



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 20, 2011

The Honorable Christopher D. Cerf
Acting Commissioner
New Jersey Department of Education
100 River View Plaza
P.O. Box 500
Trenton, New Jersey 08625

Dear Acting Commissioner Cerf:

Thank you for submitting New Jersey's request for ESEA flexibility. We appreciate the hard work required to transition to college- and career-ready standards and assessments; develop systems of differentiated recognition, accountability, and support; and evaluate and support teacher and leader effectiveness. The U.S. Department of Education (Department) is encouraged that New Jersey and ten other States are leading the way in designing plans to increase the quality of instruction and improve student academic achievement.

As you know, New Jersey's request was reviewed by a panel of seven peer reviewers during the week of December 5-9, 2011. During the review, the expert peers considered each component of New Jersey's request and provided comments in the form of Peer Panel Notes to inform the Secretary's decision whether to approve New Jersey's request. The Peer Panel Notes, a copy of which is enclosed with this letter, also provide feedback on the strengths of New Jersey's request and areas that would benefit from further development. Department staff also reviewed New Jersey's request, informed by the Peer Panel Notes, to determine consistency with the ESEA flexibility principles.

The peers noted, and we agree, that New Jersey's request was particularly strong in providing an aggressive strategy for implementing Common Core State Standards, including establishing executive responsibility and providing a regional delivery structure. New Jersey has also presented clear leadership and a comprehensive plan to develop guidelines for teacher and principal evaluation and support systems. Finally, New Jersey should also be commended for presenting a promising foundation for a system of differentiated recognition, accountability, and support that will include comprehensive school performance reports, clear identifications of struggling schools, and tailored interventions for each school.

At the same time, based on the peer reviewers' comments and our review of the materials New Jersey has provided to date, we have identified certain components of your request that need further clarification and may need additional development or revision. In particular, significant concerns were identified with respect to the following:

- The lack of detail regarding New Jersey's capacity to successfully implement the proposed plans outlined in its request;
- The need for a comprehensive intervention strategy for focus, priority and other Title I schools, including specific examples of interventions for focus schools targeted to school needs; and
- The criteria provided for schools to exit from priority and focus status lacks specific targets.

The enclosed list provides details regarding these concerns as well as all other issues raised in the review of New Jersey's request. We encourage New Jersey to consider the peers' comments and technical assistance suggestions in making revisions to its request.

Please keep in mind that while the peers identified weaknesses in all of the requests submitted by States during this first round of review, this result should be viewed in the context of the difficult, trailblazing work that New Jersey and others are doing in the context of ESEA flexibility. You and your team deserve great credit for your efforts thus far, and we are confident that we will be able to work together to address outstanding concerns and provide New Jersey with the requested flexibility.

At the same time, it is our responsibility to ensure that as we permit States to depart from the requirements of current law, they do so in a manner that continues to increase the quality of instruction and improve achievement for all students, but especially those most at risk of academic failure, including low-achieving students, English Learners, and students with disabilities.

While the Peer Panel Notes for New Jersey provide information specific to your request, your State also may benefit from comments and technical assistance suggestions made by other peer panels regarding issues common to multiple States' requests. For this reason, we will soon send you a document that summarizes some of these technical assistance suggestions and other considerations that may be useful as you revise and refine your request.

We remain committed to working with New Jersey to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with New Jersey as quickly as possible and will be in touch to set up a call as early as this week to discuss the timeline and process for providing revisions or materials. If you have any additional questions or want to request technical assistance, please do not hesitate to contact Nola Cromer, at 202-205-4152.

Sincerely,

Michael Yudin
Acting Assistant Secretary

Enclosure

SUMMARY OF ADDITIONAL INFORMATION REGARDING NEW JERSEY'S ESEA FLEXIBILITY REQUEST

CONSULTATION

- Please provide more specific information on the steps New Jersey took to meaningfully engage diverse stakeholders and communities, especially organizations representing students with disabilities, English Learners, and other underserved groups; or describe how New Jersey will meaningfully engage stakeholders as it continues to develop its request and implement flexibility. *See Consultation Question 2.*

PRINCIPLE 1: COLLEGE- AND CAREER-READY EXPECTATIONS FOR ALL STUDENTS

- Please provide additional information on professional development plans for standards transition, including timelines, responsible parties, and the other elements of a high-quality plan. *See 1.B.*
- Please provide additional information on collaboration with IHEs in standards transition plan. *See 1.B.*
- Please provide additional information about how the needs of students with disabilities and English Learners will be addressed in the transition to and implementation of college- and career-ready standards. *See 1.B.*

PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

- Please provide additional information to demonstrate that New Jersey's plan to develop and implement its proposed accountability system includes the elements of a high-quality plan and is realistic and likely to improve student outcomes. *See 2.A.i., Principle 2 Overall Review.*
- Please address concerns regarding priority and focus schools, including:
 - Interventions proposed for priority schools do not constitute a comprehensive, systematic intervention strategy. *See 2.D.iii.a*
 - Phasing in of interventions even where additional immediate interventions are called for. *See 2.D.iii.a*
 - Exit criteria for priority and focus schools lack specific targets and may allow schools to exit status based on progress in implementing interventions rather than improving student achievement and narrowing achievement gaps. *See 2.D.v, 2.E.iv.*
 - The lack of information on Quality School Review process and protocol. *See 2.E.iii.*
- Please provide additional information on the expectations and incentives for other Title I schools not identified as priority or focus that are not increasing student achievement or narrowing achievement gaps. In doing so, address the concern that the primary mechanism for accountability appears to be public reporting. *See 2.F.*
- Please provide examples of and justifications for the proposed focus school interventions in order to address the concern that the interventions are not adequately targeted to school needs, including examples of interventions focused on improving the performance of students with disabilities and English Learners. *See 2.E.iii.*
- Please address concerns that the request does not provide adequate evidence of SEA and LEA capacity to implement the proposed accountability system, including the concern that the work of the Regional Achievement Centers (RACs) may be over-extended and the concern that no

sustainability strategy is provided for building LEA capacity to support low-performing schools. *See 2.D.iii.a., D.iii.b, 2.F.2, 2.G.*

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

- Please address concern that the timeline for implementation of the State pilot in the 2012-13 school year may be too short for districts to execute on implementation guidelines. *See 3.B.*
- Please address concern that the plans and structures for ensuring coherence and high quality implementation across all LEAs are not fully developed. *See 3.B. Principle 3 Overall Review.*
- As suggested in the peer reviews of other SEA requests, please explain how New Jersey plans to work through the collective bargaining process to ensure each LEA develops, adopts, pilots, and implements evaluation and support systems. *See 3.B.*