Provide updates on progress towards key academic milestones in the strategic plan and towards meeting Equivalency targets
- Manage the day-to-day execution of all aspects of the District's academic work, including curricular decisions, academic support for schools, and supervisory practices such as management of school leaders and teachers
- Adhere to all federal and state law and internal policies
- Develop curriculum aligned to NJSLS for board approval

## 6. Curriculum Decisions

To further support the working relationship between the Board and the District, this Plan defines the role of the Board in curriculum and instruction decisions.

According to QSAC indicators for the Instruction and Program area, the Board is required to approve the New Jersey Learning Standards.



The Board's oversight in Instruction & Program involves approval of District-recommended curriculum, instructional materials, assessments (apart from PARCC and other State-administered assessments), and related professional development.

This Plan requires that the District continue its existing practice of *reviewing* goals, needs assessments, research and decision-making processes, final decision outcomes, and their rationales with the relevant Board committee where it involves *new* curriculum not currently in use in the District in advance of the Board adoption as required in the QSAC process. It is recommended that the practice of review for new curricula and the current five-year cycle for Board review of existing curricula continue beyond the expiration of this Plan. The Board and Superintendent adopted curriculum aligned with the New Jersey Learning Standards in June 2016 and, therefore, any such review of existing curricula should occur in advance of the 2021-22 school year.

## Part 4: Fiscal Management and Operations

### 1. Purpose and Overview

NPS has had local control of Fiscal Management since 2014 and Operations since 2008. As a result, this Plan need not address specific terms and conditions for the return of these two QSAC domains; however, in the context of the full return of local control and complete State withdrawal of intervention, this Plan revisits these two areas with expectations and requirements around practices and decision-making that will best position the District to marshal its strategy, resources, and attention towards continued improvement in student outcomes. Thus, this section documents the process, actions, and commitments to be taken by the Board and District to ensure responsible oversight of these areas.

This section addresses the Board’s basic fiscal and operations obligations; training for the Board to undertake; structures and expectations for the Board’s decision-making process, role, and working relationship with the Superintendent and District staff; planning for long-term financial stability; financial reporting; and finally expectations regarding additional initiatives.

All topics addressed below are included in the timetable in Appendix B and benchmarks are similarly included in Appendix B.

The HSP will annually review evidence to substantiate the provisions of the QSAC Fiscal Management and Operations areas in the District’s annual Statement of Assurance and report to the Board, Superintendent, Commissioner of Education, and Comprehensive Accountability Office any deviation from the required standard.

### 2. Basic Fiscal Obligations: Budget Requirements and Best Practices

Strong fiscal management ensures the District can focus its strategy and attention on teaching and learning. When a Board and District manage finances poorly, as was the case in Newark prior to State control, the District is unable to meet its obligation to provide a “thorough and efficient” education for its students as delegated by the State.

To meet the standards of fiscal responsibility, State and federal law and the QSAC fiscal indicators, the District must implement a financial system that adheres to certain standards and principles. The HSP will consult and advise the District in the implementation of its financial system, including, but not limited to, the following basic requirements:

- a. *Fiscal Policies*: Annual review and approval by the Board of fiscal policies of the District. The District follows a standard operating procedures manual for business functions including a system of internal controls to prevent the over-expenditure of line item accounts and to safeguard assets from theft and misuse.
- b. *Preparation of Balanced Budget*: The District prepares and the Board approves a balanced budget on time each fiscal year to ensure financial stability.
- c. *Monitoring of Budget to Actuals*: The monthly Board Secretary's report is completed and reconciled without exceptions (e.g.: unbalanced/inaccurate balance sheet, unauthorized transfers) and is completed within 30 days of the month's end, reconciled with the Treasurer's report or equivalent report within 45 days of the

month's end and submitted to the Board within 60 days of the month's end for approval. The report contains a budget status report, which includes for each required line item account, the original budget, transfers, adjusted budget, expenditures, encumbrances and available balance.

- d. *Fiscal Forecasting*: Three times per year, in November, February and May, the District will present to the Board a projection of the current year revenue and expenses to demonstrate and ensure that the District is on target to achieve a balanced budget for the current fiscal year.
- e. *Year-End Balances*: The District ends the year with no deficit balances and no line item over appropriated expenditures by more than 10% in the general fund, special revenue fund, capital projects fund or debt service fund (other than permitted under state law and GAAP).
- f. *Cash Flow*: The District prepares and analyzes changes in cash flow monthly. Cash flow report will recap cash inflows, cash outflows and month-end cash, as well as accounts payable and accounts receivable balances for the District.
- g. *Audit*: The District receives an unqualified opinion on the annual audit, has no material weaknesses, reportable conditions or other audit findings.
- h. *Grants*: The District ensures all grant funds are managed in accordance with the grant requirements and funds are spent within the required time period.
- i. *Capital and Equipment*: The District provides proper oversight and accounting of capital projects, including those funded by bonds and lease financings, and sufficiently tracks supporting financial information to receive reimbursements when capital funds are held by a third party in escrow.
- j. *Facilities*: The cost of capital and facilities maintenance projects are properly recorded in a work order management system that can provide accurate financial information upon the request of District staff, auditors, or other professionals.
- k. *Procurement*: The District complies with the New Jersey Public Schools Contracts Laws and administrative codes for all purchasing.
- l. *Health and Safety*: Annual health and safety reviews have been conducted in each building using the Evaluation of School Buildings Checklist Report (N.J.A.C. 6A:19-6.1 et seq.).

If in the course of providing the advice and consultation, the HSP learns of actions by the Board or Leadership that is inconsistent with these requirements, the HSP shall notify the Commissioner of Education.

### 3. Professional Development for the BOE and Senior Staff Regarding Fiscal Management Best Practices

To date, the Board has successfully maintained and provided oversight over fiscal management and operations; however, with the withdrawal of State oversight via the State-Operated Superintendent's position and the Commissioner's veto, and because nearly the entire Board membership has changed over since fiscal management was returned in 2014 (and the entire Board membership is different since 2008), it is imperative to revisit areas for Board professional development.

Further, fiscal management of NPS places significant demands on the Newark Board given the District's large operation and budget relative to its peers in other districts. Additionally, in recent

years, the District has faced annual budget gaps of up to \$100 million dollars; if the fiscal landscape remains consistent, the District must continue its tight budget management while implementing creative revenue strategies and cost-cutting solutions, all while preserving school budgets as much as possible. Lastly, the history leading up to the State Intervention in 1995 and the course of events since naturally puts a spotlight on the Board's ability to manage the budget effectively in pursuit of the best interest of students.

Thus, the HSP will provide technical assistance and additional training to Board and Senior Leadership Team members in financial oversight, accountability, and fiduciary responsibilities, in the following areas:

- Internal controls
- Budgeting
- Forecasting
- Financial planning and reporting
- Financial policies

Particular attention should be paid to the following areas:

- Revenue: how school districts are funded
- The qualifications and responsibilities of key financial positions (such as the School Business Administrator and Chief Financial Officer, claims auditor, treasurer, and audit committee) and the relationship of these positions to the Board
- Internal controls: the importance of independence and segregation of duties in preventing fraud, waste, and abuse; exploration of common types of fraud, waste and abuse, and what actions boards should take if they suspect irregularities
- Fiscal controls and budget monitoring: reports to receive, from whom, and how often; how to use these reports to assess the District's financial condition
- Financial planning: incorporating enrollment and capital planning and tying to the strategic plan to ensure budget priorities are funded; understanding tradeoffs in the budgeting process and budgeting decision-making
- Financial policies to ensure stability, e.g., ensuring a sufficient fund balance
- Compliance: examining findings and recommendations from statewide audits to better understand the district's compliance with key laws such as those regulating fund balance and other reserve funds.

In addition to the mandatory finance training provided by the NJ School Boards Association (NJSBA), relevant trainings are available through the National School Boards Association (NSBA) as well as the Government Finance Officers Association (GFOA).

All training related to these topics must be completed by March 1, 2018, as noted in Appendix E.

The HSP will assist the Board and District leadership in developing the appropriate trainings, utilizing community resources (such as partnerships with higher education, business, and non-profit institutions in Newark) to provide the training workshops whenever possible. Again, should the District and/or Board identify for and provide evidence to the Commissioner of any

previous board trainings which sufficiently address these topics and were successfully completed by all of the currently constituted board members, the Commissioner may deem in writing that this previous training meets the requirement.

As was clearly demonstrated during the May 2016 and 2017 QSAC visits in Newark, the Board has participated in budget development in each of the previous two cycles. The District should continue this practice of briefing the Board on assumptions for revenue projections (i.e. State aid and tax levy funding), weighted student funding formula and other funding decisions, and funding related to strategic initiatives and priorities.

In addition, the District will also brief the Board on the 2017 bond approvals (see Part 4 Section 7a below).

#### 4. Establishing Expectations for Decision-Making and a Working Relationship between the Board, Superintendent, and Senior Staff

As Fiscal Management and Operations have been under local control since 2014 and 2008 respectively, the Board and District have been functioning as a locally controlled board and district in these areas for several years. This includes budget review and approval, resource allocation decisions, fiscal monitoring and ensuring compliance with applicable laws. However, there are certain aspects of the relationship among the Board, Superintendent and District staff that will naturally change when, along with the return of Governance and the withdrawal of State intervention, the Board selects a permanent superintendent.

With regard to all following areas, and in keeping with the Board, Superintendent, and District staff responsibilities described in previous sections, roles with regard to fiscal management and operations should align with the following:

Board:

- Responsibly make decisions or take actions that are in the best interest of all Newark public school children, regardless of any other competing interest or consideration
- Establish financial controls: The Board is responsible for creating policies that prevent errors and fraud in financial management
- Ensure fidelity of District practice to relevant policies and procedures. The Board is responsible for ensuring management and employees adhere to approved policies and procedures through the review of regular management reports and the annual audit.
- Approve the budget: The Board is responsible for ensuring the budget is aligned to the overall strategic plan, approving budget methodology, and ensuring that the revenue and expenses included in the budget are reasonable and achievable. It is **not** the responsibility of the Board to make detailed budget allocation decisions on how much money a specific school or department should get or how a particular individual should be compensated. The Board should evaluate the Districts overall approach and guidelines to resource allocation decisions. Tactical decisions – that is, how best to achieve the District’s goals – remain the unique province of the Superintendent. As a general rule, the Board should defer to the Superintendent even if the decision involves spending, provided it is in the general parameters of the annually approved budget.

- Monitor financial performance: The Board should receive regularly reports comparing the budget to actual expenses along with a forecast of projected financial performance for the duration of the fiscal year. The Board should ensure that the District is on track to meet the overall financial goals set forth for the year and require that management take action to balance the budget if the District is off track.
- Develop long-term financial goals for the District.

District:

- Manage all day-to-day accounting and financial management decisions.
- Provide recommendations on strategic initiatives, overall resource allocation and potential operating efficiencies.
- Provide recommendations on weighted student funding (school) budget model
- Provide updates to the Board on financial performance including budget to actual and cash flow reporting (See Financial Reporting section).
- Adhere to federal and State laws and District policies.

#### 5. Planning for Long-Term Financial Stability

In recent years, the District has been confronted with a total budget allocation which left the District with a projected gap of up to \$100 million to close in order to achieve and submit a balanced budget. If inflation-adjusted State-aid continues to remain flat and student enrollment increases, this gap will be an annual challenge for the District.

When facing this annual gap, this Plan requires the District to adhere to the following principles as it develops a balanced budget:

- Preserve school budgets wherever possible
- Identify and implement operating efficiencies in key areas while still maintaining student services;
- Cap central administrative expenses as a percentage of the overall budget;
- Commit to building unrestricted reserve funds to the max amounts permissible by law;
- Consider District school levy increases on an annual basis as provided by law;
- Use conservative budget assumptions and prudent financial management to ensure the District achieves or exceeds a balanced budget.

Further, responsible financial planning includes: a) developing a three-year financial plan, and b) developing variations on the three-year plans that pre-determine how the District would respond to further budget tightening (“worst-case”) or increased budget allocations (“best-case”).

The next budget cycle, which will result in a proposed 2018-19 school budget submitted in Spring 2018, will be the District’s first under local control. This Plan requires that alongside that budget, the District build its three-year plan and develop worst-case and best-case scenarios.

Currently, Newark is budgeted to have an unrestricted fund balance of 2%, after recent years under this mandatory threshold. This Plan strongly encourages that the District maintain a minimum fund balance of 2%.

## 6. Financial Reporting

The Department notes that the District now provides helpful public financial reporting that has increased transparency into budgetary constraints and resulting decisions. This reporting has included quarterly budget to actuals and liquidity reports.

Select measures that align with information provided in these reports are included in the Accountability Scorecard accompanying this Plan. As such, the Comprehensive Accountability Office will collect and publish these benchmarks annually.

This Plan additionally requires that the public reporting structure and timing (currently implemented quarterly) by the District continue at least through January 2020. Further, the District must produce for the Board the following reports:

- Monthly Monitoring of financial results:
  - Budget to Actual: The report includes the original budget, transfers, adjusted budget, expenditures, encumbrances and available balance.
  - Fiscal Forecast (Latest thinking forecast): Projections of current year revenue and expenses by department and account code.
  
- Monthly Cash flow reporting by fund:
  - Beginning cash balance
  - Receipts by source
  - Total disbursements
  - Ending balances for cash, accounts payable and receivable
  - Reconciliation with bank statements
  
- Results of annual financial statement audit

## 7. Expectations Regarding Additional Fiscal Management and Operations Initiatives

### a. Bond Issuance

The 2017 bond approval, as approved by the Capital Projects Control Board and to be issued by the City of Newark, will fund \$30.5 million in specific, critical school facilities projects not funded by the Schools Development Authority, such as fire safety, electrical, HVAC, and plumbing system improvements throughout the District. Approximately 70 percent of the annual debt service will be paid for by the State, with the remaining amount to be paid by a dedicated tax levy (the “Local School Tax Levy”), which is fixed to debt service and may not be altered. While the District and the State will provide the entirety of the funding for debt service, it will appear in the City budget until the referendum on board governance determines whether the District becomes a Type I or Type II school district (as discussed above in Part 1 Section 3). In addition, the City will hold these bond proceeds in trust and will only disburse funds to the District for reimbursement in full upon the District’s presentation of evidence of payment. The ability to use bond proceeds is restricted to approved projects. Should the District seek to reallocate bond proceeds to projects not approved by the Capital Projects Control Board, its ability to do so will be limited to those not receiving State debt service aid and must be conducted according to the governing structure of the District. Failure to follow this procedure

will result in the District's inability to access the credit markets to fund future capital needs and thus threatening the fiscal sustainability of the District and the terms of this Plan.

*b. Equipment Lease Financing:*

The District entered into an equipment lease financing in the amount of approximately \$10 million to fund new information technology, security, and school facilities equipment. The repayment term is 5 years and is secured by the value of the purchased equipment. Upon purchase of the equipment, the District must present evidence of the purchase to the bank holding the funds in escrow, at which time the District will be reimbursed in full. For the term of the equipment lease financing, each year the District must budget for the principal and interest of the loan repayment. Failure to make an appropriation or payment will have dire consequences and eliminate the District's ability to perform similar financings in the future, which is critical to the District's long-term financial outlook.

*c. Additional Expectations:*

Other financing opportunities, such as an expanded New Jersey Energy Savings Improvement Plan, should be considered when appropriate in order to reduce the burden of facilities and capital needs on the operating budget. Work orders for facilities capital, repair, and maintenance projects, must be accurately described, evaluated, recorded, and closed out in the electronic work order management system (currently SchoolDude). Failure to do so will significantly limit the District's ability to analyze and control the costs associated with internal building trades staff and outside vendors, which comprise one of the largest non-academic costs in the District.

Similarly, given the District's responsibility to provide appropriate pupil transportation under certain circumstances to many of its 50,000 school-aged residents, the cost of pupil transportation is expected to be another significant annual operational expenditure. As such, any contract or inter-local agreement with a transportation service provider should be closely monitored and reevaluated on an annual basis. The performance of that entity should be evaluated against the terms stipulated in the contract or agreement, and, if not met, a national competitive process should be undertaken to select a new provider or transition to local management after sufficient and thorough planning.



## Part 5: Personnel

### 1. Purpose and Overview

NPS has had an approved Personnel transition plan and, therefore, local control of Personnel since August 2017. As a result, this Plan need not address specific terms and conditions for the return of this QSAC domain. However, in the context of the full return of local control and withdrawal of State intervention, this Plan assumes the effective implementation of the Personnel Transition Plan (in Appendix F) which was approved by the State on August 21, 2017. The Personnel Transition Plan addresses training for the Board to undertake in the domain of personnel; structures and expectations for the Board's decision-making process, role, and working relationship with the Superintendent and District staff; and specific responsibilities within Personnel that fall under the Board's purview.

This section of the Plan revisits the transitional requirements regarding the area of Personnel with requirements around practices and decision-making that will best position the District to marshal its strategy, resources, and attention towards continued improvement in student outcomes.

### 2. Establishing Expectations for Decision-Making and a Working Relationship between the Board, Superintendent, and Senior Staff

The Personnel Transition Plan discusses the ways in which the Board, Superintendent, and Senior Staff will work together on Personnel matters (see Appendix F).

However, there are certain aspects of this relationship that will naturally change when, along with the return of Governance and withdrawal of State intervention, the Board selects a permanent superintendent.

With regard to all following areas, and in keeping with the Board, Superintendent, and District staff responsibilities described in previous sections, roles with regard to personnel should align with the following:

Board:

- Responsibly make decisions or take actions that are in the best interest of all Newark public school children, regardless of any other competing interest or consideration
- Maintain confidentiality and respect for individual employees' cases as required
- Ensure fair labor practices for employees
- Maintain compliance with applicable law, including the New Jersey Open Public Meetings Act and School Ethics Act
- Maintain confidentiality of applicants in any hiring process
- Ensure fidelity of District practice to policies, including ensuring all positions are funded before posting, candidates are vetted in a consistent manner, and candidates selected meet the requirements set forth in job descriptions
- Participate as determined by the Board in negotiations
- Vote to approve all applicable personnel matters (including settlement of collective negotiating agreements and final offers for candidates)

- Conduct Donaldson hearings

District:

- Provide data and recommendations with helpful, complete information to Board to enable responsible decisions regarding all applicable personnel matters
- Provide real-time guidance on whether matters should be discussed publicly or in closed session
- Provide a set of goals, proposals to meet these goals, and fiscal analysis for each contract negotiation for approval and, with Board participation as necessary, conduct negotiations with collective negotiating units' representatives
- Manage the day-to-day work associated with hiring and other personnel matters
- Put forward high quality, suitable candidates with experience and credentials aligned to the requirements of the job
- Conduct District's transfer process in the best interest of students and staff, submitting any transfers to Board for approval
- In line with applicable laws, regulations, and negotiated contracts, compile and recommend tenure charges

### 3. Monitoring of Personnel Functions Recently Returned

The HSP will provide technical assistance to the District to ensure the development and implementation of proper policies and procedures governing personnel functions. Specifically, the HSP will work with the District to ensure:

1. The District has implemented a position control roster for tracking and management of staff additions and separations;
2. The District has developed and implements a hiring process and disciplinary process that is fact-based and free from inappropriate influences;
3. The District ensures that all staff are appropriately certified and credentialed for their assignment;
4. The District adopts and implements appropriate policies and procedures for the annual evaluation of all teaching staff members and distributes the policies to all tenured teaching staff members by October 1 of each year; and
5. The District uses multiple data sources, (e.g., test scores, needs assessments, attendance data, violence reports) to address current and projected needs and priorities for providing professional development opportunities.

If in the course of providing the advice and consultation, the HSP learns of actions by the Board or Leadership that is inconsistent with these requirements, the HSP shall notify the Commissioner of Education

#### 4. Expectations Regarding Additional Personnel Initiatives

Research has repeatedly shown that nothing is more important to student achievement than the quality. Therefore, all of the policies and procedures that the District and Board put in place must be developed to ensure the District is able to attract and retain the best teachers possible.

##### *a. Continued Implementation of AchieveNJ*

Newark has faithfully and effectively implemented AchieveNJ, the State’s educator evaluation system, which aims to ensure students have an effective teacher in every classroom, and an effective school leader in every school throughout the New Jersey. Indeed, the District has led the State in the metrics around a rigorous evaluation system that truly differentiates quality—from highly effective teachers to ineffective teachers. This Plan sets the expectation that the District will continue its current approach of purposefully training school leaders, honest and rigorous teacher evaluation, and tailored teacher support that have characterized its practice to date. Therefore, under the two years of this Plan, the District must commit to retaining the evaluation tools – specifically, the NPS Framework for Effective Teaching and the NPS Leadership Framework – that have already been approved by the State for use in evaluations.

Furthermore, if the average teacher evaluation rating increases, the State, and all of Newark’s stakeholders, should expect to see a correlated increase in the outcomes for students, signifying that the increase is based on the fact of improved teacher practice, as opposed to a lack of rigor around evaluations.

## Monitoring of Transition Plan Implementation and QSAC

### 1. Implementation of Transition Plan

In accordance with the New Jersey State Board of Education's resolution passed on September 13, 2017, local authority over all District operations will officially begin on February 1, 2018. Until that time, the State will support the District and Board to prepare for this important transition.

### 2. QSAC Reviews Following Completion of Full Transition Plan

Department of Education regulations provide that upon successful completion of the Full Transition Plan, "the Commissioner shall make a determination regarding the public school district's placement on the performance continuum, notify the public school district of this action, and issue a letter to the public school district designating it as a 'high performing' school district." Given that the QSAC indicators in various areas are in the process of being updated by the Department, and, therefore, are not addressed in this Plan, it is appropriate that the next district QSAC Full Review occur three years following the date of the designation of NPS as "high performing" (in the 2020-21 school year) providing the District with adequate time to prepare for QSAC monitoring under the new indicators.

A V I D U

*Kimberly Harrington*

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Date: 12-19-17

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Board President

Date: \_\_\_\_\_

BY:

\_\_\_\_\_

State District Superintendent

Date: \_\_\_\_\_

## Appendices

### Appendix A: NPS Instruction and Program Equivalency Measures and Points

The chart below shows the metrics in NPS's equivalency, with the corresponding targets, available points, and NPS's point scores on each.

NPS QSAC Measures						
Measures	Targets		Available Points	NPS Self-Scored Points	NPS State-Scored Points	
	Annual Gain Target	Level Target: 2016-17				
	<b>ELA Measures of Progress</b>					
Gr 3-8 Scaled Score Percentile vs. DFG A: NPS	2.5 %ile pt	29.7	2	2	2	
Gr 3-8 Scaled Score Percentile vs. DFG A: Newark	2.5 %ile pt	74.1	1	1	1	
Median SGP: All Students	1 %ile pt	40.0	2	2	2	
% of Schools with SGP >= 35	2% pt	79.3%	1	1	1	
% of Schools with SGP >= 50	2% pt	12.7%	1	1	1	
% of Schools with SGP >= 65	2% pt	6.0%	1	1	1	
Median SGP: Students with Disabilities	1%ile pt	36.0	2	2	2	
DRA-2: Change in % Meeting EOY Standard	1% pt	46.8%	1	0	0	
SRI: Change in % Below Basic	1% pt	10% pt	1	1	1	
			12	11	11	
<b>Math Measures of Progress</b>						
Gr 3-8 Scaled Score Percentile vs. DFG A: NPS	2.5 %ile pt	26.9	2	2	2	
Gr 3-8 Scaled Score Percentile vs. DFG A: Newark	2.5 %ile pt	68.6	1	1	1	
Median SGP: All Students	1 %ile pt	42.0	2	2	2	
% of Schools with SGP >= 35	2% pt	72.7%	1	1	1	
% of Schools with SGP >= 50	2% pt	23.8%	1	1	1	
% of Schools with SGP >= 65	2% pt	10.6%	1	0	0	
Median SGP: Students with Disabilities	1 %ile pt	35.0	2	2	2	
			10	9	9	
<b>Graduation Measures</b>						
4-Year Graduation Rate	1% pt	71.6%	2	2	2	
5-Year Graduation Rate	1% pt	See note	2	2	2	
% in 4-Yr Cohort Not Graduating or Continuing	-1% pt	19.3%	1	1	1	
ELA Proficiency Rate (Grades 9-11)	1.5% pt	26.6%	1	1	1	
Math Proficiency Rate (Alg I, Geo, Alg II)	1.5% pt	13.8%	1	1	1	
% of Students Earning 30 Credits	1% pt	84.4%	1	1	1	
			8	8	8	
<b>Other Measures</b>						
Rate of Chronic Absenteeism	-1% pt	27.0%	1	0	0	
Science: Gr 4 & 8 SS Percentile vs. DFG A: NPS	2.5 %ile pt	26.9	1	0	0	
Science: Gr 4 & 8 SS Percentile vs. DFG A: Newark	2.5 %ile pt	65.8	1	0	0	
Pre-K Enrollment	100 students	6,600	1	1	1	
Pre-K: Average ECERS-3 Score	0.08 pt	4.92	1	0	0	
Special Ed: % in Regular Class < 40% of the Day	-1% pt	49.3%	1	0	0	
ELLs: % increasing 0.5 levels or more on ACCESS	1% pt	58.8%	1	0	0	
Priority: % of NPS Schools in Bottom 5% of NJ	-1.5% pt	41.5%	1	1	1	
			8	2	2	
<b>Total</b>			<b>38</b>	<b>30</b>	<b>30</b>	
<b>Total I&amp;P Score</b>			<b>100</b>	<b>92</b>	<b>92</b>	

## Appendix B: Timetable for activities relating to and leading to the withdrawal from State intervention

Note: some activities have been completed prior to the presentation of this Plan.

Date	Section of Transition Plan	Activities
November 1, 2017	Governance	Public meetings to inform public about transition
November 21, 2017	Governance	Superintendent Search: Disseminate RFP for superintendent search firm
<b>December 19, 2017</b>	Executive Summary	Presentation of Transition Plan to the public
December 31, 2017	Governance	Superintendent Search: Search firm selected and begins work; Superintendent Selection Committee constituted
February 1, 2018	Executive Summary	Effective date of Transition Plan, Advisory Board constituted as Board of Education
February, 2018 – January, 2020	Fundamental Considerations	HSP supporting District
January – March 2018	Governance	Board Training: Ethics Topics (See Section 2)
April 30, 2018	Governance	Superintendent Search: Superintendent Selection Committee recommends candidates to Board
May 31, 2018	Governance	Superintendent Search: Board makes final selection of new superintendent and offer is accepted
April 2018 – June 2018	Governance	Board Training: Governance Topics (See Section 3)
June 30, 2018	Governance	State-Appointed Superintendent's current contract expires  Capital Projects Control Board turns over all records
July 1, 2018	Governance	New superintendent takes office
Fall 2018	Instruction & Program	Calculate equivalency score using data from 2017-18 school year
November 6, 2018	Fundamental Considerations	Referendum on classification of board as Type I (appointed) or Type II (elected)
January 2019	Fundamental Considerations	Comprehensive Accountability Office releases first annual report
January – June 2019	Governance	New superintendent and Board develop new strategic plan
July 2019		Board approves new strategic plan
Fall 2019	Instruction & Program	Calculate equivalency score using data from 2018-19 school year
January 2020	Fundamental Considerations	Comprehensive Accountability Office releases second annual report

January 1, 2020	Governance	District beings work on next Long Range Facilities Plan (no later than this date)
January 31, 2020	Fundamental Considerations	Transition Plan (provided successful implementation) and HSP authority expire
January 31, 2010	Instruction & Program	Express intention to renew equivalency or move to revised QSAC measures for following SOA



## Appendix C: Names and Terms of Current Board Members

<b>Members</b>	<b>Date of Election</b>	<b>Term Expires</b>
Marques-Aquil Lewis, Board Chairperson	April 21, 2015	April 2018
Tave Padilla, Vice Chair	April 19, 2016	April 2019
Reginald Bledsoe	April 25, 2017	April 2020
Dashay Carter	April 21, 2015	April 2018
Crystal C. Fonseca	April 21, 2015	April 2018
Kim Gaddy	April 19, 2016	April 2019
Josephine Garcia	April 25, 2017	April 2020
Flohisha Johnson	April 25, 2017	April 2020
Leah Owens	April 19, 2016	April 2019

## Appendix D: 18A:12-24.1 Code of Ethics for School Board Members

A school board member shall abide by the following Code of Ethics for School Board Members:

- a. I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.
- b. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.
- c. I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.
- d. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.
- e. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.
- f. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.
- g. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.
- h. I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.
- i. I will support and protect school personnel in proper performance of their duties.
- j. I will refer all complaints to the chief administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.

## Appendix E: Training Plan

Subject Area	Specific Requirements	Timelines
Ethics Training	Board members will be trained in conflicts of interest and ethical requirements; financial Disclosure requirements; confidentiality of information; roles of the Board compared to administrative responsibility. Should also include nepotism and prohibited political contributions which are referenced in automatic triggers.	Required by <b>February 1, 2018</b>
Governance Best Practices	Board and senior staff will be trained in the governance best practices including attributes of successful boards; effective decision-making processes; Communicating with the public during and outside of board meetings; developing the necessary subject area expertise in areas such as Personnel and Finance.	Required by <b>March 1, 2018</b>
Finance	Board member and senior leadership team member will be required to complete training in financial oversight, accountability, and fiduciary responsibilities, including: <ul style="list-style-type: none"> <li>• Internal Controls</li> <li>• Budgeting</li> <li>• Forecasting</li> <li>• Financial Planning and Reporting</li> <li>• Financial policies</li> </ul> Should also include budget development and approval timelines for Type II districts.	Required by <b>March 1, 2018</b>
Board-Administration Relationship	Expectations Regarding Effective Working Relationships with Leadership Team	Required by: <b>March 1, 2018</b>
Instruction and Program	Board members and senior leadership team will be trained in (1) NJ Learning Standards and assessments (i.e. PARCC) used to test those standards; and (2) academic data, including the difference between performance and growth measures, formative and summative assessment results, and disaggregation of data to understand trends of subpopulations.  Not required but recommended: community schools, absenteeism, serving students with special needs, and decreasing suspension rates.	Required by <b>May 1, 2018.</b>
Evaluation of the Superintendent	Best practices in complying with legal requirements, aligning with district goals and professional development of the superintendent.	Required by: <b>July 1, 2018</b>

## Appendix F: Personnel Transition Plan



THE NEWARK PUBLIC SCHOOLS



## **Personnel Transition Plan**

Submitted to the New Jersey  
Department of Education on  
August 17, 2017

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## I. OVERVIEW AND PURPOSE

This Transition Plan is presented pursuant to *N.J.A.C. 6A:30-7.2* (b) and (c); and *N.J.A.C. 6A:30-7.3* to delineate the terms and conditions for the return of the Personnel component of the New Jersey Quality Single Accountability Continuum (NJQSAC) to the Newark Public School District (District) by resolution of the State Board of Education (State Board) on August 3, 2016. The purpose of this Transition Plan is to document the process, actions, and commitments to be taken by the District, the Newark School Board (Local Board or Board), and the New Jersey Department of Education (Department) in order for the State to withdraw intervention in the area of Personnel.

Specifically, this plan first addresses the Board and District's responsibilities under Personnel: both general "ways of working" and specific responsibilities within Personnel that will fall under the Board's purview. As required by statute, these topics are sequenced to provide a timetable, a plan for technical assistance from a highly skilled professional, and the guidelines for the implementation of the Personnel transition. Finally, this document briefly discusses next steps for the two domains remaining under State control and the authority of the State District Superintendent—specifically Instruction & Program and Governance.

## II. BACKGROUND AND CONTEXT

### *Historical context:*

The Newark Public School District has been under State control since July 1995. Beginning in 1993, the state began an external review into the school system as a whole, ordering the Comprehensive Compliance Investigation (CCI) and taking financial control of the district. The CCI report was released in July of 1994, when the state announced its intention to assume control of the district. Once the state assumed control over the district, the authority of the local Board of Education was vested into the State-appointed superintendent of schools, with the Board acting in an advisory capacity.

The CCI report noted a number of general deficiencies in District and Board management of the school system. The findings included the District's lack of sufficient urgency for improvement, a lack of effective, integrated strategy for instructional change (Volume I, Page 184), and the Board's lack of familiarity with the district's strategic plan (Volume I, Page 225).

Specifically regarding Personnel, the CCI report found the board was primarily concerned with staffing assignments and job security, including excessive staffing and unnecessary positions that diverted funds from instruction (Volume V, Page 1,636); requirements that impeded hiring of quality personnel (Volume V, Page 1,639); inappropriate and uncertified staffing (Volume II, Page 686); frequent unnecessary staff transfers (Volume II, Page 693); inappropriate full-time benefits for part-time staff (Volume V, Page 1,639); and little effort to bring in school leaders or central staff leaders with experience external to Newark (Volume V, 1,603).

Findings from this report led to the removal of governance and full voting authority from the Local School Board in 1995.

*Improvements over time and current state:*

The Newark Public Schools District and Board are considerably different in 2017 than the status described in the 1994 CCI report, especially with regard to personnel functions. Staffing decisions are made based on school-level needs, staffing and transfers are conducted in line with district policies, the district has fewer instructional vacancies than it has for many years, and district staff represent a mixture of professionals local to Newark and with external experience. Additionally, the District has seen significant successes in areas related to effective teacher evaluation, progressive teacher contracts, and retention of its best educators. As was reported by an independent study of the District’s teacher retention practices, 95% of highly effective teachers and 93% of effective teachers stay in the District from one year to the next—a pattern that has been consistent for several years.<sup>1</sup>

State monitoring confirms these dramatic improvements. After the District Improvement Plan site visit in May 2016 to assess improvements in Personnel, Instruction & Program, and Governance, the State confirmed in the summer of 2016 that Newark earned 100% on the Personnel domain in the New Jersey Quality Single Accountability Continuum (NJQSAC)—the metric that is used to assess a district’s capacity to perform effectively—with special commendation for improvements in the District’s personnel record-keeping and ensuring teachers are certified and qualified to teach Newark’s students.

*Plans for Continued Improvements:*

Recent efforts to gather input from many stakeholders across the District for both the Newark Educational Success Board report and the District’s strategic plan (*The Next Three Years*) are driving further improvements. The Newark Educational Success Board (NESB) was convened in July 2015 by Mayor Ras Baraka and Governor Chris Christie to research and develop a pathway for local control to be returned to the District from the State. The NESB published a report in August 2016 with strategic recommendations for the District and to consider in a transition. With specific regard to personnel, the NESB recommended that the District continue with the district-wide efforts underway to transform culture and climate; assess human capital needs, processes, and practices; support and monitor improvement in the talent priority of the strategic plan; and build on recruitment and performance accountability systems.

Concurrently, the District gathered extensive input from community stakeholders, educators, and other staff members to create a new strategic plan. *The Next Three Years*, the District’s plan that resulted from these conversations, has a clear emphasis on personnel. Indeed, one of the four lead priorities for the whole plan is focused on personnel—specifically, to ensure there is great talent in every department, school, and classroom. To accomplish this goal, the strategic plan outlines strategies to: 1) continue to retain the District’s most effective educators; 2) build on the

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<sup>1</sup> Fullbeck, et al (2016). Newark Public Schools and Newark Teachers Union Teacher Contract Evaluation. San Mateo, CA, American Institutes for Research.



District's evaluation efforts made to date to provide more frequent feedback and coaching; 3) expand and diversify the District's recruitment efforts to ensure great educators are available to all district schools; and 4) raise the bar of excellence for all staff by improving recruitment and evaluation efforts for non-educators as well.

*Initiation of Transition:*

As a result of the collective efforts describe above, the Commissioner issued a letter on August 1, 2016 confirming that in the domain of Personnel, the District had put adequate programs, policies, and personnel in place and in operation to ensure that progress would be sustained. Based on this finding, the Commissioner recommended the return of personnel. The State Board approved a resolution on August 3, 2016 to begin the transition process for withdrawal of State intervention from the area of Personnel. This vote represented the District's success in meeting conditions for withdrawal as documented in *N.J.A.C. 6A:30-7.1* and the State's actions to begin the withdrawal process as documented in *N.J.A.C. 6A:30-7.2*.

*Development of Transition Plan:*

The initial step in the transition process was forming a Personnel Transition Committee, comprised of two Board Members, three District administrators, and outside support when needed. This Committee met beginning in September 2016, convening a total of 15 times, to discuss the general approach to the transition, create a foundation of knowledge of the various aspects of Personnel that would be transitioning to the Board, discuss and determine plans for how the Board and District will work collaboratively to transition Personnel functions, and to review details and drafts of the plan. Over the course of this time, specific Committee meetings were held with outside experts including members of other Boards to learn from their experiences as well as attorneys who represent other local school boards to understand the processes and procedures required to effectuate Board involvement in personnel. District staff also spent time outside of Committee session researching and compiling information about the various aspects of personnel for the Committee to review. In January 2017, the Committee met with representatives of the State who clarified guidance for the requirements for the transition plan, which helped to formulate a clear approach to the transition moving forward.

The ideas generated by this Committee were presented to the Board through the standing Personnel Committee as well as through two special sessions—one meeting in March 2017 was held with four Board Members who had expressed an interest to learn about the overall approach the Committee had taken to the transition and review the working draft, and one Board Retreat in April 2017 included this topic, among several others, for Board discussion.

The result of the Committee's months of discussion, collaboration, and work is this Personnel Transition Plan, presented to the State for its review and approval.

### III. OVERALL “WAYS OF WORKING”

A key step in the transition is to clearly outline and agree to the roles and responsibilities of the Board and the District in relation to personnel. The Transition Committee focused on two areas in these discussions: delineating the appropriate role for each stakeholder type and building a more trusting relationship.

Previous literature has already outlined best practices of roles and responsibilities for school boards and district staff. The New Jersey Department of Education shared an excerpt from literature, summarized in the table with below, with the Transition Committee to establish a baseline of what the separate and shared responsibilities include.

**Exhibit 1. Board, Superintendent, and Collective Responsibilities**

School Board Responsibilities	Superintendent Responsibilities	Collective Responsibilities
<ul style="list-style-type: none"> <li>○ Advocating for all children, teachers, and other staff</li> <li>○ Maintaining fiscal responsibility</li> <li>○ Making policy for the District regarding personnel matters</li> <li>○ Delegating day-to-day management of policy to the District</li> <li>○ Acting in compliance with applicable law, including the New Jersey Open Public Meetings Act and School Ethics Act</li> </ul>	<ul style="list-style-type: none"> <li>○ Recommending all administrative policies and annual budget to the Board</li> <li>○ Supporting the board by providing information for decision-making</li> <li>○ Overseeing educational program</li> <li>○ Taking responsibility for personnel matters</li> <li>○ Developing and administering the budget</li> <li>○ Developing and supporting teachers and other staff</li> <li>○ Day-to-day administration of the school district</li> </ul>	<ul style="list-style-type: none"> <li>○ Prioritizing student outcomes</li> <li>○ Providing educational leadership to the community</li> <li>○ Creating strong connections with other agencies to support the achievement and development of children</li> <li>○ Setting district-wide policies and goals</li> <li>○ Ensuring safety and adequacy of all school facilities</li> <li>○ Ensuring effective Board and District communication</li> <li>○ Overseeing negotiations with employee groups</li> </ul>

*Source: Adapted from Gaverman and Zimmerman. (2006) Effective Superintendents, Effective Boards.*

This structure provides ongoing framing for the approach to the transition in personnel, to ensure that both the Board and the District operate effectively, efficiently, and in ways aligned to best practice. The transition committee’s key take-away from this framework is that the Board’s responsibility sits at a high level to oversee governance of the District, while the District’s main focus is on day-to-day management. In short, a Board cannot and “should not cross the line into

management.<sup>23</sup> The committee has applied this distinction of governance and management to its review of and plans for various categories of the personnel function in Newark Public Schools.

However, to ensure that these delineated roles are enacted appropriately, the Transition Committee also discussed the need for ongoing trust, open communication, and transparency between the Board and the District. Strong communication can ensure effective implementation of the proposed plan. As personnel matters are of an especially confidential and sensitive nature, all District staff and Board members must comply with and adhere to their roles and responsibilities.

#### IV. APPROACH TO TIMETABLE FOR ACTIVITIES LEADING TO STATE WITHDRAWAL

In alignment with the requirement that the plan provide a timetable for the activities leading to the withdrawal from State intervention as described in N.J.A.C. 6A:30-7.3(a)1, this plan identifies a series of categories of personnel responsibilities and sequences them in an order developed collaboratively by the Board and District. In sequence, these categories are:

1. Confidentiality, closed session, other ethics topics related to personnel
2. Collective negotiations
3. Hiring
4. Compensation and benefits
5. Certification and mentoring
6. Renewals and non-disciplinary transfers, tenure/seniority
7. Reductions in force (RIF)
8. Discipline, performance management (i.e., tenure charges, terminations)

Section VII provides a description of each category's content and the steps the Board and District will need to take in order for the Board to secure decision-making authority and voting rights over in that category. Generally, these steps include:

- o Goals and topics for Board and District training and development
- o Enumeration and division of roles and responsibilities among: Board, Personnel Committee and Chair, NPS administration
- o Processes or structures to be developed
- o Review and, as needed, revisions of relevant policies
- o Additional steps relevant to the particular category

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<sup>23</sup> McAdams, D. (2006). *What School Boards Can Do: Reform Governance for Urban Schools*. Teachers College Columbia University, New York.

o Evidence of progress toward completion of plan

Any training required by this transition plan must be completed by relevant district leadership and by a super-majority of the board (i.e., six of the nine members) serving during the time period covered by this transition plan.<sup>3</sup> Once a super-majority has participated in training and other required activities as outlined in greater detail below, the Board will be eligible to participate in relevant Board votes. Such voting authority by the Board will be established upon submission of a memorandum to the New Jersey Department of Education indicating completion of all key steps in a given category. However, this will not change the number of affirmative votes needed for majority or super-majority decisions.

## V. PROVISIONS REGARDING TECHNICAL ASSISTANCE BY STATE

As required in statute (*N.J.A.C. 6A:30-7.3(a)(7)*), the transition plan must address how the Board and District will receive ongoing technical assistance. In providing technical assistance, the State may appoint a “highly skilled professional.” If the State chooses to appoint a “high skilled professional,” the individual would serve to confirm the Board and District have met responsibilities for each category.

*N.J.A.C. 6A:30-7.3(a)(4)* also requires this plan to establish a decision-making hierarchy in the event that conflicts arise; under the duration of this plan, in those instances if the highly skilled professional is appointed, they would have final decision-making authority. If one is not appointed, the Commissioner and/or her designee from the New Jersey Department of Education would have final decision-making authority.

## VI. TIMETABLE FOR ACTIVITIES LEADING TO STATE WITHDRAWAL

As indicated in Section V, the Board and District have agreed to the below activities to ensure an appropriate and effective transition of personnel matters. These activities will be taken in sequential order. It is important to note that the Board and District have already started the work on the first category to demonstrate their commitment to their professional growth and make initial progress toward local control of personnel.

Topic #1: Confidentiality, closed session, other ethics topics related to personnel  
Personnel matters require, by law and appropriate practice, greater confidentiality than many other areas of responsibility. Therefore, the transition of control over personnel requires the delineation of how the district and Board will function on confidential matters.

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<sup>3</sup> Relevant training completed in the spring of 2017 prior to approval of this plan will apply equally with any training occurring after the plan's approval.

This section includes shifts in District and Board practice as the relationship of the two bodies regarding personnel decisions shifts from one of information-sharing to one in which the Board's role is oversight. To this end, the Board and District will take the following steps:

*Training and Development*

The Board and District will identify and complete training conducted by an expert in the field that covers topics related to: executive (i.e., non-public) session, including but not limited to:

- Individuals who can participate in executive session
- Roles of the participants in executive session
- Issues which must be discussed during closed session and those which must be discussed in open session
- How personnel records are kept and shared

Board and District staff must also receive training on the process for providing adequate notice to an employee whose personnel matter will be discussed at the Board meeting (called a "Rice notice"), which is issued to employees in advance of any Board discussion that may affect the individual's employment.

In addition to the Code of Ethics for School Board Members (N.J.S.I. 18A:12-24.1) on which all Board members are trained outside of the purview of this plan, the School Ethics Act, N.J.S.I. 18A:12-24, provides that some personnel matters carry additional requirements to protect public trust, such as tighter restrictions on conflicts of interest for board members participating in collective negotiations. The Board and District will also identify and complete training for additional conditions under the School Ethics Act and any relevant state or federal anti-discrimination laws.

Eight of the nine current Board Members and key district staff already participated in a training on April 1, 2017. This training covered the role and practice of executive session, confidentiality issues, and Rice notices. The Members discussed previous examples of misconduct from other districts as well as sample scenarios to understand how the ethics rules apply to specific cases. The training also emphasized the importance of avoiding ad hoc discussion of individual employees during open session of Board Meetings. New board members will need to participate in this training. All Board members will then need to participate in training covering the remaining topics.

*Roles and Responsibilities*

With regard to confidential matters and closed sessions, the Board's and District's responsibilities will be as follows.

Board	District
<ul style="list-style-type: none"> <li>• Responsibly make decisions, through voting, that are in the best interest of all Newark public school children</li> </ul>	<ul style="list-style-type: none"> <li>• Provide recommendations with helpful, complete information to Board to enable responsible decisions</li> </ul>



- |                                                                                                                                    |                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Maintain confidentiality and respect for individual employees' cases as required</li></ul> | <ul style="list-style-type: none"><li>• Provide real-time guidance on whether matters should be discussed publicly or in closed session</li></ul> |
|------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|

*Processes or Structures to be developed*

- General guidance on issues to be discussed in open or closed session
- Establishment of process for ensuring that the District acts in compliance with respect to the issuance and observance of the "Rice" process
- Development of a new approach for agendas and notes from committees, executive session, and the open sessions

*Additional Steps*

The shift to local control will also necessitate changes in the way the Board plans topics for discussions and agendas for its meeting as required by State statute. The Board will meet with other boards as appropriate to understand others' practices in this regard. The Board and District will also engage with the Newark community to share an overview of the ethical guidelines and best practices for Board actions in personnel.

The existing Board Personnel Committee will also review all policies relevant to confidentiality, closed sessions, and other related topics and, as necessary, make any revisions to update the policies to reflect the Board's control over personnel consistent with *N.J.S.A. 18A:12-24.1*.

*Evidence of Progress toward Completion*

The district will submit a memorandum to the New Jersey Department of Education, detailing the evidence toward completion of each of the steps detailed in this section. These brief written summaries will be submitted when all key steps in this topic area have been completed, as a signal that voting can be returned to the Board in this personnel matter.

**Topic #2: Collective Negotiating**

This section includes the District's negotiations of the nine collective negotiating units representing Newark Public School employees. The Board and District will take the following steps;

*Training and Development*

The Board and District will identify and complete training by an expert in the field that covers topics related to collective negotiating, including but not limited to:

- General negotiations process
- Role of the administration and of the Board
- Scope of what collective negotiating does and does not include
- Specific conflicts of interest related to collective negotiating

The Board will also be briefed by the district on the current status of each existing collective negotiating agreement.

*Roles and Responsibilities*

With regard to negotiations, the Board’s and District’s responsibilities will be as follows.

Board	District
<ul style="list-style-type: none"> <li>• Ensure proposals outlined for the District are aligned with the best interest of students, ensure fair labor practices for employees, and maintain fiscal responsibility</li> <li>• Participate as determined by the Board in negotiations</li> <li>• Vote to approve settlement of collective negotiating agreements.</li> <li>• Maintain compliance with applicable law, including the New Jersey Open Public Meetings Act and School Ethics Act</li> </ul>	<ul style="list-style-type: none"> <li>• Provide a set of goals, proposals to meet these goals, and fiscal analysis for each contract negotiation for approval from the Board</li> <li>• With Board participation as necessary, conduct negotiations with collective negotiating units’ representatives</li> <li>• Provide updates to the Board and relevant Committee(s) on status of contract negotiations</li> </ul>

*Processes or Structures to Be Developed*

- The Board must determine the structure and participation in negotiations committee beginning with the 2017-18 school year (including whether to add a new committee, include it in the current Personnel Committee, or discuss as a full Board in executive session only).
- The Board and District must clarify each year which members are permitted to participate based on New Jersey Ethics Commission and New Jersey School Boards guidance (e.g. members endorsed for election by or funded by contributions from any union are conflicted from participating in any negotiation until one full year from that election).

*Additional Steps*

The Personnel Committee will also review all policies relevant to collective negotiating and, as necessary, make any revisions to update the policies to reflect the Board’s control over personnel consistent with N.J.S.I. 18A:12-24.1.

*Evidence of Progress toward Completion*

The district will submit a memorandum to the New Jersey Department of Education, detailing the evidence toward completion of each of the steps detailed in this section. These brief written summaries will be submitted when all key steps in this topic area have been completed, as a signal that voting can be returned to the Board in this personnel matter.

**Topic #3: Hiring**

This section includes the district’s efforts to design and post for available positions, recruit, select, offer, and hire talent for roles in schools and administration.

The Board and District will take the following steps:

*Training and Development*

The Board and District will identify and complete training by an expert in the field that covers topics related to:

- Legal hiring requirements (e.g., posting windows, equal opportunity employment).
- The Civil Service Act
- Guidelines for general hiring practice
- Ethical guidelines for School Board oversight and participation in District hiring

The Board will also be briefed by the District on the current status of any hiring processes currently in preparation or underway.

*Roles and Responsibilities*

The Board’s and District’s responsibilities will be as follows for all hiring.

Board	District
<ul style="list-style-type: none"> <li>• Maintain confidentiality of applicants in any hiring process</li> <li>• Ensure fidelity of District practice to policies, including ensuring all positions are funded before posting, candidates are vetted in the same manner as one another, and candidates selected meet the requirements in job descriptions</li> <li>• Vote on final offers for candidates, while deferring to management on the implementation of the hiring process<sup>4</sup></li> <li>• Act in compliance with applicable law, including the New Jersey Open Public Meetings Act and School Ethics Act</li> </ul>	<ul style="list-style-type: none"> <li>• Manage the day-to-day work of all steps in hiring as described above, from designing positions to onboarding new personnel</li> <li>• Follow all hiring policies and procedures</li> <li>• Share hiring data with the Board on vacancies</li> <li>• Build candidate pools and support or otherwise liaise with hiring managers to assess needs</li> <li>• Put forward high quality, suitable candidates aligned to the requirements of the job</li> <li>• Maintain position control roster</li> </ul>

Given the importance of timeliness when hiring in order to avoid losing great talent to other districts in a competitive job market, the hiring decisions for the Board will begin with central

<sup>4</sup> Here and throughout this document, Board responsibilities specify that the Board votes on various decisions. In these instances, the District’s responsibility to bring recommendations to the Board that are made in alignment with predetermined policy and practice and that are in the best interests of the District’s students. The Board votes to affirm or deny those recommendations.



office staff first. After central office staff, each subsequent voting Board meeting will introduce a new type of hire for review/approval. Specifically, hiring decisions for school-based staff will be returned in tiers starting with school administrators first, non-hard-to-staff educator roles second, and finally hard-to-staff educator roles. Hard-to-staff roles are determined by the district on an annual basis, looking at the needs of the district and available talent pools.

*Processes or Structures to be developed*

- District presents a process for central office hires within accepted ethical guidelines and practices
- District presents process for school-based hires within accepted ethical guidelines and practices

*Additional Steps*

The Personnel Committee will also review all policies relevant to hiring and, as necessary, make any revisions to update the policies to reflect the Board's control over personnel consistent with N.J.S.A. 18A:12-24.1.

*Evidence of Progress toward Completion*

The district will submit a memorandum to the New Jersey Department of Education, detailing the evidence toward completion of each of the steps detailed in this section. These brief written summaries will be submitted when all key steps in this topic area have been completed, as a signal that voting can be returned to the Board in this personnel matter.

*Topic #4: Compensation and Benefits*

This section includes the district's efforts to ensure employees are appropriately and fairly compensated. The Board and District will take the following steps.

*Training and Development*

The Board and District will identify and complete training by an expert in a field that covers topics related to:

- Applicable federal and state law on compensation
- Ethical guidelines for general compensation practice
- Ethical guidelines for Board oversight and participation in District determinations of compensation

The Board will also be briefed by the District on internal regulations and controls for District practice.

*Roles and Responsibilities*

The Board's and District's responsibilities will be as follows.

<b>Board</b>	<b>District</b>
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<ul style="list-style-type: none"> <li>• Maintain confidentiality of applicants</li> <li>• Ensure fidelity of District practice to policies</li> <li>• Vote on final determinations when not strictly determined by existing pay scales or collective negotiating agreements</li> <li>• Act in compliance with applicable law, including the New Jersey Open Public Meetings Act and School Ethics Act</li> </ul>	<ul style="list-style-type: none"> <li>• Adhere to all federal and state law and internal policies</li> <li>• Make compensation and benefit information available to the Board</li> <li>• Make compensation and benefit recommendations</li> <li>• Adhere to salary guides negotiated with Collective Negotiating Units</li> </ul>
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*Additional Steps*

The Personnel Committee will also review all policies relevant to compensation and benefits and, as necessary, make any revisions to update the policies to reflect the Board’s control over personnel consistent with *N.J.S.A. 18A:12-24.1*.

*Evidence of Progress toward Completion*

The district will submit a memorandum to the New Jersey Department of Education, detailing the evidence toward completion of each of the steps detailed in this section. These brief written summaries will be submitted when all key steps in this topic area have been completed, as a signal that voting can be returned to the Board in this personnel matter.

Topic #5: Certification and Mentoring

This section includes the District’s efforts to ensure all employees are appropriately credentialed and maintain corresponding records. The Board and District will take the following steps.

*Training and Development*

The Board and District will identify and complete training by an expert in a field that covers topics related to:

- Certifications needed for positions in and outside of schools
- Criminal history background reviews and compliance
- State requirements and district policy for mentoring new teachers

The Board will also be briefed by the District on internal regulations and controls for District practice.

*Rules and Responsibilities*

The Board’s and District’s responsibilities will be as follows.

Board	District
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<ul style="list-style-type: none"> <li>• Ensure that the District’s policy requires candidates to hold appropriate certifications for positions</li> <li>• Ensure the District completes criminal history reviews for new employees and takes appropriate action for any criminal matters with existing employees</li> <li>• Ensure compliance with applicable law, including the New Jersey Open Public Meetings Act and School Ethics Act</li> </ul>	<ul style="list-style-type: none"> <li>• Follow relevant laws and policies, including ensuring appropriate certifications and criminal history review and compliance</li> <li>• As appointing authority, enter employees into the Civil Service system when hired or when employees have a change in position</li> </ul>
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*Additional Steps*

The Personnel Committee will also review all policies relevant to certification and, as necessary, make any revisions to update the policies to reflect the Board’s control over personnel consistent with *N.J.S.A. 18A:12-24.1*.

*Evidence of Progress toward Completion*

The district will submit a memorandum to the New Jersey Department of Education, detailing the evidence toward completion of each of the steps detailed in this section. These brief written summaries will be submitted when all key steps in this topic area have been completed, as a signal that voting can be returned to the Board in this personnel matter.

*Topic #6: Non-disciplinary transfers, renewals, and tenure charges*

This section includes the District’s efforts to make determinations about renewals of non-tenured staff in tenurable positions and of staff in non-tenurable positions, non-disciplinary transfers, tenure acquisition, and tenure charges. The Board and District will take the following steps.

*Training and Development*

The Board and District will identify and complete training conducted by an expert in the field that covers topics related to the TEACHNJ Act, *N.J.S.A. 18A:6-117 et seq.* and related ACHIEVE NJ regulations regarding how and when tenure is achieved and revoked.<sup>5</sup>

The Board will also be briefed by the District on the District’s voluntary transfer process.

*Roles and Responsibilities*

The Board’s and District’s responsibilities will be as follows.

<b>Board</b>	<b>District</b>
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<sup>5</sup> Please note that the Personnel Committee received an overview from district staff in two separate sessions of the 2016-17 school year on the tenure change process for conduct unbecoming and inefficiency. This serves as a strong foundation on which to build for all members when we reach this stage of the Transition Plan.

<ul style="list-style-type: none"> <li>• Vote on renewals/non-renewals during first four-year period for tenurable staff and during any period for non-tenurable staff</li> <li>• Vote on any voluntary staff transfers</li> <li>• Vote on any tenure charges</li> <li>• Ensure compliance with applicable law, including the New Jersey Open Public Meetings Act and School Ethics Act</li> </ul>	<ul style="list-style-type: none"> <li>• Based upon recommendations of supervisors, present for Board approval renewals/non-renewals during first four-year period for tenurable staff and during any period for non-tenurable staff</li> <li>• Conduct District’s transfer process in the best interest of students and staff, submitting any transfers to Board for approval</li> <li>• In line with applicable laws, regulations, and negotiated contracts, compile and recommend tenure charges</li> </ul>
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*Additional Steps*

The Personnel Committee will also review all policies relevant to renewals, non-disciplinary transfers, and tenure decisions and, as necessary, make any revisions to update the policies to reflect the Board’s control over personnel consistent with *N.J.S.A. 18A:12-24.1*.

*Evidence of Progress toward Completion*

The district will submit a memorandum to the New Jersey Department of Education, detailing the evidence toward completion of each of the steps detailed in this section. These brief written summaries will be submitted when all key steps in this topic area have been completed, as a signal that voting can be returned to the Board in this personnel matter.

**Topic #7: Reductions in Force**

This section includes the District’s efforts to maintain financial solvency by reducing personnel costs through system-wide reductions in staff, applied based on State regulations, for reasons of economy and efficiency. The Board and District will take the following steps.

*Training and Development*

The Board and District will identify and complete training by an expert in a field that covers topics related to the process for determining and implementing reductions in force, including compliance with appropriate state authority based on which positions are to be affected.

*Roles and Responsibilities*

The Board’s and District’s responsibilities will be as follows.

Board	District
<ul style="list-style-type: none"> <li>• Vote on proposals for reductions in force based on both the needs of the students and the fiscal solvency of the district</li> </ul>	<ul style="list-style-type: none"> <li>• Through the Finance Committee, raise to the Board all relevant budgetary context and constraints</li> </ul>

- |                                                                                                                                                                  |                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Act in compliance with applicable law, including the New Jersey Open Public Meetings Act and School Ethics Act</li> </ul> | <ul style="list-style-type: none"> <li>Prepare Reduction in Force Plan and submit, as appropriate, to the commissioner of education or Civil Service Department</li> </ul> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

*Additional Steps*

The Personnel Committee will also review all policies relevant to reductions in force and, as necessary, make any revisions to update the policies to reflect the Board’s control over personnel consistent with *N.J.S.A. 18A:12-24.1*.

*Evidence of Progress toward Completion*

The district will submit a memorandum to the New Jersey Department of Education, detailing the evidence toward completion of each of the steps detailed in this section. These brief written summaries will be submitted when all key steps in this topic area have been completed, as a signal that voting can be returned to the Board in this personnel matter.

**Topic #8: Discipline and Performance Management**

This section includes the District’s efforts to support the improvement and, as needed, discipline of staff through the use of performance management systems, including educator evaluation. In accordance with Civil Service rules and regulations, and local collective negotiating agreements the District takes a progressive discipline approach. The District also follows state law for educators under ACHIEVE NJ.

In this area, the Board and District will take the following steps.

*Training and Development*

The Board and District will identify and complete training by an expert in a field that covers topics related to:

- o Progressive discipline and the disciplinary hearing process
- o Personnel records and how to use them with regard to disciplinary hearings
- o Civil Service rules and regulations
- o District Policies regarding employee discipline
- o Terminations for non-tenured staff
- o Donaldson hearings

The Board will also be briefed by the District on relevant sections of collective negotiating agreements, the District’s internal systems and processes for evaluations and progressive discipline, and the District’s Attendance Improvement Process (AIP).

*Roles and Responsibilities*

The Board’s and District’s responsibilities will be as follows.

<b>Board</b>	<b>District</b>
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- Vote on cases from the District for discipline or separation of non-tenured staff
- Vote on actions
- Conduct Donaldson hearings
- Ensure compliance with applicable law, including the New Jersey Open Public Meetings Act and School Ethics Act

- Present disciplinary actions/penalties or separation of staff
- Through Personnel Committee, share suspension report with Board and present actions for Board approval
- As needed, prepare suspension report for Personnel Committee to ensure compliance with criminal violation reporting requirements

#### *Additional Steps*

The Personnel Committee will also review all policies relevant to performance management and discipline and, as necessary, make any revisions to update the policies to reflect the Board's control over personnel consistent with *N.J.A.C. 18A:12-24.1*.

#### *Evidence of Progress toward Completion*

The district will submit a memorandum to the New Jersey Department of Education, detailing the evidence toward completion of each of the steps detailed in this section. These brief written summaries will be submitted when all key steps in this topic area have been completed, as a signal that voting can be returned to the Board in this personnel matter.

## VII. STEPS AND TIMELINE FOR APPROVAL AND MONITORING IMPLEMENTATION OF PLAN

Pursuant to *N.J.A.C. 6A:30-7.4*, this transition plan for withdrawal of State intervention from the District in the area of personnel will proceed once the plan has been approved by the Commissioner.

After Commissioner approval, the plan will be presented at a public meeting of the Newark Public School Board and officially noted in the meeting minutes. The Board and District will immediately begin implementing the plan, building on those elements that have already begun.

As described in *N.J.A.C. 6A:30-7.4(b)*, the State will monitor the District to ensure the sustained progress evidenced by its last NJQSAC Personnel score is sustained and that this Transition Plan is adhered to by the Board and the District. Specifically, during implementation, to ensure recent progress is sustained and this plan is implemented with fidelity and care, the Department of Education will continue to monitor personnel functions and responsibilities, as well as the District's and Board's adherence to the process, actions, and commitments made and documented in this plan.



The plan may be updated and amended with respect to changes in State intervention in other NJQSAC components or otherwise; however, this plan remains in effect unless and until amendments are made and finalized.

## VIII. SPECIFIC GOALS AND BENCHMARKS WITH RESPECT TO AREAS REMAINING UNDER STATE CONTROL

The District continues to operate with two domains under State intervention: Instruction & Program (I&P) and Governance.

The District has made steady gains in these areas under NJQSAC monitoring. After the May 2016 review which resulted in the Personnel score of 100, the district also made gains in Instruction & Program and Governance. Specifically, in I&P, the District increased its score from 58% to 64%. The Commissioner's letter at the time noted that:

*"The District has made considerable gains in its use of technology to support all learners and has made progress in student achievement, as evidenced by both test scores and graduation rates...a solid foundation has been established. As a result, the equivalency application that the district has submitted with proposed quality performance indicators for Instruction & Program has been approved, and the equivalent indicators outlined in the application will be used to assess the district's student achievement starting in the 2016-17 school year."*

In Governance, NPS increased its score from 72% to 88%. The State noted that:

*"The District has addressed gaps in transparency with Board minutes and has made progress with aligning its budget and strategic priorities. While these efforts are encouraging, the District must maintain the improvements made in the previous budget cycle throughout the 2016-17 school year to demonstrate its capacity for sustainability..."*

Further, in its Strategic Plan (*The Next Three Years*), the District is working to build on this improvement in both of these areas. Priority One in the plan, "Stronger Academics and Student Supports," is built around offering rigorous instruction more consistently aligned with the Common Core and expanding support for struggling students in reading and math, among other aims. Priority Four in the plan, "Efficient Operations, Sustainable Budgets, and Skilled Governance," is focused on providing critical support for teachers and students, including student funding that gives more support to the students who need the most assistance.

The District's progress will be reviewed again by the State for QSAC monitoring of I&P and Governance in May 2017.

APPROVED AND AUTHORIZED BY:



Kimberley Harrington

Commissioner

New Jersey Department of Education

Date: 8/21/2017

I confirm that this Commissioner-approved plan was discussed at a public meeting, held on August 22, 2017, and noted in the official minutes:

Newark Public School District

BY:



Board President

Date: 8/24/2017

BY:



State District Superintendent

Date: 8/22/2017



Appendix G: Newark Educational Success Board Report