

District

STANDARD
OPERATING
PROCEDURES

Capacity

Assessment

NJSDA

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
TRENTON, NEW JERSEY

INTRODUCTION

Assembly Bill No. 4336, as amended and approved in August 2007, revises the school construction program established under the “Educational Facilities Construction and Financing Act,” (EFCFA) P.L.2000, c.72, as enacted in July of 2000. The successor SDA is mandated with assessing SDA districts’ ability to build or undertake projects.

As it pertains to capacity-building assistance, Assembly Bill No. 4336 reads, in part:

Within one year of the effective date of P.L.2007, c.137 (C.52:18A-235 et al.) the commissioner, in consultation with the development authority, shall adopt pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations by which the commissioner shall determine whether an Abbott district is eligible to be considered by the development authority to manage a school facilities project or projects. In making the determination, the commissioner shall consider the district’s fiscal integrity and operations, the district’s performance in each of the five key components of school district effectiveness under the New Jersey Quality Single Accountability Continuum (NJQSAC) in accordance with section 10 of P.L.1975, c.212 (C.18A:7A-10), and other relevant factors.

Within one year of the effective date of P.L.2007, c.137 (C.52:18A-235 et al.), the development authority, in consultation with the commissioner, shall adopt pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations by which the development authority shall determine the capacity of an Abbott district, deemed eligible by the commissioner pursuant to paragraph (1) of this subsection, to manage a school facilities project or projects identified by the development authority. In making the determination, the development authority shall consider the experience of the Abbott district, the size, complexity, and cost of the project, time constraints, and other relevant factors. (3) The development authority, in consultation with the commissioner, shall develop and implement training programs, seminars, or symposia to provide technical assistance to Abbott districts deemed to lack the capacity to manage a school facility project or projects; except that nothing herein shall be construed to require the development authority or the commissioner to authorize an Abbott district to hire additional staff in order to achieve capacity. If the development authority determines to delegate a school facilities project to an Abbott district in accordance with paragraph (2) of this subsection, the development authority, the commissioner, and the district shall enter into a grant agreement.

In addition to working with the DOE-determined eligible SDA Districts, the SDA seeks to perform proactive outreach to SDA Districts to provide SDA District capacity assessments and to facilitate potential opportunities for project delegation to SDA Districts.

PURPOSE

This District Capacity Assessment SOP provides procedural guidance for SDA efforts and practice in the assessment of SDA District capacity (both at-large and per-project basis). Such SDA assessment efforts aim to assist SDA Districts in building their own capacity.

SCOPE

The scope of the following District Capacity Assessment SOP applies to all SDA District capacity-building activities undertaken within the Planning Department, with or without DOE-determined eligibility.

DEFINITIONS

Capacity: District ability to manage projects.

District Master File: Physical repository that stores District capacity-building information to include District assessment documentation, applications, scores, meeting minutes, capacity profiles and District per-project information, as appropriate.

SDA Planning Team (hereafter “Planning Team”): Comprised of SDA Project Managers and SDA Project Budget Managers and other staff as necessary, who manage, monitor, facilitate and interface with District throughout entire District capacity-assessment initiative.

SDA District Assessment Committee (hereafter “District Assessment Committee”): Comprised of Director Facilities Planning; Senior Director Project Controls; Managing Director Real Estate Services; Senior Director Procurement Contract Services; Director of Operations Project Management, assesses District capacity.

Project Core Team

34B Grant
(to come)

Schedule of Project Determination: Internal assessment process schedule for District Capacity Assessment process that includes meeting times, agenda and internal responsibilities.

Level II Reconsideration Committee

SDA Executive VPs in Finance, Corporate Governance, and Operations who provide independent review and determination by employing evaluation of extant information regarding District application, assessment and SDA capacity decision.

RESPONSIBLE UNITS/DIVISION

The Planning Department, under the Office of Program Management and Planning, is responsible for managing the District Capacity Assessment Process.

PROCEDURES

The Planning Department manages, monitors and facilitates District capacity-assessment activities and interfaces with District throughout the entire District capacity-assessment initiative.

The following procedures apply to District assessments. In its role, the Planning Department administers and maintains all information completed and provided by a District and the SDA in a master file; schedules, manages and monitors all meetings with the district, and facilitates, gathers, and disseminates, to include all notifications, regarding District assessments for the SDA.

District Capacity Assessment

District Capacity Assessments may be triggered in one of two ways: The Planning Department will contact all SDA Districts to assess their capacity to undertake SDA-delegated projects. In addition, DOE may independently assess and then affirm to SDA a District's eligibility to be considered for project delegation via a formal letter to the Planning Department.

N.J.A.C. 6A:30-3.1 "General requirements," read, in part:

Once the initial transition to the NJQSAC monitoring and evaluation system pursuant to N.J.A.C. 6A:30-8 has been completed, the Commissioner shall conduct a comprehensive review of each public school district every three years. In the intervening years between each public school district's three year review, the Commissioner shall assess the public school district's performance to determine whether conditions exist in the district that significantly and negatively impact the educational program or operations of the district. Upon a determination that such conditions exist in a public school district, the Commissioner may direct that the Department immediately conduct a comprehensive review of the public school district as set forth in this section.

Therefore, pursuant and aligned with N.J.A.C. 6A:30-3.1 and NJQSAC, the SDA will assess district capacity every three years. As with N.J.A.C. 6A:30-3.1 and NJQSAC, districts must notify the SDA of any conditions that significantly and negatively impact the capacity of a district, as such conditions, upon SDA assessment and determination, may invalidate district's current or previous capacity assessment determination within a given three-year evaluative cycle. A district's failure to notify the SDA of such conditions may invalidate current or previous capacity assessment determinations.

The following Standard Operating Procedure provides guidance for SDA procedures in assessing District capacity.

Note: Assessment Committee requires a quorum of 3 members (out of 5 members) to effectuate assessment.

1. The Planning Department creates a District Capacity Assessment File and places information into a repository (electronic/paper) to house District information (communications, assessments, et al).
2. The Planning Department, in its role as manager, monitor and facilitator of District Capacity Assessments, establishes a Planning Team and schedules initial meeting with District as part of SDA Capacity Assessment Outreach. Planning Team representatives may include a Project Manager and Project Budget Manager, and additional, assigned staff, as necessary.
3. At this initial SDA Capacity Assessment Outreach meeting, the Planning Team representatives provide to District representatives an overview of SDA's capacity-assessment role as governed by law and SDA-created District-assessment procedures to fulfill SDA's obligation under the legislation. Additionally, the Planning Team provides to the District capacity assessment application materials, which include, among other materials, questionnaires and checklists to help determine levels of District capacity and interest, and any next steps. The Planning Team records meeting minutes.
4. The Planning Department places all District-completed materials (and indicates all District-issued materials) and meeting minutes into District's Capacity Assessment File.
5. Based on District's level of expressed interest (District Capacity Application Checklist and District Application for Capacity Assessment) from initial meeting above, District issues formal request to Planning Department, indicating level of interest in capacity-assessment opportunities.
6. The Planning Team then creates for and issues to the District Assessment Committee a Schedule of Assessment Process for District capacity assessment that includes meeting times, agenda and District Assessment Committee responsibilities and deliverables.
7. Upon securing District Assessment Committee agreement on Schedule of Assessment Process, Planning Department places District indication of interest and its supporting information, and Planning Team Schedule of Assessment Process into District's Capacity Assessment File.

Per Planning Team Assessment Process Schedule, District Assessment Committee meets with District personnel/representatives (comprised, for example, of Superintendent, Business Administrator, Director of Facilities or District consultants) to commence, discuss and appraise District Capacity Assessment Application and District Capacity Application Checklist, among other District-completed and supplied information toward District capacity-assessment and specific, per-Project Determination opportunities. A Planning Department representative attends meeting and records meeting minutes and places all assessment documentation, including meeting minutes, into District Capacity Assessment File.

8. If the District remains interested after the initial meeting with District Assessment Committee, District Assessment Committee notifies the Planning Department.
9. SDA Planning Department sends to District a District Capacity Application.
10. District completes District Capacity Application and remits to the Planning Department. The

Planning Department places completed District Capacity Application and all supportive documentation provided by District into District Capacity Assessment File.

11. The Planning Department, employing a District Capacity Application Checklist, reviews the District Capacity Application for completeness to ensure all required information has been submitted with the application.

13A: If the Planning Department determines a District Capacity Application to be complete, Planning Department formally submits application to the SDA District Assessment Committee for review, per agreed-upon Assessment Process Schedule.

13B: If the Planning Department determines that the District Capacity Application is incomplete, the Planning Department returns the incomplete application to the District for completion and places a note to that effect into District Capacity Assessment File, including reason(s) for incompleteness and date.

12. The Planning Department places the completed District Capacity Application and all supporting information and documents into the District Capacity Assessment File.
13. The Planning Department provides the District-completed District Capacity Application to the District Assessment Committee, which evaluates the District Capacity Assessment Application. Each District Assessment Committee member completes a District Capacity Assessment Scoring Form.
14. The Planning Team, per Assessment Process Schedule, collects all District Capacity Assessment Scoring Forms from all SDA District Assessment Committee members. The Planning Department places all District Capacity Assessment Scoring Forms into the District Capacity Assessment File.
15. The Planning Department, per Assessment Process Schedule, compiles the District Capacity Assessment Composite Score Form from all completed District Capacity Assessment Scoring Forms.
16. The Planning Department, per Assessment Process Schedule, meets with and disseminates to the District Assessment Committee, District assessment score tallies as reflected in the District Capacity Assessment Composite Score Form, per compilation of District Capacity Assessment Forms.
17. Using this District Capacity Assessment Composite Score Form, the Assessment Committee further reviews and evaluates District Capacity Assessment determination. Using attained assessment score from the District Capacity Assessment Composite Score Form, the District Assessment Committee determines District capacity assessment and eligibility for delegation of projects and renders one of the following determinations to the applying District:

17A: District deemed capable to undertake project delegation on a project by project basis;

17B: District shall first demonstrate successful, active participation on an SDA Project Team before seeking project delegation of an SDA project

18. The District Assessment Committee informs the Planning Department of its decision regarding District assessment, providing to that Planning Department all documentation extant in support of its decision, including any revised District Capacity Assessment Scoring Forms and the District Capacity Assessment Composite Scoring Form. The Planning Department places all provided information by the District Assessment Committee into the District Capacity Assessment File.
19. The Planning Department concludes Assessment Process Schedule with standing SDA District Assessment Committee and communicates such conclusion to District Assessment Committee.
20. The Planning Department notifies the District via District Capacity Assessment Decision Letter of the District Assessment Committee's decision.
21. The Planning Department places a copy of District Capacity Assessment Decision Letter communication into District Capacity Assessment File.
22. The Planning Team meets with interested, District Assessment Committee-eligible District to discuss next steps.
23. The Planning Department places and maintains all subsequent capacity-assessment activities, communications and documentation between SDA and District in District Capacity Assessment File.

Reconsideration

The Planning Department provides for District Requests for Reconsideration of the District Assessment Committee's decision. District request for such reconsideration must be made in writing and communicated to the Planning Department. The Planning Department places such formal, written requests into District Capacity Assessment File.

District Request for Reconsideration

The Planning Department communicates to a District the reconsideration process and procedure. The Planning Team informs the District Assessment Committee of the District's intent to Request for Reconsideration. The Planning Department provides, but does not limit itself, to the following two levels of reconsideration:

Level I

1. District amends/corrects/clarifies any information the District provided to the Assessment Team and used for assessment, determination and decision and remits to the Planning Department. The Planning Department places all District information and documentation in support of District Request for Reconsideration in District Capacity Assessment File. The Assessment Team evaluates District amendments/corrections/clarifications. Employing a District Capacity Reconsideration Assessment Scoring Form, the Assessment Team evaluates and calculates reconsideration score. The District Assessment Team records reconsideration scoring on District Capacity Reconsideration Assessment Scoring Form and places copy into District Capacity Assessment File. The Assessment Team notifies the Planning Department of

reconsideration decision. The Planning Department repeats Steps 18 through 23 above.

Level II

1. If a District seeks to Request for Reconsideration of the Level I decision, the District request for such reconsideration must be made in writing and communicated to the Planning Department. The Planning Department places such Level II request for Reconsideration into District Capacity Assessment File. Level II Reconsideration Committee (comprised of Executive VPs in Finance, Corporate Governance and Operations) provides independent review and determination employing evaluation of extant information regarding the District application, assessment and SDA-capacity decision. Level II Reconsideration Committee renders a decision and notifies the District. The Planning Department places Level II Reconsideration Committee's Letter and any supporting information into District Capacity Assessment File. The Planning Department repeats Steps 18 through 23 above.

RECORDS

Capability Assessment

- ✓ Initial Outreach Letter
- ✓ DOE Eligibility Letter to District
- ✓ Meeting Minutes
- ✓ District Capacity Application Checklist
- ✓ District Capacity Assessment Application
- ✓ District Capacity Assessment Scoring
- ✓ District Capacity Assessment Composite Score Form
- ✓ District Capacity Assessment Decision Letter
- ✓ District Assessment Notification Letter
- ✓ District Capacity Assessment Decision Letter
- ✓ District Capacity Level I Reconsideration Assessment Scoring Form
- ✓ District Capacity Level I Reconsideration Assessment Committee Decision Letter
- ✓ District Capacity Level II Reconsideration Assessment Scoring Form
- ✓ District Capacity Level II Reconsideration Assessment Committee Decision Letter
- ✓

Project Delegation

✓

Grant 34B Administration

FORMS

- ✓ District Capacity Application Checklist
- ✓ District Capacity Assessment Application
- ✓ District Capacity Assessment Scoring Form
- ✓ District Capacity Assessment Composite Score Form
- ✓ District Capacity Assessment Decision Letter
- ✓ District Assessment Notification Letter
- ✓ District Capacity Assessment Decision Letter
- ✓ District Capacity Level I Reconsideration Assessment Scoring Form
- ✓ District Capacity Level I Reconsideration Assessment Committee Decision Letter
- ✓ District Capacity Level II Reconsideration Assessment Scoring Form
- ✓ District Capacity Level II Reconsideration Assessment Committee Decision Letter